

THE CONSTITUTION OF THE UNITED STATES AS AN INSPIRED DOCUMENT

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- Ether 2: 9-12
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- Doctrine & Covenants 101: 76-80
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NOTES AND COMMENTARY:

Section A: Words of the Founding Fathers

— *What did the Founding Fathers tell us about the role of inspiration or revelation in the writing and ratifying of the Constitution?*

— *What do these statements tell us about the characters of the Founding Fathers?*

Thomas Jefferson

The God who gave us life gave us liberty at the same time.

Rights of British America, 1774

Samuel Adams

Revelation assures us that 'Righteousness exalteth a Nation'-- Communities are dealt with in this World by the wise and just Ruler of the Universe. He rewards or punishes them according to their general Character.

Letter to John Scollary, 1776.

George Washington

It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disprove, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair. The event is in the hand of God.

as quoted by Gouveneur Morris, recorded in Frand's Records of the Federal Convention of 1787, March 25, 1787

Benjamin Franklin

I have lived, Sir, a long time; and the longer I live, the more convincing proofs I see of this Truth, that God governs in the Affairs of Men. And if a Sparrow cannot fall to the Ground without his Notice, is it probable that an Empire can rise without his Aid?

Motion for Prayers in the Constitutional Convention, June 28, 1787 (Motion was defeated for lack of funds to pay a minister.)

George Washington

It appears to me, then, little short of a miracle, that the Delegates from so many different States... should unite in forming a system of national Government, so little liable to well founded objections.

letter to Marquis de Lafayette, February 7, 1788

John Adams

The deliberate union of so great and various a people in such a place, is without all partiality or prejudice, if not the greatest exertion of human understanding, the greatest single effort of national deliberation that the world has ever seen.

Quoted in a letter from Rufus King to Theophilus Parsons, February 20, 1788

Thomas Jefferson

The example of changing a constitution by assembling the wise men of the state, instead of assembling armies, will be worth as much to the world as the former examples we had given them. The constitution, too, which was the result of our deliberation, is unquestionably the wisest ever yet presented to men.

Letter to David Humphreys, March 18, 1789

George Washington

The success, which has hitherto attended our united efforts, we owe to the gracious interposition of Heaven, and to that interposition let us gratefully ascribe the praise of victory, and the blessings of peace.

To the Executive of New Hampshire, November 3, 1789, Writings 30:453.

James Madison

It is impossible for the man of pious reflection not to perceive in it a finger of that Almighty hand which has been so frequently and signally extended to our relief in the critical stages of the revolution.

Federalist Papers, no. 37.

Alexander Hamilton

For my own part, I sincerely esteem it a system, which without the finger of God, never could have been suggested and agreed upon by such a diversity of interest.

Essays on the Constitution of the United States, ed. Paul L. Ford, 1892, pp. 251-52).

Charles Pinckney

When the great work was done and published, I was . . . struck with amazement. Nothing less than that superintending hand of Providence, that so miraculously carried us through the war, . . . could have brought it about so complete, upon the whole.

P. L. Ford, ed., *Essays on the Constitution*, 1892, p. 412.

John Adams

As I understand the Christian religion, it [the Constitution] was, and is, a revelation.

In God We Trust, p. 75

James Madison

You give me a credit to which I have no claim in calling me "the writer of the Constitution of the United States." This was not, like the fabled Goddess of Wisdom, the offspring of a single brain. It ought to be regarded as the work of many heads and many hands.

letter to William Cogswell, March 10, 1834

James Madison

There never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives, or more exclusively or anxiously devoted to the object committed to them.

In a "sketch never finished," circa 1835

(Unless otherwise cited, above quotes are from Matthew Spaulding, *The Founders' Almanac*, [Washington D.C.: The Heritage Foundation 2002]

Section B: The Character of the Founding Fathers

- *What does modern revelation tell us about the character of the Founding Fathers?*
- *How does an understanding of the character of the Founding Fathers contribute to our understanding of the Constitution?*

— *What kind of examples do the Founding Fathers provide for modern lawmakers, leaders and other citizens?*

Wilford Woodruff, Journal of Discourses 19:229

Before I left St. George, the spirits of the [Founding Fathers] gathered around me, wanting to know why we did not redeem them. Said they, 'You have had

President Wilford Woodruff, Conference Report, April 1898, pp. 89-90.

Those men who laid the foundation of this American government and signed the Declaration of Independence were the best spirits the God of heaven could find on the face of the earth. They were choice spirits, not wicked men. General Washington and all the men that labored for the purpose were inspired of the Lord. . . .

