

If we lose our constitution, the American experiment will have failed.



**TAKE
A STAND
FOR THE**

CONSTITUTION

Constitutional Leadership PAC



TAKE A STAND FOR THE CONSTITUTION

If we lose our constitution,
the American experiment will
have failed.

Constitutional Leadership PAC

Copyright © 2021 Constitutional Leadership PAC

All rights reserved.

No part of this publication may be reproduced, distributed or transmitted in any form or by any means, including photocopying, recording or other electronic or mechanical methods, without the prior written permission of the publisher, except in the case of brief quotations, reviews and other noncommercial uses permitted by copyright law.

Written by:

Constitutional Leadership PAC
1200 G St NW, Suite 800
Washington, DC 20005

www.constitutionalpac.org

Paid for by Constitutional Leadership PAC, an independent expenditure-only committee, and not authorized by any candidate or candidates committee. Not printed at government expense. A copy of the committee's report is filed with the Federal Election Commission, Washington, DC 20463.



CONTENTS

Chapter 1: Limited Government: Why and How?5

Chapter 2: Words Have Meaning: What the Writers
 Meant at the Time11

Chapter 3: Enforcing the Constitution is
 Everyone’s Job.15

Chapter 4: What Happens if
 We Lose Our Constitution?21







LIMITED GOVERNMENT: WHY AND HOW?

One American distinctive (at least traditionally) is our innate distrust of government. Why? Well to quote Bill Murray's character from the movie *Stripes*, "We're Americans! Do you know what that means? It means our forefathers were kicked out of every decent country in the world." (1) Yes, some came to America for adventure and many came as captives, but plenty of settlers were escaping from government oppression in the countries of their birth. Separatists, Puritans, and Catholics

were fleeing the Church of England. Scots were fleeing a land taken over by England. French protestants were fleeing persecution. Everyone who fled had to decide whether their life in the old country was bad enough to justify the hardship of a potentially fatal journey across the Atlantic.



Once people escaped one tyranny, they seemed to almost immediately set up their own little tyrannies. One example is the Massachusetts Bay Colony, which banished Roger Williams for suggesting that civil authorities should not hold power over men's consciences in matters of religion, but only in civil law. (2) Thus, did the misfit Puritans persecute others as they had been persecuted. Such is the corrupting, intoxicating nature of power.

America's founders understood human nature and the corrupting temptations of power. Knowing the dangers of concentrated power, how could they limit the power of government? One option would be to only allow incorruptible people to have power. Dismissing this option as unrealistic, due to an absence of perfect people, the only real way to limit power is to reduce its concentration in any one vessel. Just as medicine can be diluted (and helpful) or concentrated (and deadly) so also must the poison of power be diluted. In the same way it takes several

combinations to open an important safe, with no one person knowing all the numbers, so it should take multiple steps for a government to do anything to the people it serves. There must be opportunities for mistakes or outright evil to be corrected before it goes too far.

This limitation of government is accomplished in the United States through a federal system in which a *few* powers are given to the central government, such as making treaties with foreign nations. This is the doctrine of *enumerated* powers, meaning the federal government can only do what it is explicitly allowed to do as listed in the Constitution of the United States. *All other powers* are reserved to the states or the individual citizens (see tenth amendment.)

Within the central government, power is further diluted by dividing it among three coequal branches: executive, legislative, and judicial. The founders

did not anticipate the growth of a parasitic fourth branch—an entrenched bureaucracy of professional meddlers in the executive branch that today reside in the alphabet of Washington, D.C. agencies such as the EPA, ATF, FEC, FCC, etc. These bureaucrats bypass the three legitimate constitutional branches of government today, but are not supposed to have the power they now wield.

Within each branch there are also limits on power. Presidents must face elections every 4 years, senators every 6, representatives every 2. Cabinet members, judges, and justices must be appointed by the president and confirmed by the senators. Presidents have veto power. Congress has the power to override a veto. We refer to all these power limits collectively as *checks and balances*.

