

WELCOME TO THE REVOLUTION

There are a few preliminaries about which I wish to speak with you. I am speaking from a text which I don't normally do and will have to glance at it occasionally. I will not entirely follow it.

This year we have been celebrating the 200th Anniversary of the signing of the Declaration of Independence; some say the we are celebrating the birth of our Nation. This is not so. The Declaration of Independence began the gestation of the creation of this great country. It did not come into existence as an institution until the Constitution of 1787 was ratified by the People through their State Conventions finally on June 21, 1788. Prior to that time there was only a loose delegate-type of confederacy called the Continental Congress. There was no national or federal judiciary; no national or federal executive department; no national or federal system of self government. We sought to attain that but it did not exist until the Constitution was ratified in 1791. But furthermore, the country that you really love and admire, that is the envy of the entire world, and that for which our forefathers fought

and about which we boast, we have enjoyed and supported, did not come into existence until 1791 when the first ten amendments to that Constitution were adopted, having been drafted in the first Congress. That was 185 years ago.

Those first ten amendments to the Constitution are known to us generally as the Bill of Rights. Without that Bill of Rights, in my judgment, this Commencement would never have taken place. Without that Bill of Rights the lives that we lead would not have been possible. That Bill of Rights assures which the People fought for during that Revolution--the rights of the individual, the protection of minorities--and that is why we are not a pure democracy, because a pure democracy the majority controls.

Now what I am really talking about today are Revolutionary Values--the Values that our forefathers had in mind in conducting the Revolution against Great Britain and preparing the Constitution and the Bill of Rights. These ideals and hopes upon which the 13 colonies (and there were only 13 colonies at that time) and their People launched the Revolution. The Constitution in

1787 provided the framework for self government, a representative form of government. It was unique and is still unique in the history of this world in several respects only one or two to which I will refer.

The first is the fear of the People against concentration of power in any of their representatives in that government and their leaders. And so they provided as some of the colonial constitutions had provided for became states, for a separation of powers between three equal, level, distinct divisions--the executive, the judiciary, and the legislative. And I should mention the legislative first because that is the most important to the People, and the nearest to them. That this might serve in one way to separate the powers granted, improve policing of the exercise of those powers, and diffuse the powers between the three divisions with each check upon the other. That is a generalization, of course.

The checking comes about if nothing else because of human nature. Those in the judiciary are jealous of their position, those in the legislature

are jealous of theirs, and those in the executive are jealous of theirs and each will check upon the other. Unfortunately, as you know, in recent years the legislative department in our national government became somewhat supine and yielded many powers to the executive that it now regrets and we all regret. It was partly our own fault, because we did not police--we did not engage in the Revolution. We gave up the Revolution in that respect.

Th
Think back a moment. The Bill of Rights itself invested in the Constitution by amending it, guarantees of "unalienable" rights, privileges and immunities of the individual, "among them * * * life, liberty and the pursuit of happiness," against encroachment by the very Government that the People brought into existence by virtue of their ratification of the Constitution as well as against, as we saw recently, encroachment by fellow citizens in this audience, in this University, throughout the entire United States, encroachment by fellow individuals, the aspiration of the Bill of Rights and the Constitution is to afford

to all of us the greatest measure of individual freedom and the pursuit of happiness, consistent however with the aspirations of all others, consistent however also with the fact that you must have a yielding, a fusion in order to maintain this great government and do the things and be able to do the things that we do.

Not only encroachment by individuals but by groups of individuals, entities, corporations and whatnot, political groups. As I said, the Constitution and the Bill of Rights were designed to attain the aspirations and goals and values of the Revolution, many, or better said, almost all of which had theretofore appeared in varying language in the various constitutions of the 14 states. Now you say, "Mr. Jenner, you just said 13." The fact is, the state of Vermont was not a colony, but Vermont in 1777, following the Declaration of Independence which it had not entered into, formed itself into a state, and by the time of the Constitution it was a state, but it was not admitted as a state of the United States of America until 1791 following the adoption of the Bill of Rights, which has some significance as far as Vermont is concerned.