Everyone of those men that signed the Declaration of Independence, with General Washington, called upon me, as an Apostle of the Lord Jesus Christ, in the Temple at St. George, two consecutive nights, and demanded at my hands that I should go forth and attend to the ordinances of the House of God for them.

Ezra Taft Benson, Faith, 'The Faith of Our Founding Fathers,' [Salt Lake City: Deseret Book 1983] p. 20

We are not to conclude from the foregoing expressions of religious belief that all of the founders professed a formal faith. Writers and biographers of some of the founders have classified them as deists, which implied that they denied revelation and relied solely on reason. This may have been true in a few exceptional instances, but essentially they were believers in God, immortality, and an eventual judgment day. They maintained a respect for the Bible and the Judaic-Christian heritage of the nation. None claimed to be an atheist, although some were labeled as such because they rejected certain established tenets of the religious denominations of the day.

Again their testimony to Wilford Woodruff was: We were faithful to God.

What significance is it to us living today that the founders were God-fearing men of faith?

This nation was founded on certain principles, chief among which was the expressed statement that all men are endowed by their Creator with certain unalienable rights. This pronouncement recognizes

the use of the Endowment House for a number of years, and yet nothing has ever been done for us. We laid the foundation of the government you now enjoy, and we never apostatized from it, but we remained true to it and were faithful to God.' These were the signers of the Declaration of Independence, and they waited on me for two days and two nights. . . . I straightway went into the baptismal font and called upon Brother McCallister to baptize me for the signers of the Declaration of Independence, and fifty other eminent men, making one hundred in all, including John Wesley, Columbus, and others.

God as the Creator of man and that man's rights are an inherent gift from their Creator.

Neal A. Maxwell, AEncircled in the Arms of His Love," Ensign, Nov. 2002, p. 16

The raising up of that constellation of "wise" Founding Fathers to produce America's remarkable Constitution, whose rights and protection belong to every man," was not a random thing either (see D&C 101:77-78, 80). One historian called our Founding Fathers "the most remarkable generation of public men in the history of the United States or perhaps of any other nation" (Arthur M. Schlesinger, *The Birth of the Nation* [1968], 245). Another historian added, "It would be invaluable if we could know what produced this burst of talent from a base of only two and a half million inhabitants" (Barbara W. Tuchman, *The March of Folly: From Troy to Vietnam* [1984], 18).

Ezra Taft Benson, This Nation Shall Endure, [Salt Lake City: Deseret Book 1977] p. 38

Who were these delegates, those whom the Lord raised up and designated wise men? They were mostly young men in the prime of life, their average age being forty-four. Benjamin Franklin was the eldest at eighty-one. George Washington, the presiding officer of the convention, was fifty-five. Alexander Hamilton was only thirty-two; James Madison, who recorded the proceedings of the convention with his remarkable Notes, was thirty-six. These were young men, but men of exceptional character, sober, seasoned, distinguished men of affairs, drawn from various walks of life. (J. Reuben Clark, Jr., *Stand Fast by Our Constitution*, p. 135.)

Of the thirty-nine signers, twenty-one were educated in the leading American colleges and in Great Britain; eighteen were, or had been, lawyers or judges; twenty-six had seen service in the Continental Congress; nineteen had served in the Revolutionary army, seventeen as officers; four had been on Washington's personal staff during the war. Among that assembly of the thirty-nine signers were to be found two future presidents of the United States, one the father of his country; a vice-president of the United States; a Secretary of the Treasury; a Secretary of

War; a Secretary of State; two chief justices of the Supreme Court, and three who served as justices; and the venerable Franklin, diplomat, philosopher, scientist, and statesman.

"They were not backwoodsmen from the far-off frontiers, not one of them. . . . There has not been another such group of men in all the [200] years of our history, no group that even challenged the supremacy of this group. (J. Reuben Clark, Jr., *Conference Report*, April 1957, p. 47.) President Wilford Woodruff said they were the best spirits the God of heaven could find on the face of the earth. They were choice spirits. . . ." (*Conference Report*, April 1898, p. 89.)

Section C: The Constitution of the United States and the Restoration of the Gospel

- *In what ways did God prepare the Earth for the coming forth of the Constitution?*
- *How was the founding of the United States a critical step toward the Restoration?*
- *What historical trends contributed to the development of the Constitution?*
- *How was God's hand evident in these trends?*

President Brigham Young, quoted by John A. Widstoe, in Tabernacle, Feb. 18, 1855, Journal of Discourses 2:170) DBY:359-60:

We believe that the Lord has been preparing that when he should bring forth his work that, when the set time should fully come, there might be a place upon his footstool where sufficient liberty of conscience should exist, that his Saints might dwell in peace under the broad panoply of constitutional law and equal rights. In this view we consider that the men in the Revolution were inspired by the Almighty, to throw off the shackles of the mother government, with her established religion. For this cause were Adams, Jefferson, Franklin, Washington, and a host of others inspired to deeds of resistance to the acts of the King of Great Britain, who might also have been led to those aggressive acts, for aught we know, to bring to pass the purposes of God, in thus establishing a new government upon a principle of greater freedom, a

basis of self-government allowing the free exercise of religious worship.

