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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™



Craig L. Bosley, MD

Who really holds the power?

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"The United States Constitution has proved itself the most marvelously elastic compilation of rules of government ever written."

—President Franklin Roosevelt

Did the founding fathers create a "marvelously elastic" Constitution as Roosevelt suggested? No, they created the antithesis, granting their new government limited powers, enumerated to prevent it from evolving into another all powerful government. Remember, they feared the very government they were creating, feared it would grab unlimited power just like the ones they left in Europe.

They created a Constitution addressing the issues of their times, and added a mechanism to amend that Constitution should changes be needed. But they made amending it very difficult to prevent our leaders from usurping the power of "we the people."

To amend the Constitution they required approval of 2/3 of each House of Congress followed by approval of 3/4 of the states. Is this an easy task to accomplish? Absolutely not. Nor was it intended to be. The founding fathers had been through the contentious and debilitating debates leading up to declaring independence from England, and then again while creating the Constitution. No, they knew the extreme difficulty they were demanding of us to change the Constitution. It was deliberate. They were protecting "we the people" from the power of our President, our Supreme Court and our Congress.

Delightfully simple and intelligently complicated, the Constitution is anything but "marvelously elastic." What Roosevelt should have viewed with reverence, awe and respect, he viewed as an impediment.

He was certain he knew what was best for "we the people." He shared Alexander Hamilton's belief that "we the people" are simply not capable of being trusted with the fate of a nation. And Congress agreed with Roosevelt, despite repeated rulings by the Supreme Court that many of the entitlements they created were unconstitutional.

The master orator did what was necessary, saying what needed to be said while doing what he determined must be done. In his second State of the Union address in 1935 he said, "The Federal Government must and shall quit this business of relief." But he created a near unending number of unconstitutional entitlement programs.

He assured the nation, "We have undertaken a new order of things; yet we progress to it under the framework and in the spirit and intent of the American Constitution." But he tried to circumvent that very Constitution.

Describing Nazis he said, "They seek to establish systems of government based on the regimentation of all human beings by a handful of individual rulers." But he tried to change the composition of the United States Supreme Court hoping to control future court rulings—he and a handful of rulers.

He intended to expand the Supreme Court from 9 to 15 justices, purportedly to ease the work for justices over the age of 70. Benevolent? Not at all. He wanted to appoint 6 new justices to the Court who would allow him to continue his entitlement programs without a pesky Supreme Court ruling them unconstitutional.

His plan failed, but the court got the message as evidenced in their ruling on Roosevelt's Agricultural Adjustment Act of 1933, another of his entitlement programs that was under constitutional challenge.

Even though the court ruled the act unconstitutional, they went beyond the question before them and declared that the "general welfare" clause of the Constitution was an enumerated power of Congress, saying it has "a substantive power to tax and to appropriate, limited only by the requirement that it shall be exercised to provide for the general welfare of the United States."

Intimidated by the President, the Supreme Court gave Congress a blank check with unlimited powers, abolishing the government the founding fathers intended and created. One-hundred sixty years after the American Revolution the worst fears of the founding fathers were realized.

Is it finally time to heed Patrick Henry's warning, "The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government – lest it come to dominate our lives and interests?" It's worth some thought.