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Image of U.S. Constitution via Pixabay.

## WHAT ARE THE “JUST AND HOLY PRINCIPLES” OF THE US CONSTITUTION?

*“According to the laws and constitution of the people, which I have suffered to be established, and should be maintained for the rights and protection of all flesh, according to just and holy principles.”*

*Doctrine and Covenants 101:77*

### THE KNOW

By December 1833, the Saints had faced harrowing persecutions in Missouri—including being driven out of their homes in Jackson County. In a revelation given through Joseph Smith at that time, the Lord encouraged the Saints to “importune for redress, and redemption” in accordance with “the laws and constitution of the people, which,” the Lord said, “I have suffered to be established, and should be maintained for the rights and protection of all flesh, according to just and holy principles” (Doctrine and Covenants 101:77).

In the 1830s, the United States was still a young nation, and the legal implications and interpretation of the Constitution were still being explored, developed, and tested. At such a time, what did it mean that the US Constitution contains “just and holy principles”? Legal scholar John W. Welch explained, “While Joseph Smith never expressly defined what he meant by the word ‘principles,’ it would appear that the Preamble to

the Constitution encapsulates Joseph’s conceptual and practical understanding of the term.”<sup>1</sup>

The Preamble is the opening statement of the Constitution. It states, as a bold headline, the specific purposes for which the Constitution was ratified. It famously declares:

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

Today in American Constitutional law, the Preamble is often considered to be of little legal consequence.<sup>2</sup> In Joseph Smith’s time, however, the Preamble held a place of prominence for Americans, and its principles were considered legally binding.<sup>3</sup> According to Welch, “In the Preamble are found the headlines of seven key principles,” and “many of Joseph Smith’s teachings are consonant with these seven principles.”<sup>4</sup> (In fact, the 1844 publication that served as Joseph Smith’s main literature in his campaign

for President of the United States quoted the entire Preamble on its opening page.) The seven principles are:

1. “We the People”: In his 1844 presidential campaign, Joseph Smith taught that “the power of the government rests with the people.”<sup>5</sup> Recently, President Dallin H. Oaks, who is both an Apostle of the Lord and an experienced legal scholar, has affirmed that one of the inspired principles of the US Constitution is that “the source of government power is the people.”<sup>6</sup>
2. “In Order to form a more perfect Union”: Joseph Smith taught that “unity is power,” and he aspired to “transcend party squabbling and sectional politics.”<sup>7</sup> He saw dissention, disputation, and division as detrimental (see 3 Nephi 11:22), took the divine command to “be one” seriously,<sup>8</sup> and believed there was strength in being unified.<sup>9</sup> It was upon this mandate that Abraham Lincoln fought the Civil War: in order to preserve and perfect that Union.
3. “Establish justice”: As Welch stated, “Law, justice, and liberty were Joseph’s constant watch-cries. . . . He readily invoked the right to appeal to the Constitution in establishing justice and protecting rights.”<sup>10</sup> He granted governments the right “to enact such laws as in their own judgments are best calculated to secure the public interest; at the same time, however, holding sacred the freedom of conscience” (D&C 134:5).
4. “Insure domestic tranquility”: No doubt owing to the severe persecution that he and the Saints endured, Joseph felt that while this was among the “noble provisions” of the Constitution, the government “did not go far enough” in actually “insur[ing] domestic tranquility.”<sup>11</sup> He believed the government needed to do more to prevent violence and protect the religious liberty and individual freedom of US citizens while at the same time requiring that such private “opinions do not justify sedition nor conspiracy” (D&C 134:7).
5. “Provide for the common defense”: Joseph believed the law should protect and defend the Saints and all citizens from wrongs and abuses inflicted upon them (D&C 134:11), and he “felt strongly that the government had failed to defend the Saints in Ohio and Missouri.”<sup>12</sup>
6. “Promote the general Welfare”: Welch noted, “Joseph spoke strongly in favor of the general welfare and liberty that should be extended to all, especially in matters of faith. . . . [He] wanted all people, not just the Saints, to enjoy the blessings of laws to protect their general welfare.”<sup>13</sup> Indeed, he believed that God

holds politicians and officers “accountable . . . in making laws and administering them, for the good and safety of society” (D&C 134:1).