The Teachings of Spencer W. Kimball, [Salt Lake City: Bookcraft 1982] p.403:

God affects history. I have a firm conviction that the Lord led the Pilgrims and the Puritans across the ocean, perhaps permitted the persecutions that would bring them here, so that when they come to the American shores with their righteous blood and their high ideals and standards, they would form the basis of a nation which would make possible the restoration of the gospel. I am sure that since there was not religious liberty, not political liberty here, the Lord permitted these few poorly armed and ill-clad men at Valley Forge and elsewhere to defeat a great army with its trained soldiery and its many mercenaries, a few against the many, but the few had on their side the Lord God of heaven, that gave them victory. And there came political liberty and religious liberty with it, all in preparation for the day when a young boy would come forth and would seek and make contact with the Lord and open the doors of heaven again. Following that great manifestation to Joseph Smith came the opening of Cumorah Hill and the speaking of the dead from the dust.

Teachings of Ezra Taft Benson, [Salt Lake City: Bookcraft 1988] p. 109

Before the gospel could again shine forth its resplendent light, religious and political freedom first had to be restored. This land had been preserved as a continent apart from the religious oppression, tyranny, and intolerance of Europe. In time, emigrants came to the new land and established colonies. By and large, they were a God-fearing people. A war was fought for their independence, and by God's intervention, victory was achieved. (See 1 Nephi 13:16-19.) By that same omnipotent power the Constitution was born (see D&C 101:80), which guaranteed religious and political liberty (see D&C 98:5-8). Only then was the time propitious for the kingdom of God—that stone cut out without hands to be restored (see Daniel 2:34).

Gordon B. Hinckley, "At the Summit of the Ages," Ensign, Nov. 1999, 72

Reformers worked to change the church, notably such men as Luther, Melancthon, Hus, Zwingli, and Tyndale. These were men of great courage, some of whom suffered cruel deaths because of their beliefs. Protestantism was born with its cry for reformation. When that reformation was not realized, the reformers organized churches of their own. They did so without priesthood authority. Their one desire was to find a niche in which they might worship God as they felt He should be worshiped.

While this great ferment was stirring across the Christian world, political forces were also at work. Then came the American Revolutionary War, resulting in the birth of a nation whose constitution declared that government should not reach its grasping hand into matters of religion. A new day had dawned, a glorious day. Here there was no longer a state church. No one faith was favored above another.

After centuries of darkness and pain and struggle, the time was ripe for the restoration of the gospel. Ancient prophets had spoken of this long-awaited day.

All of the history of the past had pointed to this season. The centuries with all of their suffering and all their hope had come and gone. The Almighty Judge of the nations, the Living God, determined that the times of which the prophets had spoken had arrived. Daniel had foreseen a stone which was cut out of the mountain without hands and which became a great mountain and filled the whole earth.

The Constitution under which we live, and which has not only blessed us but has become a model for other constitutions, is our God-inspired national safeguard ensuring freedom and liberty, justice and equality before the law.

Rex E. Lee, "Constitutional Law," Encyclopedia of Mormonism Vol. 1, pp. 315-17

The Constitution of the United States of America made the restoration of the gospel possible because it limits governmental power, protects individual rights, and sets a moral tone tolerating controversial religious views and rights of expression and assembly. LDS belief in the divine origin of the Constitution contributes to respect for the document.

The majority of the main events associated with the restoration of the Church occurred in the United States. Its message was controversial and provocative, and without the protections of the United States Constitution, the Church likely would not have survived. President Wilford Woodruff taught that at that time the United States of America was the only place where the Lord could have established his Church and kingdom (JD 25:211). President David O. McKay, in the dedicatory prayer for the Los Angeles Temple, expressed gratitude for the Constitution and for the fact that it made the establishment of the Church possible (IE 59 [Apr. 1956]:226). This idea is expressed frequently by Latter-day Saints and is more than patriotic rhetoric

The United States was especially hospitable to the restoration of the Church because its Constitution limits governments, both state and federal, thereby protecting individual rights. It limits governmental power in two ways: through two structural features commonly referred to as the separation of powers and federalism and through a series of express

prohibitions.

