

What A Constitution Is And Is Not

What is a constitution? People talk about and hear about this word when debating politics or watching mainstream media. It is common knowledge that the United States is host to the U.S. Constitution and that it is the “supreme law of the land.” But what does it mean?

A constitution is a set of laws and regulations. Each provision, each word, is written for a reason. There is nothing cryptic about the language or provisions themselves. There might be a slight language barrier if centuries separate the past and present.

However, that would not be an issue if judges, or whoever is delegated the responsibility of interpreting the “supreme law of the land,” made decisions based on the original intent of the authors. By doing so would mean the interpreters would have to research the foundation of the authorship – in the case of the U.S. Constitution, there are several documents, such as the Federalist Papers, the constitutional convention notes, and the notes and letters during the state ratification conventions.

It can be argued that the first president of the United States violated the constitution he helped write, but his immediate successor, John Adams, routinely violated it. Every president since has violated it – from mildly like under Grover Cleveland and Calvin Coolidge to severely like under Abraham Lincoln and Franklin Roosevelt.

So what is the point of having a constitution if the government believes it is okay to violate it when it suits its members?

There is no valid point.

As the nineteenth-century abolitionist, author, and anarchist Lysander Spooner, who fought the U.S. government’s postal monopoly via a successful postal service of his own, stated in his book *No Treason: the Constitution of No Authority*, “But whether the Constitution really be one thing, or another, this much is certain – that it has either authorized such a government as we have had, or has been powerless to prevent it. In either case it is unfit to exist.”

In all honesty, the written, codified U.S. Constitution is pretty clear, it is not cryptic. Yet, members of the legislative, executive, and judicial branches of the government continue to deliberately misinterpret the commerce, general welfare, necessary and proper, and supremacy clauses to mean whatever they want them to mean.

While completely ignoring much of the bill of rights, especially the first, second, fourth, fifth, sixth, eighth, ninth, and tenth amendments.

The violations are blatant and unapologetic. Ironically, these violations are neither conservative (conserving limited government) nor liberal (liberty with economic exceptions), nor do they preserve the rule of law.

Government advocates oppose freedom and voluntarism because “lawlessness.” But lawlessness is a prime descriptor of government itself. Both major parties act the same way no matter which is in power, and said behavior is often pretty lawless.

The “catch-all” argument government advocates will fall back on is the social contract. There are a plethora of problems with this argument, however it should be noted that a contract can only be explicit to be legitimate, not implicit. And it is not a “social” contract if future generations are forced to abide by it.

Ironically this argument violates the principles of both conservatives and liberals. Conservatives put a lot of stock in contractual agreements, but the U.S. Constitution does not follow traditional contractual law. Liberals oppose the idea of a small group of “old white men” making decisions for the rest of the people, but that is how the U.S. Constitution was written and enacted.

Libertarians, on the other hand, argue for voluntary association.

If a constitution is anything other than a strict code of laws, despite the political beliefs of legislators, executives, and judges, then it is arbitrary. If it is arbitrary, it is subjected to be challenged – either by nullification or secession.

If a constitution is merely a loose, living document, then it is not lawful and ought to be discarded or reconsidered.

U.S. presidents, from Washington and Adams to George W. Bush and Barack Obama, have vindicated Spooner’s Jeremiahs of constitutions. What is a constitution if not just a piece of paper of subjective opinions?