Judge Sara Combs

Sara Combs, the wife of the late Governor Bert T. Combs, is currently a judge on the Kentucky Court of Appeals, 7th Appellate District 1st Division. She served as Chief Judge for the Court of Appeals from 2004 until 2010. Prior to her service on the Court of Appeals, she was the first woman appointed to the Supreme Court of Kentucky. Judge Combs was named the Outstanding Judge of the Year in 2010 by the Kentucky Bar Association. She gave this speech on the day the University celebrated Constitution Day, September 27, 2010.

A Vision From Our Founders

I can think of no more daunting task than to stand before you this morning and ask you to think of the Constitution of the United States as a topic of great interest and fascination. I don’t want you to think of this as an exercise in necessity this morning. I hope that by the time we finish talking about this wonderful document, you’ll feel some of the enthusiasm if not love for it that has inspired me over the years.

I like to think of it in terms of human history; in the sense that everything great in our history has been the product of war. I don’t mean our history as the United States but as a civilization, and the only way you can maybe appreciate that from your perspective is to think of some of the great movies along the way that have made history come to life. For instance, the Civil War in this country is easier to understand, to embrace, if you have seen Gone with the Wind. The carnage never jumped off the pages of a book until you saw the siege of Atlanta and all the bodies spread out, thousands and thousands.

And we move on, and people now say that some aspects of World War II are basically a myth; that the persecution of the Jews never really happened, it was all invented. Until Steven Spielberg came along and depicted the horrors of Holocaust, and showed us the blood, sweat and tears.

History written in blood was Saving Private Ryan. And, then I would suggest to you that our Constitution, the subject of this talk this morning can’t mean nearly as much to you, or maybe can’t be relevant to you at all, unless you’ve had a chance to see Mel Gibson’s The Patriot.

I thought that I knew something about the Constitution until about four years ago. One morning I was in my office very early, about four o clock, and here came a movie that I had never seen. I had my nose in too many law books over the years. But here came The Patriot, and I poured coffee, and I kept watching it, and watching it, and I thought, “You dummy, you never really understood what it was all about.” If you haven’t seen the movie, I urge you to see it, because it was that revolutionary horror, not fife and drum, not pretty buildings, not colonial structures. It was the horror of this brutal war that gave birth to this document that brings us here today.

When I come to this campus I see the Philadelphia spirit revisited, with all of your architecture, your buildings and how beautiful it is. That beauty came later, only after the carnage of the war.

What happened in 1776 was that the revolutionary forces were growing to a fever pitch in this country. They had enough of being the stepchildren of England, and they said, “We’re free. We’re going to be free. We declare our independence.” These brilliant men who had been
children of the enlightenment, who had studied the greatest writers in Europe, who had also dealt with nothing but blood, sweat, and tears, decided that this country would be born with a spirit of natural rights. They are the rights that should be known as inherent in human nature by the very hand of God. Not because a government gave them the rights, not because we were privileged at the hand of some monarch to receive crumbs from his table, but because the spirit of God is breathed into us as free people. He dictated that all men are created equal, and that those people are guaranteed life, liberty, and the pursuit of happiness by virtue of their birthright as human beings. And this was the most revolutionary idea of all, much more so than just freedom from a government, freedom from tyranny of all kinds, freedom from tyranny of the spirit.

So Jefferson sat down and wrote this Declaration of Independence in 1776, and that crystallized the events of the previous year and a half. It gave purpose and focus to the bloodshed that had begun at Lexington and Concord in April 1775. The war lasted a bloody eight years, and in the middle of that war, the Revolutionary War, they tried another experiment in government called the Articles of Confederation. Adopted by the Continental Congress in 1777, but not ratified until 1781, it created a loose brotherhood of states under the coordination of a weak central government which lasted only four years after the war's end. Once they realized it wasn't working, they sent delegates to Philadelphia to fix it in this long hot summer of 1787 and they said, “Okay, Philadelphia was where we wrote the Declaration of Independence eleven years ago. We're going to come back and we're going to fix it so that document becomes a living plan for how to run a government.” And they sat and drafted the Constitution of the United States. It was signed on September 17, 1787. Now, you know, you think that's it. It was, however, just the beginning because we Americans are not easily satisfied: we like to keep correcting our mistakes. So the citizens of this country looked around at the Constitutional articles concerning the separation of powers. No one power will have more than the other. We'll have a legislative branch, an executive, and a judiciary. We'll keep them all apart so those rascals can't get together and conspire and create another monarchy. But they looked back at what Mel Gibson depicted in The Patriot, and they said, “Have you people forgotten why we fought that war? We have a great management plan, but we forgot something really important. We forgot to say what this new government cannot do to us as a people.” And that ladies and gentlemen was the birth of the Bill of Rights.

