



THE CONSTITUTION: 'DOES IT STILL MATTER?'

Only if Liberty still matters

"The Constitution, which at any time exists, 'till changed by an explicit and authentic act of the whole People, is sacredly obligatory upon all." --George Washington, September 19, 1796

In celebration of the 235th anniversary of the signing of our [Declaration of Independence](#), Time Magazine, the "journal of record" for the Leftist Illiterati (or as they prefer to be known, "the intelligentsia"), published a cover story featuring their errant interpretation of our Constitution. On an image of the shredding of that venerable old document Time posited this question: "Does it still matter?"



Unmitigated Ignorance

The short answer is, only if Liberty still matters. But Time's managing editor, Richard Stengel, begs to differ, having discarded Rule of Law for the rule of men.

In his boorish 5,000-word treatise on the issue, Stengel unwittingly exposes the Left's patently uninformed and self-serving interpretation of our Constitution, and he aptly defines their adherence to a ["living constitution"](#). That adulterated version of its original intent is the result of revision by decades of radical judicial diktats, rather than in the manner prescribed by our Constitution's Article V.

Stengel opined, "To me the Constitution is a guardrail. It's for when we are going off the road and it gets us back on. It's not a traffic cop that keeps us going down the center." According to Stengel, then, our Constitution just exists to keep us between the ditches and entitles us to swerve all over the road without consequence. Of course, that is hardly what our Founders intended, but Stengel insists that to ask "what did the framers want" is kind of a crazy question."

Exhibiting a keen sense of the obvious, Stengel observes that times have changed and that our Founders "did not know about" all the advancements of the present era. Thus he concludes our Constitution must be pliable, or, as Thomas Jefferson forewarned in 1819, "a mere thing of wax in the hands of the judiciary which they may twist and shape into any form they please."

Stengel insists, "The Constitution works so well precisely because it is so opaque, so general, so open to various interpretations," rather than, as "originalists contend ... a clear, fixed meaning."

To assert that our Founders intended the Constitution to be "so opaque, so general, so open to various interpretations" is beyond any accurate reading of history. As noted previously, our Founders provided a method to amend our Constitution in Article V. The problem, of course, is that Stengel and his Leftist cadres know their agenda would never pass a Constitutional Convention and, thus, they circumvent Article V by discarding Rule of Law in deference to their own tyrannical rule.

Consequently, we now have a Constitution in exile, one that is little more than a straw man amid increasingly politicized courts that serve the special interests of political constituencies rather than

interpreting the document's plain language, as judges are bound by [solemn oath](#) to do (Article VI, Section 3).

While it is highly tempting, any effort to rebut Stengel's erroneous claims point by point would violate my own rule against swapping spit with a jackass. However, as it is the eve of Independence Day, let us, for the record, revisit [Essential Liberty](#) as "endowed by our Creator" according to our Declaration.



Signing of the Declaration

The natural rights of man outlined in our Declaration are enshrined in our [Constitution](#) as evident in its most comprehensive explication, [The Federalist Papers](#), a defense of that august document by its author,

James Madison, and Founders Alexander Hamilton and John Jay.

Here is what our Founders actually *did* write about our Constitution and Rule of Law.

George Washington: "The basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution, which at any time exists, 'till changed by an explicit and authentic act of the whole People, is sacredly obligatory upon all. ... If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Thomas Jefferson: "Our peculiar security is in possession of a written Constitution. Let us not make it a blank paper by construction. ... If it is, then we have no Constitution. ... [T]o consider the judges as

the ultimate arbiters of all constitutional questions ... would place us under the despotism of an oligarchy. ... In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

Alexander Hamilton: "If it were to be asked, 'What is the most sacred duty and the greatest source of our security in a Republic?' The answer would be, 'An inviolable respect for the Constitution and Laws -- the first growing out of the last. ... A sacred respect for the constitutional law is the vital principle, the sustaining energy of a free government. ... [T]he present Constitution is the standard to which we are to cling. Under its banners, bona fide must we combat our political foes -- rejecting all changes but through the channel itself provides for amendments."