7. “Secure the Blessings of Liberty to ourselves and our Posterity”: Welch explained, “Joseph pled for the blessings of life, liberty, and property to be championed for the benefit of future generations” (see D&C 123:11),<sup>14</sup> and he believed that “no government can exist in peace” unless it “secure[s] to each individual the free exercise of conscience, the right and control of property, and the protection of life” (D&C 134:2).

“These principles,” Welch observed, “were both religious and legal. . . . These basic ideals constitute the underpinnings of the constitutional and political views of the Prophet just as much as they operated in his religious goals for the establishment of the Church and the building of Zion.”<sup>15</sup>

#### THE WHY

Today we can still see that the principles originally enshrined in the Preamble to the Constitution are “just and holy.” They still stand as approved by God, by revelation, by reason, by scripture, and by social contract.

President Dallin H. Oaks recently proclaimed, “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*.”<sup>16</sup> Nonetheless, President Oaks added, “Our belief that the United States Constitution was divinely inspired does not mean that divine revelation dictated every word and phrase.”<sup>17</sup> He also acknowledged, “Despite the divinely inspired principles of the United States Constitution, when exercised by imperfect mortals their intended effects have not always been achieved”<sup>18</sup>

The early Saints knew all too well the ways in which the Constitution’s “intended effects” failed to be achieved in their time, and such shortcomings continue to arise today. Yet, while imperfections exist in how the laws of the US Constitution are implemented and interpreted, people everywhere can support and defend the principles and ideals articulated in its Preamble: (1) government formed by and for the people, (2) unity, (3) justice, (4) tranquility, (5) common defense, (6) general welfare of all citizens, and (7) cultivating the blessings of liberty for all people now as well as for the rising generations. Based on such principles, President Oaks exhorted:

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 learn and advocate the inspired *principles* of the Constitution. We should seek out and support wise and good persons who will support those principles in their public actions. We should be knowledgeable citizens who are active in making our influence felt in civic affairs.<sup>19</sup>

#### FURTHER READING

President Dallin H. Oaks, “Defending Our Divinely Inspired Constitution,” April 2021 general conference, online at [churchofjesuschrist.org](http://churchofjesuschrist.org).

John W. Welch, “Joseph Smith and the Constitution,” in *Sustaining the Law: Joseph Smith’s Legal Encounters*, ed. Gordon A. Madsen, Jeffrey N. Walker, and John W. Welch (Provo, UT: BYU Studies, 2014), 1–38.

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#### NOTES

1. John W. Welch, “Joseph Smith and the Constitution,” in *Sustaining the Law: Joseph Smith’s Legal Encounters*, ed. Gordon A. Madsen, Jeffrey N. Walker, and John W. Welch (Provo, UT: BYU Studies, 2014), 8.
2. John W. Welch and James A. Heilpern, “Recovering Our Forgotten Preamble,” *Southern California Law Review* 91, no. 6 (2018): 1021–1137.
3. Welch, “Joseph Smith and the Constitution,” 14–18.
4. Welch, “Joseph Smith and the Constitution,” 9.
5. Welch, “Joseph Smith and the Constitution,” 9–10.
6. President Dallin H. Oaks, “Defending Our Divinely Inspired Constitution,” April 2021 general conference, online at [churchofjesuschrist.org](http://churchofjesuschrist.org).
7. Welch, “Joseph Smith and the Constitution,” 11.
8. See 3 Nephi 19:29; D&C 38:27; 42:36.
9. See Welch, “Joseph Smith and the Constitution,” 10–12.
10. Welch, “Joseph Smith and the Constitution,” 12.
11. Welch, “Joseph Smith and the Constitution,” 12.
12. Welch, “Joseph Smith and the Constitution,” 13.
13. Welch, “Joseph Smith and the Constitution,” 13.
14. Welch, “Joseph Smith and the Constitution,” 14.
15. Welch, “Joseph Smith and the Constitution,” 9.
16. Oaks, “Defending Our Divinely Inspired Constitution.”
17. Oaks, “Defending Our Divinely Inspired Constitution.”
18. Oaks, “Defending Our Divinely Inspired Constitution.”
19. Oaks, “Defending Our Divinely Inspired Constitution.”