The Constitution was ratified on the condition that a Bill of Rights, the first ten amendments to the Constitution, be written and accepted by the people. And that Bill of Rights was not ratified until 1791. By that time Washington had already been president for two years and everybody was betting on the fact, please God, that the Bill of Rights be ratified. That's what the movie was about. That's what the Patriot protested: soldiers coming, redcoats coming to the door of the Patriots in the middle of the night kicking in the door with hob-nailed boots, burning crops, murdering children, killing animals, stealing everything that was valuable. They wanted a guarantee that no
government would ever do that to them again. And so, I don't want to go through every single one of the Bill of Rights, but I want to put them in some sort of perspective and again perhaps hearken some of the movies we've seen to make them come to life.

Amendment 1. It's not accidentally the first. Look what it guarantees: five freedoms, not just one. You hear about freedom of religion and freedom of speech and you think, yeah they're out there somewhere. No, they're put together in that First Amendment. Some of the most important things that the Patriots embraced are listed in order of priority in the amendments: Freedom of religion, speech, press, petition, and assembly.

So what do they all have in common, these five freedoms? I would like to think of them as what they put first. Matters of the spirit, matters of the soul, soul above body, because, again, remember what they thought was important. Matters that are dear to human nature because we are the spiritual beings we are. Your freedom is to worship God as you see fit and not to allow anyone else to be prevented from that freedom. Your freedom to speak your mind, whether it be about religion or politics or anything else. Your freedom is to express those thoughts through the press and to assemble and petition your government to guarantee that those freedoms will happen.

What else? Amendment 2: Freedom to bear arms. Now after the soul was protected, number two, to bear arms; to protect oneself. Amendment 3: To be free from intrusion of one's property; not to have to quarter soldiers.

The Fourth Amendment is my favorite. I like to talk about this because it means the right to be free from any kind of unreasonable searches and seizures. And you can go through the movies that have talked about these things. What kind of freedoms are we talking about with speech, religion, expression? Look at some of the great movies that have talked about our human rights.

Scene at the Signing of the Constitution of the United States by Howard Chandler Christy

To Kill a Mockingbird, for one, the freedom to go to trial with adequate counsel as highlighted in the 6th Amendment. Who could have been better than Atticus Finch? Not everyone has a great counsel when he goes to trial but our Constitution in the Bill of Rights says we're entitled to that.

We move on to the freedoms to be free from cruel and unusual punishment. Think about the movies that have talked about that, if you can't remember what cruel and unusual punishment is about, think about Braveheart. And once again our troubled spirit of a Mel Gibson who has had a pretty stormy life has been right in the focal point of laying bare, in his artistic way, the troubles of our society, not now but throughout history, that still have bearing because we're human beings. Think about Braveheart, when he was on the rack, and torn asunder limb from limb.

This is what they had lived through. This is what the revolutionary colonists had seen the British do to people. And so they thought, “This is our one chance to guarantee in a sacred document, in written form, that we go on record as a people that this shall never happen in history again.” They only were able to write the document because they wrote it in blood, literally. It was the blood of experience. It was the blood of suffering.

There is a great line, I think, from the Greek writer, one of the great tragedies, and he said, “We only learn through suffering.” We only can write our history through suffering. And that is the product of our Constitution. That is what our Constitution is, how it came to be. Like a difficult
birth, I ask you to consider it. I ask you also to
dedicate yourselves today and throughout the
course of your studies to learn more about this
wondrous system of government that we have. It
is what protects us, but it protects us only as long
as we're vigilant to protect it ourselves.

When Benjamin Franklin attended the
Constitutional Convention in Philadelphia, he
said that throughout the convention he had
watched a design on the back of a chair and it was
a sun. The figure of the sun was very important
then in art as it is now. And he said at the end of
the convention, "I wondered if it was a rising sun
or a setting sun."