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Beyond its limitations on government, the Constitution sets a moral tone tolerating controversial religious views and rights of expression in general. This tone extends beyond its immediate impact on government. Without it, the public opposition to the Church, combined with the zeal of its adherents, might have brought about its demise. That Joseph Smith was born soon after the adoption and ratification of the Constitution is no coincidence in the LDS view.

Section D: The Constitution and Moral Agency

- *Upon what conditions are the blessing of freedom predicated?*
- *How does the Constitution reflect earlier ideas about the morality of governments and individuals?*
- *Does the Constitution break new moral ground?*
- *How does the Constitution uphold the doctrine of moral agency?*

Hugh Nibley, *The World and the Prophets* [Salt Lake City: Deseret Book 1962] p.173.

[I]t is more than Fourth of July rhetoric when the Latter-day Saints declare that the Constitution is an inspired document. It actually is the restoration to the earth of that ancient law of liberty which has been preached by the prophets in every age allowing every man to act in doctrine and principle according to the moral agency which God has given him, to be accountable for his own sins in the day of judgment. Such acts may never be prescribed or judged by a human agency, the Constitution maintains, and we firmly believe that to be the will of God. . . .

Bruce R. McConkie, *A New Witness for the Articles of Faith*, [Salt Lake City: Deseret Book 1985] p. 667

Coming to America to escape religious persecution, the original colonists -- retaining their various religious persuasions -- immediately set up their own separate systems of worship and reached out to condemn and persecute all others. Witches were burned and heretics persecuted as in the Old World. The American colonists had simply transported the

traditions of a false and decadent Christendom to new shores. But the Revolutionary War and the need for national survival brought forth the Constitution with this provision: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. Thus, religious freedom was almost thrust upon them by a power beyond their control and the union of church and state was forever banned in the United States.

That the Lord's hand was in all this is axiomatic. I established the Constitution of this land, he tells us, by the hands of wise men whom I raised up unto this very purpose. Why? That laws might be established and maintained for the rights and protection of all flesh, according to just and holy principles; that every man may act in doctrine and principle pertaining to futurity, according to the moral agency which I have given unto him, that every man may be accountable for his own sins in the day of judgment.

**Rex E. Lee, *A Lawyer Looks at the Constitution*,
BYU Press, 1981, pp 205-06**

What does the American Constitution mean to you? . . . It means a government in which no individual holds all power. It means a government whose powers are divided along two planes: among three branches of the national government and between national and state governments. It means the automatic checks against attempts by any governmental official to overstep the bounds of his authority. It means the right to criticize any government official- even the President of the United States - without fear or reprisal. It means the right to have and to practice religious beliefs that are different from those of other religious groups. It means a government that must deal with its people according to minimum standards of equality and fairness. It means a government whose powers derive from the people and in which the ultimate powers are exercised by the people.

Maybe this is all the Constitution means: the allocation of powers among governmental entities and the protection of individual rights against the exercise of those powers. I believe, however, that, in the case of the American Constitution, the whole is greater than the sum of its parts. In addition to its functions as an allocator of governmental power and protector against abuses of that power, the Constitution, over the two hundred years of our nation's existence, has been an effective symbol of national unity and of our national commitment to law and to human dignity and liberty.

As a symbol, the Constitution has an element of self-fulfillment. Even those who do not really understand why there is a relationship between the Constitution and individual freedoms have a general understanding and acceptance of the fact that there is such a relationship and that it comes about because of a

document that is the most unchangeable feature of the entire network of American law. Thus, the Constitution acts as a safeguard of liberties not only directly, because of what it says and does, but also indirectly, because of what people perceive that it says and does. Necessarily, there have been individual dissatisfactions with the results, but as a total matter, the results have been unmatched by the experience of any other country in the world. They have been the kind of results that one would expect from a document created by wise men and upheld for two centuries by a people who know the value of individual liberty.

**Lynn D. Wardle: "The Constitution as Covenant"
BYU Studies Vol. 27, No. 3, (Summer 1987) pp. 11
& 24 (footnotes omitted)**

The Constitution of the United States is the legacy of a peculiar moment in history when all knowledge coincided, when classical antiquity, Christian theology, English empiricism, and European rationalism could all be linked. And covenant was the linking concept. The religious idea of covenant was particularly and profoundly important in the evolution and inspiration of the American Constitution, for the political idea of, and the political concepts embodied in, the Constitution can be traced in an unbroken line of descent to the seventeenth-century covenant theology. In this sense, the constitution of the American republic was formed long before the Constitution of the United States was drafted in the summer of 1787. It had been evolving in the hearts and minds, and in the habits and customs, of the people who inhabited the thirteen colonies since the days of the first settlements.

