

American Government & Politics: A Christian Worldview. Article – “The Bill of Rights: The Only Good Part of the Constitution” (15–20 Minutes)

TEACHER INSTRUCTIONS/KEY

Goal

Students review one author’s contention that the Bill of Rights is the only part of the Constitution that preserves limited government.

Instructions

1. Instruct students to read the article and answer the Questions for Review. (Take 10-12 minutes.)
2. Have students discuss in pairs/groups, then together as a class.

Questions/Key

1. How important are the three rights the author lists in the first section? Even with the Bill of Rights, how did/does the U.S. government still violate these rights?
AWV, but speech, religion, and property/arms are key rights. The U.S. government did a “less worse” job than many other nations during the COVID hysteria, but still tried to shut down churches, and it has a record of trying to violate self-defense rights, including the right to habeas corpus (during the North/South War) and imprisoning Japanese-American citizens during WW II.
2. How does the author argue that there was no “need” for a U.S. Constitution? What examples does he give to support this view?
The AOC already was a functioning constitution; under it the U.S. entered into alliances and defeated the world’s great military power.
3. Why did men like Hamilton and Madison argue that a new constitution was necessary? How did men like Patrick Henry counter this argument?
Hamilton and Madison argued that without a powerful central government, the U.S. would be overthrown by outside forces. Henry and others like him argued that there was much more danger of a powerful central government’s violating American liberties than any outside nation doing it. They also argued that if there was a threat to their liberties, that individual nation-states could—as they had been doing already—address these threats.
4. For what two main reasons was the new U.S. Constitution “sold” to address? How does the author refute this claim?
(1) It would assist in national defense, and (2) it would facilitate trade among the member states. The author solves these “problems” with a simple “constitution” that in only a few words addresses these issues, showing that there was little need for a 4,000-word U.S. Constitution that granted a central government huge powers over the states.
5. What is the author’s main point about centralized government, Colorado, and the other states listed?
That a gigantic central government cannot possibly advance or represent the interests of a nation that is (presently) 330 million individuals covering 4 million square miles, when the interests and culture of those in the varying states are so different.
6. List some positive results if the U.S. broke up into 50 nation-states, with no giant government over them, but with all states still having governors, legislatures, court systems, sheriffs, etc.
AWV, but government would be more responsive (although not even close to perfect) to locals and closer to local protest and input, and more understanding of that state’s culture/people/industry.

The Bill of Rights: The Only Good Part of the Constitution

Mises Wire

Ryan McMaken • 12/15/2023

The Bill of Rights turns 232 years old today....[W]ords written on parchment do not actually protect anyone's freedoms, and legal constraints on state power are only as good as the ideological backing they receive from the population.

Nevertheless, for all its weaknesses, the Bill of Rights...has played a part in preserving basic human rights for Americans that were eviscerated in many nations long ago. Thanks to the First Amendment...freedom of speech is often more respected in the United States than is almost any place one might hold up as an example. One can be arrested and imprisoned for saying unpopular things in France and Germany, to just name two examples....

Moreover, religious freedom has never been more than a temporary convenience for people in most of the world. The French government seized Catholic churches long ago, and most of Europe shut down religious services during the COVID Panic. In the United States, these shutdowns were shorter, less widespread, and more haphazard due primarily to the lingering power of the First Amendment, as written....

As for property rights—which includes the right to...weapons for self-defense—the U.S. regime has managed to find new exceptions to this every year, but even [then], the U.S. often comes off looking relatively less awful....

Of course, most regimes do this every time there's an "emergency." In Canada, during World War II, the...gov-ernment mandated registration of all firearms, which it claimed was necessary to fight domestic subversion. Human rights go right out the window in the UK whenever the state feels the "need." The U.S. itself suspended habeas corpus and...other human rights during the Civil War. And the Bill of Rights didn't prevent the internment of Japanese-Americans, many of whom, unlike the Reservation Indians of old, were full-blown American citizens....

