



Written by [Thomas R. Eddlem](#) on January 7, 2011

## House Constitution Reading Prompts Liberal Media Snark

A separate Associated Press [story](#) written by Jim Abrams stressed that the House had missed sections of the Constitution by accident (though he noted that the omitted sections, missed because two pages were stuck together, were read at the end of the day).

*Vanity Fair's* Juli Weiner [claims](#) that the reading cost \$1,071,872.87 when one calculated a day's salaries for each of the 435 House members. "It would seem that in an era of Fiscal Responsibility™," Weiner [snarkily](#) wrote, "a performative rendition of the Constitution might have been one such eliminated endeavor."



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The *Washington Post's* Dana Milbank took the occasion to try to make a political point by noting that the Republican leadership chose to read only those parts of the Constitution and its amendments that are still in effect. "Now most Americans are of the impression that there isn't, say, a King James version of the Constitution and a New International version of the Constitution," Milbank [posited](#). "In fact, there is only one version of the Constitution — and it wasn't what the lawmakers read aloud. What the Republican majority decided to read was a sanitized Constitution — an excerpted version of the founding document conjuring a fanciful land that never counted a black person as three-fifths of a white person, never denied women the right to vote, never allowed slavery and never banned liquor."

Of course, Milbank is wrong ... as usual. The point of the public reading of the U.S. Constitution is that every congressman made an oath earlier this week to "preserve and defend" the U.S. Constitution. The 3/5ths clause and the 18th Amendment establishing prohibition of alcohol were repealed, and are no longer part of the U.S. Constitution. Members are not obligated under their oaths to follow those parts that have been repealed, since they are no longer part of the "[supreme law of the land.](#)"

Milbank's pseudo-fealty toward the actual text of the U.S. Constitution — erroneous that it was — actually constitutes a preferred attitude compared to some of his colleagues at the *Washington Post*. At the other end of the spectrum, Milbank's colleague at the *Washington Post*, Ezra Klein, [claimed](#) a week earlier that the Constitution is far too complex to bother to try to understand:

My friends on the right don't like to hear this, but the Constitution is not a clear document. Written more than 200 years ago, when America had 13 states and very different problems, it rarely speaks directly to the questions we ask it. The Second Amendment, for instance, says nothing about keeping a gun in the home if you've not signed up with a "well-regulated militia," but interpreting the Second Amendment broadly has been important to those who want to bear arms.

The Constitution isn't clear? One might suppose it is ... if you don't bother or know how to read simple,



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declarative English language sentences. Somehow *Washington Post* staff writer Ezra Klein claims to be among those who can't (or more likely, won't) read the clear English language of the U.S. Constitution. Klein, like most of the leftist media, claims that the Constitution needs to be "interpreted," just as if one might need an interpreter of an ancient manuscript written in Sanskrit or hieroglyphics. But on-line databases subscribed to by thousands high schools and colleges around the country, such as [eLibrary](#), use computer algorithms to calculate the reading difficulty of the various documents stored in them by analyzing vocabulary and sentence structure. And eLibrary calculates that the U.S. Constitution is written to the 11th grade reading level. If Klein really believes that an 11th grade reading level isn't understandable to him, a man who makes his living writing in the English language, perhaps he had better find a different occupation.

Klein claimed the Second Amendment only guarantees "organized militia" the right to keep and bear arms. He either doesn't know — or care — that the militia was then (and [legally still is](#)) every able bodied man, or that the Second Amendment is one of the few parts of the Bill of Rights that talks about keeping and bearing arms as an explicit "right of the people." It's likely Klein is just playing dumb, but one must concede it is possible he's dumb enough to believe that the Founding Fathers wasted words in the Bill of Rights to state the obvious. Does he really believe the Founding Fathers wrote an amendment to the U.S. Constitution to essentially say that "soldiers should have guns"?

Klein's December 30 blog [column](#) began with the following analysis:

Let's take an example: Most legislation doesn't currently include a statement of constitutional authority. But there's one recent measure that did: Section 1501 of the Patient Protection and Affordable Care Act. That is to say, the individual mandate. "The individual responsibility requirement provided for in this section (in this subsection referred to as the requirement) is commercial and economic in nature, and substantially affects interstate commerce," reads the opening paragraph. Shortly thereafter, the legislation makes itself more explicit: "In *United States v. South-Eastern Underwriters Association* (322 U.S. 533 (1944)), the Supreme Court of the United States ruled that insurance is interstate commerce subject to Federal regulation." Has that statement convinced the GOP that the individual mandate is constitutional? Of course not.

The ObamaCare mandate requires individuals not currently purchasing health insurance to buy it. To claim that this mandate falls under the congressional power to regulate "commerce among the states" is clearly a dishonest "interpretation" of the plain meaning of the words in the Constitution. Not engaging in commerce does not constitute "engaging in commerce" to any rational person. To say that not engaging in commerce can be regulated as commerce under the Constitution is to say that Congress can do anything it wants. It makes the whole concept of delegated powers under the Constitution pointless. Moreover, why would the founders have given Congress the additional powers to regulate banks and bankruptcies, grant patents and copyrights, etc., if everything under the sun fell within the commerce clause? All of the other enumerated powers under the Constitution would have been a complete waste of words, i.e., repetitive, something that the founders didn't often do. James Madison [made a similar point](#) on the floor of Congress in 1792, when he debunked the notion that another clause in the Constitution, the "general welfare" clause, could be interpreted broadly to justify whatever the Congress wanted to do:

It would be absurd to say, first, that Congress may do what they please, and then that they may do this or that particular thing; after giving Congress power to raise money, and apply it to all purposes which they may pronounce necessary to the general welfare, it would be absurd, to say



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the least, to super add a power to raise armies, to provide fleets, &c. In fact, the meaning of the general terms in question must either be sought in the subsequent enumeration which limits and details them, or they convert the Government from one limited, as hitherto supposed, to the enumerated powers, into a Government without any limits at all.

If Congress actually followed the U.S. Constitution, rather than pretended it couldn't understand a document written to the 11th grade reading level (as Mr. Klein does), then the nation certainly wouldn't be in a situation where we have a budget deficit approaching 10 percent of GDP or a debt approaching 100 percent of GDP.



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