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as I see it;
trying not to
offend
those who will
disagree."

The truth as I see it™

Idaho Common Sense™



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Who has the power - government or "we the people"

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*"I cannot undertake to lay my
finger on that article of the
Constitution which granted a right to
Congress of expending, on objects of
benevolence, the money
of their constituents."*

—James Madison, 4th U.S.
President
*father of the United States
Constitution*

How does Congress constitutionally justify spending money on anything it chooses? What happened to Article V of the Constitution which requires agreement of 2/3 of each House of Congress and approval by 3/4 of the states to change the Constitution? In fact, why would we even need Article V if Congress has unlimited powers?

The issue surrounds the meaning of Article I, Section 8 of the Constitution, which says in part, "to pay the Debts and provide for the common defense and general Welfare of the United States." This statement is followed by the specific, enumerated powers granted Congress.

Before the signatures were affixed and the ink dried, detractors attacked the limited, enumerated powers the founding fathers granted the federal government, arguing the "general Welfare" clause is one of the enumerated powers.

Wouldn't you expect the Constitution to reflect the founding fathers' view of what a federal government should be, based on the fears of government they brought with them from Europe? Common sense suggests "America's founding fathers feared an 'imperial presidency' when drafting the Constitution." Although this accurately reflects the sentiments of the founding fathers, this was not

written in 1776; rather it was written in 2007 by New York Times Assistant Editor Adam Cohen describing President Bush.

The earliest and most vocal detractor of a limited federal government was Alexander Hamilton who demanded a strong federal government to make the "right" decisions for us because "we the people" cannot be trusted with important decisions. He argued the "general Welfare" clause was an enumerated power of Congress and wrote about this in the Federalist Papers.

These papers were written mainly by Hamilton and James Madison and are often cited as a reference for deciding the meaning of various parts of the Constitution. But you cannot use Hamilton's own writings as proof that Hamilton's beliefs were correct.

Hamilton's federalist views influenced the first two presidencies, but history views Thomas Jefferson's win over Adam's try for a second term as a rejection of Hamilton's interpretation.

Further, if Hamilton's interpretation was correct wouldn't you expect that he, as a member of the Constitutional Convention, had a great deal to do with the wording? In reality, Hamilton became frustrated with the other two New York delegates and left the convention at the end of June 1787, absent for much of the remaining convention during which all the language about the "general Welfare" clause was created and debated.

Did his claimed meaning of "to provide for the general Welfare" have more to do with what he wanted it to mean rather than what the representatives of the Constitutional

Convention intended it to mean? Did he, much like President Franklin Roosevelt, first decide what he wanted the powers of the federal government to be and then set about to "massage" the Constitution to fit that wish?

Remember, the worst fears of the founding fathers were not only the governments they left in Europe, but also the very government they were creating.

Thomas Jefferson surmised the founding fathers' intentions saying, "I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but inform their discretion."

The debate persists today, but before 1936 the United States Supreme Court narrowly interpreted the "general Welfare" clause and the Constitution as a whole. President Franklin Roosevelt changed that, saying "the United States Constitution has proved itself the most marvelously elastic compilation of rules of government ever written."

What changed? Why did it change? How did President Roosevelt get the Supreme Court to "re-interpret" the Constitution to fit his needs?