

Year of the Constitution

CECIL O. AND SHARON G. SAMUELSON

COS: It is marvelous to be with you in the early days of this exciting new semester. You have been in school here long enough to have a sense of the heavy burden your class schedule really is, and yet you still have enough time to keep up and be fully prepared for your first set of examinations and papers for the semester. To all of you we both say, "Welcome!"

Some are with us for the first time, some of you are hoping you can finally finish your degree this semester or this academic year, and some of you have returned from missions or other necessary absences. Whatever your circumstances, we are pleased that you are here and hope you fully understand that there are many disappointed students at other institutions who would gladly exchange places with you. BYU is truly a wonderful place, and we expect and pray that your appropriate hopes and aspirations will be advanced during your sojourn with us.

As we begin a new semester, we are also sobered by the tragic loss of Camille Cleverley and David Anderson. Our love and condolences go out to their families, friends, and associates. Likewise, we must always remember that in the face of generally happy times, many of our community and their families are suffering with great difficulties and disappoint-

ments. Let us never forget our duties to each other and the tender mercies available to all through the Atonement of Jesus Christ.

Today is a special day in our history. Sharon and I were together literally halfway around the world in Australia six years ago today. We were glad to be together then and are glad to be together today with you. The events of 9/11/2001 have caused most of us to reflect on things of great importance that perhaps we too often take for granted. In some important ways our lives on that day changed forever. In this we continue to mourn for those whose lives were lost and also for their families. Likewise, we will continue to celebrate and remember the many acts of sacrifice, heroism, and service that were attached to the tragic events of that fateful day six years ago.

At BYU we might well call this the Year of the Constitution. Our incoming freshmen have each been asked to read a book on the Constitution. While I would be happier if Linda R. Monk's book had been entitled *Some of the Words We Live By* rather than her title of

Cecil O. Samuelson was president of Brigham Young University when he and his wife, Sharon G. Samuelson, gave this devotional on 11 September 2007.

The Words We Live By, we nevertheless endorse your reading of it and other works that educate us about the Constitution of this special land. We, of course, also choose to live by the scriptures and by the words of our inspired prophet leaders as well.

In our forum assemblies this fall semester we will hear from the chief justice of the United States Supreme Court, the U.S. Senate majority leader, and Nathaniel Philbrick, who is a remarkable writer of and expert on our early history. Sister Samuelson was a history major and has some thoughts on these topics that she will share, intersected by some observations and suggestions that I will make. We do not consider ourselves to be constitutional experts, nor do we expect that you will see us as such either. We do love this nation, its Constitution, and its place in and with the restored gospel of Jesus Christ.

SGS: As my husband mentioned, we were in Australia on 9/11. We were attending a mission presidents' seminar, and most of the attendees were U.S. citizens. When word was received of the tragedy, the thoughts of everyone there turned first to their own families and then to the many people from all over the world at Ground Zero; the Pentagon in Washington, D.C.; and that hallowed field in Pennsylvania. The schedule of the meetings we were attending was modified, and everyone attempted first to check on the safety of loved ones and then gathered around television sets to watch the events of the day unfold.

Through the miracle of the Internet and the ingenuity of one of the Area Office personnel, we were able to hear the quickly arranged special broadcast from the Tabernacle in Salt Lake City. The music of the Tabernacle Choir was soothing, and the remarks and assurances from President Hinckley were comforting to us all.

Because it would have been impossible to travel home immediately, even had we wished to do so, we were able to complete the seminar and then spend a delightful day in the beautiful

city of Sydney. We enjoyed the sights we visited but were especially touched by the people we saw. We observed long rows of Australians lining up before their public buildings to sign condolence books for their American friends and loved ones. We saw hastily crafted signs placed in store windows expressing sympathy for those who had suffered or lost their lives, and we saw people connecting with each other in loving, remarkable, and, we thought, atypical ways. Total strangers were courteous and expressed sentiments of compassion and concern to each other.

