



Our Ageless Constitution

"The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its components are beautiful, as well as useful; its arrangements are full of wisdom and order...." -Justice Joseph Story

Justice Story's words pay tribute to the United States Constitution and its Framers. Shortly before the 100th year of the Constitution, in his *History of the United States of America*, written in 1886 historian George Bancroft said:

"The Constitution is to the American *people a possession for the ages.*"

He went on to say:

"In America, a new *people had* risen up without king, or princes, or nobles....By calm meditation and friendly *councils they had prepared* a constitution which, in the union of freedom with strength and order, *excelled* every one known before; and *which secured itself* against violence and revolution by providing a *peaceful* method for every needed reform. In the happy morning of *their existence* as one of the powers of the world, they *had chosen Justice* as their guide."

And two hundred years after the adoption of this singularly-important document, praised by justice Story in one century and Historian Bancroft in the next and said by Sir William Gladstone to be "the most wonderful work ever struck off at a given moment by the brain and purpose of man," the Constitution of 1787 - with its Bill of Rights - remains, yet another century later, a bulwark for liberty, an ageless formula for the government of a free people.

In what sense can any document prepared by human hands be said to be ageless? What are the qualities or attributes which give it permanence?

The Qualities of Agelessness

America's Constitution had its roots in the nature, experience, and habits of humankind, in the experience of the American people themselves - their beliefs, customs, and traditions, and in the practical aspects of politics and government. It was based on the experience of the ages. Its provisions were designed in recognition of principles which do not change with time and circumstance, because they are inherent in human nature.

"The foundation of every government," said John Adams, "is some principle or passion in the minds of the people." The founding generation, aware of its unique place in the ongoing human struggle for liberty, were willing to risk everything for its attainment. Roger Sherman stated that as government is "instituted for those who live under it ... it ought, therefore, to be so constituted as not to be dangerous to liberty." And the American government was structured with that primary purpose in mind - the protection of the peoples liberty.

Of their historic role, in framing a government to secure liberty, the Framers believed that the degree of wisdom and foresight brought to the task at hand might well determine whether future generations would live in liberty or tyranny. As President Washington so aptly put it, "the sacred

fire of liberty" might depend "on the experiment intrusted to the hands of the American people" That experiment, they hoped, would serve as a beacon of liberty throughout the world.

The Framers of America's Constitution were guided by the wisdom of previous generations and the lessons of history for guidance in structuring a government to secure for untold millions in the future the unalienable rights of individuals. As Jefferson wisely observed:

"History, by apprising *the people of the past*, will enable them to *judge of the future*; it will avail them *of the experience of other times and other nations*; it will qualify them *as judges of the actions and designs of men*; it will enable them to know ambition under *every disguise* it may assume; and knowing it, *to defeat its views*."

The Constitution, it has been said, **was "not formed upon abstraction," but upon practicality**. Its philosophy and principles, among others, incorporated these practical aspects:

- Recognition that **love of liberty** is inherent in the human spirit.
- Recognition of **Creator-endowed**, unalienable, individual **rights**.
- Recognition that meaningful liberty is possible only in the company of **order and justice**. In the words of Burke: "Liberty must be limited to be possessed."
- Recognition that in order for a people to be free, they must be **governed by fixed laws** that apply alike to the governed and the government.
- Recognition that the Creator has not preferred one person or group of persons as rulers over the others and that any government, in order to be just, must be from among the great body of the people and by their consent - that the **people have a right to self-government**.
- Recognition of human weakness and the human tendency to abuse power; therefore, of the need to divide and to separate the power granted to government; to **provide a system of checks and balances**; and to make government accountable to people at frequent intervals.
- Recognition that **laws**, to be valid, **must have their basis and limit in natural law** - that law which, as Cicero wrote, "is the highest reason, implanted in Nature, which commands what ought to be done and forbids the opposite."
- Recognition of the need for structuring **a government of laws, not of men**, based on enduring principles and suitable not only to the age in which it is formed, but amendable to different circumstances and times, without sacrificing any of the three great concepts of Order, justice, or Liberty.
- Recognition that **the right to ownership of property** is a right so compelling as to provide a primary reason for individuals to form a government for securing that right.
- Recognition of **the need for protecting the individual rights of each citizen**, rich or poor, majority or minority, and of not allowing the coercive power of government to be used to do collectively that which the individual could not do without committing a crime.
- Recognition of necessity for **incentive and reward** as impetus for **achievement** and growth.
- Recognition of the need for **a "Supreme Law of the land" a written constitution** which, consistent with its idea of the sovereignty of the people, would provide its own prescribed amendment process, thereby circumventing any potential unconstitutional changes by any of the branches of government without the people's consent.

The Constitution of the United States of America structured a government for what the Founders called a "virtuous people - that is, a people who would be able, as Burke put it, to "put chains on their own appetites" and, without the coercive hand of government, to live peaceably without

violating the rights of others. Such a society would need no standing armies to insure internal order, for the moral beliefs, customs, and love for liberty motivating the actions of the people and their representatives in government - the "unwritten" constitution - would be in keeping with their written constitution.

George Washington, in a speech to the State Governors, shared his own sense of the deep roots and foundations of the new nation:

"The foundation of our empire was *not laid in the gloomy age of ignorance and superstition; but at an epocha when the rights of mankind were better understood and more clearly defined, than at any former period.... the treasures of knowledge, acquired by the labors of philosophers, sages, and legislators, through a long succession of years, are laid open for our use, and their collective wisdom may be happily applied in the establishment of our forms of government.*"

And Abraham Lincoln, in the mid-1800's, in celebrating the blessings of liberty, challenged Americans to transmit the "political edifice of liberty and equal rights" of their constitutional government to future generations:

"In the great journal of *things* happening under the sun, we, the American people, find our account running ... We find ourselves in *the peaceful possession, of the fairest portion of the earth....* We find ourselves under the government of a system of *political* institutions, conducting more essentially *to the ends of civil and religious liberty, than any of which the history of former times tells us.* We found *ourselves the legal inheritors of these fundamental blessings. We toiled not in the acquirement or establishment of them - They are a legacy bequeathed us, by a once hardy, brave, and patriotic...race of ancestors. Theirs was the task* (and nobly they performed it) *to possess themselves, and through themselves, us, of this goodly land; and to uprear upon its hills and its valleys, a political edifice of liberty and equal rights, 'tis ours only, to transmit these...to the latest generation that fate shall permit the world to know....*"

Because it rests on sound philosophical foundations and is rooted in enduring principles, the United States Constitution can, indeed, properly be described as "ageless," for it provides the formula for securing the blessings of liberty, establishing justice, insuring domestic tranquillity, promoting the general welfare, and providing for the common defense of a free people who understand its philosophy and principles and who will, with dedication, see that its integrity and vigor are preserved.

Justice Joseph Story was quoted in the caption of this essay as attesting to the skill and fidelity of the architects of the Constitution, its solid foundations, the practical aspects of its features, and its wisdom and order. The closing words of his statement, however, were reserved for use here; for in his 1789 remarks, he recognized the "ageless" quality of the magnificent document, and at the same time, issued a grave warning for Americans of all centuries. He concluded his statement with these words:

"...and *its defenses* are impregnable from without. It *has been reared for immortality, if the work of man may justly aspire to such a title. It may, nevertheless, perish in an hour by the folly, or corruption, or negligence of its only keepers, THE PEOPLE. Republics are created by virtue, public spirit, and intelligence of the citizens.*"

Our ageless constitution can be shared with the world and passed on to generations far distant if its formula is not altered in violation of principle through the neglect of its keepers - WE, THE PEOPLE.