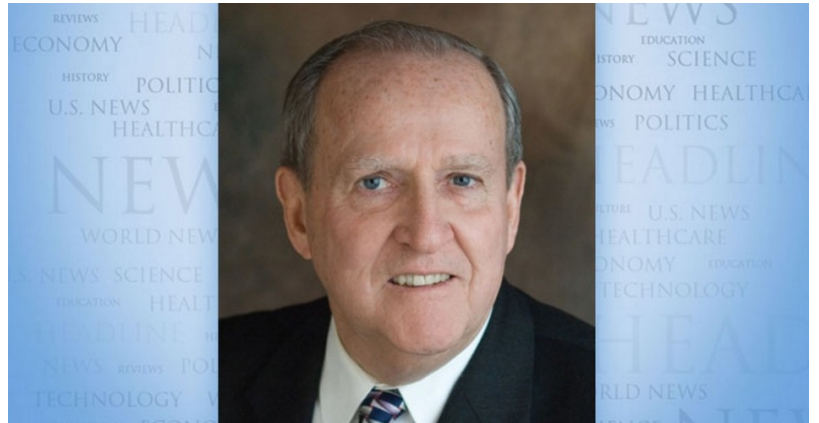




Written by [John F. McManus](#) on April 10, 2016

Don't "Interpret" the Constitution; Obey It

Hardly anyone knows the true assignment given the Supreme Court by the Constitution. Accordingly, it comes as little surprise to find many Americans claiming that job of the justices is to "interpret the Constitution." But when a committed conservative makes the same claim, one realizes how thoroughly a distorted view of the American system of government has been spread.



Simply stated, the job of the Supreme Court is not to interpret the Constitution, or interpret any law properly enacted. It is to see to it that the Constitution is obeyed and that all laws passed by the federal government can honestly trace their legitimacy to what appears in its text. There has to be a positive grant of power in the document for any federal law to claim legitimacy. No law can be properly enacted under the spurious claim that it's not prohibited and, therefore, it's legitimate to enact it. Interpreting the Constitution or any law to have it say beyond what its text contains is completely wrong.

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How did the dangerous notion of "interpreting" get started? It began soon after our nation started. It is the legacy of highly revered Chief Justice John Marshall. Appointed by President John Adams during our second president's last day in office, Marshall served on the high court from 1801 until death claimed him in 1835. In his 1803 *Marbury v. Madison* decision, he declared, "It is emphatically the province and duty of the judicial department to say what the law is." In other words, we at the Supreme Court will decide what a law says; we shall not rely on its text. We shall "interpret" both the Constitution and any law that comes before us.

Obviously sensing where Marshall would take the nation, President Thomas Jefferson stated early in his term of office (1801-1809): "On every question of construction, [let us] 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."

Jefferson repeated his stand when he stated, "The Constitution on which our Union rests shall be administered by me according to the safe and honest meaning contemplated by the plain understanding of the people of the United States at the time of its adoption." His is the correct attitude.

Simply stated, it was never the intent of the Founders of this nation to have the Supreme Court "interpret" the Constitution. If such a power is allowed, there is really no need to have a Constitution. Reliance on the purported wisdom of nine judges is all that would be needed.

Any thinking American should never accept the dangerous notion that the Supreme Court has been awarded power to "interpret" either the Constitution or any properly enacted law.

John F. McManus is president emeritus of [The John Birch Society](#). This column appeared originally at the [insideJBS](#) blog and is reprinted here with permission.



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