

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

# The truth as I see it<sup>®</sup>

Idaho Common Sense<sup>®</sup>



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## Reclaiming the Constitution – Part V

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In 1804, the United States Supreme Court claimed absolute control over the Constitution, declaring only it could decide the Constitution's meaning and neither the president nor Congress could overrule it. More than 100 years later, through sheer intimidation, President Franklin Roosevelt got the Supreme Court to use this control to give Congress powers not in the Constitution.

In 1937, the court changed the meaning of the "general Welfare" clause, allowing Congress to do anything it deemed needed for the "general Welfare." In 1942, ignoring the meaning and intent of the commerce clause, the Supreme Court ruled that anything an individual or company produces or purchases, even if only sold intrastate or if only for personal use, can be regulated by the federal government because it impacts "commerce among the several states."

Is there any hope we can fix these failures? Is there any hope we can return to the Constitution? Yes, in a recent Supreme Court ruling, current Chief Justice of the Supreme Court John Roberts gave us reason to believe that we can regain our decimated Constitution. In *Citizens United v. F.E.C.*, with near-blasphemy he dared say that earlier court rulings are not sacred and it is acceptable to overturn those rulings, to say those rulings are unconstitutional.

Of correcting flawed earlier rulings, Roberts said, ". . . if adherence to a precedent actually impedes the stable and orderly

adjudication of future cases . . . (and if) the precedent's underlying reasoning has become so discredited that the Court cannot keep the precedent alive without jury-rigging new and different justifications to shore up the original mistake," then the court must correct those mistakes.

At last, someone had the courage to say "mistake" rather than "precedent" when referring to the Supreme Court. At last, the words "mistake" and "Supreme Court" were used in the same sentence.

What was the founding fathers' intent? Did they really intend only a select few determine the meaning of the Constitution? According to Stephen J. Markam, Justice of the Michigan Supreme Court, the Constitution "was written for those in whose name it was cast: 'We the People.'" It is a "succinct document and it is in most respects remarkably straightforward."

In other words, we need not be shamed into the shadows, feeling too ignorant to comment on the Supreme Court or the Constitution because we do not have the requisite law degree with the needed "expertise" in constitutional law.

Markam added, "The Constitution was never designed to be the exclusive preserve of judges and constitutional-law professors" who ignore simple common sense evaluation of the Constitution, unable to see the forest for the trees. Cloistered justices lead to "deconstructive 'interpretations' of relatively straightforward terms and phrases, and to the now commonly

accepted vision of judges as the 'adult supervisors' for society."

Markam asks if "judges are merely engaging in 'politics by another name,' a jurisprudential subterfuge by which they can justify and rationalize their own political preferences?" You decide.

We can argue definitions of democracy, republics, capitalists, socialists, Marxists, communists and dictators. We can argue definitions of phrases and individual words in the Constitution.

Call it what you will, cloak and camouflage it as you will, but the Supreme Court has dishonored and decimated the United States Constitution. The constitution as "interpreted" by the Supreme Court has little likeness to the Constitution gifted us by the founding fathers. It has little resemblance to the intents of those who were willing to die to create the freedoms of the United States of America.

We are in danger of losing the most amazing and successful experiment of self-government in the history of the world. But, we have a choice. We hired the federal government to do a job, outlining its duties in a contract – the United States Constitution. The federal government has failed its contractual obligations; it's time to fire it.

It is still our choice. It is still our country. It is still our Constitution.

Dr. Bosley's book titled *The Truth as I See It<sup>®</sup>*, *Idaho Common Sense<sup>®</sup>* is hardcover, 374 pages, \$24.95 - available at the Idaho State Journal, 5<sup>th</sup> Street Bagelry and [www.craigbosley.com](http://www.craigbosley.com). To contact him directly, you can email him at [craig@craigbosley.com](mailto:craig@craigbosley.com). His columns are available at [www.craigbosley.com](http://www.craigbosley.com).