Now these values of the 14 states, these Revolutionary values of the People themselves, the individuals who fought for self government, if not more dear to their hearts, the establishment of the guarantees of individual rights as bravely recited in the Declaration of Independence of:

"certain unalienable rights; that among these are life, liberty and the pursuit of happiness (for the individual, I add at that point.) To secure those rights, governments are instituted among men (unfortunately at that time they didn't think of women--it should have been among men and women) deriving their just powers from the consent of the governed; that whenever any form of government (and I interpose to say as I am about to comment on later, as unfortunately came to pass under Richard M. Nixon, any administration of that government becomes destructive of these ends) it is the right of the

people to alter or abolish it,
(that is, the government, and, I
add again, or to remove the officer
offending the office and public
trust) and institute a new government,
laying its foundation on such princi-
pals, and organizing its powers in
such form, as to them may seem most
likely to effect their safety and
happiness. (Bracketed materials
are Mr. Jenner's asides.)

* * *

And for the support of this Declara-
tion, with a firm reliance on the
protection of Divine Providence,
we mutually pledge to each other
our lives, (and they meant it) our
fortunes, and our honour."

And, then the preamble to the Constitution of
the United States, unfortunately which we do not often
look at or look at more.

We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, ***, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, we do ordain this Constitution."

These are, in the Declaration of Independence and the Preamble of the Constitution, are Brave and Bold words in so far as they recite the right of the People to destroy their government and replace it with another one. Understandable at that particular time in those strident words "and to institute a new government." They were then attuned to the concept of overthrow; that isn't our Revolution today. That isn't the type of Revolution we are talking about. They were fighting Great Britain; they had no other alternative to engage in the kind of Revolution they conducted. But by 1787 the People were thinking in their own government that they were creating. It was their thing. They were not speaking then, by 1787, in terms of overthrow of the government. Because they felt, and those wise and

scholarly men, unfortunately again no women at that particular time, upon which I will comment in a moment, the creativeness in which Revolutions of a quiet character could be carried on. And that is what happened in this nation and what is still happening today under the type of Constitution we have, flexible, malleable, meet the needs, water down the violent Revolutions.

The framers of the Constitution anticipated the possibility of serious abuse by officers of their government (have that uppermost in mind) particularly the Chief Magistrate, the President, and those abuses in the exercise of the powers granted by the People are the People's powers, the seizure or denigration powers granted to other branches, and the serious erosion and possible destruction of the People's legal institutions, yea, their very government. And having participated in the impeachment proceedings on Watergate, I will say to you that we were close to that. So, in addition in that Constitution, that is, apart from the division of powers, they provided for oaths of office. In the present context think of what they were: an oath to uphold and defend the Constitution, to take

care that the laws of the United States be faithfully executed, and faithfully to execute the office of the Presidency of the United States of America, an office of public trust. In addition they provided for impeachment--impeachment, as you know, is a charge, an indictment--and they put that in the hands of the body closest to them, the House of Representatives, so they could speak directly, so they could come directly to their Representatives and tell their concerns. When I first came to the impeachment staff, I heard much about impeachment being a horrible thing. "Let's get it over; it has to be handled this way or that way." They didn't think back to the time 200 years ago, approximately, that our forefathers drafted this Constitution. They had experienced abuses of power. So they borrowed from English history of 500 years, the impeachment process. Then the People also said in that Constitution, "After we have indicted through the House of Representatives, (or impeached our President, or Vice President or other civil officer), then we will have that tried in the Senate, which is the next closest body to us, next closest representative body. And if the verdict is one of guilt and that person is removed from office, we have cleansed the office and we have

removed that particular person." And that happened. That is, there was no trial in the Senate, there was a resignation, brought about by the impeachment proceedings before the House Judiciary Committee. We were sickened, we were unhappy. We still are sickened and unhappy.

What Revolutions have we had in this country of the nature and character I have implied. May I call your attention to one or two? The most important and the most startling example is the 13th, 14th and 15th Amendments adopted in 1865, 1866 and 1869, respectively. What do those amendments do? They abolish slavery; they make citizens of the United States and the States themselves of all persons, regardless of race, creed or color, or previous condition of servitude, citizens of the United States of America and of the States. They provided for prohibitions against the State from abridging the privileges or immunities of those citizens, and of depriving any of them of life, liberty or property without due process of law or denying any person the equal protection of the law; and they enjoin both the United States and the States from abridging, on account of race, creed or color or previous condition of servitude, the right of any citizen to vote.

