

- Editorial
- Guest Opinion
- Letters to the Editor

Open Forum

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GUEST OPINION

Key features ensured Constitution's vitality

September marks the anniversary of the 1787 finalization of the drafting of the United States Constitution, which later was ratified by the final of the required two-thirds of the states (nine of the thirteen) in 1790.

What is it that has enabled this document, along with the government to which it gave birth, not only to survive but to thrive for so long?

J. Reuben Clark, former U.S. ambassador to Mexico, is familiar to many in the area as a former resident of Grantsville. He said that there are three key features of the Constitution that have ensured the longevity of the document and of the government it spawned more than 220 years ago.

The first key to the Constitution's success, Clark noted, is the separation of powers between the three branches of government: legislative, executive, and judicial. Broadly defining the roles of each branch, the legislative makes laws, the executive enforces them, and the judicial interprets them.

Clark's second reason why the Constitution has endured is that it included a Bill of Rights. While this feature was incorporated by adding the first ten amendments, rather than including it in the original document, the Bill of Rights guarantees many of the



Ken Gourdin
GUEST COLUMNIST

freedoms with which the Constitution is most associated, including freedoms of speech, press, assembly, religion, and so on.

And Clark's third reason for the Constitution's endurance is the equality of all men before the law. Lady Justice, one of the statues on the steps of the U.S. Supreme Court, is depicted holding a balanced scale and wearing a blindfold.

After citing Clark's fundamentals, Dallin H. Oaks, a former Utah Supreme Court Justice, University of Chicago law professor, and U.S. Supreme Court law clerk, added two of his own. Oaks said another reason for the Constitution's success is its commitment to popular sovereignty.

In the Gettysburg Address, President Abraham Lincoln also extolled the virtue of popular sovereignty. Even in the midst of the divisive Civil War, Lincoln proclaimed that "government of the people, by the people, and for the people shall not perish from the earth."

Equality of men before the law is reinforced by another fundamental principle Oaks cites: The notion that we have a government, not of men but of laws. It doesn't matter who we are or what our station in life is. We are all accountable to (and protected by) the law.

Who were these men who gathered in Philadelphia in the summer of 1787 to decide the future form of the new nation's government? Having been drawn from such a wide area, they were as varied as any group could be.

They were fiercely committed to the interests they brought with them to the Constitutional Convention, yet many of those interests conflicted with one another (large-state interests versus small-state interests, agricultural interests versus industrial ones, rural interests versus urban ones, and so on).

They were highly principled, yet they were also pragmatic and practical. While no one delegate to the Convention got everything he wanted in the new government's design, enough of them got enough of what they wanted to see the wisdom in that design.

We owe them a debt of gratitude.

Ken K. Gourdin, Tooele, is a certified paralegal and a huge fan of the U.S. Constitution.