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It should be clear, then, that covenant was the germinal concept for many of the feelings, thoughts, and practices that gave rise to American constitutionalism. And this driving idea was manifest first, and most importantly, in covenant theology. The most fundamental concepts and institutions that were incorporated into the Constitution of the United States evolved out of the values and institutions of covenant theology, including popular sovereignty, limited government, and the notion of supreme, immutable law. The leaders and members of covenant-based churches believed in, and fought for centuries to assert, God-given inalienable rights. And they believed in and preached the necessity for republican virtue.

Gordon B. Hinckley, "The Times in Which We Live," *Ensign*, Nov. 2001, 72

Great are the promises concerning this land of America. We are told unequivocally that it "is a choice land, and whatsoever nation shall possess it shall be free from bondage, and from captivity, and from all

other nations under heaven, if they will but serve the God of the land, who is Jesus Christ" (Ether 2:12). This is the crux of the entire matter--obedience to the commandments of God.

Section E: The Constitution as Revelation (or something like revelation)

- *To what extent should Latter-day Saints reverence the Constitution?*
- *Is it scripture?*
- *What should the attitude be towards the Constitution for Latter-day Saints living in other nations?*
- *Has the Constitution blessed other nations? How?*

History of the Church 3:304.

Joseph Smith writing from Liberty Jail:

There is a love from God that should be exercised toward those of our faith, who walk uprightly, which is peculiar to itself, but it is without prejudice; it also gives scope to the mind, which enables us to conduct ourselves with greater liberality towards all that are not of our faith, than what they exercise towards one another. These principles approximate nearer to the mind of God, because it is like God, or Godlike.

Here is a principle also, which we are bound to be exercised with, that is, in common with all men, such as governments, and laws, and regulations in the civil concerns of life. This principle guarantees to all parties, sects, and denominations, and classes of religion, equal, coherent, and indefeasible rights; they are things that pertain to this life; therefore all are alike interested; they make our responsibilities one towards another in matters of corruptible things, while the former principles do not destroy the latter, but bind us stronger, and make our responsibilities not only one to another, but unto God also. Hence we say, that the Constitution of the United States is a glorious standard; it is founded in the wisdom of God. It is a heavenly banner; it is to all those who are privileged with the sweets of its liberty, like the cooling shades and refreshing waters of a great rock in a thirsty and weary land. It is like a great tree under whose branches men from every clime can be shielded from

the burning rays of the sun.

* * *

We say that God is true; that the Constitution of the United States is true; that the Bible is true; that the Book of Mormon is true; that the Book of Covenants is true; and that Christ is true.

J. Reuben Clark, Jr., Church News, Nov. 29, 1952, at 12

It is union of independence and dependence of these branches—legislative, executive and judicial—and of the governmental functions possessed by each of them, that constitutes the marvelous genius of this unravelled document. The Framers had no direct guide in this work, no historical governmental precedent upon which to rely. As I see it, it was here the divine inspiration came. It was truly a miracle.

Ezra Taft Benson, This Nation Shall Endure, [Salt Lake City: Deseret Book 1977], p. 38

In 1973 the First Presidency of the Church made public this statement: We urge members of the Church and all Americans to begin now to reflect more intently on the meaning and importance of the Constitution, and of adherence to its principles. (Ensign, November 1973, p. 90.)

May I urge every Latter-day Saint and all Americans in North and South America to become familiar with every part of this document. Many of the constitutions of countries in South America have been patterned in large measure after that of the United States. We should understand the Constitution as the founders meant that it should be understood. We can do this by reading their words about it, such as those contained in the Federalist Papers. Such understanding is essential if we are to preserve what God has given us.

I reverence the Constitution of the United States as a sacred document. To me its words are akin to the revelations of God, for God has placed His stamp of approval on the Constitution. I testify that the God of heaven selected and sent some of His choicest spirits to lay the foundation of this government as a prologue to the restoration of the gospel and the second coming of our Savior.

Hancock, Ralph C., "Constitution of the United States of America", Encyclopedia of Mormonism Vol. 1, pp. 317-19

Another aspect of the LDS understanding of the Constitution is the belief gained from scripture concerning its divine origins, which enhances Latter-day Saints' respect and even reverence for the document, particularly in the United States. The Lord revealed to Joseph Smith, 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 (D&C 101:80; cf. 3 Ne. 21:4). Some Church members

espouse a view which goes beyond this scriptural language, esteeming the Constitution beyond criticism and as near scriptural. What the scripture in fact says is simple, informative, and understandable: this remarkably successful document did not emerge by chance or human wisdom alone. God had a hand in its creation—not in the same, direct, revelatory way that he creates scripture, but by assembling and inspiring, at the one crucial point in American history when it was sorely needed, probably the most talented collection of statesmen with which any nation has ever been blessed.

