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A Speech on the Bicentennial of the Drafting of the U.S. Constitution

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A Speech on the Bicentennial of the Drafting of the U.S. Constitution
Cleveland-Marshall College of Law, Cleveland State University
September 17, 1987

“Thank you Dean Moody, Distinguished Guests, and Fellow Clevelanders”

A daughter asks her father, “Why do we celebrate the birthday of our Constitution?”

We celebrate the Constitution because it is the symbol of our Union. It beckons us to our past. It is the garment whose weave was begun by Washington, by Madison, by Hamilton. But we must honor our forebears by being honest in recognizing the limits of their work. Their weave was sadly, tragically flawed. It was an abomination to give validity to slavery and non-personhood to blacks, women and Indians.

Yet the Constitution began our journey. And Lincoln taught that the document looked toward the future and toward our better selves. The weave could be strengthened. Indeed, through the Bill of Rights, the great post-Civil War amendments and the 19th Amendment, our Constitution has been transformed. Reborn. It is our Law. It enobles us with its ideals of liberty, of justice, of equality. And of government by the consent of the people.

The old garment has worn well. With no little help, of course, from the good fortune of having oceans to buffer us from would-be enemies, vast resources, a tradition of law that could accommodate great change, and open-textured clauses. Yet our Constitution has seen us through—has been there—through Civil War, Depression, and World War, and modern agonies.

“How should we celebrate the bicentennial?” a son asks his mother. “Shouldn’t we wave our flags, assemble large brass bands to parade, bake a huge cake, placing exactly 200 candles on it, make speeches?”

These acts of celebration are but a beginning of the matter. As the last piece of 1987 birthday cake is munched, as we shake each other’s hands in self-congratulations, as the band sounds stop and the crowds disappear—as we enter 1988 and beyond, the real work of celebration must go forward. Outside the glow of bright television lights, each succeeding generation must take its turn. We are all partners in a grand enterprise. We are the government, each of us taking oath “To preserve, protection, and defend the Constitution and its ideals.

Much yet remains to be done: We must teach our young about this Constitution and about our common humanity. We must choose wisely those would make, administer, and interpret our Law. They are our servants. We must assure that they carefully balance the document’s twin values: Democracy and individual rights. We must look beneath legalisms to treat each person as an end. We must pursue near learning, resisting efforts both to impose an orthodoxy of learning and a conformity to political agendas. We must measure against our standards of constitutionalism and humanity, technological advances—whether for example in creating new life forms, or in increasingly powerful computer information systems. We must constantly provoke our students, raising questions for them and ourselves, questions that challenge our basic assumptions; and yet we must make sure to transmit the past’s noble traditions and thought. And across the boundaries of suspicion, we must strive to communicate with each other. Americans all, even in the heat of disagreements, we must keep our dialogue going.

AS the chapters unfold in onto a world undreamed of, no matter the great difficulties attendant our journey, we are powered by optimism. We must renew our commitment to the Constitution. For only by doing so, can we and each generation to follow keep alive the spirit of the 1787 until the year 2087 and beyond. And only by that process of renewal, can our Constitution's great promise be fulfilled.