

Seven Things about the U.S. Constitution that Every College Student Needs to Know

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Introduction

- 1. The U.S. Constitution is a written document.**
 - The British Constitution was a lived tradition.
 - The U.S. Bill of Rights, like the U.S. Constitution, was a written document.
 - The Founders viewed writing as a safeguard for preserving liberty, although some questioned how much writing was necessary or prudent.

- 2. The U.S. Constitution was designed for a republic, not for a democracy.**
 - Benjamin Franklin: “a republic, if you can keep it.”
 - *Res Publica* refers to a representative government serving the common good; by the eighteenth century, this meant protecting natural rights through balance of power among multiple layers of government.
 - The Constitution established a federal republic while also guaranteeing each state its own republican form of government.
 - Democracy (House of Representatives) was an important component, but something to be balanced by other components (Senate, President, etc.).
 - The nation has become increasingly democratic, and less republican:
 - Popular vote for selecting presidential electors (early 1800s)
 - National citizenship: the Fourteenth Amendment (1868)
 - Popular election of U.S. Senators: the Seventeenth Amendment (1913)
 - Political tests for judicial appointments (late 1900s to present)
 - Pitfalls of democratization:
 - Citizens look increasingly to the federal government, not local or state government, to receive the benefits they desire.
 - Federal office-holders, meanwhile, become increasingly attuned to popular mandates.
 - Political parties, therefore, secure power by catering to popular factions.
 - When one faction dominates (tyranny of the majority), the republic has become a “democracy” in the pejorative sense.

- 3. The framers of the U.S. Constitution shared a common tradition of natural law, supportive of natural rights.**
 - Three core natural rights:
 - John Locke, *Second Treatise on Government* (1690): life, liberty, property.
 - Thomas Jefferson, *Declaration of Independence* (1776): “endowed by their creator with certain unalienable rights ... life, liberty, and the pursuit of happiness.”
 - The source of natural rights is God (who has so designed human nature), not government:
 - William Blackstone, *Commentaries on the Laws of England* (1771): “This will of his maker is called the law of nature. ... These are the eternal, immutable laws of good and evil, to which the creator himself in all his dispensations conforms; and which he has enabled human reason to discover, so far as they are necessary for the conduct of human actions.”
 - Virginia Act for Establishing Religious Freedom (1786): “We are free to declare, and do declare, that the rights hereby asserted [i.e., for religious freedom] are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow

its operation, such act will be an infringement of natural right.”

- The protection of natural rights requires moral education that fosters civic virtue, starting in the home (“republican motherhood”):
 - Benjamin Rush, *Thoughts on Female Education* (1787): “The equal share that every citizen has in the liberty and the possible share he may have in the government of our country make it necessary that our ladies should be qualified to a certain degree, by a peculiar and suitable education, to concur in instructing their sons in the principles of liberty and government.”
 - Northwest Ordinance (1787): “Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”
 - James Madison, *Federalist No. 51* (1788): “But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary.”
- The twentieth-century tension: how “natural,” how “inalienable,” are these rights?
 - United Nations, Universal Declaration of Human Rights (1948), art. 29: “These rights [life, religious liberty, free speech, a paid vacation, etc.] and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.”
 - John F. Kennedy, Inaugural Address (1961): “The rights of man come not from the generosity of the state, but from the hand of God.”
 - Constitution of the Republic of Cuba (1992), art. 53: “Citizens have freedom of speech and of the press in keeping with the objectives of socialist society. Material conditions for the exercise of that right are provided by the fact that the press, radio, television, cinema, and other mass media are state or social property and can never be private property. This assures their use at exclusive service of the working people and in the interests of society.”

4. The U.S. Constitution was unique in separating the three powers of government.

- Montesquieu, *Spirit of the Laws* (1751) advocated the separation of powers in theory.
- Great Britain was at that time the finest example of this doctrine in practice.
- But the United States would become the first nation to have an independent judiciary.

5. The framers of the U.S. Constitution purposefully designed the electoral college.

- The president was to be both a national leader and a leader selected by the several states.
- The framers thought a multi-step process would provide the greatest safeguard against corruption (prevent any one person or group from wielding too much power for too long a time).
- If you believe the World Series is fair for baseball, then you should believe the electoral college is fair for presidential elections.

6. Over time, the U.S. Constitution has become less federal and more national.

- The Fourteenth Amendment (1868) established national citizenship.
- The Seventeenth Amendment (1913) disenfranchised the states.
- The Supreme Court has incorporated the Bill of Rights under the Fourteenth Amendment, binding state and local governments to whatever the Court deems implicit in the Bill of Rights.

7. The U.S. Constitution remains a monument to humanity’s quest for ordered liberty.

- A delicate balance: Too much order? Too much liberty?
- Is ordered liberty America’s greatest export?

Conclusion: Do you have what it takes to be a custodian of American liberty?

- Understand your constitutional heritage.
- Pass on your constitutional heritage.
- Defend your constitutional heritage.