Section F: Limitations of the Constitution

- *If it is A Divinely Inspired,” is the Constitution Scripture?*
- *Is it without flaw?*
- *What were or are its weaknesses?*
- *Do its weaknesses tell us anything about God’s role in its creation?*
- *Do you recognize the hand of God in any of the developments of Constitutional law in the years since the Constitution was adopted? Were some or all of the amendments possibly Divinely inspired?*
- *Has the flaw identified in the Constitution by Joseph Smith and others been corrected over time and by the adoption of the Fourteenth Amendment?*

Teachings of the Prophet Joseph Smith, [Salt Lake City: Deseret Book 1976], p. 331

I would not have suffered my name to have been used by my friends on anywise as President of the United States, or candidate for that office, if I and my friends could have had the privilege of enjoying our religious and civil rights as American citizens, even those rights

which the Constitution guarantees unto all her citizens alike. But this as a people we have been denied from the beginning. Persecution has rolled upon our heads from time to time, from portions of the United States, like peals of thunder, because of our religion; and no portion of the Government as yet has stepped forward for our relief. And in view of these things, I feel it to be my right and privilege to obtain what influence and power I can, lawfully, in the United States, for the protection of injured innocence; and if I lose my life in a good cause I am willing to be sacrificed on the altar of virtue, righteousness and truth, in maintaining the laws and Constitution of the United States, if need be, for the general good of mankind. (Feb. 8, 1844.)

Teachings of the Prophet Joseph Smith, [Salt Lake City: Deseret Book, 1976], p. 326

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.

Although it provides that all men shall enjoy religious freedom, yet it does not provide the manner by which that freedom can be preserved, nor for the punishment of Government officers who refuse to protect the people in their religious rights, or punish those mobs, states, or communities who interfere with the rights of the people on account of their religion. Its sentiments are good, but it provides no means of enforcing them. It has but this one fault. Under its provision, a man or a people who are able to protect themselves can get along well enough; but those who have the misfortune to be weak or unpopular are left to the merciless rage of popular fury.

The Constitution should contain a provision that every officer of the Government who should neglect or refuse to extend the protection guaranteed in the Constitution should be subject to capital punishment; and then the president of the United States would not say, Your cause is just, but I can do nothing for you, a governor issue exterminating orders, or judges say, The men ought to have the protection of law, but it won't please the mob; the men must die, anyhow, to satisfy the clamor of the rabble; they must be hung, or Missouri be damned to all eternity. Executive writs could be issued when they ought to be, and not be made instruments of cruelty to oppress the innocent, and persecute men whose religion is unpopular.

Brigham Young, Journal of Discourses 7:13-14

The general Constitution of our country is good, and a wholesome government could be framed upon it, for it

was dictated by the invisible operations of the Almighty; he moved upon Columbus to launch forth upon the trackless deep to discover the American Continent; he moved upon the signers of the Declaration of Independence; and he moved upon Washington to fight and conquer, in the same way as he moved upon ancient and modern prophets, each being inspired to accomplish the particular work he was called to perform in the times, seasons, and dispensations of the Almighty. God's purpose, in raising up these men and inspiring them with daring sufficient to surmount every opposing power, was to prepare the way for the formation of a true republican government. They laid the foundation; but when others came to build upon it, they reared a superstructure far short of their privileges, if they had walked uprightly as they should have done.

The signers of the Declaration of Independence and the framers of the Constitution were inspired from on high to do that work. But was that which was given to them perfect, not admitting of any addition whatever? No; for if men know anything they must know that the Almighty has never yet found a man in mortality that was capable, at the first intimation, at the first impulse, to receive anything in a state of entire perfection, and it was for after generations to rear the superstructure upon it.

J. Reuben Clark, Jr., Constitutional Government: Our Birthright Threatened, Vital Speeches of the Day, 1 January 1939, p. 177

It is not my belief nor is it the doctrine of my Church that the Constitution is a fully grown document. On the contrary, we believe it must grow and develop to meet the changing needs of an advancing world.

By the Hands of Wise Men,[Provo, Utah: BYU Press, 1979]. Rex E. Lee AThe Inspired Quality and the Flexibility of the Constitution” pp. 101, 108

What do we mean when say that the United States Constitution is inspired? Clearly the case cannot be sustained that the Constitution fits into the same category as the Book of Mormon or the Doctrine and Covenants in that every sentence and every point of doctrine are completely free from error.

