

# IS IT TIME TO THROW AWAY THE CONSTITUTION?

*15 Minutes of Freedom by Aaron Ferguson*

Old, outdated, obsolete — these are some of the words used to describe the Constitution these days. But is it the Constitution, or our failure to follow it, that is the source of our political problems?

## Unfit for Our Democracy

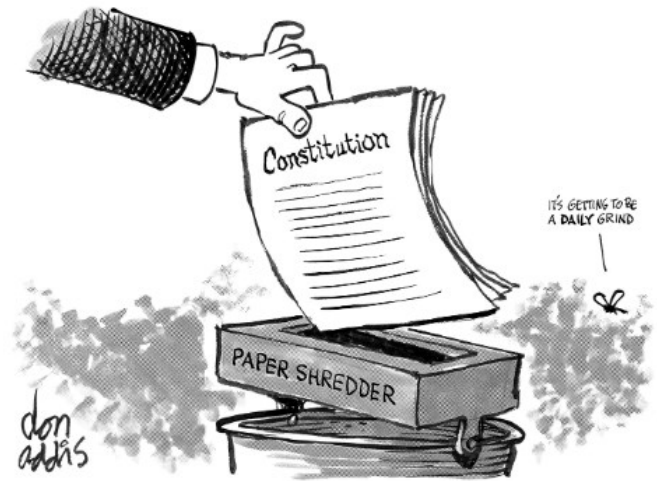
“The Constitution desperately needs updating,” say Harvard government professors Steven Levitsky and Daniel Ziblatt in an article in the *Harvard Gazette* (2023). “We have a very, very old constitution. It was written in a pre-democratic era,” they say. “It hasn’t been amended much compared to other democracies. As a result, we have these institutions in place that most other democracies have gotten rid of.”<sup>1</sup>

In a 2016 article for the Hoover Institute, Terry Moe and William Howe argued that “the ultimate problem is the Constitution itself. The Founders crafted a government [long] ago for a simple agrarian (rural) society of just four million people. Government was not expected to do much. This approach to governance may have been fine for the late 1700s, but that era is long gone.”<sup>2</sup>

Moe and Howe continued, “American society changes at a frenzied pace, giving rise to a mind-boggling array of vexing problems. What we need is a government that is up to the challenges. But what we have is a government designed in 1789, for a primitive world, nothing like our own. We are prisoners of the past. It is up to us to fashion political institutions that allow for effective government in our own times. The Founders cannot save us. We must save ourselves.”<sup>3</sup>

In 2020, Greg Coleridge and Jessica Munger posted on Salon’s website, “The Constitution is hopelessly outdated. It’s time to re-envision it.”<sup>4</sup> They continued, “The depth of crises in our nation in 2020 — if not their existence entirely — are all rooted in our flawed Constitution.”

In a 2013 edition of *Smithsonian Magazine*, Amy Crawford interviewed author Louis Michael Seidman (who wrote *On Constitutional Disobedience*) and asked him why we should stop obeying the Constitution. He replied, “This is



about taking the country back for ourselves. There’s no reason to let folks who have been dead for 200+ years tell us what kind of country we should have. I don’t mean to say that they were not farsighted for their time, but their time is not our time.”<sup>5</sup>

In another 2013 article entitled, “We the People Should Throw Out the Constitution,” the National Public Radio staff posted comments decrying the Constitution for complicating the healthcare debate. “The people are in such need of good, cheap health care,” they said, “but they are told that a federal healthcare system is unconstitutional. Before you know it, we’re off on a completely irrelevant conversation about what people thought 250 years ago, instead of what we should be talking about, which are the merits of health care.”<sup>6</sup>

Finally, in 2018, Ryan Cooper wrote an article entitled, “America’s Constitution is Terrible. Let’s Throw It Out and Start Over.” Then, he offered five radical ways to “fix our democracy.” He said, “The American Constitution is a malfunctioning piece of junk, and it’s only getting worse. America is going to have to overhaul its basic structure of government, or it will fall to pieces.” What did he propose? “Throw the entire Constitution in the garbage.”<sup>7</sup>

This narrative saturates our government schools, and it’s often repeated by their graduates. When posting to her web-based school newspaper in 2023, Emma Supinski wrote, “The Constitution is no longer practical. The old document has some major cracks that are starting to harm our democracy. We are living in an age of technology, outrunning old policy and laws. The process of changing and amending [the Constitution] is way too slow, causing outrage among citizens. The Constitution isn’t as beneficial to the people of America as it once was.”<sup>8</sup>

While there are countless other articles that could be referenced, they only utter more of the same rhetoric. So, what's the point? It is obvious that these individuals despise the Constitution, but are their arguments legitimate or nonsense? How should we interpret these calls to trash one of our founding documents?

