

# ESSAY

## Editor's Preface

In the Spring 1987 issue of the *University of Puget Sound Law Review*, Professor Harry V. Jaffa expressed his controversial and strongly held views concerning the concept of "original intent" in constitutional analysis. In *What Were the 'Original Intentions' of the Framers of the Constitution of the United States*,<sup>1</sup> Professor Jaffa asserted that the fundamental notions of equality and natural law provide the only morally sound manner in which to determine the outlines of "original intention."

These notions of natural law and fundamental liberty are to be found in the Declaration of Independence and in the writings of the most prominent forces among the Founding Fathers: Thomas Jefferson and James Madison. Professor Jaffa further asserted that it was Abraham Lincoln, in his moral struggle with the institution of slavery, who most faithfully translated this concept of "original intent" into a moral imperative of our national history. It is the "Lincolnian" moral imperative that provides the fuel for Professor Jaffa's fire, and, according to Professor Jaffa, it is the writings of John Calhoun, intellectual father of the Confederacy, that fuels the fire of traditional conservative "original intention" theory.

The inferno has now spread. In that same Spring 1987 issue, Professor Bruce Ledewitz,<sup>2</sup> Robert L. Stone,<sup>3</sup> and Professor George Anastaplo<sup>4</sup> all wrote impassioned responses to Professor Jaffa. Professor Ledewitz asserted that Professor Jaffa's model was, to paraphrase, an end without a means. Mr. Stone

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1. Jaffa, *What Were the "Original Intentions" of the Framers of the Constitution of the United States*, 10 U. PUGET SOUND L. REV. 351 (1987).

2. Ledewitz, *Judicial Conscience and Natural Rights: A Reply to Professor Jaffa*, 10 U. PUGET SOUND L. REV. 449 (1987).

3. Stone, *Professor Harry V. Jaffa Divides The House: A Respectful Protest and a Defense Brief*, 10 U. PUGET SOUND L. REV. 471 (1987).

4. Anastaplo, *Seven Questions for Professor Jaffa*, 10 U. PUGET SOUND L. REV. 507 (1987).

passionately defended the contemporary conservative thinkers who suffered the brunt of Professor Jaffa's wrath. Finally, Professor Anastaplo, not entirely convinced by the good professor, presented seven questions for Professor Jaffa to answer. In the editor's preface to the Spring 1987 issue, it was observed that "[s]o long as these questions are unanswered, the debate presented here on the original intentions of the Framers is likely to remain unresolved."

Professor Jaffa responded to Professor Ledewitz in the Winter 1988 issue of the *University of Puget Sound Law Review*.<sup>5</sup> A response to Mr. Stone will be published in our next issue. We are pleased to present Professor Jaffa's spirited response essay to Professor Anastaplo's seven questions in this issue of the *University of Puget Sound Law Review*.

*Jack L. Siemering*  
*Editor in Chief*

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5. Jaffa, *Judicial Conscience and Natural Rights: A Reply to Professor Ledewitz*, 11 U. PUGET SOUND L. REV. 219 (1988).