A Bright Spot in an Unnecessary Constitution

[T]he document now generally called "the Constitution" was originally devoted almost entirely toward creating a new, bigger, more coercive, more expensive version of the United States. The United States, of course, had already existed since 1777 under a functioning constitution that had allowed the United States to enter into numerous international alliances and win a war against the most powerful empire on earth.

That wasn't good enough for the oligarchs of the day....Hamilton and friends had long plotted for a more powerful United States government to allow the mega-rich of the time...to more easily develop their lands and investments with the help of government infrastructure. Hamilton wanted to create a clone of the British empire to allow him to indulge his grandiose dreams of financial imperialism....

The Federalists didn't mention that they'd benefit personally from the new constitution, of course, but instead focused on the idea that without a stronger central government, they country would be overthrown by the powers of "faction" [division].

Patrick Henry and the Anti-Federalists pointed out—correctly—that the US already had proven it had sufficient means to deal with European powers, and that in the bloody history of states, the true threat to freedom lay not in there being too much freedom, as the Federalists claimed, but in the overweening power of centralized states.

Virtually no one believed that a new constitution was necessary to secure what they had earlier called their "English Liberties," including freedom of speech, a right to due process, jury trials, and more. Those freedoms were already assumed to be assured to all non-slaves....The people didn't need a more powerful Congress to protect them. If their freedoms were threatened, the people could rely on highly-democratic (for the time) state legislatures and a decentralized militia system.

But...the Federalists won out after they promised to adopt a Bill of Rights to limit the power of Congress. As we know, though, the Bill of Rights began to break down immediately, and it was only a matter of time until the Alien and Sedition Acts, Jefferson's embargo, and other even worse crimes perpetrated on the states and the people....

What the Constitutions Should Have Said

The Bill of Rights would never have been necessary, however, if so much power had not been granted to the central government by the constitution of 1787 in the first place....After all, the whole idea of a national constitution had always been sold on really just two premises: (1) It would assist in national defense, and (2) it would facilitate trade among the member states. In other words, it should never have been anything more than a customs union and a mutual defense agreement. So, in the service of sound political science, I have composed a new constitution:

Article 1. The United States shall meet every two years in Congress assembled to negotiate terms for the maintenance of a union of independent states. There shall be no duties or taxes imposed on trade among the states or the people therein. The states, in Congress assembled shall set the standards for membership in the United States and provide provision for member withdrawal and the conditions for receiving the benefits of mutual defense as a member of the Union. **The End.**

Nothing more is necessary or prudent. Independent states enter into mutual defense agreements quite frequently, without surrendering their independence, and trade agreements are a quite mundane affair in the history of states.

Any appeal to “patriotism” or lofty ideas of “America” or the fanciful notion that people in Arizona are the countrymen of people in New York has no backing in the day to day realities of living. Never in history was there a group of 330 million people spread across four million square miles who were part of the same community and who shared the same experiences, interests, or even the same economic ties.

In reality, the people of Colorado, for example, have more in common with the people of Saskatchewan—in terms of economic interests, culture, and history—than with the people of Georgia or Delaware or Pennsylvania. People only believe the residents of the U.S. states make up “one people” because they were told as much by their third-grade teachers. Actual experience tells us otherwise.

Those who demanded the Bill of Rights had attempted to preserve this idea of government on a human scale: government that reflects the realities of daily life, human relationships, and the necessity of free commerce—rather than the ideological fantasies of nation builders. Even to this day, the idea that the minutiae [small details] of life and commerce should be governed by a group of millionaires sitting in luxury 2,000 miles away is repugnant to the reasonable mind. In preventing this, the Bill of Rights has largely failed, although things most certainly could have been worse.

The above article may be found here: <https://mises.org/mises-wire/bill-rights-only-good-part-constitution>

Questions for Review:

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2. How does the author argue that there was no “need” for a U.S. Constitution? What examples does he give to support this view?
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4. For what two main reasons was the new U.S. Constitution “sold” to address? How does the author refute this claim?
5. What is the author’s main point about centralized government, Colorado, and the other states listed?