

Wednesday, September 1, 2010

MAJOR FLAW WITH THE "CONTRACT FROM AMERICA"

Recently some 450,000 Americans submitted more than 10,000 ideas to a website. These ideas from the public were sorted by popularity and reduced to the top ten. The list with these ideas is now called a "Contract from America". It is being used to qualify candidates for the upcoming Congressional elections. Candidates are being asked to literally sign the Contract and agree to work to actualize the 10 ideas it proposes. In general, the ideas listed offer ways to support individual liberty, limited government, and economic freedom. Sounds good to me. Those are the traditional points of conservative Republicans (although this Contract from America is supposed to be from the grass roots and has Tea Party roots. The most popular demand to be expected from our elected officials, the one garnering the most votes, is this- Protect the Constitution Require each bill to identify the specific provision of the Constitution that gives Congress the power to do what the bill does. (82.03% of the votes from 450,000 citizens) This is admirable and I agree with the words; but what does it mean? As with the Bible, there are several ways to interpret the Constitution, which I have explained several times on this Blog. Which Rules of Interpretation, which Philosophy of Law, shall we follow? And who decides that? Congress, the Supreme Court or a solitary Federal Court Judge as in the same sex marriage case (Prop in California? Unless there is agreement on this matter, the mandate is toothless. Do we want our elected officials to abide by the original intent of the authors of the Document, including all the Amendments? (Not only the authors of the Founding Documents, circa post- Revolutionary War, but the authors of the Post Civil War Documents into the 20th C) Is the Constitution to be interpreted as static, fixed with a single meaning for all time or is it a living document, to be understood according to the values and needs of contemporary America. Many of its Articles and phrases are vague and permit diverse interpretation or application. [Do you see the comparisons with how we interpret the Bible?] For example, much of the current debate over children born to illegal immigrants (are they citizens by being born on American soil?) is shaped by different interpretations of the Constitution. Proponents for each side of the issue do what the Contract from America requests: they "identify the specific provision of the Constitution that gives Congress the power to do what the bill does. In this case the 14th Amendment (post Civil War, not post Revolutionary War). They just do not agree with what that provision means because they use different Rules of Interpretation. Look at the never ending debates about "freedom of speech" or about "gun control" or the "right to privacy". Debaters on these topics all appeal to the 1st Amendment, but that doesn't help because they interpret the words differently. Consider how the Commerce Clause (Article 1, Section 8, Clause 3) has been used to support all Civil Rights Laws, Sherman Ant-Trust Act and Interstate Commerce, definitions of Crimes and the Treatment of Native Americans, to name only a few. Debaters all identify the specific provision of the Constitution that gives Congress the power to do what the bill does. They just interpret it by different Rules. What the Contract declares, "Protect the Constitution", sounds good; but it is so simplistic that it is meaningless. This can be said of most the of other nine Ideas in the Contract (in varying degree). I got a phone call today from the campaign office of a local conservative candidate for Congress. She mentioned several of these line items. She had no answer when I asked for details. She just repeated them like a mantra. That won't do!

2. Reject Cap & Trade
3. Demand a Balanced Budget
4. Enact Fundamental Tax Reform
5. Restore Fiscal Responsibility & Constitutionally Limited Government in Washington
6. End Runaway Government Spending
7. Defund, Repeal, & Replace Government-run Health Care
8. Pass an 'All-of-the-Above' Energy Policy
9. Stop the Pork
10. Stop the Tax Hikes

Posted by Cal in Current Events at 18:37