

## **Five Things Every Citizen Should Understand**

By Jim Jess

In order to preserve freedom, we, the people, need to understand how our government is supposed to function. Specifically, we need to understand our great charter of freedom, the United States Constitution.

Have you ever read it? And if you did, how long ago was it? And did you understand it? Do you really understand its purpose and your role as a citizen in the life of our republic?

In the article below, I explain a few key principles about our Constitution, so anyone can understand them and become a more conscientious citizen and a more informed voter.

### **Number 1 – Our Constitution has been mostly abandoned.**

The first thing we must understand about our Constitution is that it has been mostly abandoned—by our public officials and by our citizens. Every elected official in the United States who is sworn into office at the local, state or national level takes an oath to uphold and defend the Constitution of the United States. But the behavior of many of those in office has caused a moral and ethical crisis, because they violate their oaths to honor our Constitution over and over again. One would think that the people would exercise their rights and responsibilities as citizens and remove these public officials from office, but that doesn't happen either. Most voters don't seem to care. So why should we be surprised when our public officials abandon our charter of freedom, since so many citizens know nothing of our Constitution at all?

Why is this a problem? It's a problem because the Constitution is supposed to be followed by public officials so they can exercise the appropriate powers of government and fulfill the objectives stated in the Preamble to the Constitution.

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

If the Constitution is not adhered to, we will not have a more perfect union, justice like we should have, or domestic tranquility, which is civil peace within the nation. If our Constitution is abandoned, our public officials will not properly provide for the defense of our nation, nor will they promote the general welfare, which is the well-being of *all* the people. In many situations, government has been used to benefit special interests that argue, cajole or bribe their way into public policy debates and dominate the public discourse. Individuals or groups with great wealth and political influence stir up fear or envy in our elected bodies. Many times they use emotional arguments and media hysteria to impact the public debate. In the heat of debate and under the pressure of

emotional arguments, the Constitution is often ignored. Unless we restore respect for our Constitution, the Constitution will continue to be abandoned, and we will not flourish as a nation living with the blessings of liberty.

A nation that gropes along in ignorance and misconceptions about freedom and good government is a nation waiting to be enslaved.

The Constitution puts into operation the principles of freedom set forth in the Declaration of Independence, which declared our freedom from England in 1776. In the second paragraph of the Declaration, the Founding Fathers stated the principles for which they were prepared to fight the Revolutionary War, principles such as “all men are created equal,” that all men and women have God-given inalienable rights and that government must rule by the consent of the governed.

But the functions and structure of the government that would secure these rights were not described in the Declaration of Independence. That happened later, when the Articles of Confederation, the first constitution for our nation, was adopted in 1777 and went into effect in 1781. But the Articles were too weak and did not provide enough power for government to do its job. In 1787, the U.S. Constitution was written, and in 1789, it was ratified. It replaced the Articles of Confederation and has continued to govern us to this day. But we have not followed it as we should.

The Declaration declared our founding principles and the Constitution established the structure and powers of our national government, securing the liberty declared in the Declaration. The two documents are companions. Together they are the framework for securing freedom in a government the Founders referred to as a republic, which is a representative form of government. The Constitution secures the liberty the Declaration declared.

But what has happened? Instead of following Article I, Section 8, of the Constitution, which delegates quite limited areas of jurisdiction for lawmaking to the federal government, our Congress, over many years, has far exceeded the limited powers of the Constitution. It has legislated about everything, when Section 8 only contains 18 clauses with 24 grants of authority. Members of Congress have violated their oaths.

Every citizen should understand that our founding principles have been mostly abandoned. Lots of politicians talk about these principles, but very few of them live by these principles they swore to uphold. The only way to change this situation is to elect better men and women to Congress who will stay true to their oaths.

**Number 2 – The Progressives led the overthrow of the Constitution and its principles and established an administrative state that has destroyed our republic and our liberty.**

The second thing every citizen needs to understand is that Progressive thinkers and policy makers, who came to power at the beginning of the 20th century, led the

overthrow of our founding principles and our republic—a coup, if you will—and replaced them with a government run by so-called “unbiased experts” and a bunch of government agencies, which are not accountable to we, the people.

The two presidents who initiated the Progressive takeover were Teddy Roosevelt, a Republican, and Woodrow Wilson, a Democrat. Both believed the president should assume powers not delegated to him by the Constitution in order to serve the common good. They believed this was necessary to reshape society and accomplish certain social goals. Yet, there is no such authority delegated to the president by the Constitution.

