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Article VI, Not Article V

Concerned that the central government created by the Constitution was venturing beyond the powers given it by the Constitution of the United States, Thomas Jefferson wrote in 1798, “In questions of power ... let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.”

One would think that all Americans today would nod in hearty agreement with Jefferson, who penned the inspiring words of the Declaration of Independence setting forth the theory of government upon which our Constitution is based. Unfortunately, that is not the case, because there are some who wish to perform the very “mischief” would-be tyrants know that Constitution is designed to prevent.

We know that the Founders did not authorize the government that we now have, in practice, but intended to create a government with specific limitations on its powers. Even those on the Left surely know that the Constitution’s Framers did not intend to create a government that could usurp authority from the states, control the minutia of our lives, and force a radical social agenda on the people.

They ignore what is actually in the Constitution, or twist its words in such a way as to allow their leftist agenda to be fully implemented.

We can either surrender to their nefarious goals, or we can choose to use the Constitution — as it is written — to “bind” them down from “mischief by the chains of the Constitution.”

Article VI

Unfortunately, there are many conservative-minded Americans who essentially agree with those on the Left that the problem is not with those who would violate the Constitution, but with the Constitution itself. Of course, these conservative-minded Americans may staunchly oppose the leftist juggernaut. But they argue that the way to bring this juggernaut to a screeching halt is to change the Constitution via an Article V Convention, overlooking or ignoring the fact that the very clear language and limitation of powers in the existing Constitution stand in the way of the leftist juggernaut.

In other articles in this Special Report from *The New American*, we warn against the dangers of trying to solve the problem via an Article V Convention, noting for example that a modern-day Constitutional Convention could be hijacked by the Left to advance its “progressive” agenda and that there is no reason to expect that those who now so flagrantly violate the existing Constitution would suddenly faithfully abide by the amended version. The risks of a new Constitutional Convention simply far outweigh any possible good that could come from such an undertaking at this time in American history,



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when the “progressive” Left is hell-bent on destroying our American way of life.

But warning against what *should not* be done is not the same as advocating what *should* be done to solve the problem. And so, in this particular article, we focus on what *should* be done. Simply put, what is needed is adherence to the Constitution.

In fact, the Constitution explicitly requires adherence. Its Article VI states in part:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned [in the Constitution], and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution.

Article VI makes clear that U.S. representatives and senators may not make any law they choose; they may make only laws that are “in pursuance” of the Constitution — that is, laws that are constitutional. Moreover, they, along with others entrusted with power, must take an oath to support the Constitution.

Obviously, if everyone who solemnly swears to uphold the Constitution were to abide by that oath, the problem would be solved.

Please note too that those who take the oath include not just federal but also state officials, who are also duty bound to uphold the Constitution. This is why state officials should exercise the power of nullification, which is when states refuse to cooperate in the enforcement of unconstitutional federal usurpations (whether by the federal Congress, judiciary, or executive branch) within their own state borders, and pass laws designed to frustrate the enforcement of those usurpations by the federal government. Nullification has been used successfully various times in American history, and it is a proper tool for enforcing the Constitution on the state level. (For more information about the power of nullification, see page 31).

The Solution

How then do we get those whom we elect to abide by their oath to the Constitution? This is where “We the People” come in, since it is “We the People” who are now voting into office those who are violating their oath.

The solution is to educate the electorate in the principles found in our present Constitution — limited government, individual liberty, separation of powers, checks and balances, and federalism — so they will then elect members of Congress and presidents who will actually follow their oaths to support our Constitution — our *present* Constitution.



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Inform the electorate: Until Americans elect better members of Congress — and of their respective state legislatures — we can expect to see a lack of fidelity to our Constitution. The solution is to educate ourselves and our fellow citizens on the principles of the Constitution. *(Photo credit: AP Images)*

As then-Congressman and later President James Garfield said on the occasion of our nation’s centennial celebration on July 4, 1876, “Now more than ever before, the people are responsible for the character of their Congress. If that body be ignorant, reckless and corrupt, it is because the people tolerate ignorance, recklessness and corruption.” On the other hand, Garfield concluded, “If it be intelligent, brave and pure it is because the people demand these high qualities to represent them.”

In the 1830s, a French visitor to the United States, Alexis de Tocqueville, marveled at the knowledge the average American had of his own country’s history and of its Constitution. “It is extremely rare to find a man imperfectly acquainted with all these things, and a person wholly ignorant of them is sort of a phenomenon.”

James Madison spoke in 1788 to the Virginia Convention that ratified the Constitution, and made this very point: “But I go on this great republican principle, that the people have virtue and intelligence to select men of virtue and intelligence.” And, if there be no virtue in our country, then, “No theoretical checks — no form of government can render us secure.”

Americans rightly concerned with the drift of our public officials away from the constitutional principles that were designed to keep us a free people should not be looking to change the Constitution, but rather to enforce our Constitution. Why do we have so many members of Congress — and of our state legislatures — who are either ignorant of, or disdainful of, our Constitution?

It is time for Americans to look in the mirror.

Without an informed electorate, candidates who know and revere the Constitution have a difficult time getting elected, having to contend with a biased media and special-interest groups. The solution to reigning in out-of-control big government and returning to constitutional principles is simple. Shortcuts such as term limits and a Constitutional Convention are at best meaningless, and at worst dangerous.

Rather, citizens must get involved in the hard work of saving our republic. The John Birch Society, the parent organization of *The New American*, has the game plan, the educational and action tools, and a network of chapters working in concert to create an *informed* electorate.



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This is the solution — educate our fellow Americans in constitutional principles of limited government, federalism, separation of powers, and checks and balances — by emphasizing Article VI of the Constitution, which states clearly that the Constitution is the Supreme Law of the Land, and that public officials from local sheriffs to the president of the United States are oath-bound to follow that Constitution.

No one should think this is an easy task, but it can be done, if there be enough dedicated patriots to get it done. As Samuel Adams said, “It does not require a majority to prevail, but rather an irate and tireless minority, keen to set brush fires in people’s minds.” When that happens, the chains of the Constitution Jefferson spoke of will be fully applied once again.

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