

The Constitution - Part 1

What is a constitution? Thomas Paine (The rights of Man, 1795) made the following statement, "*A Constitution is not the act of government, but of a people constituting a government; and government without a constitution is Power without Right*". To put it another way, compare this example where we compare the chef to the people, the recipe to *The*

Constitution and the pie to the government;

the chef writes **the recipe** to create **the pie**
the people write *The Constitution* to create **the**

government

The chef (the people) writes the recipe (the constitution) to create the pie (the government). The pie does not write the recipe nor create the chef!

The Constitution is the result of studying some five thousand years of human nature by the greatest philosophers the world has known. These philosophers took those aspects of community life that were seen to be successful and included them in their writings, and discarded those aspects that were seen to have failed. The first true constitution is considered to be Magna Carta, signed in England in 1215.

Later, the renaissance period produced John Locke, the English philosopher considered by his international contemporaries to be the greatest philosopher of all time. It was he who laid the basic foundation for the U.S. Constitution in his work, "The Second Treatise of Government" (1690). The superbly educated Founding Fathers studied the various writings of all the great writers in history and compiled The U.S. Constitution from the very best of them.

Thus *The Constitution* is in accord with human nature. To tamper with it is like trying to

ignore human nature. *The Constitution* is the document by which "We, the People"

establish and control the government. It establishes a form of government with a series of checks and balances that, when applied per *The Constitution*, provides the optimum form

of manageable government in a real world, without allowing the government to become tyrannical or restrictive of human liberty. There are basically two types of people who object to The U.S. Constitution. One type is the would-be dictator who is thwarted by an enforced

constitution, and the other is the type of person who has not studied its derivation and is ignorant of its purpose. To understand the results of ignoring the U.S. Constitution, the various Holocaust Museums should be visited and studied.

The Constitution is in two fundamental parts. The first part is contained in articles I - VII. The second part is the Bill of Rights. The first part of *The Constitution* was written without enumerating the rights referred to in "*The unanimous Declaration of the thirteen united States of America*" (There is no such historical document as the Declaration of Independence). This omission of rights resulted in a delay of a decade and a half before final acceptance of *The Constitution*, which then included the Bill of Rights as the first ten amendments, preceded by its own preamble.

The first part, articles I through VII, may be amended subject to the conditions and restrictions of Article V. The second part, consisting of the Bill of Rights, **cannot** be amended. The Unanimous Declaration states, "...*that all men are created equal; and are endowed by their Creator with certain unalienable rights*; etc.". Thus, if those rights are *endowed by their Creator*, they are granted in perpetuity by God, and the rights, being *unalienable*, cannot be taken from "we the people" by any being other than God. The words were very carefully selected by the Founding Fathers. The Supreme Court also ruled, June 10, 1957, The Bill of Rights was Supreme and cannot be subrogated by any foreign treaty (such as with United Nations)!

The following constitutional articles mandate how the United States government shall be formed.

- I Congress (the House of Representatives and Senate);
- II The Executive Branch;
- III The Judicial Branch.

These articles establish eligibility for government office, term length, responsibility, and limits of power.

Article I One of the most important statements regarding the empowerment of the federal government is by Madison in Federalist Paper 45: "*The powers delegated by the proposed Constitution to the Federal Government are few and defined*". Note that "the powers" are "delegated" but no "authority" is "given". The authority remains with the people and is only delegated to the federal government via *The Constitution*. In Article I these powers are listed in Section 8, and there are only 17 of them.

Article II, Section 1, Presidential Oath of Office: "*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.”. There is no constitutional authority for “Executive Order”.

Article III All judges must have good behavior to remain in office. The judicial power of the U.S. is vested in one Supreme Court. The trial of all crimes, except in cases of impeachment, shall be by jury in the state where committed.

Article IV Provides for (1) interstate exchange of information pertaining to Public Acts, Records and Judicial Proceedings; (2) interstate prisoner extradition and basic rights of citizens; (3) admission of new states to the Union; (4) a Republican Form of Government in all states.

Article V Provides for Constitutional Amendments, and equal representation in the Senate.

Article VI Provides the definition of the Supreme Law of the Land. All officers of all three branches of government, federal and state, “shall be **bound** by Oath or Affirmation to support **this** Constitution;”. Note that the elected or appointed officials are bound exclusively to “**this**” constitution as written, and not any other.

Note: All pledges are to a philosophy and not to a person, persons or country.

Article VII Provides for ratification of *The Constitution*.

These articles must be carefully read and studied to be understood. A dictionary, thesaurus, and most of all a complete copy of The Federalist Papers are necessary tools. See Founding Defenders article #1 for the explanation of the importance of the Federalist Papers.