Both Teddy Roosevelt and Woodrow Wilson sought to expand the power of the executive branch—the president and executive branch agencies. And this was done with very little resistance from Congress. Two decades later, during the New Deal of President Franklin D. Roosevelt, Congress became a rubber stamp for FDR’s New Deal programs, and the power of the president and executive branch agencies expanded dramatically. But this was really no surprise if you understand what the Progressives believe.

Some of the finest scholarship on the Progressives in recent years has come from Hillsdale College, which has made available several free online courses on the Constitution. In “Constitution 101: The History and Meaning of the Constitution,” in Lecture 8, Ronald Pestritto, a Hillsdale College professor, lays out the case against the Progressives. Perhaps one of the most startling things I learned in these lectures was the disdain with which the Progressives held our founding principles.

In an Independence Day speech Woodrow Wilson delivered before he became president, he told an audience that if they really wanted to understand the Declaration of Independence, they should “skip the preface”—or the beginning of the document. That includes the second paragraph containing the founding principles of our nation—that all men are created equal, that we have inalienable rights given to us by our Creator and that government must rule by consent of the governed, and much more.

For Wilson, the Declaration was a historical relic, and its only value was to understand the grievances of the colonists against England. Wilson was so intellectually and morally blind to our founding principles, he encouraged people to “skip the preface.” But apparently, at that time, no one called out Wilson—at least there is no record of anyone of stature successfully opposing his Progressive ideas.

Progressives do not believe in God-given inalienable rights. They believe whatever rights you are to have should be decided by the community, and that would be the final word on the subject. To Progressives, the idea of God-given, inalienable rights is a myth. So we have allowed our nation, for many years, to be governed and controlled by Progressives, those who despise our foundational principles and substitute the schemes of state control and bureaucratic rule for lawmaking by our elected members

of Congress. Folks, we, as a nation, have lost our way. We need to re-establish our founding principles.

Under Progressive control, Congress passed broadly worded laws setting goals or objectives. Then, it empowered executive branch agencies and commissions to make rules and regulations for the governing of society, which is supposed to be Congress's job. Congress passed its power to numerous agencies, and that is where much of the power of government still resides today. But the people in these agencies are *not elected*. They *do not* rule by the consent of the governed. Congress neutered itself and gave most of its power to executive branch agencies, the agencies that now constitute the Administrative State. Every citizen needs to understand this.

### **Number 3 – The meaning of our Constitution has been reshaped and rewritten by Supreme Court decisions.**

Every citizen needs to understand that the original meaning of the Constitution has been twisted and warped by U.S. Supreme Court decisions over many years. This does not mean every line of the document has been changed, but some of the key sections of the Constitution were redefined by a bunch of folks in black robes, and we never had a say in it. Furthermore, Congress, which should have stood up for the people, has not challenged the court in any meaningful way, even though it has the power to do so.

The Constitution has a process whereby changes can be made: the amendment process. Parts of the Constitution that could have been changed by amendment and perhaps needed modification have not been changed because of the lack of public interest or public support. Some of these sections have been changed by judicial pronouncements.

For instance, the Commerce Clause, which gives Congress the power “To regulate commerce with foreign Nations, and among the several States”, has been altered. In the minds of the Founders, the Commerce Clause was designed to ensure the free flow of goods throughout the states. But the Commerce Clause has become the basis for nearly every type of economic intervention in the free enterprise system that Congress has chosen to pursue. And the Supreme Court, instead of limiting the powers of Congress to meddle in every business, trade and industry, has seen fit to allow Congress to do almost anything under the authority of the Commerce Clause.

For example, in the Supreme Court decision *Wickard v. Filburn*, an Ohio wheat farmer harvested 12 acres more wheat than allotted under the Agricultural Adjustment Act of 1938 and was penalized under the law. Filburn argued that the extra wheat was for personal use and did not impact interstate commerce. The Supreme Court ruled against Filburn because, it said, Congress had the power to regulate prices and even if Filburn's activity seemed trivial, it still affected interstate commerce and therefore, the price of wheat. The court has seldom reined in the power of Congress to micromanage the U.S. economy. To those on the court, this is a question for voters to decide, not the courts.

And if voters allow this kind of economic regulation by sending certain kinds of people to Congress, in the minds of the justices, the commerce clause does not forbid it.

There are several ways to get around Supreme Court decisions: Congress can ignore the court and legislate how it desires in spite of what the court ruled. It has done this on a number of occasions. This of course, can result in a legal challenge to a law. Some challenges are successful, while others are not. Another way to change the how the Constitution is interpreted and applied is for the Supreme Court to reverse an earlier court decision, which does not happen very often. The final way is to overrule the court by passing an amendment to the Constitution.