On our flight from Sydney to San Francisco several days later, we saw people not previously acquainted connecting with one another in sensitivity and kindness. The tragedy had identified for almost everyone an increased appreciation for each other and for the land of America. Seemingly this had nothing to do with politics or even nationality, but it had much to do with appreciation for the blessings of "life, liberty, and the pursuit of happiness" (see Declaration of Independence) we experience and too often underappreciate.

During our time together today we hope to reflect with you on the miracles, opportunities, and achievements that have been made possible by the Constitution as well as by the inspired people and blessed circumstances that led to its emergence during the birth of this nation more than two centuries ago.

Last fall we had the privilege of hearing from David McCullough in a forum assembly. For those not able to hear him, and even those who did, we recommend his wonderful book *1776*. Likewise, some of our own Church leaders like President J. Reuben Clark, Jr.; President Marion G. Romney; President James E. Faust; and Elder Dallin H. Oaks have written and spoken with great insight on the remarkable Constitution.

Elder Oaks, for example, has taught how unlikely the "miracle" of the Constitution really was. It was not then, or ever before,

fully accepted that the independent 13 states would voluntarily cede many of their tightly held prerogatives to a national government for the good of the country as a whole. Nor was the process of achieving the Constitution easy or straightforward. In 1781 the Articles of Confederation were adopted by the colonies. In reality, only a “weak ‘league of friendship’ [was] established by [this document]” (Dallin H. Oaks, “The Divinely Inspired Constitution,” *Ensign*, February 1992, 68; see also the Ninth Annual Cache Valley Commemoration of the Signing of the United States Constitution, Utah State University, Logan, Utah, 17 September 2000). The colonies were deeply divided, and the national Congress was powerless to deal with their problems.

James Madison and Alexander Hamilton were young statesmen who promoted a conference to consider amendments to the Articles of Confederation. They actually favored a much stronger central government but recognized that they would be met with great resistance from some quarters. They convinced George Washington to participate. He had some reluctance, but his influence allowed the process to begin. (See Oaks, “Divinely Inspired,” 69.)

The delegates who attended the conference—keeping in mind that some were delayed from arriving for weeks and others did not come at all—deliberated in secret for almost two months before settling some of the most vexing issues. Our time does not allow detailing all that transpired, but the many acts of sacrifice for the common good by the delegates representing the diverse states form a vital part of the fabric of this nation that might not be as well appreciated as it should be.

Even when the Constitution was finally drafted, it is important to realize that not all votes on the various articles were unanimous. Often the debate was heated and even acrimonious before appropriate compromise and closure were achieved. And this was only the beginning.

By the terms of the newly drafted Constitution, the document could not be in effect until it had been ratified by constitutional conventions in at least nine states. Because in reality it was a compromise document, there was considerable opposition, especially in the major states of New York and Virginia. Elder Oaks has pointed out that while there were 74 appointed delegates, only 55 participated in the Philadelphia Convention, and only 39 of these signed the completed document. It took nine months for nine states to ratify, and it was still a month later before New York, by a vote of 30 to 27, finally ratified the Constitution. Even then it happened only with the promise that a bill of rights would be written. The first 10 amendments, or the Bill of Rights, were ratified more than three years later. (See Oaks, “Divinely Inspired,” 70; see also Linda R. Monk, *The Words We Live By: Your Annotated Guide to the Constitution* [New York: Hyperion, 2003].)

COS: For Latter-day Saints, the Constitution of the United States is considered an inspired document. Of course people of other faiths also love and respect the Constitution and confess the hand of Deity in its crafting and adoption. For us, however, we have the advantage of the word of the Lord in modern revelation to give us additional insights. Let me cite an example.

During the early years of the Church, some of the Saints were in Missouri and were suffering great persecution. As the Prophet Joseph Smith laid the matter before the Lord, a revelation was given that is now section 101 of the Doctrine and Covenants. After candidly explaining that at least part of the trouble had been brought upon the Mormon people as a “consequence of their transgressions” (D&C 101:2), the Lord then gave comfort, promises, counsel, and assurances.

