

Message from Chief Justice Bales on Constitution Day

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We observe Constitution Day on September 17 to recognize our Constitution's progress since 1787.

Sixty years ago this month, nine black children who just wanted to go to school found themselves at the center of a constitutional crisis. After the Supreme Court ruled in *Brown v. Board of Education* that racially segregated schools violate the Constitution, a U.S. district judge ordered the students to be admitted to Little Rock's Central High School. The governor of Arkansas resisted by surrounding the school with state troopers and guardsmen. When the governor withdrew the state forces, their place was taken by a hostile mob blocking the students' entry.

President Dwight D. Eisenhower responded by deploying the U.S. Army's 101st Airborne Division to enforce the district court's order. Escorted by soldiers, the students – immortalized as the Little Rock Nine – bravely entered school under a barrage of threats and racial epithets. In televised remarks from the White House, the president explained his actions to his fellow citizens and the world.

Eisenhower said “the cornerstone of our liberties” is that “we are a nation in which laws, not men, are supreme.” He recognized the president's constitutional responsibility to see to the faithful execution of the laws. “The very basis of our individual rights and freedoms rests upon the certainty that the president . . . will support and insure the carrying out of the decisions of the Federal Courts.” The alternative, he noted, is anarchy.

In a twist of history, Eisenhower's vice-president – Richard M. Nixon – would later lose his presidency by disregarding the rule of law. In July 1974, the Supreme Court upheld a special counsel's subpoena and ordered Nixon to turn over recordings of his conversations with advisors after the 1972 break-in of Democratic Party offices at the Watergate building. The tapes showed Nixon had been involved in efforts to deflect an FBI investigation – contrary to his repeated public statements denying any cover-up.

In response, Arizonan John J. Rhodes, then the Republican leader in the House of Representatives, publicly announced that he would vote to impeach the president. While he admired Nixon, Rhodes said “the most important aspect of our entire system of government is equal justice under law, the principle that no person – whether he be rich or poor, black or white, ordinary citizen or president – is above the law. Cover-up of criminal activity and misuse of federal agencies can neither be condoned nor tolerated.”

Rhodes later went to the White House with Republican Senators Barry Goldwater and Hugh Scott to tell Nixon he had lost the support of Congress. The next day, Nixon announced his resignation. Upon taking office, President Gerald Ford observed that “truth is the glue that holds government together,” and events had demonstrated that “our Constitution works” and we have “a government of laws, not of men.”

On September 17, we should remember the Little Rock Nine, President Eisenhower, and John J. Rhodes. Like them, we should exercise courage, integrity, and commitment in upholding our Constitution.

Chief Justice Scott Bales