Every citizen needs to understand that the meaning of the Constitution, as the court interprets it today, does not *necessarily* reflect the original intent of the Founders. Thankfully, there are judges on the courts today who desire to restore the original intent of the Founders, as do many citizens who understand the Constitution. But change through judicial actions will take some time. It would be better for Congress to legislate according to the Constitution, without waiting for the courts to redefine powers that have been wrongly defined.

**Number 4 – The principle of federalism, in which the states and local governments exercise most of the powers of government, has been abandoned, and power has been centralized in our federal government in Washington, D.C.**

Every citizen needs to understand that the founding principle of federalism has been abandoned by our national government in Washington, D.C.

The 10th Amendment to the Constitution reads as follows:

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.

Powers not delegated would be powers not specifically enumerated in Article I, Section 8, of the Constitution. I count 24 powers or grants of authority there. That's it!

The President also has limited powers, just 11 responsibilities. Six of them are described in Article II, Section 2; four in Article II, Section 3. The power to veto bills passed by Congress is described in Article I, Section 7.

The Founders did not set up our government with the expectation that there would be an agency in Washington, D.C., for every problem. Frankly, this was one of the goals of President Teddy Roosevelt, and we pretty much have what he wanted today. But this is contrary to the values of our Founders.

James Madison, our fourth president and the key author of the Constitution was also one of the authors of *The Federalist Papers*. These were a series of essays published in

New York newspapers during the fight for the ratification of the U.S. Constitution. Madison wrote the following in *Federalist No. 45*:

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.

The Founders expected *most* of the work of government to take place at the local and state levels. There were only a few powers they delegated to the national government. Yet today, our national government is involved in almost everything imaginable. We *must* change this. We must insist that Congress send certain responsibilities back to the state and local governments where they can be most effectively administered.

How is this concentration of power in our nation's capital working out? It's a model of frugal, lean government, right? Not on your life! Our government is more wasteful and bloated with unnecessary functions and preoccupations than it has ever been. In 2020, the U.S. government spent \$6.5 trillion—that is *six-and-a-half trillion dollars*. And it spends more each year to feed this ever-expanding beast. Each year, our government increases our national debt because our already high taxes do not begin to cover the spending. Federal agencies continue to write more and more intrusive rules and regulations. Limiting and eliminating government regulations on businesses and everyday activities can help, but that is only a very small step to freeing us from the Administrative State.

Entire agencies and functions of the federal government in Washington need to be phased out. It can be done in an orderly fashion, with transition strategies, but hundreds of duties and functions can and should be returned to the states.

The standards for legitimate governmental action are in Article I, Section 8, and in the sections I mentioned pertaining to the powers of the president.

With respect to legislative powers, nowhere in Article I, Section 8, does it say Congress can legislate about how parents should educate their children. Nowhere in Article I, Section 8, does it say that Congress should legislate about health care matters or health insurance or even old-age benefits for every citizen, such as we have with Social Security. But members of Congress legislated in these areas anyway. They should have all been thrown out of office when they did so, since Congress has no legitimate authority to legislate about such matters. They all violated their oaths of office, and we, the people, did not hold them accountable.

So what do we do about it now? We need to elect men and women who will pull the federal government out of these programs. The balance sheet for Social Security, in itself, shows how foolish it was to allow Congress to set up a so-called "Trust Fund" for Social Security for citizens to access in their old age. It's like a really bad joke. The Trust Fund is broke, and today's workers pay for the benefits of today's retirees because Congress spent the money in the Trust Fund on other things. A real solution

for Social Security would be to turn over the programs to private firms or the states, but care should be taken to make certain that those who have been promised benefits will receive them as planned.

Another good example of illegitimate action by Congress and the president is the U.S. Department of Education. It should be abolished. There are enough smart people in every state of the union to govern how schoolchildren should be educated. There is *no authority* given to Congress in the Constitution to legislate about schools *at all*. Any governmental power in this area should be exercised by states, counties or cities. But the most important principle is that parents are to be the primary educators of their children. Not the government.

These are just two examples of how far we have strayed from the foundation of limited, constitutional government that was established by our Founders.

There are just a few key things the national government should do: protect our nation from foreign invasion, secure our borders, conduct foreign policy, maintain a system of weights and measures and sound money, administer a system of federal courts and guarantee the free flow of commerce in our nation and in trade with other nations. Congress is also authorized to maintain the necessary military forces to protect our nation and govern the rules for the management of these forces.

But providing a response to every problem within the nation is *not* the job of the federal government.