In D&C 101:76–79 we read that they were instructed “to importune for redress” or relief from the leaders of government in their area. It was explained that the laws needed to “be

maintained for the rights and protection of all [people],” that the principle of “moral agency” and accountability should apply to everyone, and that “it is not right that any man should be in bondage one to another.” After this preamble the Lord then made this significant declaration:

And for this purpose have I established the Constitution of this land, by the hands of wise men whom I raised up unto this very purpose, and redeemed the land by the shedding of blood. [D&C 101:80]

I believe this section of scripture is clearly focused on the U.S. Constitution, and yet it apparently asserts that the Constitution of this single land was designed and should be maintained for all and everyone without geographic limitations or restrictions. How could that be?

Elder Dallin H. Oaks gave this wonderful insight and clarification. Said he:

*The United States Constitution was the first written constitution in the world. It has served Americans well, enhancing freedom and prosperity during the changed conditions of more than two hundred years. Frequently copied, it has become the United States’ most important export. After two centuries, every nation in the world except six have adopted written constitutions, and the U.S. Constitution was a model for all of them. No wonder modern revelation says that God established the U.S. Constitution and that it “should be maintained for the rights and protection of all flesh, according to just and holy principles.” (D&C 101:77.) [Oaks, “Divinely Inspired,” 68; see “The Constitution,” *Wilson Quarterly*, spring 1987, 97, 126]*

A large number of you have traveled widely around the world and recognize that many nations and peoples may not currently enjoy the blessings, freedoms, and protections guaranteed by the U.S. Constitution. Nevertheless,

as Elder Oaks observed, this inspired document has been a major influence for good in providing for the people in many lands an increased understanding of what we regard as God’s gifts to His children. We can appropriately hope and pray that the Constitution’s influence for good will increase throughout the world as well as in the United States. In the meantime, our experience in Australia might be better understood in the light of the Constitution’s international influence.

SGS: Like many of you, my husband and I have lived abroad and have traveled in and through many countries. We have been asked on occasion, quite understandably, why the Restoration of the gospel occurred in the United States and not in Europe, Asia, Africa, or elsewhere. This is a good question. A partial answer might be that in 1830 there was perhaps no other place on earth where conditions—including the inspired Constitution, laws, and protections—were such that the work and the gathering necessary for the establishment of the Church could occur. A fuller understanding can be obtained from the Book of Mormon.

We all remember the central theme and account of the initial pages of the Book of Mormon. Father Lehi was commanded by the Lord to leave Jerusalem with his family and a few others because of the sinful conditions there. They were instructed that if they were obedient and faithful, they would be led to a land of promise—which turned out to be the case. Further, they were, like others who might come to this land, led by the Lord to be here for His special purposes. (See 2 Nephi 1:1–6.)

Let’s now turn to Lehi’s account:

Wherefore, this land is consecrated unto him whom he [meaning the Lord] shall bring. And if it so be that they shall serve him according to the commandments which he hath given, it shall be a land of liberty unto them; wherefore, they shall never be brought down into captivity; if so, it shall

be because of iniquity; for if iniquity shall abound cursed shall be the land for their sakes, but unto the righteous it shall be blessed forever. [2 Nephi 1:7]

That is quite a promise and an impressive responsibility for those who have been brought to this land, whether by themselves or by ancestors from several generations preceding their births.

One of the remarkable blessings of this land for those who can be judged as righteous by the Lord is that it will be a nation of liberty and freedom. In spite of the persecution and unfair treatment that the Prophet Joseph Smith experienced from the time of the First Vision until his death, he understood and appreciated the central role of the Constitution of the United States in insuring these prospects.