Examine some of the constitutional provisions at random: members of the House of Representatives must be at least twenty-five years of age; congress has the power to fix the standards of weights and measures; the presidential term is four years; the Supreme Court has original jurisdiction over suits involving ambassadors and appellate jurisdictions over suits between citizens of different states. It is difficult to make a very persuasive case that there is anything particularly insightful, infallible -or in some cases even good policy -

about these and many other individual provisions isolated from their broader context. Indeed, there are some individual provisions that are positively offensive: the twenty-one-year constitutional protection of slavery; and the provision that in apportioning representatives and direct taxes, persons Abound to service for a term of years” count as the equivalent of three-fifths of “free persons,” and that “Indians not taxed” do not count at all.

Doctrine & Covenants, Section 101:77-79:

77 According to the laws and constitution of the people, which I have suffered to be established, and should be maintained for the rights and protection of all flesh, according to just and holy principles;

78 That every man may act in doctrine and principle pertaining to futurity, according to the moral agency which I have given unto him, that every man may be accountable for his own sins in the day of judgment.

79 Therefore, it is not right that any man should be in bondage one to another.]

It is my opinion that the guiding hand of Deity is not reflected in each individual provision of the Constitution. I believe that some of the individual provisions were divinely inspired - those that guarantee against governmental infringement on individual liberties. But on a far grander scale, appreciation of the divine guiding hand can be captured by focusing on the Constitution as an entirety; it is the grand view more than the micro view that must be taken. The “Miracle at Philadelphia,” to use Catherine Drinker Bowen’s term, was not be the adoption of the commerce clause, or the lifetime appointment of judges, or the electoral college. It was the fact that the Constitution was adopted as an entire organic document, the fact that delegates to the convention, representing as they did such divergent interests and possessed of such disparate philosophies, were able to reconcile their differences and to achieve the compromises characteristic of the document.

Most of controlling constitutional - separation of powers, federalism, written prohibitions against governmental intrusion on individual liberties, and, in my opinion, judicial review - are not confined to individual provisions. They pervade the entire document. Inspiration is reflected in the constitutional framework, in the total concept and overall structure, but not necessarily in each individual piece of building material.

* * *

The inspiration under which Joseph Smith translated the Book of Mormon through the Urim and Thummin was of a different quality and produced a different product than the inspiration which prevailed at the Philadelphia convention of 1787. George Washington was not a prophet, and the Constitution is not scripture.

We find it easy to lapse into the expansive notion that the Constitution, like the gospel, embraces all truth and that it protects and guarantees all that is right, equitable, and just. From that grand premise it is only a short and comfortable leap to the proposition that the Constitution embraces my particular notion of what is right, equitable, and just. The Constitution lends itself to this kind of use because of its breadth.

Issues such as foreign aid, fluoridation of water, public versus private education, progressive income tax, to which political party I should belong and which candidate I should support; questions about economic development and environmental quality control; questions about the power of labor unions and the influence of big business in government - all these are issues of great importance. But these questions cannot and ought not to be resolved by simply resorting to irrefutable authority. Neither the Constitution nor the scriptures contain answers to these questions, and under the grand plan of eternal progress it is our responsibility to develop our own skills working out our own answers through our own thought processes.

For example, the Constitution authorizes an income tax, but it neither commands nor forbids an income tax. That is a policy issue on which the Constitution - and the scriptures - are silent. Attempting to resolve our differences of opinion by asserting that if our opponents only understood the scriptures or the Constitution they would see that the whole answer is contained therein only results in foreclosing the careful, rational attention that these issues deserve and require. Resorting to several broad provisions of the Constitution in answer to that kind of question is just plain intellectual laziness.

We, of all people, have an obligation to respect the Constitution - to respect it not only for what it is and what it does, but also for what it is not and what it does not do. For in this as in other contexts, improper use of that which is grand can only result in the diminution of its grandeur.

Section G. Responsibilities of Church Members to Uphold the Constitution

- *What are the responsibilities of Church members with regard to the Constitution and the principles contained therein?*
- *How can the Church uphold the Constitution without becoming entangled in the political process?*

— *In what ways can individual Church members uphold the Constitution?*

— *What do you think it means that the Elders of the Church will rescue the Constitution in some fashion?*

Brigham Young, Journal of Discourses 2:317

When the day comes in which the Kingdom of God will bear rule, the flag of the United States will proudly flutter unsullied on the flagstaff of liberty and equal rights, without a spot to sully its fair surface; the glorious flag our fathers have bequeathed to us will then be unfurled to the breeze by those who have power to hoist it aloft and defend its sanctity.

