Matthew Brogdon on KSL Newsradio's *Inside Sources* with Holly Richardson and Greg Skordas

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Intro

Inside Sources, the stories Utahns are talking about, made simple. Here's Greg and Holly on KSL Newsradio.

Holly Richardson

So we have with us Dr. Matthew Brogdon. He's the senior director of the Center for Constitutional Studies at Utah Valley University, and they just had a Constitution Day conference. Thanks for joining us, Dr. Brogdon.

Matthew Brogdon

I'm delighted to be here. Thanks.

Holly Richardson

So I wanted to ask you, first of all, if you could just give us an overview of the conference that you just held down at UVU and what your takeaways were from that?

Matthew Brogdon

Oh, I'd love to. The title of the conference was ***To Secure These Rights***, and that's a reference to the Declaration's language about the purpose of government, why people establish government.

And we were really concerned with looking at the relationship between the Declaration and the Constitution. Because the Declaration tells us why government exists, it tells us how to identify a bad government. It doesn't tell us how to build a good one.

And so Americans, 11 years after the Declaration have to figure out how to build a constitution for a big, diverse country, really for a new kind of federal union that has states in it, people stretching all over the Atlantic Seaboard.

So that was an endeavor that we had to undertake with the principles of the Declaration in mind, but without clear guidance on exactly what institutions we would need.

Greg Skordas

I never thought about that, literally, the interplay between the Declaration of Independence and the Constitution, because there was an 11-year gap. The Declaration was, at the time, sort of a standalone document, but you can't get your country going without a Constitution. I mean, you have to have that framework. And talk to us, Dr. Brockton, about, because literally someone yesterday said, well, is it really even important today? Of course, to Holly and I, it is, but The Constitution is as important today as it's ever been, isn't it?

Matthew Brogdon

It certainly is. It is still the framework for the way that we govern ourselves. And that, really, the idea of governing yourself, is self-government. The Constitution sets up a framework of institutions that allow us to make laws for ourselves and that require us to respect certain limits as we make those laws and as we try to govern ourselves.

So you were mentioning at the beginning of the segment about the Bill of Rights and there are other limits in the Constitution. So, a constitution is sort of an agreement to the rules of the game. It doesn't tell you how the game's going to turn out or who's going to win, but it is something that all the players have to respect and adhere to.

And in that sense, the Constitution's been a remarkably durable framework. We've made some very important changes to it. But in that essential structure, that we have a federal union with certain limits to federal power and with states that handle the day-to-day affairs of their citizens, that we still have a bicameral legislature, and that the presidency enjoys independence and has a direct connection to the people, and that we have a judiciary that is independent and has the power to say what the law is, even when the other branches may disagree with them.

Those elements are really durable elements of our constitutional order that we've had to work out how to do in practice. But I think that makes it very important to understand how and why we built that institutional machinery.

Holly Richardson

So, Dr. Brogdon, I know that it can be easy to talk in 30,000-foot terms. Can you talk to us about more day-to-day stuff like when quote, I'm going to say normal people, regular people every day. How does the Constitution affect our daily lives?

Matthew Brogdon

Well, I think one of the ways that it does that is by ensuring that local and state governments still have a substantial share of the responsibility for the way that folks live for the everyday, ordinary lives of citizens.

We may take that for granted because we think, gosh, what is the federal government doing or the Constitution doing that affects my life? Well, it does ensure that Congress doesn't regulate many aspects of your life. That's a very important fact. So the fact that we built a strong federal system into the Constitution that reserves that role for state and local governments is very important.

You know, another way in which we may not appreciate this entirely, but the fact that we do live in the context of the rule of law that we take for granted that if in fact your state is abusing you, if the university, a public university, were to do something to violate my constitutional rights for those of one of my students, they can walk into a federal court and hold the state and its institutions accountable for their constitutional rights, whether those be due process or free exercise of religion or the freedom of speech or press.

So our constitution has provided an institutional structure where in fact, people do, on a regular basis, appeal to federal authority to vindicate their rights when states or local governments violate them. That's something that our Constitution furnishes. It's not a foregone conclusion that that would exist.

Greg Skordas

Let me ask you one more question, Dr. Brogdon. We've got about a minute left, and this is about a 10-minute question. Can you talk to us about the malleability of the Constitution? I'm thinking about how courts have defined it differently over the years and how even our legislature has amended it over the years, but the Constitution still survives.

Matthew Brogdon

Well, you pointed to amendment. The framers thought it was very important that there be a path to changing the Constitution because they did not think that anyone would have the foresight and wisdom to craft a fundamental law that would govern in perpetuity. They knew things would occur that would require changes.

And so amendment is the fundamental and most important way that we alter the Constitution. It is the only legitimate way to change the Constitution. We do, in fact, try

to interpret the Constitution. In some cases, the Constitution itself may be ambiguous. We may not be sure how it applies or what it means. And so we have to work that out over time.

But that just represents the Constitution itself and its framers' leaving space for us to figure out what to do. And I think there's a legitimate scope for that. And I think we should not confuse changing the Constitution with working out in practice how the Constitution works and making legitimate discretionary decisions where the Constitution leaves open to us the choice of what to do. Those are two very different kinds of change. And one can only proceed by amendment. The other, we can make laws and customs and work things out as we go.

Greg Skordas

Very, very well said. Thanks, Dr. Brogdon. That was wonderful. He's senior director of the Center for Constitutional Studies at UVU.