In the dedicatory prayer of the Kirtland Temple in 1836, the Prophet included these inspired words:

Have mercy, O Lord, upon all the nations of the earth; have mercy upon the rulers of our land; may those principles, which were so honorably and nobly defended, namely, the Constitution of our land, by our fathers, be established forever. [D&C 109:54]

Hopefully we will join our prayers and our efforts continually to make this so.

At the time the Church was organized in 1830, the Constitution and Bill of Rights were scarcely 40 years old, and yet they were absolutely necessary for the Restoration to take place because, even in the face of the inconsistencies, frequent unfairness, and limitations of American society, the laws and freedoms by then codified allowed the Restoration of the gospel to begin. Think what might have been the result if there had not been freedom of religion, freedom of speech, and freedom of assembly expressly guaranteed. While not everyone in the 1830s necessarily believed fully in the freedom of religion, it nevertheless was and is the law of the land. While not perfect,

sufficient protection for the work to progress was available in this new nation and perhaps not possible anyplace else in the world.

COS: While the Prophet Joseph loved the Constitution and realized its inspiration, benefits, and blessings, he was also aware of its limitations. These are his words:

It is one of the first principles of my life, and one that I have cultivated from my childhood, having been taught it by my father, to allow every one the liberty of conscience. I am the greatest advocate of the Constitution of the United States there is on the earth. In my feelings I am always ready to die for the protection of the weak and oppressed in their just rights. The only fault I find with the Constitution is, it is not broad enough to cover the whole ground. [Teachings, 326]

On occasion we hear of disputes between interested parties as to what is actually required of us who believe in the inspiration and interest of heaven in the crafting of this document. Must we accept that it is the only or final word on every matter of law? Must we support the assertions of some that it has the same authority as scripture? This is Elder Oaks' observation on these questions:

*Personally, I have never considered it necessary to defend every line of the Constitution as scriptural. For example, I find nothing scriptural in the compromise on slavery or [other less significant details]. President J. Reuben Clark . . . said that it was not part of his belief or the doctrine of the Church that the Constitution was a "fully grown document." "On the contrary," he said [continuing to quote from President Clark], "we believe it must grow and develop to meet the changing needs of an advancing world." [Oaks, "Divinely Inspired," 70; J. Reuben Clark, Jr., "Constitutional Government: Our Birthright Threatened," *Vital Speeches of the Day* 5, no. 6 (1 January 1939): 177, quoted in Martin B. Hickman, "J. Reuben Clark, Jr.: The*

Constitution and the Great Fundamentals,” in Ray C. Hillam, ed., *“By the Hands of Wise Men”*: *Essays on the U.S. Constitution* (Provo: Brigham Young University Press, 1979), 53]

Both President Clark and Elder Oaks highlight their views that we should see divine inspiration in the “great fundamentals” of the Constitution without the need to parse or quibble over every word (Clark, “Constitutional Government,” 177). Likewise, I suppose that each of us in our study of the Constitution might come up with a slightly different list of the “great fundamentals.” Let me briefly detail the five Elder Oaks has mentioned in “The Divinely Inspired Constitution”:

1. The separation of powers in the three branches of government
2. The division of powers between the states and the federal government
3. The Bill of Rights
4. The principle of popular sovereignty
5. The rule of law and not of men

In the interest of both time and my limited expertise, I will not say more about these five “great fundamentals” directly, but I would ask that you consider not only studying the words of prophet-scholars like Presidents Clark, Romney, and Faust and Elder Oaks but also that you try to identify great fundamentals yourselves as you read, study, and discuss the Constitution.

I mention this because I think there is a great temptation to speak somewhat authoritatively about this remarkable document while not really knowing its particulars. For example, we may take offense when one is critical of the Book of Mormon without first carefully studying it and praying about it. We don’t want to be guilty of similar inconsistency with respect to our Constitution.

