

NEWS RELEASE

Arizona Supreme Court
Administrative Office of the Courts



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Statement on Constitution Day from Chief Justice Timmer

PHOENIX – Today, we celebrate Constitution Day, which commemorates the signing of the U.S. Constitution on September 17, 1787. As the oldest constitutional democracy in the world, our nation has been guided by this remarkable document—the shortest constitution in the world—since it began operating on March 4, 1789. Its first three words—“We The People”—affirm that the government exists to serve all of us and not the other way around.

As members of the Supreme Court, my colleagues and I are often asked to speak to groups about our courts. Recently, I spoke to a high school group and described the Constitution, particularly its Bill of Rights, as protecting the rights of the individual over majority will. One student asked me, “Does it work?” That question took me by surprise and gave me pause. Does it? No, not always.

Take, for example, the Fifteenth Amendment, ratified in 1870, which prohibits the government from denying citizens the right to vote based on their race, color, or previous condition of servitude. Despite that prohibition, discriminatory practices, like poll taxes and literacy tests, were used to prevent Black citizens from exercising their right to vote. It took many years and legislation, like the Voting Rights Act of 1965, to effectively enforce these protections.

But any failures to protect rights is not due to the Constitution itself but is the fault of the people it protects—us. Fallible human beings. Luckily, we learn and evolve as a society, and we have been smart enough to enshrine, promote, and continuously pursue the Constitution’s guarantees of liberty, justice, and democracy.

Does it work? Consider how quickly our lives could change without enforcement of our Constitutional guarantees and protections. Take Afghanistan, which has been on my mind lately. It has had a constitution since 2004 that establishes a democratic framework and guarantees equal rights for women. The Afghan women thrived under it. Since the Taliban regained control in August 2021, however, it moved swiftly to curtail women’s rights and essentially erase women from public life. Girls cannot attend secondary schools and universities. Women are excluded from many jobs, forced to follow a strict dress code, prevented from traveling long distances without a male guardian, and are banned from public speaking events and gatherings. More recently, the Taliban reintroduced stoning of women for adultery. And just last month, the Taliban prohibited women from speaking in public or even from speaking loudly or singing in

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their homes, if they could be heard outside. Can you imagine? Did the Afghan Constitution fail these women? No. The people charged with enforcing the constitution failed these women, placing them into what human rights groups are calling “gender apartheid”.

The tragic events in Afghanistan demonstrate that we cannot take our own constitutional protections for granted. They must be protected and enforced. To accomplish this, it is incumbent on all of us to learn about the Constitution and its guarantees and respect them. We must also elect leaders and select judges who will ensure that the Constitution is not just an historical artifact but the active framework for our government, enabling us to thrive as a nation where the rule of law prevails, and individual rights are protected.

Together, let us honor the legacy of our Constitution and reaffirm our commitment to the values it represents.

Happy Constitution Day!

*Chief Justice Ann A. Scott Timmer
Arizona Supreme Court*

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