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Judge Edelen's Address to the Students of the College of Law of the University of Kentucky.

Judge Edelen

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In recent years sharp differences of opinion have arisen in national politics, touching vital questions in the administration of civic affairs, provoking on one side the charge that radical reforms will sweep away the safeguards of constitutional right, and on the other, the equally serious charge that those who oppose such reforms are allowing the letter of the constitution to kill the spirit of human progress. It is not my purpose to appear as an advocate for either of these conflicting sides. So much patriotism, so much justice, so much intelligence may be found on both sides and that without regard to the label of the political party to which any one of these contestants belongs, that it would be useless to undertake a discussion of any of the questions which separate the statesmen of this country in their present day controversy. In my judgment, however, the time is fully ripe to examine anew the limitations, if any such exist, fixed by the constitution, upon the cause of human progress, and to see how far that instrument acts in restraint of the advancement of the moral and physical welfare of those who owe it their allegiance.

If such an examination shall disclose the fact that the cause of civic righteousness may be worked out without any impairment of the principles of constitutional government, then the conflicting claims of these rival camps will appear to be merely two views of the same object, apparently different only because the viewpoint is not the same.

If on the other hand it shall appear that these views are necessarily conflicting, then the statesmen of the day will be put to an election, either to broaden the lines of the constitution, or forego the proposed reforms. I do not allow myself, for an instant, to entertain a third supposition that these civic reforms will be carried out over the dead body of the constitution.

The first of these alternatives need not alarm us.

If the demands of a true progress require a widening of the lines of the constitution, or conferring a power the people have heretofore reserved to themselves, the fundamental law furnishes ample justification for its own enlargement. Indeed the constitu-
tions with which you and I are most concerned specifically provide for their own amendment.

Your first constitution, adopted in 1776, declared "that the people of this state have the sole, exclusive and inherent right of governing and regulating the internal police of the same," while in that of my own state is written "all power is inherent in the people and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property"; and the shield under which we all rest bears this inscription: "The powers not delegated to the United States by the Constitution, nor prohibited to it by the states, are reserved to the states respectively or to the people." Just how this ultimate sovereign shall work out his own salvation—whether by recalling the powers he has specifically conferred and exercising them without the aid of selected agencies, or whether by restricting those agencies within narrower lines—it is not my purpose now to inquire. That he has the power to tear up the power of attorney he has executed no one doubts; that it would be wise for him to do so, few of us believe.

Let us all assume that our neighbors have the same desire to work for the uplift, moral, physical and intellectual of our nationalism, new or old, as we have ourselves; and we will find that the means for the accomplishment of that end seem comparatively a little thing. We are entitled to our differences of opinion, whether a pure democracy or a representative government will best effect the betterment of our entire people, so long as we bend our energies to the accomplishment of the end and do not fritter away our power in a useless debate over the comparative value of the means. For myself, I prefer to think that our constitution is no stonewall barring human progress, but a vital germ containing within itself the "promise and potency" of all that makes for human liberty.

(TO BE CONTINUED.)