



By President Dallin H. Oaks
First Counselor in the First Presidency

Defending Our Divinely Inspired Constitution

Our belief in divine inspiration gives Latter-day Saints a unique responsibility to uphold and defend the United States Constitution and principles of constitutionalism.

In this troubled time, I have felt to speak about the inspired Constitution of the United States. This Constitution is of special importance to our members in the United States, but it is also a common heritage of constitutions around the world.

I. A constitution is the foundation of government. It provides structure and limits for the exercise of government powers. The United States Constitution is the oldest written constitution still in force today. Though originally adopted by only a small

number of colonies, it soon became a model worldwide. Today, every nation except three have adopted written constitutions.¹

In these remarks I do not speak for any political party or other group. I speak for the United States Constitution, which I have studied for more than 60 years. I speak from my experience as a law clerk to the chief justice of the United States Supreme Court. I speak from my 15 years as a professor of law and my 3½ years as a justice on the Utah Supreme Court. Most important, I speak from 37 years as an Apostle of Jesus Christ, responsible to study the meaning of the divinely inspired United States Constitution to the work of His restored Church.

The United States Constitution is unique because God revealed that He “established” it “for the rights and protection of all flesh” (Doctrine and Covenants 101:77; see also verse 80).



Mongolia

That is why this constitution is of special concern for The Church of Jesus Christ of Latter-day Saints throughout the world. Whether or how its principles should be applied in other nations of the world is for them to decide.

What was God's purpose in establishing the United States Constitution? We see it in the doctrine of moral agency. In the first decade of the restored Church, its members on the western frontier were suffering private and public persecution. Partly this was because of their opposition to the human slavery then existing in the United States. In these unfortunate circumstances, God revealed through the Prophet Joseph Smith eternal truths about His doctrine.

God has given His children moral agency—the power to decide and to act. The most desirable condition for the exercise of that agency is maximum freedom for men and women to act according to their individual choices. Then, the revelation explains, “every man may be accountable for his own sins in the day of judgment” (Doctrine and Covenants 101:78). “Therefore,” the Lord revealed, “it is not right that any man should be in bondage one to another” (Doctrine and Covenants 101:79). This obviously means that human slavery is wrong. And according to the same principle, it is wrong for citizens to have no voice in the selection of their rulers or the making of their laws.

II.

Our belief that the United States Constitution was divinely inspired does not mean that divine revelation dictated every word and phrase, such as the provisions allocating the number of representatives from each state



United States

or the minimum age of each.² The Constitution was not “a fully grown document,” said President J. Reuben Clark. “On the contrary,” he explained, “we believe it must grow and develop to meet the changing needs of an advancing world.”³ For example, inspired *amendments* abolished slavery and gave women the right to vote. However, we do not see inspiration in every Supreme Court decision interpreting the Constitution.

I believe the United States Constitution contains at least five divinely inspired principles.⁴

First is the principle that the source of government power is the people. In a time when sovereign power was universally assumed to come from the divine right of kings or from military power, attributing sovereign power to the people was revolutionary. Philosophers had advocated this, but the United States Constitution was the first to apply it. Sovereign power in the people does *not* mean that mobs or other groups of people can intervene to intimidate or force government action. The Constitution established a constitutional democratic republic, where the people exercise their power through their elected representatives.

A second inspired principle is the division of delegated power between

the nation and its subsidiary states. In our federal system, this unprecedented principle has sometimes been altered by inspired amendments, such as those abolishing slavery and extending voting rights to women, mentioned earlier. Significantly, the United States Constitution limits the national government to the exercise of powers granted expressly or by implication, and it reserves all other government powers “to the States respectively, or to the people.”⁵

Another inspired principle is the separation of powers. Well over a century before our 1787 Constitutional Convention, the English Parliament pioneered the separation of legislative and executive authority when they wrested certain powers from the king. The inspiration in the American convention was to delegate *independent* executive, legislative, and judicial powers so these three branches could exercise checks upon one another.

A fourth inspired principle is in the cluster of vital guarantees of individual rights and specific limits on government authority in the Bill of Rights, adopted by amendment just three years after the Constitution went into force. A Bill of Rights was not new. Here the inspiration was in the practical implementation of principles pioneered in England, beginning with the Magna Carta. The writers of the Constitution were familiar with these because some of the colonial charters had such guarantees.

Without a Bill of Rights, America could not have served as the host nation for the Restoration of the gospel, which began just three decades later. There was divine inspiration in the original provision that there should be no religious test for public office,⁶ but the addition

of the religious freedom and anti-establishment guarantees in the First Amendment was vital. We also see divine inspiration in the First Amendment's freedoms of speech and press and in the personal protections in other amendments, such as for criminal prosecutions.

Fifth and finally, I see divine inspiration in the vital purpose of the entire Constitution. We are to be governed by *law* and not by *individuals*, and our loyalty is to *the Constitution* and its principles and processes, not to any *office holder*. In this way, all persons are to be equal before the law. These principles block the autocratic ambitions that have corrupted democracy in some countries. They also mean that none of the three branches of government should be dominant over the others or prevent the others from performing their proper constitutional functions to check one another.

