



Written by on July 8, 2011

Gross Media Ignorance: Time Trashes the Constitution

There's little that's intelligent or informed about Time magazine editor Richard Stengel's article "One Document, Under Siege" (June 23, 2011). It contains many grossly ignorant statements about our Constitution. If I believed in conspiracies, I'd say Stengel's article is part of a leftist agenda to undermine respect for the founding values of our nation.

Stengel says: "The framers were not gods and were not infallible. Yes, they gave us, and the world, a blueprint for the protection of democratic freedoms — freedom of speech, assembly, religion — but they also gave us the idea that a black person was three-fifths of a human being, that women were not allowed to vote and that South Dakota should have the same number of Senators as California, which is kind of crazy. And I'm not even going to mention the Electoral College."



My column last week addressed the compromise whereby each slave was counted as three-fifths of a person for the purposes of determining representation in the House of Representatives and Electoral College. Had slaves been counted as whole people, slaveholding states would have had much greater political power. I agree the framers were not gods and were not infallible, but they had far greater wisdom and principle than today's politicians.

The framers held democracy and majority rule in deep contempt. As a matter of fact, the term democracy appears in none of our founding documents. James Madison argued that "measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority." John Adams said: "Remember, democracy never lasts long. It soon wastes, exhausts and murders itself. There never was a democracy yet that did not commit suicide." Stengel's majoritarian vision sees it as anti-democratic that South Dakota and California both have two senators, but the framers wanted to reduce the chances that highly populated states would run roughshod over thinly populated states. They established the Electoral College to serve the same purpose in determining the presidency.

The framers recognized that most human abuses were the result of government. As Thomas Paine said, "government, even in its best state, is but a necessary evil." Because of their distrust, the framers sought to keep the federal government limited in its power. Their distrust of Congress is seen in the language used throughout our Constitution. The Bill of Rights says Congress shall not abridge, shall not infringe, shall not deny and other shall-nots, such as disparage, violate and deny. If the founders did not believe Congress would abuse our God-given, or natural, rights, they would not have provided those



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protections. I've always argued that if we depart this world and see anything resembling the Bill of Rights at our next destination, we'll know we're in hell. A bill of rights in heaven would be an affront to God.

Other founder distrust for government is found in the Constitution's separation of powers, checks and balances, and several anti-majoritarian provisions, such as the Electoral College, two-thirds vote to override a veto and the requirement that three-quarters of state legislatures ratify changes to the Constitution.

Stengel says, "If the Constitution was intended to limit the federal government, it sure doesn't say so." That statement is beyond ignorance. The 10th Amendment reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Stengel apparently has not read *The Federalist* No. 45, in which James Madison, the acknowledged father of the Constitution, said: "The powers delegated by the proposed Constitution to the federal government, are few and defined. Those which are to remain in the State governments are numerous and indefinite."

Stengel's article is five pages online, and I've only commented on the first. There's also little in the remaining pages that reflects understanding and respect for our nation's most important document.

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