

## *The Constitution's birthday*

It was 200 years ago this summer that an extraordinary group of men produced an extraordinary document: The United States Constitution. The debates during that steamy summer in Philadelphia in 1787 gave the world — for the first time in history — a system designed to restrict the power of the government, rather than limit the freedom of the governed. The document, and the government, have endured for two centuries. We encourage all Alaskans to join in the celebration.

But let's make sure this is a summer of celebration, not veneration. The Constitution is the Western world's greatest contribution to political philosophy, but it was not handed down to Earth by the Divine.

In a recent speech, Associate Justice Thurgood Marshall of the United States Supreme Court said Americans should well note not only what the Constitution contained, but what it left out 200 years ago. There were no women arguing the rights of man, no black faces among the rows of delegates. And while there were bitter arguments about slavery, the greatest declaration of human rights did not outlaw the brutish enslavement of one people by another. For all the genius reflected in the Constitution, it wasn't until the 20th century that an American woman could vote for President, and that a black man could sit anywhere he wanted on a public bus or a movie theater.

There's another point we would like to add to Justice Marshall's list of omissions. The sole reference in the Constitution to the original inhabitants of the new country was a simple clause giving Congress the power to regulate commerce among "the several Indian tribes."

Americans, as a people, and America, as an institution, had a hard time figuring out where Natives really fit in the moral and political picture of the nation. Federal Indian policy has been like a big rubber band, stretching out and snapping back from negotiation to extermination, from assimilation back to negotiation, for the past 200 years. In the mind of America, that rubber band was never quite able to hold together all the rights of all the people all at the same time.

But somehow, even with the blemishes we note here, the Constitution has done the job for two centuries. It is a testament to the genius of the Constitution that now, 200 years after the framers left women and blacks out of the document, that Thurgood Marshall — a black man — sits on the highest court of land, sharing the bench with a woman, Justice Sandra Day O'Connor. It is also a testament to the flexibility and the possibilities of the 200-year-old system that Alaska Natives used it to win a stunning victory in settlement of ancient land claims.

So during this bicentennial summer, those who were left out or passed over by the Constitution — blacks, women, Natives — have a better reason to celebrate than other Americans. For us, the Constitution is not a sacred document written in stone. It is a living document we have used to assert our rights as free and equal human beings.