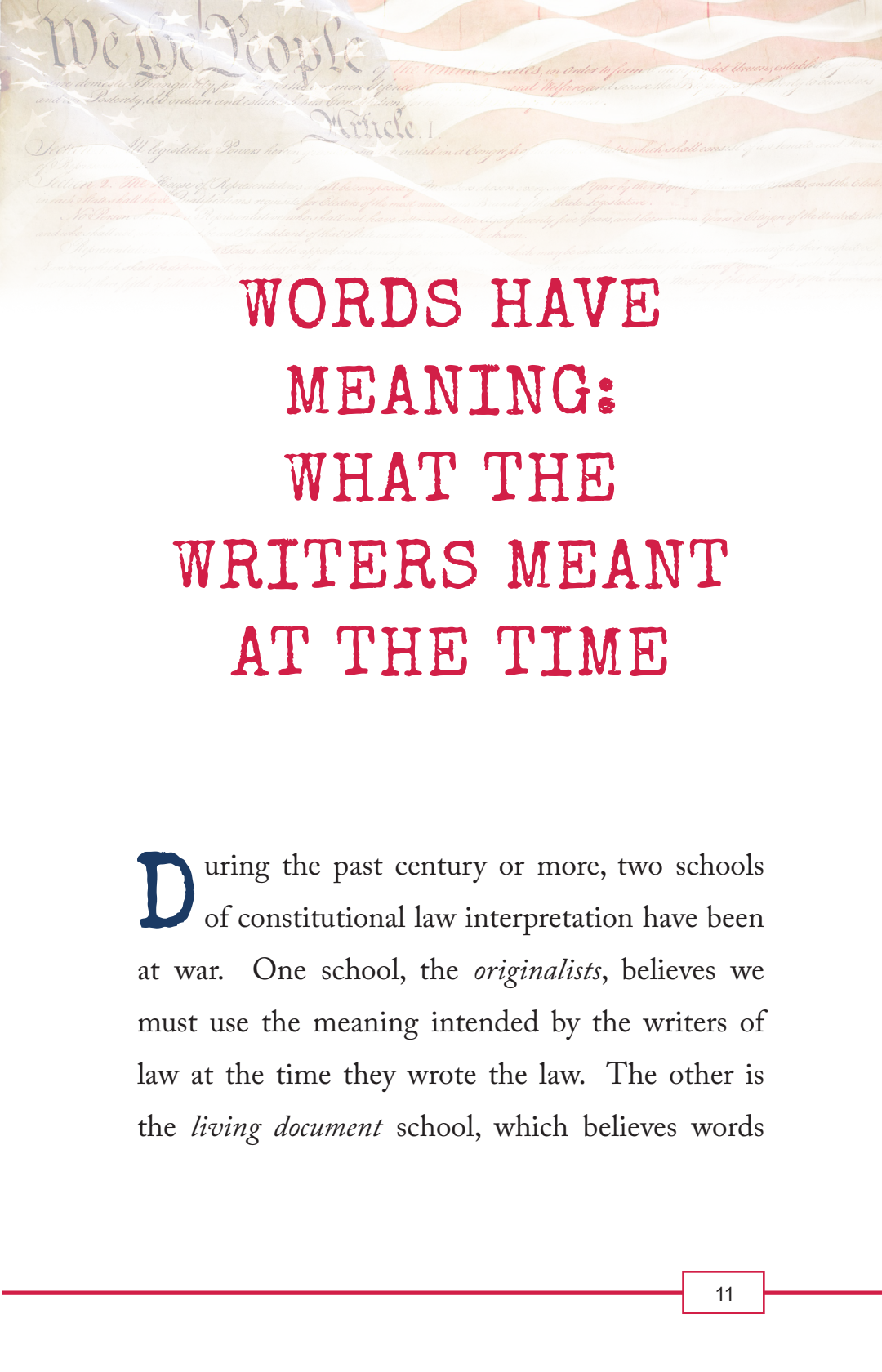
(1) 1981, *Stripes*, directed by Ivan Reitman

(2) 2012, Barry, J.M., *Roger Williams and the Creation of the American Soul*, Viking Penguin, USA



We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the Progress of Science and useful Arts, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby ordain and establish this Constitution for the United States of America.

