



# THE PATRIOT POST®

## VOICE OF ESSENTIAL LIBERTY

ALEXANDER'S  
ESSAY

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### THE ESSENTIAL QUESTION IN ANY POLITICAL DEBATE

**The most important inquiry conservatives must posit in every policy debate: “What does our Constitution authorize and mandate?”**

“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

The most vital debate of the 2012 political cycle, indeed the essential question in any political debate, is one that you will not hear much about unless you are represented by one of the authentic conservatives who have carried the banner of the Reagan Revolution into the 21st century, or you are represented by one of those much-maligned Tea Party “radicals.”

One unifying characteristic of the old guard and the new breed of senators and representatives is that they insist upon establishing the Essential Liberty and Rule of Law precedents as prerequisites for any political policy debate.

Our Constitution, as written and ratified, stipulates in its preface that it is “ordained and established” by the People in order to “secure the Blessings of Liberty to ourselves and our Posterity.” To that end, it established a representative republic, not a popular democracy, which is to say it affirmed the primacy of Rule of Law over rule of men.

Our Founders understood that the Rule of Law enshrined in our Constitution was the fundamental guarantee to protecting and sustaining Liberty for their, and our, posterity. Consequently, they prescribed that all elected officials be bound by Sacred Oath to “support and defend” our Constitution.

For presidents, Article II, Section 1, specifies: “Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: ‘I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.’”

Likewise Article VI, Clause 3 specifies: “The Senators and Representatives before mentioned, and the Members

of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution.”

However, in the current political era, the vast majority of those elected to national office have abandoned their oaths in deference to political expediency and constituency. For this they should be duly prosecuted, one and all, for breach of oath and trust.

Democrats deign to trace their party lineage to the father of classical libertarianism, Thomas Jefferson, yet they utterly reject questions about constitutional authority. So archaic do they believe such queries to be that when asked, they insist, in the words of Patrick Leahy, Chairman of the Senate Judiciary Committee, “Nobody questions that.”

But if Liberty is to be sustained by ballots rather than bullets, every conservative candidate must base his or her campaign platform upon restoration of our authentic Constitution and wholly reject the so-called “living constitution upon which Democrats have constructed their socialist empire.

For much of our nation’s history, election cycles have been filled with rancorous political debates. Like today, many of those debates were focused on personalities and motivated by power seekers. The consequence has been an incremental erosion of constitutional authority, particularly by the Judicial Branch, which has amended our Constitution by judicial diktat rather than by the legitimate method prescribed in Article V.

James Madison wrote, “I believe there are more instances of the abridgement of freedom of the people by gradual and silent encroachments by those in power than by violent and sudden usurpations.” However, the “gradual and silent” erosion has been punctuated with periodic landslides. Today, tyranny is hovering on the immediate horizon.

In the decades following our nation’s founding, many of the great debates were centered on Liberty. The notions of containing the power of the central government and promoting individual freedom were fervently tested. But four major events in the years after 1850 altered the political

debate and, tragically, increased the power of the central government far beyond its constitutional limits.

The first of those events was the War Between the States which cost 600,000 American lives and annulled the authority of our Constitution's mandate for Federalism. Unfortunately, today's "Republicans" tie their lineage to Abraham Lincoln, the man who engineered that frontal assault on states' rights.

The second major insult to Liberty came during the Great Depression, when Franklin Roosevelt and his "useful idiots" used the fear generated by economic crisis to implement his "New Deal," an explosive expansion of central government power that came at enormous offense to the authority of our Constitution.

The third colossal affront to our Constitution occurred under another Democrat, Lyndon Johnson, who implemented his "Great Society" programs in response to fears about social and economic inequality.

The fourth and final nail in the coffin of American Liberty is being hammered in by Barack Hussein Obama and his Leftist cadres. They are determined to replace our republican government with European-style Democratic Socialism, and they have made significant strides toward that terrible goal.

The only way to re-establish the primacy of Rule of Law over rule of men and reinstate limits upon our government and its controllers is to restore the authority of our Constitution. Only then will we ensure that Liberty prevails over tyranny.

