



## Do We Have A “Living” Constitution?

*“The great generalities of the Constitution have a content and significance that vary from age to age.”*  
—**Benjamin Cardozo** (*The Nature of the Judicial Process*, 1921)

*“This Court is forever adding new stories to the temples of constitutional law, and the temples have a way of collapsing when one story too many is added.”*  
—**Robert H. Jackson** (*Douglas v. Jeannette*, 319 U.S. 181, 1943)

*“The United States Constitution has proved itself the most marvelously elastic compilation of rules of government ever written.”*  
—**Franklin D. Roosevelt** (Radio broadcast, March 2, 1930)

*“I believe the Constitution is a living and breathing document and that there are liberties found in the Constitution such as the right to privacy that spring from the document, itself, even though the Founders didn't write specific words saying this....”*  
—**Al Gore** (Interview with Jim Lehrer, News Hour, March 14, 2000)

*“If you think aficionados of a living Constitution want to bring you flexibility, think again... You think the death penalty is a good idea? Persuade your fellow citizens to adopt it. You want a right to abortion? Persuade your fellow citizens and enact it. That's flexibility.”*  
—**Antonin Scalia** (Speech at Woodrow Wilson Center, Washington, DC, March 14, 2005)