These amendments followed the only Revolution we have had in this country--the violent secession Revolution of the South, sometimes referred to as the War Between the States, predicated upon the abolition of slavery by declamation of President Abraham Lincoln. Isn't it strange, as you think back now, with all of these ideals stated in the Declaration of Independence, the ideals states in the Preamble of the Constitution of the United States, that at that time there was slavery and that nothing was done about it in the Constitution, despite all this idealism? But by Revolutions of the People during the next 100 years, not quite 100 years, the rectification was brought about.

Another is the 16th Amendment adopted in 1913 (I hate to mention this) granting Congress the power to lay and collect taxes on income, not feasible under the Constitution as it stood.

Then the 18th Amendment in 1917 (a little bit of an aberration on our parts) prohibiting the manufacture, sale or transportation of intoxicating

liquor, and the 21st amendment adopted in 1933 (after we had learned our lesson) repealing the 18th Amendment.

The next I want to mention is for the ladies. The 19th Amendment adopted 56 years ago in 1920 granting and guaranteeing to women the right to vote, women suffrage. Isn't it difficult for all of us today to imagine or conceive and to square the Revolutionary Values with the fact that there was complete disenfranchisement of women in a representative form of government back in 1787. And that it lasted until the 19th Amendment was adopted only 56 years ago. So we had approximately 150 years over which one-half the population of this self-governing representative form of government was disenfranchised. And up until 1865 or the adoption of the 13th, 14th and 15th amendments we had an additional large segment of individuals and people in this Nation who were completely disenfranchised of anything and those were the blacks. It is great that we have rectified that.

Now I will mention one other--the 25th Amendment adopted in 1967 providing for succession to the offices of President and Vice President of the United States by a means other than the exercise by you of your right to

vote. The right to select your President or Vice President by way of voting. There was need for it, I don't wish to denigrate it. The part of the assassination of the great President Kennedy and the concerns of the People of the way the Constitution was then drafted that the mantle might fall, if there was no Vice President to succeed, to someone not qualified to serve in the office of President. But it did result, this Amendment, that Mr. Ford became Vice President of this United States upon the resignation and disgrace of Mr. Agnew and thereafter became President of the United States upon the resignation in equal, if not greater, disgrace of Mr. Nixon. Now you say to yourself, "Mr. Jenner, now what of all of this. What point are you trying to make--this civics lesson you are giving us--this surface dabbling over 200 years of history?"

As I said at the outset as a prelude to talk to you about the American Revolution which you are entering. You are really commencing your adult lives now as scholars of this great University. And I say Welcome to the Revolution, welcome to its values.

I emphasize the American Revolution because this Revolution was unlike any other Revolution in

history. The French Revolution, which destroyed the existing society fell back for the lack of ideals. The Marxist and Bolshevik Revolutions which did not bring about freedom in those nations--that is, individual freedom. But our Revolution provided for managing of continuing Revolutions under the Constitution, under the Bill of Rights, and of educated people, scholars, who learn what government is and who, however, did not become somnambulists and fail to police that government. Because in the absence of policing it, there will be abuses of power and there were from 1972 until Mr. Nixon resigned on August 9, 1974.

It is only through the young, and I say the young Inherit the Earth, and you are the young. The young inherit the earth because they have learned in great institutions of this character and they have become imbued with the privilege of administering their government and certainly policing it and bringing to those who follow what this government is. That is a privilege in the true sense of privilege, not personal privilege, but the privilege to assist your fellows in this country and to continue to maintain a free and open society.

During the recent historic televised debates of the House of Representatives Committee on the Judiciary, 38 lawyers, men and women, were watched by you and some 90 million people in this country over a period of six days and six nights. You saw your government functioning, you saw the body closest to you functioning, you saw, instead of reading about it in textbooks and listening to your learned professors, there it was functioning. It was often said to me and I read in the press that, "Well, gee, there our government works, the system works." Well, it worked this time, but there were periods during 1972, 1973 and 1974 when there was some doubt about it. These proceedings showed the contrary about the system working, at least self functioning.

Only through vigilance is the price of liberty paid. So I ask you to join in this Revolution, that has been going on since 1776 and especially since 1791. And it is the educated that keeps our government going and keeps it great. And you and your sacrifices bring to those who are protected by and favored by this great government regardless of what the administration is.

And so again, Welcome to the Revolution.
God Bless You and Great Success.