

Seriously, Do We Still Need a Constitution?

That old paper is always getting in the way of progressive ideas.

By Jameson Parker

There is a phrase that I heard for the first time only within the last few years, but since then, like suddenly becoming aware of an obnoxious new tune, I can't turn around without hearing someone say it. It is used to describe the Constitution—our U.S. Constitution, yours and mine—and the phrase is “living document.”

Briefly, when someone says the Constitution is a living document, what is meant is that the Constitution is a document that should be changed and amended and updated to reflect the transient needs of an ever-changing society. The idea behind the concept of the Constitution as a living document is the Darwinian notion that man and society have both evolved since the days of the Founding Fathers, and that many of the tenets expressed within the document are no longer valid or viable. And the idea behind that notion was first expressed by Woodrow Wilson in a speech he gave during his successful 1912 campaign for the presidency.

In several speeches, both before and after he became president, Wilson expressed the opinion that it was no longer necessary to enumerate the human rights expressed in the preface to the Declaration of Independence, the document that has been described as the very heart of the Constitution. In 1911, in an address to the Jefferson Club of Los Angeles, where he was ostensibly honoring Thomas Jefferson, Wilson actually said, “If you want to understand the real Declaration of Independence, do not repeat the preface.” In other words, forget all that stuff about “all men being created equal...endowed by their Creator with certain unalienable rights [of] life, liberty, and the pursuit of happiness...governments deriving their powers from the consent of the governed.” Forget all that antiquated stuff.

Then came his campaign of 1912 where he said, referring again to the preface of the

Declaration of Independence: “The trouble [with the preface] is that government is not a machine, but a living thing. It falls, not under the theory of the universe, but under the theory of organic life. It is accountable to Darwin, not Newton. It is modified by its environment, necessitated by its tasks, shaped to its function by the sheer pressure of life.” In other words, the Constitution should be interpreted to mean whatever the hell we think it should mean for our temporary convenience.

Since then, one progressive administration after another has gloommed onto that

**“No right is unlimited
and immune from
reasonable regulation.”**

—THE NEW YORK TIMES

concept like a tick on a dog. Most presidents have been smart enough not to attempt any large, draconian changes, contenting themselves instead with nibbling away at our enumerated rights under the illusion of progress. Our current president has repeatedly used the phrase “because it's the right thing to do” to justify his flouting of his own oath of office as it is clearly written in Article II of the Constitution he ignores.

But subtle nibbling is clearly a thing of the past and sweeping, draconian measures now appear to be the order of the day. Consider the platforms and statements of the two current Democratic candidates.

