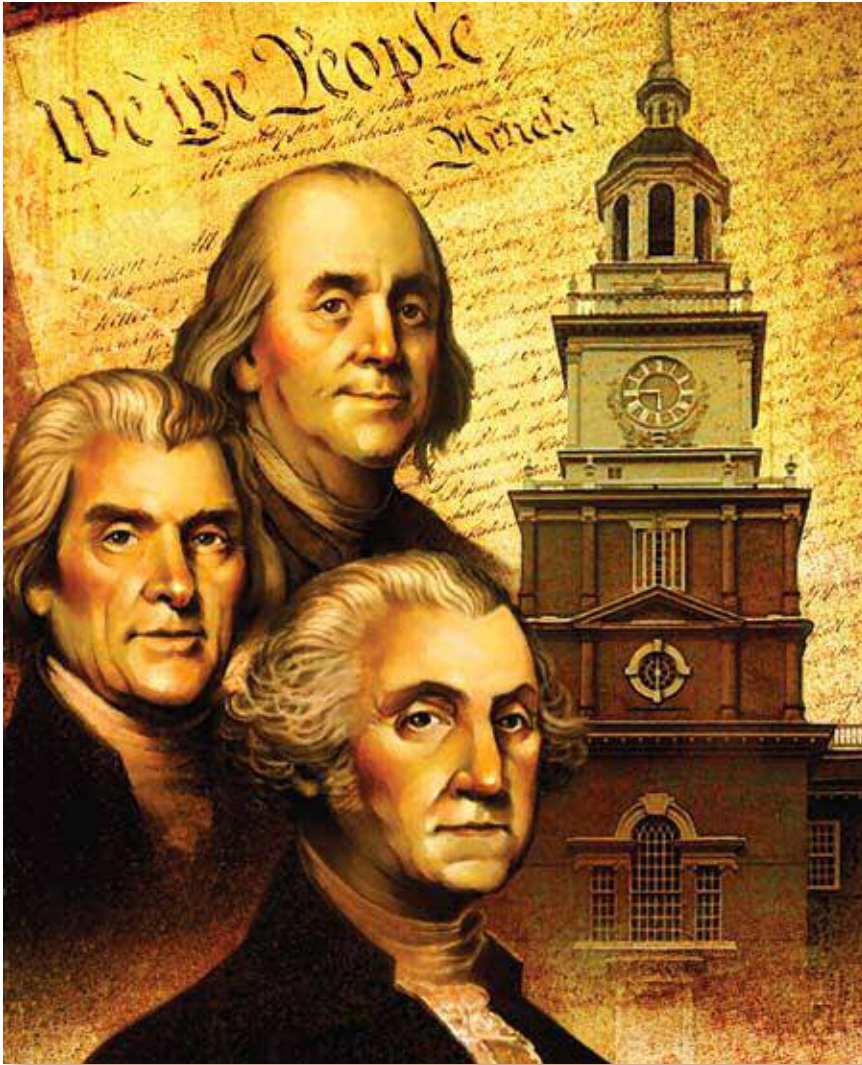


Our Constitutional Anchor



Our priceless Constitution secures our God-given rights by keeping America safely anchored within the rule of law. We must not drift from its timeless principles.

by Gary Benoit

“All men are endowed by their Creator with unalienable Rights” — among them “Life, Liberty, and the pursuit of Happiness.” This self-evident truth, expressed so eloquently by Thomas Jefferson in the Declaration of Independence, is the underlying principle behind our country’s great experiment in human liberty. “To secure these rights,” Jefferson explained, “Governments are instituted among Men, deriving their just powers from the consent of the governed.”

Our Declaration of Independence provided the philosophical basis for a new

government based on the principle of securing God-given rights. It boldly proclaimed both the principle and our separation from Great Britain so that the principle could be put into practice. “Whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it; and to institute new Government, laying its foundation on such principles,” Jefferson wrote in the Declaration.

When the American colonies made their historic break from the British crown, they became independent nations. During the War for Independence, the former colonies came together under the Articles of Confederation. Afterward, they formed a stronger national government under the Constitution. But the new government created by the Constitution, like the short-lived Confederation before it, was based on the principles in the Declaration.

More than two centuries have passed since the Declaration of Independence and the Constitution were drafted, and over that time we have gone from a horse-and-buggy era to the space shuttle. But changing times do not change timeless truths, no matter how great our technological achievements or how “enlightened” our times.