We live in an age where much is made about the “right of privacy.” The Constitution

of the United States and the Bill of Rights do not mention privacy specifically, although some people suggest that they do. The Ninth Amendment to the Constitution states that “the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” Thus, while in the eyes of some the right of privacy has been granted by the courts, if not the Constitution, the basic issue of what really constitutes privacy has not been fully addressed. In our concluding moments today, we would like you to consider with us two or three privacy concepts that have particular and critical application to those of us gathered together at BYU.

We use this as an example of why we would have preferred Linda Monk’s textbook to be entitled *Some of the Words We Live By*. We are grateful to be able to study the Constitution with the illuminating lens of the restored gospel at BYU.

SGS: First, in a real sense, the idea that anything is completely private or secret is largely illusionary. Increasingly, we hope, we are becoming aware that such things as our cell-phone conversations, our e-mail communications, and the like are easily intercepted or accessed by individuals or audiences not intended nor having legitimate reasons for having them. This is particularly true with information placed, for example, on the Internet, in chat rooms, on personal pages, or other sites. In addition, we are videotaped at ATM machines, in stores, airports, and other public places mainly for our safety and security.

All of you have likely had the experience of telling an important secret to just one friend. Our written and electronic communications are often “discoverable” in legal proceedings, and you will be able to think of other examples very quickly.

While our understanding of the true nature of God causes us to see and experience Him

in ways that differ from other religious traditions, we hold in common with many the belief that our Heavenly Father is all-knowing and all-seeing. Thus our beliefs about privacy or secrecy, however tightly and strongly held, have only to do with other human beings. There is nothing hidden from heaven. While we respect the mortal privacy of others and highly value our own, we recognize in today's world that there are really very few, if any, secrets on which we can fully depend. Thus our integrity and loyalty to basic principles must govern our lives even when we believe we are not on stage.

Here at BYU and elsewhere, we should think and talk about the relationships of our dearly held personal rights and freedoms on the one hand with the necessary public behaviors mandated by laws, customs, and common courtesy on the other. We do so because these various manifestations of regulated behavior are important and significant components of free and orderly societies. We emphasize and teach our BYU Honor Code, for example, with great intensity and seriousness. Think about driving on our city streets and freeways without some semblance of order. Think about the increased chaos we would experience in our classrooms if everyone were to speak at once. How would it be to play football without a line of scrimmage or to sing in a choir without someone in authority setting the pitch or signaling the key? All of these and countless other public behaviors such as covering our mouth when we cough or giving up our seat to an elderly or infirm person have grown out of the need to develop cultures and civilizations that function to the benefit of all.

What an inspired document the Constitution is that helps achieve such a balance between the interests of the individual and the security of the society.

COS: The divinely influenced Constitution may not address any of these details directly, but it does provide the basis for living together harmoniously in a safe environment that is highly respectful of both the individual and society. Among its protections are freedoms we deem to be essential for our personal progress and for the work of the Lord. We express our gratitude for this wonderful document and our testimony that God did guide those who prepared and drafted it "by study and also by faith" (D&C 88:118), even though it may contain some of the "imperfections" of men (Mormon 9:31). Like the provisions for the Bill of Rights, the Constitution does provide the mechanisms for clarification and improvement over time.

May our Heavenly Father bless you to have a heightened understanding of the tremendous impact for good that the United States Constitution has in the lives of each of us. Please take advantage of the unique opportunity we will all have this year to learn, understand, and appreciate it more.

As I add my testimony to what Sister Samuelson has said and my encouragement and blessing as well, let me also suggest in the spirit of what we have mentioned about privacy that what we do when we are not aware that anyone is watching is vital to our progress and who we are. Remember the injunction from Proverbs 23:7: "For as [a man or a woman] thinketh in his heart, so is he."

We hope you will study seriously and with great effort both the Constitution and your other course work. More important, in all that you expect of yourselves, be sure that you do not neglect your private and personal prayers, your scripture study, or your appropriate acts of anonymous service as well as the public manifestations you make of your devotion to God and country. May this be a goal for all of us. In the name of Jesus Christ, amen.

