

# IS THE U.S. CONSTITUTION OUTDATED: WHAT WOULD THE FOUNDERS SAY?

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# IF THEY COULD MEET...



# ONE NATION? UNDER GOD?

- ⦿ How does America preserve and encourage diversity while building and maintaining unity?
- ⦿ Can America withstand growing social, ethnic, and cultural diversity, as well as geographic self-selection, and stay united in accepting a set of common beliefs?

## ISSUES THAT TRANSCEND TIME?

- ◉ Social and Religious Diversity
- ◉ Economic policy: Equality of Opportunity or Outcome
- ◉ Foreign Policy and Military Intervention
- ◉ Federal Spending and Public Debt
- ◉ Judicial Power and Rule of Law
- ◉ Presidency
- ◉ Congressional Effectiveness



## SOCIAL AND RELIGIOUS DIVERSITY

- ◉ “Spiritual freedom is the root of political liberty...As the union between spiritual freedom and political liberty seems nearly inseparable, it is our duty to defend both.” Thomas Paine *Thoughts on Defensive War* 1775
- ◉ “That religion, or the duty which we owe to our CREATOR, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that is the mutual duty of all to practise Christian forbearance, love, and charity; towards each other. James Madison/George Mason, *Virginia Declaration of Rights* 1776
- ◉ “Without religion, I believe that learning does real mischief to the morals and principles of mankind.” Benjamin Rush to John Armstrong 1783

# ECONOMIC POLICY: EQUALITY OF OPPORTUNITY OR OUTCOME

- ◉ “It is the practice of what has unjustly obtained in the name of civilization...to make some provisions for persons becoming poor and wretched, only at the time they become so. Would it not, even as a matter of economy, be far better, to devise means to prevent their become poor[?]” Thomas Paine *Agrarian Justice* 1797
- ◉ “Equally fallacious is the doctrine of equality....That one man in a state, has as good a right as another to his life, limbs, reputation, and property, is a proposition that no man will dispute. Nor will it be denied that each member of a society, who has not forfeited his claims by misconduct, has an equal right to protection. But if by equality, writers understand an equal right to distinction, and influence; or if they understand an equal share of talents and bodily powers; in these senses, all men are not equal.” Noah Webster *An Oration on the Anniversary of the Declaration of Independence*, 1802



## FOREIGN POLICY AND MILITARY INTERVENTION

- ◉ “We certainly cannot deny to other nations that principle whereon our own government is founded, that every nation has a right to govern itself internally under what forms it pleases, and to change these forms at its own will: and externally to transact business with other nations thro’ whatever organ it chuses....The only thing essential is the will of the nation.” Thomas Jefferson *To Thomas Pinckney* 1792.
- ◉ “It is the duty of every government to charge itself with the care of any of its citizens who may happen to fall under an arbitrary persecution abroad.” Thomas Paine *To George Washington* 1796
- ◉ “Wherever the standard of freedom and independence has been or shall be unfurled, there will be America’s heart, her benedictions and her prayers. But she does not go abroad in search of monsters to destroy. She is the champion and vindicator only of her own.” John Quincy Adams 1821

## FEDERAL SPENDING AND PUBLIC DEBT

- ◉ “A national debt, if it is not excessive, will be to us a national blessing.” Alexander Hamilton, *Letter to Robert Morris* 1781.
- ◉ “I go on the principle that a public debt is a public curse.” James Madison *Letter to Henry Lee*, 1790
- ◉ “To contract new debts is not the way to pay old ones.” George Washington *To James Welch*, 1799.
- ◉ “That same prudence which in private life would forbid paying our own money for unexplained projects, forbids it in the dispensation of the public moneys.” Thomas Jefferson *Letter to Shelton Giliam*, 1808.



# JUDICIARY AND THE ROLE OF LAW

- “Laws are a dead letter without courts to expound and define their true meaning and operation.” Alexander Hamilton *The Federalist Papers* 1788
- “The judicial authority consists in applying, according to the principles of right and justice, the constitution and laws to facts and transactions in cases, in which the manner or principles of this application are disputed by the parties interested in them.” James Wilson *Lectures on Law, Of Government. College of Philadelphia* 1790
- “It is a very dangerous doctrine to consider the judges as the ultimate arbiters of all constitutional questions. It is one which would place us under the despotism of an oligarchy.” Thomas Jefferson *Letter to W.C. Jarvis* 1820

## ON POLITICAL PARTIES

“Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.... It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foment occasionally riot and insurrection... A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.”

George Washington's Farewell Address 1796

## PRESIDENCY

- ◉ “My movements to the chair of government will be accompanied by feelings not unlike those of a culprit who is going to the place of his execution.” George Washington *Letter to Henry Knox* April 1789.
- ◉ “[The President] is the dignified , but accountable magistrate of a free and great people. The tenure of his office, it is true, is not hereditary; nor is it for life; but still it is a tenure of the noblest kind: by being the man of the people, he is invested; by continuing to be the man of the people, his investiture will be voluntarily, and cheerfully, and honourably renewed.” James Wilson *Lectures on Law* 1791
- ◉ “No man will ever bring out of the Presidency the reputation which carries him into it. Thomas Jefferson *Letter to Edward Rutledge* 1796

# CONGRESSIONAL EFFECTIVENESS

- ◉ “For heaven’s sake, who are Congress? Are they not the creatures of the people, amenable to them for their conduct and dependent from day to day on their breath?”  
George Washington *To William Gordon* July 1783
- ◉ “But is not man, in the shape of a senator or a representative, as fond of power as a president?....Are not ambition and favoritism, and all other vicious passions and sinister interests, as strong and active in a senator or a representative as in a president? Cannot, indeed, the members of the legislature conceal their private views and improper motives more easily than a president? John Adams, *Review of propositions to amend the Constitution* 1808.
- ◉ “If there be any thing amiss therefore, in the present state of our affairs, as the formidable deficit lately unfolded to use indicates, I ascribe it to the inattention of Congress to its duties, to their unwise dissipation & waste of the public contributions. They seemed, some little while ago to be at a loss for objects whereon to throw away the supposed fathomless funds of the treasury.” *Thomas Jefferson To Thomas Ritchie* 1820

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