Because of the violation of those timeless truths, oppressive government has been the lot of most people in most places throughout history. Because our Founding Fathers fashioned a new government based on self-evident truths, our country quickly blossomed from a wilderness nation to become the envy of the Old World we had separated from. Because our government in more recent times has increasingly drifted from the founding principles, stretching and even breaking the moors that tie it to its constitutional anchor, American liberty and prosperity are now waning, though not (yet) irreparably so.

To get our great experiment in liberty back on track, we must bind our national government once again to its constitutional anchor. But that will not happen until there is more widespread understanding about constitutional principles, and that understanding then informs political action.

Understanding the Constitution

More constitutional principles are involved, of course, than the self-evident truths that “men

are endowed by their Creator with certain unalienable rights” and that the purpose of government is to secure those rights. How are rights secured? Put differently, what can be done to insure that government will be a protector of rights as opposed to a violator of rights? What did the Founding Fathers do and why did they do it?

The Founding Fathers understood that a minimal amount of government is necessary to secure rights, but they also recognized that government will exceed its proper authority and become tyrannical unless restrained. As James Madison, known to history as the Father of the U.S. Constitution, put it in *The Federalist Papers* (No. 51), the collection of essays arguing in favor of ratifying the Constitution: “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls would be necessary.” Man’s nature is such that both external and internal controls are necessary. Madison continued: “In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”

What are those auxiliary precautions? They include:

- **Specified powers:** The U.S. government cannot exercise whatever powers it chooses in the name of the people. It can only exercise those powers that are granted to it in the Constitution. Alexander Hamilton made this clear in *The Federalist Papers* (No. 78): “No legislative act ... contrary to the Constitution, can be valid. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize, but what they forbid.”

- **Separation of powers:**

The Founding Fathers did not put all governmental powers in one governmental entity but divided powers between the states and the federal government as well as among three branches of government — legislative, executive, and judicial. The legislative branch was further subdivided into two houses of Congress — the Senate and the House of Representatives. “The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny,” Madison warned in *The Federalist Papers* (No. 47).

The Founding Fathers believed in keeping government as close to the people as possible, transferring to the federal government those few powers such as national defense that could not be effectively administered by the states. In *The Federalist Papers* (No. 14), Madison explained: “The general government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects, which concern all the members of the republic, but which are not to be attained by the separate provisions of any.”

- **Checks and balances:** The Founding Fathers also crafted a brilliant system of checks and balances into the Constitution

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intended to prevent any of the branches from usurping its proper authority. For example, though the Constitution assigns “all legislative powers herein granted” to Congress, the president can veto laws passed by Congress (though Congress can override the veto by a two-thirds supermajority of both houses). The president is also commander in chief of the U.S. military, but the power to raise armies or to declare war belongs to Congress.

Restore the Constitution!

The system of government created by the Founding Fathers was a republic, a government of law protecting basic rights; it was not a democracy, a system based on unrestrained majority rule. The nature of man is such that democracy will devour freedom. As Thomas Jefferson warned in the Kentucky resolutions: “Confidence is everywhere the parent of despotism.... 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.”

The chains of the Constitution made our system of government the most nearly perfect ever created by man. Because of those chains, the government was restrained and the people were free. Our system of government made it possible for America to become a land of milk and honey, a place where those willing to work hard could pull themselves up by the bootstraps and convert their dreams into reality, and a shining example to the rest of the world of what can be achieved under freedom.

In America, the people were free to manage their own lives based on commonly and freely accepted moral standards. The government did not attempt to manage the people, the economy, or the world. It did safeguard our homeland and our rights — and America achieved true greatness as a result.

It is of course true that our government has drifted dangerously far from its constitutional anchor. Our leaders are now trying to navigate dangerous straits that threaten to tear our system apart — and will do so unless we reverse course. Those straits include a bloated welfare state, a warfare state based not on defending our country but going abroad for monsters to destroy, an oppressive income-tax system to help finance our increasingly extra-constitutional government, a Federal Reserve System that creates fiat (unbacked) money out of thin air, and the growing violation of civil liberties in the name of fighting terrorism. Yet, our constitutional anchor still exists, and the solution to the problems created by drifting from that anchor is simply to get back to it and to the timeless, rock-solid principles in which that anchor is firmly implanted.

However, as marvelous as our Constitution is, there is another principle that must not be overlooked, and that is the simple fact that freedom is impossible without morality. As Madison explained in *The Federalist Papers* (No. 55): “As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form.” The importance of morality is the subject of the next article. ■