That authority was, and remains, clearly defined by our Founders who, though they might have differed modestly on the question of constitutional interpretation, universally agreed with 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."

Washington also wrote, "Should, hereafter, those incited by the lust of power and prompted by the supineness or venality of their constituents, overleap the known barriers of this Constitution and violate the unalienable rights of humanity: it will only serve to show, that no compact among men (however provident in its construction and sa-

cred in its ratification) can be pronounced everlasting and inviolable, and if I may so express myself, that no Wall of words, that no mound of parchment can be so formed as to stand against the sweeping torrent of boundless ambition on the side, aided by the sapping current of corrupted morals on the other."

What did other Founders write about Rule of Law and the authority of our Constitution?

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 is not the guide in expounding it, there may be no security for a consistent and stable, more than for a faithful exercise of its powers. ... If Congress can do whatever in their discretion can be done by money, and will promote the General Welfare, the Government is no longer a limited one, possessing enumerated powers, but an indefinite one, subject to particular exceptions."

Thomas Jefferson: "Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction. ... To consider the judges as the ultimate arbiters of all constitutional questions [is] a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. ... The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots. ... The opinion which gives to the judges the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action but for the Legislature and Executive also in their spheres, would make the Judiciary a despotic branch. ... On every question of construction carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates and instead of trying what meaning may be squeezed out of the text or invented against it, conform to the probable one in which it was passed. ... [C]onfidence is every where the parent of despotism; free government is founded in jealousy and not in confidence; it is jealousy & not confidence which prescribes limited constitutions to bind down those whom we are obliged to trust with power ... 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: "[T]here is not a syllable in the [Constitution] which directly empowers the national

courts to construe the laws according to the spirit of the Constitution, or which gives them any greater latitude in this respect than may be claimed by the courts of every State. ... The Judiciary ... has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither force nor will. ... If it 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."

John Adams: "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other. ... The only foundation of a free Constitution is pure Virtue, and if this cannot be inspired into our People. ... [T]hey may change their Rulers, and the forms of Government, but they will not obtain a lasting Liberty. ... A Constitution of Government once changed from Freedom, can never be restored. Liberty, once lost, is lost forever."

Article VI of our Constitution proclaims: "This Constitution ... shall be the supreme Law of the Land."

The definitive reflection on constitutional authority comes from Supreme Court Justice Joseph Story, a Madison appointee, in his "Commentaries on the Constitution" (1833): "The constitution of the United States is to receive a reasonable interpretation of its language, and its powers, keeping in view the objects and purposes for which those

powers were conferred. By a reasonable interpretation, we mean, that in case the words are susceptible of two different senses, the one strict, the other more enlarged, that should be adopted which is most consonant with the apparent objects and intent of the Constitution. ... Temporary delusions, prejudices, excitements, and objects have irresistible influence in mere questions of policy. And the policy of one age may ill suit the wishes or the policy of another. The constitution is not subject to such fluctuations. It is to have a fixed, uniform, permanent construction. It should be, so far at least as human infirmity will allow, not dependent upon the passions or parties of particular times, but the same yesterday, to-day, and forever."

The last best hope for the restoration of our Constitution's original intent is upon us. Accordingly, a revival of its prescribed limits on the central government rests on the shoulders of those wise enough to educate themselves to the principles of Essential Liberty and bold enough to make constitutional authority the centerpiece of any political debate.

At the close of the Constitutional Convention of 1787, a citizen asked Benjamin Franklin what form of government the Founders had created. He responded, "A republic, if you can keep it." The question for American Patriots today: "Can we keep it?"

Veritas vos Liberabit -- Semper Vigilo, Fortis, Paratus, et Fidelis! Mark Alexander, Publisher, for *The Patriot Post's* editors and staff. Read online at <http://patriotpost.us>

(Please pray for our Armed Forces standing in harm's way around the world, and for their families -- especially families of those fallen Soldiers, Sailors, Airmen, Marines and Coast Guardsmen, who granted their lives in defense of American liberty.)