Brigham Young, Journal of Discourses 12:204

How long will it be before the words of the Prophet Joseph will be fulfilled? He said if the Constitution of the United States were saved at all it must be done by these people. It will not be many years before these words come to pass.

Brigham Young, Journal of Discourses 7:13-14

Will the Constitution be destroyed? No; it will be held inviolate by this people, and, as Joseph Smith said, "The time will come when the destiny of the nation will hang upon a single thread." At that critical juncture, this people will step forth and save it from the threatened destruction. It will be so.

Elder Orson Hyde, Journal of Discourses 6:152.

It is said that Brother Joseph in his lifetime declared that the Elders of this Church should step forth at a particular time when the Constitution would be in danger, and rescue it, and save it. This may be so; but I do not recollect that he said exactly so. I believe he said something like this-- that the time would come when the Constitution and the country would be in danger of an overthrow; and said he: If the Constitution be saved at all, it will be by the Elders of this Church. I believe this is about the language, as nearly as I can recall it.

John Taylor, Journal of Discourses 21:8.

We have got to establish a government upon the principle of righteousness, justice, truth and equality and not according to the many false notions that exist among men. And then the day is not far distant when this nation will be shaken from centre to

circumference. And now, you may write it down, any of you, and I will prophesy it in the name of God. And then will be fulfilled the prediction to be found in one of the revelations given through the Prophet Joseph Smith. Those who will not take up their sword to fight against their neighbor must needs flee to Zion for safety. And they will come, saying, we do not know anything of the principles of your religion, but we perceive that you are an honest community; you administer justice and righteousness, and we want to live with you and receive the protection of your laws, but as for your religion we will talk about that some other time. Will we protect such people? Yes, all honorable men. When the people shall have torn to shreds the Constitution of the United States the Elders of Israel will be found holding it up to the nations of the earth, and proclaiming liberty and equal rights to all men, and extending the hand of fellowship to the oppressed of all nations. This is part of the programme, and as long as we do what is right and fear God, he will help us and stand by us under all circumstances.

President Charles W. Penrose Conference Report, October, 1912

We have been told repeatedly-- I have heard it ever since I came into the Church almost-- that the time would come when that Constitution would be in danger, and it would be the privilege and the duty of the men of God in the Church of Christ to stand up for the Constitution and help to maintain it and preserve it from being trampled under foot. I call the attention of my brethren and sisters this morning to this declaration, and even if it had not been uttered in that form I believe with all my heart, because of the revelation that I have referred to, that the Lord designs that this people, of all people in this great land, shall be the defenders of the Constitution of the United States and stand by the fundamental principle which runs through the whole instrument, by which the people are represented by men of their own choice to make the laws, to execute them and to pass upon them-- not to be passed upon by the multitude but by the tribunal that the Lord helped to bring about by giving wisdom to our forefathers that they might establish the government on those foundations.

Joseph F. Smith, Conference Report, October, 1912.

I believe with all my soul in the Gospel of Jesus Christ, and in the laws of God, and I do not think any honest and intelligent man or woman could help but believe in the justice, the righteousness and the purity of the laws that God wrote upon the tablets of stone. These principles that I propose to read to you are the foundation and basic principles of the Constitution of our country, and are eternal, enduring forevermore, and cannot be changed or ignored with impunity.

(At this point President Smith read and commented upon each of the Ten Commandments after which he said:)

Now, these are the commandments of God, the principles contained in these commandments of the great Eternal are the principles that underly the Constitution of our country and all just laws. Joseph Smith, the prophet, was inspired to affirm and ratify the truth, and he further predicted that the time would come when the Constitution of our country would hang as it were by a thread, and that the Latter-day Saints above all other people in the world would come to the rescue of that great and glorious palladium of our liberty. We cannot brook the thought of it being torn into shreds or destroyed, or trampled under foot and ignored by men. We cannot tolerate the sentiment at one time expressed by a man high in authority in the nation. He said: The Constitution be damned; the popular sentiment of the people is the constitution. That is the sentiment of anarchism that has spread to a certain extent, and is spreading over the land of liberty and home of the brave. We do not tolerate it. Latter-day Saints cannot tolerate such a spirit as this. It is anarchy. It means destruction. It is the spirit of mobocracy, and the Lord knows we have suffered enough from mobocracy, and we do not want any more of it.--

Harold B. Lee, *Ye Are the Light of the World* [Salt Lake City: Deseret Book, 1974] p. 118

We would hope that we might be instrumental in developing statesmen--men not only with unsurpassed excellence of training in the law, but also with an unwavering faith that the Constitution of the United States was divinely inspired and written by men who God raised up for this very purpose.