I would suggest to you that Franklin's
question at the end of that convention is equally
viable today. That the question I ask you, “Is it a
rising sun or a setting sun?” We're hearing more
and more talk that the American dream is dead.
That we're not going to have the opportunity in
generation since 1787 has been faced with that
challenge. And so far, because of hopeful, bright,
dedicated young people like you, so far the answer
has remained, "It's been a rising sun."

I urge you today, to consider the role you will
play. How can you make that be a rising sun for
you and for all around you? We have an obligation
to make the sun rise for us all. And that's the spirit
of University of the Cumberlands, that's the spirit
of the Christian education you're receiving here.

I know that one young man who went to
school here many years ago took it to heart; took
together the mandate that if he were to be a good
Christian he had to put those values into practice.

I would hope that his spirit would be with
us today and you will make a dedication today
of your lives and your talents and your efforts to
see the rising sun of the Constitution and to see
to it that that the Bill of Rights remains ever the
ten “thou shalt not's” for a government that could
become greedy and overbearing but for their
existence. It all happened because people cared
enough to write their history in blood. I hope that
in the future we can write it in something other
than blood.

Choose Cumberlands

The University of the Cumberlands has been in existence since 1888 providing an
educational experience for the Appalachia area and beyond. While largely a Liberal Arts
school, we provide over forty majors and minors for our undergraduates. We also include
many advanced Education degrees and certification programs such as the MAT. In 2008,
the University launched the Ed.D program. We also offer an MBA degree and a Physician’s
Assistant program. Recently we have started an MA in Christian Studies and an MA in
Professional Counseling. Many of our graduate courses are taught on-line.

Do you know someone who might be interested in our program? If so, please contact
our Director of Admissions, Erica Harris at 606.539.4241 or email her at Erica.Harris@ucumberlands.edu. She will be happy to provide you with information and an admissions
application. We hope to have the opportunity to serve you.
I noticed in the program that I am supposed to read the Congressional Record. I am not going to subject you to that. My remarks will be briefer than this full page of the Congressional Record.

I do want to read two paragraphs perhaps from the Congressional Record and I might say that this excerpt from the Congressional Record was a brief history of Cumberland College introduced in the House of Representatives on January 27 by The Honorable Harold Rogers, the distinguished Congressman from this District.

These founders did build a strong, lasting, influential, educational institution. As of today, more than 10,000 graduates of Cumberland College [now University of the Cumberlands] have gone forth to serve as medical doctors, dentists, pharmacists, attorneys, business men and women, teachers, social workers, ministers, and missionaries and in many other capacities as they minister to the needs of others...and this I like...what is truly remarkable is that over 65% of Cumberland College’s graduates return to the hills and the hollows of Appalachia to serve their fellow men and to encourage their friends, neighbors, and families to seek an education in order to improve their lives and to lift themselves out of their poverty. 65% is a remarkable record for the Alumni of any institution. To serve their lives in a mission for which the institution was

---

The Honorable Bert T. Combs, Class of 1930

Former Governor Bert T. Combs was known as a champion of education both during and after his tenure as Governor of the Commonwealth. He began his formal education at the University of the Cumberlands, then Cumberland College, and would later graduate from the University of Kentucky with a law degree. He practiced law in Kentucky all his life and served on the Kentucky Court of Appeals before being appointed to the US Court of Appeals by President Johnson. Upon leaving the bench, Governor Combs returned to private practice in Louisville until his death in 1991. He gave this speech at the University on March 8, 1988 on the occasion of the ground breaking service for the O. Wayne Rollins Center.
founded.