These articles (and others like them) reveal two unfortunate truths. First, there is a general ignorance regarding the purpose of the Constitution and the proper role of civil government. Second, and more importantly, there is a hidden agenda calling for the removal and replacement of the Constitution. Let's look a little more closely at both of these truths.

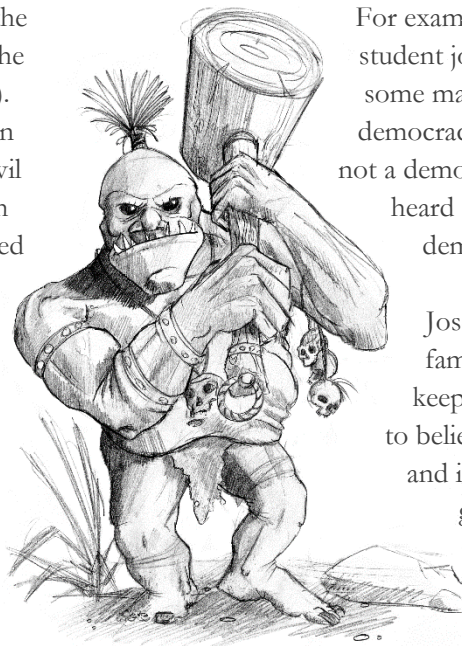
### **The Purpose of the Constitution and the Proper Role of Civil Government**

Imagine for a moment that an enormous monster was on the loose. It ruined infrastructure, devoured resources, destroyed property, and threatened lives. But then, brave knights in shining armor devised a means to trap the beast, lock it in a cage, and restrain it with chains. As a result, the people were free again to leave their homes without fear and enjoy peace, security, and prosperity.

That monster is civil government. Without restraints, it becomes tyrannical, oppressive, and destructive. That's what prompted the American Revolution (1765-1789). The knights in shining armor were the Founders. They caged the beast and restrained it with chains.

The cage they constructed was the Constitution, drafted in the summer of 1787. Two years later, it was ratified and enforced. The chains they devised were the Constitution's seven Articles, as well as the first ten Amendments (the Bill of Rights). The Constitution was a covenant between the American people and their elected civil servants. It established the rules by which our new federal republic, and those elected to lead it, should operate.

The Constitution delegates limited authority and actions to our federal officers. They can only function within the boundaries of the Constitution. Those powers not granted to the federal government by the Constitution are left to the States, or the people, to wield.



While it is true that we don't live in the 18<sup>th</sup> Century anymore, and that the times have drastically changed, one thing has not changed — the nature of human beings. People are not angels. They are sinful, selfish, imperfect, and imperfect people jeopardize others' lives, liberty, and property. Therefore, some form of civil government is necessary to preserve order and restrain wickedness.

Civil government's role, then, is to protect the 99% from the 1% that cannot govern itself (*Rom. 13:1-7*). It exists to protect the rights and liberties of all people from those who seek to harm them. It also prevents the majority from taking advantage of the minority, which is not the case in a democracy. The civil government has been given enough power to protect us, but not the power to control us. With civil government thus restrained by the Constitution, We the People are free to govern ourselves.

While civil government has been ordained by God as a blessing to us, too much of it becomes a curse. Simply put, we must keep the beast behind bars. As long as it remains bound and locked in its cage, there is no fear of it wreaking havoc on the land or the people. But, if government breaks its chains, bends the bars of its cage, or — God forbid — escapes its confines, then everyone is in danger.

But if the Constitution is so important, then why do people despise it and want it destroyed? In the case of graduates, they are simply repeating what they've learned from teachers and textbooks in government-run schools and universities, all of which has produced a generation of uninformed citizens.

For example, in the case of Emma Supinski, the student journalist, she wrote, "The old document has some major cracks that are starting to harm our democracy." The problem is that the United States is not a democracy. It's a republic. But her generation has heard that lie for so long — America is a democracy — that they believe it.

Joseph Goebbels, the Nazi propaganda expert, famously said, "If you tell a lie big enough and keep repeating it, people will eventually come to believe it." The U.S. propaganda machine is real, and it's working just as it was designed. Entire generations of Americans have turned against our exceptional form of government and are calling for its end.

Emma continued, “The process of changing and amending [the Constitution] is way too slow,” a point that Ryan Cooper also stated in his article. “One of the biggest problems with the Constitution,” he said, “is that it makes changing anything nearly impossible.” But that was exactly the Founders’ intention. With a difficult amendment process, there are less changes to the Constitution, which naturally protects the rights and liberties of the people and provides stability for the country. A document that can be amended easily only invites constant change and instability.

Finally, Emma said, “The Constitution isn’t as beneficial to the people of America as it once was.” Again, she is an example of the typical mindset of today’s generation, who doesn’t know the purpose of the Constitution or the proper role of government. To them the government’s role is to provide endless goods and services. But the Constitution restrains government from doing just that. Thus, in their eyes, this document is a roadblock that needs to be removed.