Every citizen needs to understand how this principle of federalism has been abandoned and how it can be restored. We, the people, must demand that our elected officials begin to reverse the mistakes of the past.

The fifth and final point is how we begin to make these changes.

### **Number 5 – We, the people, can force Congress to change the way it is conducting the people’s business.**

Every citizen needs to understand that we, the people, can force Congress to change the way business is being conducted. We must change Congress to bring about change in our federal government. Most people believe we need to elect the right president to solve the nation’s problems. Nothing could be further from the truth. First, to change our nation, we have to change. Then, we need to change Congress.

We, the people, have to take responsibility to bring about real change to difficult problems in our own communities. Looking to a president or Congress to come along with a so-called “solution” is the road to failure and tyranny. The more we look to the national government to solve our problems, the more it will try to enslave us. Government action from Washington, D.C., has rarely solved the difficult problems of society. Concerned citizens, working together in local communities, *have* resolved

difficult problems such as drug abuse, crime and educational deficiencies *without* the federal government.

We, the people, must start replacing members of Congress who don't get it with those who do. In elections, we must defeat members of Congress who believe Washington has all the answers—those in Congress who vote to raise our taxes, set up new agencies and refuse to secure our borders. They are growing government, not expanding liberty.

Until we elect the right kind of people, Congress will continue to be dysfunctional. There are some good men and women in Congress, but they are a minority. By your own research and interaction with your members of Congress, you can determine who the good guys and gals are, and who needs to go. The nation is dependent on you to make good decisions as an individual citizen. Every citizen needs to understand that the change is *us*. *We* make the difference. But we must do the necessary work to investigate, have conversations and make good decisions at the polls on Election Day.

So, to summarize, what does every citizen need to understand?

Number 1 – Our Constitution, which implements the principles of freedom in the Declaration of Independence and secures our liberty, has been mostly abandoned by those we have elected to serve in the public interest. Once we realize our mistakes in choosing the wrong public officials, the quicker we can act to change course. We, the people, have to make representative government work by becoming informed citizens.

Number 2 – The Progressives messed things up about a hundred years ago by abandoning our Constitution and replacing our republic with an administrative state. We need to *reject* the Progressives and their destructive, liberty-killing ideas.

Number 3 – The courts, especially the Supreme Court, abandoned the original intent of our Founding Fathers many years ago and have redefined the meaning of our Constitution in many important ways. To really understand our Constitution today requires thoughtful study and perhaps even discussion with other freedom-minded individuals. It is essential that we restore the original intent of our liberty-loving founders with ground-breaking court decisions, decisive legislative actions and maybe even new amendments to the Constitution to specifically define the meaning of the Constitution that has been changed by flawed Supreme Court decisions.

Number 4 – Federalism must be restored in order to restore our Constitution. Local and state governmental action is better than federal action on many, many issues, since so many issues are not areas of policy in which the federal government has any legitimate authority. Besides, the federal government has demonstrated over and over again that it is incompetent to deal with matters that are best handled locally or by the private sector. We must start electing members of Congress who understand federalism.

And finally – Number 5 – We must dismiss weak members of Congress who do not support the Constitution as they promised to do when they took their oaths of office. People across our nation need to wake up, get educated about our Constitution and then replace members of Congress who do not follow our charter of freedom. A Congress of members who truly uphold our Constitution is the key to resolving so many of these problems.

A constitutional Congress would appreciate and honor the principles in our Declaration of Independence and the provisions of our Constitution and uphold their oaths of office. A constitutional Congress would reject the principles of the liberty-killing Progressives and seek to reverse their harmful policies and dismantle the Administrative State that has shackled our nation for the past century.

A constitutional Congress would use the powers delegated to it in the Constitution to limit the jurisdiction of the federal courts and introduce constitutional amendments to reverse the worst Supreme Court decisions.

A constitutional Congress would abolish federal agencies performing functions that are not supported by a provision in Article I, Section 8, and allow the states to exercise authority in those matters that are not truly federal matters. For agencies that do work consistent with federal authority granted in Article I, Section 8, Congress should require every significant rule written by those agencies to receive a vote of approval by Congress before that rule goes into effect.

Until we, the people, act to elect members of Congress committed to changing the culture of Congress, we will see no significant change at all. Until we change Congress, nothing of much value will emerge from that body. The greatest gift we can give to our nation, politically, is to educate ourselves and then our friends and neighbors. If citizens don't understand what they need to understand, they will be powerless to make the right kinds of changes. But an informed citizenry, a watchful citizenry who truly understands, is both dangerous to tyrants and necessary for the advancement of liberty.

Join the fight for freedom in our land and exercise your rights as a citizen.

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