



Supreme Court of Kentucky

State Capitol, Room 231
700 Capitol Avenue
Frankfort, Kentucky 40601

John D. Minton, Jr.
Chief Justice of Kentucky

Frankfort 502-564-4162
Bowling Green 270-746-7867

Kentucky Law Day 2018

Chief Justice of Kentucky John D. Minton Jr.
Remarks

May 1, 2018
Chambers of the House of Representatives
Kentucky Capitol

On behalf of the Supreme Court of Kentucky, I welcome all of you to this celebration of the rule of law.

In 1957, the President of the American Bar Association, Charles Rhyne, envisioned a national day to celebrate our legal system. The following year, President Dwight D. Eisenhower made that vision a reality by proclaiming Law Day as a day of national dedication to our great heritage of liberty, justice and equality under law. Law Day in America was in sharp contrast with the May Day celebrations of military might displayed in the Soviet Union. Now, more than a half century later, the United States of America and our legal system are strong and vibrant.

Each year Law Day provides a new opportunity to expand awareness of our legal and judicial system, and its impact on our lives. It offers us a chance to reflect upon our nation's constitutional heritage and to appreciate the vital contributions an informed and active citizenry makes to our constitutional democracy.

The theme for Law Day 2018 is "Separation of Powers: Framework for Freedom."

The United States Constitution sets out a system of government with three distinct and independent branches. Article I vests Congress with legislative powers. Article II vests the President with executive powers. And Article III vests the Supreme Court and inferior courts with judicial power. The three branches co-exist while simultaneously serving as a check on the power of the others.

From the very inception of the Commonwealth, Kentucky embraced for itself the principle of separation of powers, stating in Article I, Section 1 of the original 1792 Constitution: “The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.”

Despite significant changes to the Kentucky Constitution in 1850 and again in 1891, those words supporting three separate and equal branches of government have survived the test of time. They can be found today in Section 27 of the current Constitution.

James Madison, a supporter of separation of powers, wrote frequently of its importance. In Federalist no. 51, Madison noted that the only answer to maintaining the “necessary partition of power among the several departments” was “by so contriving the interior structure of the government, as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places.”

Madison further wrote that “the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition.”

The principle of separation of powers preserves political liberty and independence and provides a framework for freedom. It is up to us to ensure that this framework remains intact.

2018 Liberty Bell Award

Chief Justice Minton presented the 2018 Liberty Bell Award to Senate President Robert Stivers at the Law Day celebration for his service to the commonwealth. Sen. Stivers was the keynote speaker for the event.

The Liberty Bell Award recognizes individuals for performing outstanding community service, promoting better understanding of the rule of law, encouraging greater respect for the law and the courts, stimulating a sense of civic responsibility and contributing to good government in the community.

###