James Madison: "I entirely concur in the propriety of resorting to the sense in which the Constitution was accepted and ratified by the nation. In that sense alone it is the legitimate Constitution. And if that be not the guide in expounding it, there can be no security for a consistent and stable, more than for a faithful exercise of its powers."

There is no ambiguity about the intent that our Constitution, as written and ratified, specifies only one means for amendment, and all other methods are not only illegal, but more ominously as Washington noted, "change by usurpation...is the customary weapon by which free governments are destroyed."

Stengel's biggest whopper, however, is one I simply can't let pass without rebuttal. He writes, "If the Constitution was intended to limit the federal government, it sure doesn't say so. Article I, Section 8, the longest section of the longest article of the Constitution, is a drumroll of congressional power."

My chief witness against this ridiculous claim would be James Madison, "the Father of our Constitution." As Madison wrote in Federalist No. 45, "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and

indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement and prosperity of the State."

That piece of trenchant prose, of course, was the basis for the Tenth Amendment, which clearly and tightly limits the authority and scope of the federal government.

To fully grasp the depth of Stengel's abject ignorance in regard to our Constitution and the Legacy of Liberty, or perhaps the genius of his Leftist subterfuge, consider that he graduated Princeton magna cum laude and was a Rhodes Scholar. He also was CEO of the National Constitution Center in Philadelphia prior to his tenure at Time. Do not assume for a minute that his actions constitute a brilliant subterfuge because I have known many highly educated people who did not have a lick of sense. As Ronald Reagan observed, "The trouble with our liberal friends is not that they're ignorant; it's just that they know so much that isn't so."

Before Stengel next ventures to opine on our Constitution, he should read a copy of "[Essential Liberty](#)," which would leave him no excuse for his ignorance or subterfuge. As for the current cover story, perhaps it should have been, "Time Magazine, Does It Still Matter?"

Time magazine is but one of a surfeit of liberal propaganda tools which play supporting roles in the primary assault on our Constitution.

Louis Michael Seidman, professor of constitutional law at Georgetown University, flat out recommended in a The New York Times editorial, "[Let's Give Up on the Constitution](#)," in

which he asserts, "As the nation teeters at the edge of fiscal chaos, observers are reaching the conclusion that the American system of government is broken. But almost no one blames the culprit: our insistence on obedience to the Constitution, with all its archaic, idiosyncratic and downright evil provisions."

And then there was Justice Ruth Bader Ginsburg, who recently suggested that when developing nations are designing a constitution, "I would not look to the U.S. Constitution, if I were drafting a constitution in the year 2012."

However, the leader of the current assault on our Constitution and the Liberty it enshrines, is [Barack Hussein Obama](#) who, along with his cadre of "[useful idiots](#)," are [systematically dismantling](#) the last vestiges of our Constitution's Rule of Law mandate.

As we prepare to observe this Independence Day anniversary, our nation is once again confronting a perilous threat to Liberty.

Thomas Paine once wrote, "[A]n unwritten constitution is not a constitution at all." I beg you take note: Our Constitution is being "unwritten" at an unprecedented pace. Obama has mounted a well-organized and well-funded effort to "[fundamentally transform](#)" our nation into a [socialist state](#) by thus deconstructing our Constitution. He has deserted his oath to "preserve, protect and defend the Constitution



Shredding Rule of Law

of the United States," in accordance with Article II, Section 1, and clearly never intended to "take care that the Laws be faithfully executed," as specified in Section 3.

As was the case at the Dawn of American Liberty, we are but a small band of [American Patriots](#) facing an empire of statist, but we remain steadfast in our sacred oath to support and defend our Constitution.

Please help us fight the ideology and propaganda of the Left in order to restore the integrity of our Constitution.

On behalf of Liberty, if you are able, please support our [Independence Day Campaign](#). We still must raise **\$112,448** to meet our goal and there are just **4 days** left.