Article 1.
Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.
 No Person shall be a Representative who shall not have attained to the Age of twenty five Years, seven Years, and who shall not, when elected, be an Inhabitant of that State in which he shall represent.
 Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including all bound Persons, (except Indians not taxed) three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress, and within each subsequent Term of Years, in such Manner as they may by Law direct. The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.



WORDS HAVE MEANING: WHAT THE WRITERS MEANT AT THE TIME

During the past century or more, two schools of constitutional law interpretation have been at war. One school, the *originalists*, believes we must use the meaning intended by the writers of law at the time they wrote the law. The other is the *living document* school, which believes words

written centuries ago should be treated as if they were written today.

To accept the *living document* idea, one must be completely postmodern in philosophy. One must believe truth is fluid, not absolute. If there is no objective, knowable truth, then everything is subject to whim. Words have no meaning except what lawyers or politicians want them to mean. This is not to say that language does not change over time; certainly, there are words that go out of fashion or terms that lose favor. But we cannot change the meaning of words written in the past. Their writers at the time could have known only what they meant at the time they wrote. A little research can tell us how people used words at the time a law was written and how the learned jurists of the time interpreted those laws. To give a 200-year-old law a 2020 meaning that did not exist at that time is to change the law (legislate) rather than interpret the law.

The *originalist* method is the only reasonable way to interpret law or indeed any literature. Jefferson used the words of his time with the meanings of his time, just as we use the language of our own time with contemporary meanings. We must also look at the context of the debate surrounding a law. A law written to ensure the rights of people freed from slavery should not be extrapolated, for example, to apply to citizens of foreign nations when that was not a consideration at the time the law was passed. Reading communist intent into laws passed long before Marx or Lenin is likewise ridiculous, just as reading modern theories of “gender” into Shakespeare or Homer.

To evaluate the difference between the two schools of interpretation, consider this metaphor: I have an old washing machine and the original instructions. You come to me with the instructions for your new washing machine and insist I replace my original instructions with your new ones. There is a problem

with that, of course. The old instructions have a meaning consistent with my old machine. For your new instructions to work, I would first have to replace (amend) my old machine. In the same way, we cannot simply replace the meaning of the words of a document with new meanings. We must go through a process, with appropriate checks and balances, if we wish to make substantive changes to law. The Constitution of the United States has such a process, but modern politicians prefer not to bother with doing things correctly. Why amend the constitution when you can get an activist court to let your unconstitutional laws stand?

Only if words have a stable meaning (their original meaning) can those words protect the rights they were meant to protect. If the words can change meaning, then the level of protection citizens have from tyranny is subject to change. If words have no meaning, freedom is always in danger.



ENFORCING THE CONSTITUTION IS EVERYONE'S JOB

In modern times, people have come to believe that everything is constitutional unless the courts strike it down. The executive and legislative branches of government do anything and everything they believe they can get away with, never giving a thought to constitutionality. They are like children just waiting to see if anyone has the will to stop them—and knowing from experience they will likely not be stopped. Even if something is challenged in

court, only a minority of judges and justices actually care about the document known as the Constitution.

It was not always so. In the beginning of the republic, most elected officials carefully considered whether any action was allowed by the Constitution. They wanted to follow the framework they had so carefully crafted through debate and compromise. They considered it the job of all to adhere to the limits of the Constitution. On those occasions when they did exceed their enumerated powers (as when Jefferson made the Louisiana Purchase) they often at least recognized they had violated those limits and at least felt some regret/guilt/discomfort.

Not now! We have a free-for-all in which everyone in any government position is trying to grab as much power as possible, all the time. They are a well-dressed mob, grabbing power until the only thing reserved to the states or to the people is a pitiful

handful of crumbs. Why is it this way? One could argue that Americans became complacent.