But not all people are uninformed. Some of these articles were written by really smart people, Harvard professors, for instance. But, while they may be academically smart, a lot of smart people believe foolish things. The problem is not intelligence; the problem is worldview.

Those with a secular worldview either aren’t allowed to follow facts where they lead (their worldview won’t let them), or they actually believe what they say — that limited government is bad, and big government (or socialism) is good. But socialism, which naturally springs from a secular worldview, is antithetical to a conservative document like the Constitution. Socialism demands more government power and control, both of which the Constitution prevents.

So then, if ignorance is not to blame for demanding the Constitution’s destruction, then what is the source for this contempt? There must be another motive. The truth is that there is a hidden agenda behind these demands.

### The Hidden Agenda

One of the problems that modern Americans have with the Constitution is that it was founded on principles, biblical principles that are immutable (unchanging). But

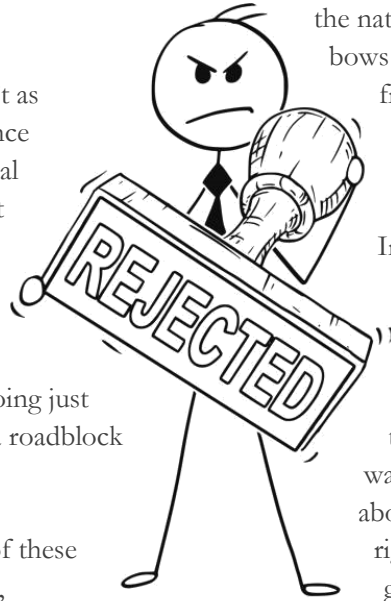
Americans today, who favor relativism of all stripes, don’t like unchanging principles. They want a government that caters to their preferences, whether that’s abortion-on-demand, same-sex marriage, transgenderism, or a host of entitlement programs. Preferences overrule principles.

But these things don’t reconcile with a timeless document built on principles, and thus, the document must go. When we understand that people today want a government that caters to their preferences, then we will better understand the national shift towards democracy. A democracy that bows to the will of the people, despite principles or fixed laws (as in a republic), will give the people what they want, no matter how ludicrous, immoral, or expensive.

In their Salon article, Coleridge and Munger claimed, “The public is ripe for a radically democratic discussion, to envision constitutional change that serves the interests of people, communities, and the earth — with the goal to democratize the Constitution. People want a constitution that protects human rights (i.e., abortion, same-sex marriage), not just property rights. People want a right to healthcare, housing, gender [really transgender] equity, and a whole lot more.” Simply put, the American people want what they want, and the Constitution is in the way.

To get what they want, American socialists demand that the Constitution be overhauled, if not shredded to pieces. If they can’t get rid of it, then at least they can peel off and throw away elements of it, until it no longer resembles its original intent.

For example, in their new book *Tyranny of the Minority*, Harvard professors Levitski and Ziblatt argue that the U.S. adheres to antiquated institutions like the Electoral College, when electing its presidents (a constitutional but non-democratic system). Instead, the country should elect presidents by popular vote (an unconstitutional but democratic system).<sup>10</sup> Thus, candidates with the greatest number of votes would win the presidency. Adhering to the much-touted National Popular Vote system (moving towards democracy) would allow America’s biggest cities and states to control an election, all of which are radically liberal or socialist. The Founders established the Electoral College system to avoid the tyranny of such a democracy. In other words, a popular vote for president is a bad idea, and the Founders knew it.



Another constitutional provision that socialists would like to remove relates to Washington D.C. The Founders isolated the nation's capital to its own district, so that it would not be located in one of the states. In states, citizens govern their own affairs, but a district, like D.C., falls under the supervision of Congress. Socialists demand that D.C. become a state, not only so that it could govern itself, but also so that it would become a powerful ally in elections. Currently, D.C. is only allowed the same amount of electors as the least populous state. But if D.C. gets its way, the socialists will have another populous liberal state on their side.

A third constitutional provision the socialists would like to unravel relates to the passing of laws. The current system requires that a bill obtains the approval of majorities in both the Senate and the House of Representatives. With the great gulf between the two major political parties, a majority is very difficult to obtain. Thus, very few laws are passed. Once again, the Founders meant for the process of passing a bill to be difficult, to avoid needless or arbitrary laws. So then, what do socialists propose? They want presidents to have more power, to pass laws without the help of Congress.<sup>11</sup>

For example, consider the 2020 pandemic. "The human impact of the pandemic would have been less severe," say Coleridge and Munger, "if health care, food, housing, and income were deemed inalienable rights, and government [meaning the President] could've provided those things."<sup>12</sup>

They continued, "Profound problems require profound solutions. We don't have to start from scratch. We can take inspiration from the U.N. Declaration of Human Rights (a socialist organization), or the Second Bill of Rights proposed by President Franklin Roosevelt (also a socialist). These changes," they believe, "would achieve real liberty and justice for all."<sup>13</sup>

While there are several other elements of the Constitution that socialists want to see trashed, the point is clear. The Founders placed too many limitations on the federal government, and socialists can't give themselves what they want — more free stuff. Furthermore, they can't "elect" the people who will give it to them.