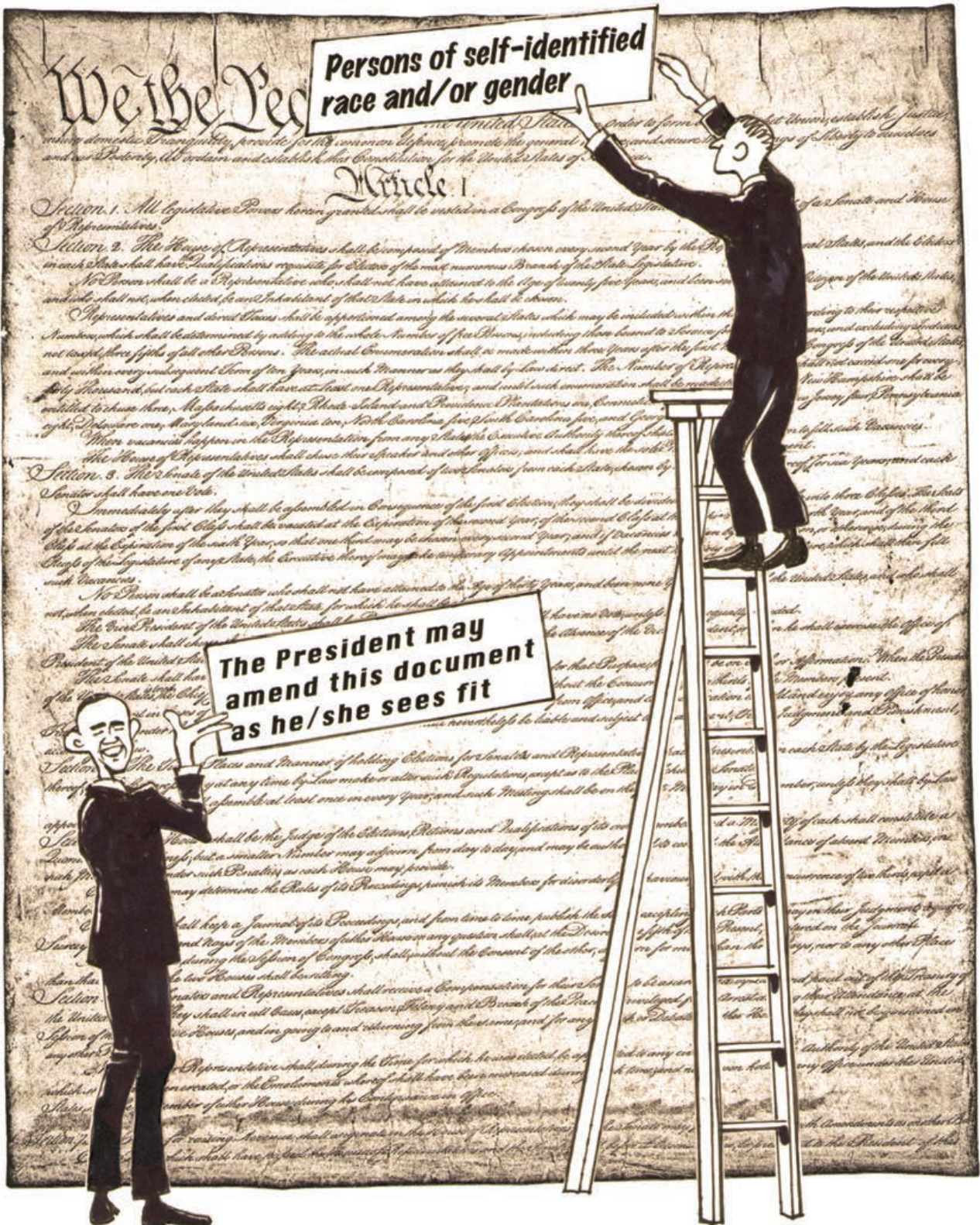
One has said plainly and honestly (to his credit) that he plans to transform America into a democratic-socialistic country by eliminating “income inequality” by means of greatly increased taxation of the most productive members of society and, essentially, redistributing that money through governmental bureaucracies to less productive members. It may or may not be an

admirable goal, but it does not hold up to constitutional scrutiny: equality in the Constitution means only equality of opportunity and equality under the law. It does not mean equal income for unequal abilities and unequal productivity.

The other candidate has openly declared war on the Second Amendment, and, somewhat more subtly, on the First. What she intends in terms of the Second Amendment needs no elaboration here, but her desired modification of the First Amendment could, in theory, make what I am writing right now a criminal act. Specifically, she has said publicly that she is open to a constitutional amendment intended to overturn the Supreme Court's “Citizens United” decision. That decision states that the First Amendment prohibits the government from restricting political expenditures by non-profit organizations.

In plain English, let's say the NRA, as a 501(c)(4), paid for campaign advertising against Hillary Clinton on the basis of her opposition to the Second Amendment. If Ms. Clinton has her way, that would be illegal. The Supreme Court ruled, “If the First Amendment has any force, it prohibits Congress from firing or jailing citizens, or associations of citizens, for simply engaging in political speech.” And that's what Ms. Clinton wants to overturn.

In its infamous front-page editorial on Dec. 4, 2015, the *New York Times* wrote of the Second Amendment, “No right is unlimited and immune from reasonable regulation.” Putting aside the logical question that raises of who gets to determine what is reasonable, the *Times* seems to have forgotten that under Barack Hussein Obama, Associated Press records were illegally seized, the mother of Fox News reporter James Rosen was placed under surveillance, Rosen himself was placed under investigation by the Department of Justice, then-Attorney Gen-



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eral Eric Holder named Rosen a “criminal co-conspirator” in order to obtain search warrants on Rosen, and the FCC then came up with a plan (called “Critical Information Needs,” and ultimately scrapped after public outcry) to place government monitors in newsrooms. So the *Times* might wish to ask what regulations of the First Amendment it

considers reasonable.

It is not a coincidence that under Barack Hussein Obama’s “transparent” administration, the award-winning international freedom-of-the-press organization, Reporters Without Borders, has dropped the United States to 49th place for freedom of the press, putting us below such hotspots of democra-

cy and freedom of expression as Burkina Faso, Niger, and El Salvador.

And now Hillary wants to modify the First Amendment. ■

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