III.

Despite the divinely inspired principles of the United States Constitution, when exercised by imperfect mortals their intended effects have not always been achieved. Important subjects of law-making, such as some laws governing family relationships, have been taken from the states by the federal government. The First Amendment guarantee of free speech has sometimes been diluted by suppression of unpopular speech. The principle of separation of powers has always been under pressure with the ebb and flow of one branch of government exercising or inhibiting the powers delegated to another.

There are other threats that undermine the inspired principles of the

United States Constitution. The stature of the Constitution is diminished by efforts to substitute current societal trends as the reason for its founding, instead of liberty and self-government. The authority of the Constitution is trivialized when candidates or officials ignore its principles. The dignity and force of the Constitution is reduced by those who refer to it like a loyalty test or a political slogan, instead of its lofty status as a source of authorization for and limits on government authority.

IV.

Our belief in divine inspiration gives Latter-day Saints a unique responsibility to uphold and defend the United States Constitution and principles of constitutionalism wherever we live. We should trust in

the Lord and be positive about this nation's future.

What else are faithful Latter-day Saints to do? We must pray for the Lord to guide and bless all nations and their leaders. This is part of our article of faith. Being subject to presidents or rulers⁷ of course poses no obstacle to our opposing individual laws or policies. It does require that we exercise our influence civilly and peacefully within the framework of our constitutions and applicable laws. On contested issues, we should seek to moderate and unify.

There are other duties that are part of upholding the inspired Constitution. We should learn and advocate the inspired *principles* of the Constitution. We should seek out and support wise and good persons



Guatemala



New Zealand

who will support those principles in their public actions.⁸ We should be knowledgeable citizens who are active in making our influence felt in civic affairs.

In the United States and in other democracies, political influence is exercised by running for office (which we encourage), by voting, by financial support, by membership and service in political parties, and by ongoing communications to officials, parties, and candidates. To function well, a democracy needs all of these, but a conscientious citizen does not need to provide all of them.

There are many political issues, and no party, platform, or individual candidate can satisfy all personal preferences. Each citizen must therefore decide which issues are most important to him or her at any particular time. Then members should seek inspiration on how to exercise their influence according to their individual priorities. This process will not be easy. It may require changing party support or candidate choices, even from election to election.

Such independent actions will sometimes require voters to support candidates or political parties or platforms whose other positions

they cannot approve.⁹ That is one reason we encourage our members to refrain from judging one another in political matters. We should never assert that a faithful Latter-day Saint cannot belong to a particular party or vote for a particular candidate. We teach correct principles and leave our members to choose how to prioritize and apply those principles on the issues presented from time to time. We also insist, and we ask our local leaders to insist, that political choices and affiliations not be the subject of teachings or advocacy in any of our Church meetings.

The Church of Jesus Christ of Latter-day Saints will, of course, exercise its right to endorse or oppose specific legislative proposals that we believe will impact the free exercise of religion or the essential interests of Church organizations.

I testify of the divinely inspired Constitution of the United States and pray that we who recognize the Divine Being who inspired it will always uphold and defend its great principles. In the name of Jesus Christ, amen. ■

NOTES

1. See Mark Tushnet, "Constitution," in Michel Rosenfeld and András Sajó, eds.,

The Oxford Handbook of Comparative Constitutional Law (2012), 222. The three countries with unwritten codified constitutions are the United Kingdom, New Zealand, and Israel. Each of these has strong traditions of constitutionalism, though the governing provisions are not collected in a single document.

2. See United States Constitution, article 1, section 2.
3. J. Reuben Clark Jr., "Constitutional Government: Our Birthright Threatened," *Vital Speeches of the Day*, Jan. 1, 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* (1979), 53. Brigham Young held a similar developmental view of the Constitution, teaching that the framers "laid the foundation, and it was for aftergenerations to rear the superstructure upon it" (*Discourses of Brigham Young*, sel. John A. Widtsoe [1954], 359).
4. These five are similar but not identical to those suggested in J. Reuben Clark Jr., *Stand Fast by Our Constitution* (1973), 7; Ezra Taft Benson, "Our Divine Constitution," *Ensign*, Nov. 1987, 4–7; and Ezra Taft Benson, "The Constitution—A Glorious Standard," *Ensign*, Sept. 1987, 6–11. See, generally, Noel B. Reynolds, "The Doctrine of an Inspired Constitution," in *By the Hands of Wise Men*, 1–28.
5. United States Constitution, amendment 10.
6. See United States Constitution, article 6.
7. See Articles of Faith 1:12.
8. See Doctrine and Covenants 98:10.
9. See David B. Magleby, "The Necessity of Political Parties and the Importance of Compromise," *BYU Studies*, vol. 54, no. 4 (2015), 7–23.