The remedy to this power grab is for Americans to once again assert themselves. They can begin by reading the entire Constitution for themselves. It doesn't take long, really, and you don't have to be a lawyer to understand it. In fact, politicians, many of whom are lawyers, tend to torture the plain text



in order to get their desired outcomes (rather like people twist religious texts or find loopholes in school rules.)

Another important way Americans can assert themselves is by questioning all unconstitutional acts by government. Why is the federal government doing X? Call your governor, state attorney general, congressperson, etc. and ask them to oppose X if it is unconstitutional. If you belong to a political party, be sure your party respects the constitution and expects its candidates to do so. Be willing to take on leadership roles in your precinct or state organization.

Jury nullification is little known, but entirely constitutional. Thomas Jefferson said, “I consider trial by jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution.”(1) A jury is not under obligation to convict a person if the law itself

is unjust, unconstitutional, or evil. This idea goes back at least to Magna Carta and was recognized by America's founders. Returning a "not guilty" verdict serves as a check against bad laws. People can refuse to enforce a bad law. Judges don't want juries to know this principle, but it exists as a check on tyranny.

Possibly the most important thing Americans can do for the long term is to home school or privately school and ensure future generations learn to read, calculate, reason, and debate. Our country was founded by men and women who could read, did read, wrote amazing letters to one another, and left a rich legacy of pamphlets, speeches, sermons, and other documents for us. Ditch government "education" in favor of learning.

1. 2001, Liberty International, *Juries: A History of Jury Nullification*, <https://liberty-intl.org/2001/06/12/juries-a-history-of-jury-nullification/>





WHAT HAPPENS IF WE LOSE OUR CONSTITUTION?

America was founded by people who believed rights were inherent in individuals and that government exists to protect those rights. These people believed that power was a dangerously corrupting influence on any human being and thus that concentrating power in one person or a few people would result in a corrupt and despotic government. History had shown them the dangers of power, and has continued to show us up to the present day. Anyone who takes for granted their

freedom of religion or speech, their right to due process of law, their right to own a gun, etc., is either ignorant of history or arrogant enough to believe themselves exempt from the lessons of history. Freedom from tyranny is historically the exception, not the rule. This is why freedom must be defended continually, generation after generation, lest it die a horrible death and leave us no better off than the oppressed of North Korea or Cuba or China.



When people no longer understand they have rights *because they are human*, not because government “grants” them rights, they can expect to have rights restricted by government force—probably “for their own good.” When people no longer know what their rights are, or exchange their true rights for things that are not rights, such as exchanging their right to be secure in their papers for a “right” to be “safe” through government surveillance, freedom becomes an illusion. Eventually freedom becomes merely a memory.

If Americans do not relearn which things are essential rights and freedoms, unalienable and worth fighting and dying for, they will find themselves slaves to those who are happy to tell them how to live their lives and tax them for the privilege of being ruled rather than served by their government. We must think long term (freedom) rather than short term (handouts or false security.) Otherwise, we suffer

as Esau did when he traded his valuable birthright (long term) for a bowl of soup (very short term.) (1)

Members of unpopular groups or underfunded groups will lose the most. The Constitution was meant to protect minorities from the tyranny of the majority. Lest anyone feel secure because they are in the majority, let them be reminded that there is no guarantee they will always be in the ruling majority. Greedy tyrants have been known to turn on even their own inner circles. Allowing your weird neighbor to be oppressed sets a precedent that can one day be used to oppress you if you suddenly fall out of favor with the government.

Americans must reach out, become neighborly, and relearn how to do things for themselves instead of asking government to do things. Americans must resist becoming agents, spies, or snitches for despotic government—not give in to tyranny by valuing obedience above justice. They must build

alliances against tyranny instead. Freedom is too precious to lose!

What happens if we lose our constitution? Let's just make sure we never find out the answer to that question. If we lose our constitution, the American experiment will have failed. We will have failed those patriots who went before us and left us the freest country on earth.

1. The Holy Bible, Genesis 25: 27-34