When I come to Cumberland College I feel very humble and very nostalgic and very proud really, because I remember the unforgettable days when I fired the furnace in what was then Felix Hall, now Mahan Hall. It was an old furnace even then, and that was fifty years ago. It was pretty tricky and part of my problem was that the President of the College, Dr. J.L. Creech lived in that Hall. His room was the first one on the right as you went in and we didn’t need a thermostat, he was the thermostat. If I let that heat go up or down more than 5⁰ I heard from Dr. Creech and I heard quickly and emphatically. I also swept out about half the buildings on the campus, but that was 50 years ago so it wasn’t that big a task as we didn’t have that many buildings at that time. But those are the things I remember and the things I am proud of. When I come back to Cumberland College, I look proudly at the plans and specifications for these new structures that are going up. Very solid, very official looking and in view of those plans and specs I think words are really superfluous as they can tell their own message. I think that message is that Cumberland College, on this the 100th year of its existence, can look back with justifiable pride and look ahead with enthusiasm and optimism. I think the message is that Cumberland College have accomplished a great deal more than I have. I want to express on behalf of all the alumni some ten thousand of us, seven or eight thousand of whom are in Kentucky, express our thanks and our gratitude to those who founded this institution and those who have built on that foundation. We alumni are not thankful enough. We have become complacent and too busy to say thank you, but we are grateful and we do think of you, past and present individuals, who have made this possible. We think of you often with appreciation and gratitude.
Remember Cumberlands

You can remember Cumberlands in your will or trust, or you might want to create a charitable gift annuity to provide you with a lifetime income as you assist deserving students.

With charitable gift annuities:

- The rates are significantly greater than bond rates and certificates of deposits.
- Annuity payments are fixed and based on the age(s) of the annuitant(s).
- Annuity payments are extremely favorably taxed.
- The donor is entitled to an income tax charitable contribution deduction.
- Appreciated securities given to Cumberlands for a charitable gift annuity are valued on the date of the gift; capital gains taxes are not immediately due as they are when securities are sold by the donor.
- A gift annuity is the simplest of all split-interest planned gifts.

A Charitable Gift Annuity will not only provide you a fixed income, guaranteed for life, but also will create a significant legacy here at University of the Cumberlands.

University of the Cumberlands offers numerous planned giving vehicles guaranteeing income for the remainder of life. Some have established trusts and deferred gift annuities naming a loved one as the income beneficiary. With the low payout rates currently on certificates of deposit (CDs) and the volatility of the stock market, deferred gift annuities are becoming extremely popular for young adults who will not be retiring any time soon but want to plan and secure a steady, fixed income that will begin when they retire. For instance, a 45-year-old can defer a gift annuity for 15 years and receive income at a rate of 6.67% percent for life. The charitable gift tax deduction would be immediate (during working years when your tax bracket is higher) and the income would not begin until you are 60. As with regular gift annuities, the entire amount of the annuity would be backed by all of the University’s assets.

If you are considering the establishment of a Charitable Gift Annuity to provide life-long income for yourself and vital support for University of the Cumberlands, please contact Jim Taylor at presoff@ucumberlands.edu.

Remember, as a financial supporter of Cumberlands, you are encouraging today’s students as you also demonstrate your continuing commitment to the University’s mission to educate individuals for lives of responsible service and leadership.

<table>
<thead>
<tr>
<th>Age</th>
<th>Yearly Rate</th>
<th>Annuity Payment</th>
<th>Charitable Deduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>4.7%</td>
<td>$470</td>
<td>$2,955.60</td>
</tr>
<tr>
<td>70</td>
<td>5.1%</td>
<td>510</td>
<td>3,691.20</td>
</tr>
<tr>
<td>75</td>
<td>5.8%</td>
<td>580</td>
<td>4,267.80</td>
</tr>
<tr>
<td>80</td>
<td>6.8%</td>
<td>680</td>
<td>4,791.10</td>
</tr>
<tr>
<td>85</td>
<td>7.8%</td>
<td>780</td>
<td>5,501.90</td>
</tr>
</tbody>
</table>

*based on minimum age of 65; a gift annuity of $10,000; figures for annual payment & IRS discount rate of 1.6% as of May, 2012.
Sometimes we think the threads of society are unraveling, but I can tell you that our students are cut from a different bolt of cloth and during these economically trying times, I’m reminded that here a little can do a lot.

Here the notions of working hard and neighbor helping neighbor are still very much in vogue. A little bit of help – at the right time can change a life. I know it’s true because I’ve seen it in the lives of students on this campus.

Would you please help to provide a student with a brighter tomorrow?

A modest gift can help a deserving youngster who needs a part-time job to become the first in his or her family to bypass poverty.

And this isn’t a handout. Students actually work to earn your assistance. Here they earn their way as well as their grades by working for it.

Here old-fashioned values have stood the test of time weaving together warm hearts, keen minds and helping hands.

Please consider what you can do to help give hope to a needy youngster.