## Should We Love It or Leave It?

What did the Founding Fathers think of the Constitution? James Madison, who was one of the keen minds behind the framing of our federal government, said, "The Constitution is a miracle, and [its] example is the hope of liberty throughout the world." George Washington, who was the President of the Grand Convention that drafted the Constitution in 1787, said, "Let every violation of the Constitution be reprehended. If defective, let it be amended, but not suffered to be trampled on while in existence." In other words, leave the Constitution alone!



Benjamin Franklin, who was the oldest delegate at the Convention, said, "It astonishes me to find this system approaching so near perfection as it does. Thus, I consent to this Constitution." Then, after the Convention, a woman asked Dr. Franklin, "What have you given us, sir?" (meaning what form of government). His answer is well-known. "A republic, ma'am," he replied, "if you can keep it."

Franklin and his colleagues had restrained the beast of federal government, and the people were free. If the beast was ever loosed again, it would be the fault of the

American people, not the fault of the Constitution. As Samuel Adams — the Father of the American Revolution — once wrote, "We (the people) are now the guardians of our own liberty." The truth is that the Constitution has not failed us, but rather we have failed the Constitution. The document has not changed, but We the People have changed. We have been poor stewards of our republic. Now, we want to replace it with democracy, at our peril.

Frankly, most of the problems that we are facing in our country today are results of our ignoring the Constitution and allowing the beast to have its way with us. As Patrick Henry, the great orator said so well, "In a republic [like ours], the Constitution is not an instrument for the government to restrain the people, but it is an instrument for the people to restrain the government — lest the government come to dominate our lives."

We don't need to trash the Constitution. We need to treasure it. It is only because the Constitution has been in place for so long that liberty has endured. Without its protection, the beast will be loosed, and liberty lost.

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## ENDNOTES

- <sup>1</sup> DeSmith, Christy. 2023. "Scholars Warn of Danger in an Outdated Constitution." *Harvard Gazette*. September 12, 2023. <https://news.harvard.edu/gazette/story/2023/09/scholars-warn-of-danger-in-an-outdated-constitution-democracy-tyranny-of-the-minority/>.
- <sup>2</sup> Moe, Terry, and William Howell. 2020. "Our Outdated Constitution." Hoover Institution. 2020. <https://www.hoover.org/research/our-outdated-constitution>.
- <sup>3</sup> Moe, Terry, and William Howell. 2020. "Our Outdated Constitution." Hoover Institution. 2020. <https://www.hoover.org/research/our-outdated-constitution>.
- <sup>4</sup> Coleridge, Greg, and Jessica Munger. 2020. "The U.S. Constitution Is Hopelessly Outdated. It's Time to Re-Envision It." *Salon*. December 10, 2020. <https://www.salon.com/2020/12/10/the-us-constitution-is-hopelessly-outdated-its-time-to-re-envision-it/>.
- <sup>5</sup> Crawford, Amy. 2013. "Should the Constitution Be Scrapped?" *Smithsonian*. *Smithsonian.com*. February 5, 2013. <https://www.smithsonianmag.com/innovation/should-the-constitution-be-scrapped-11569546/>.
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- <sup>8</sup> Supinski, Emma. 2023. "Why the Constitution Is so Outdated." *The Green & White*. 2023. <https://greenwhite.org/why-the-constitution-is-so-outdated>.
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- <sup>10</sup> DeSmith, Christy. 2023. "Scholars Warn of Danger in an Outdated Constitution." *Harvard Gazette*. September 12, 2023. <https://news.harvard.edu/gazette/story/2023/09/scholars-warn-of-danger-in-an-outdated-constitution-democracy-tyranny-of-the-minority/>.
- <sup>11</sup> Moe, Terry, and William Howell. 2020. "Our Outdated Constitution." Hoover Institution. 2020. <https://www.hoover.org/research/our-outdated-constitution>.
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- <sup>13</sup> Coleridge, Greg, and Jessica Munger. 2020. "The U.S. Constitution Is Hopelessly Outdated. It's Time to Re-Envision It." *Salon*. December 10, 2020. <https://www.salon.com/2020/12/10/the-us-constitution-is-hopelessly-outdated-its-time-to-re-envision-it/>.