



Department of Justice

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ADDRESS

BY

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ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE CITIZENSHIP DAY CEREMONY

SPONSORED BY

THE NATIONAL CONFERENCE ON CITIZENSHIP

8:30 A.M., E.D.T.
WEDNESDAY, SEPTEMBER 17, 1975
THE ROTUNDA
NATIONAL ARCHIVES BUILDING
WASHINGTON, D. C.

On this anniversary of its signing, we honor those who wrote and achieved agreement in our basic charter of government and liberty. The debates of the Constitutional Convention were secret. But we now know from Madison's notes and other sources that nearly every provision of the document survived or was shaped by extended, often passionate debate. The document reflects many compromises. At the end, few delegates, perhaps none, were completely satisfied. But they signed, as Franklin said, because each "doubt(ed) a little of his own infallibility." Ratification, too, was neither immediate nor, in many instances, enthusiastic. It required strenuous persuasion, most remarkably in the Federalist Papers. But there were innumerable other efforts. They succeeded, but the success was not easy and many doubted that it could last.

The Founders were driven by their awareness of the necessities of their time and by a belief in their mission for the future. They were faced, as the Federalist Papers argue, by the natural death of the Confederacy. They fashioned their hope in the context of history. They were the inheritors of the best in Western political thought. They had experienced much. As has been written, many of them knew exactly what they were doing. They had a decent regard for the opinions of former times and the customs of other nations, but they relied upon "their own good sense, the knowledge of their own situation, and the lessons of their own experience." They intended to perfect and extend the principle of representation as the key to a viable union of republics -- a union which would be

the bulwark against foreign danger, the conservator of peace among ourselves, the guardian of commerce and other common interests, and the proper antidote for the diseases of factions. They consciously created a government of separate departments, each to be strong in its own domain, each to be checked and balanced by the others. They intended to create, and they succeeded, a structure for "ordered liberty."

The Constitution was born with many doubts. It was not claimed to be perfection. Unlike the Articles of Confederation, it provided for a process of amendment. The Constitution arose out of a view of life, of society and private associations, of political action. That view recognizes that individuals and groups will disagree, in accordance with the diversity among them. The Constitution sought to protect, while moderating, that diversity. The Constitution, perforce, created a governmental structure, but its object was not government as such. It was the well being of "We, the People of the United States." It was from the ability of the people, their own actions, their thoughts, their difference of view, their individuality and originality, their own institutions, that progress would come. Not everything was known, and progress would make for change. Thus the government to be created was one to be responsive to continuing discussion and resolution. As Mr. Justice Holmes put it, the Constitution "is an experiment, as all life is an experiment." It has sometimes been said that our Constitution because of its underlying belief in the need for

discussion, diversity, and checks and balances, with the dispersion of responsibility, has created an inefficient system. But to say that is to ignore the power, which our Constitution protects, of a society of many parts, which learns and grows as it works out its differences.

Our Constitution has passed through many difficult times. And time, as Mr. Justice Holmes said, "has upset many fighting faiths." The conception of the Founders anticipated this. It is right that we should pay homage to those who created a charter for government to protect the differences among us, the continuity of representation, and the ordered liberty of "We, the People."

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