

## The Timely Constitution

*Adults may not know whether the Constitution matters, but thankfully some students do.*

*Time Magazine* is nothing if not direct. Featuring a picture of the Constitution, the bottom half of which has been run through a shredder, today's [cover](#) asks: "Does it Still Matter?"

Inside the magazine, *Time* Managing Editor Richard Stengel spends nearly 5,000 words explaining that it kind of does, except when it doesn't, though who is to say when, exactly, because it doesn't tell us anything specific about terrorists and health care and collateralized debt.

It's a dull method of eliding the question, to argue that a principle doesn't give specific direction, since that is the whole point of a principle in the first place. To argue, as Stengel does, that we can't know what James Madison would have thought about Obamacare because people in his day used leeches, is sophomoric.

But wait, I'm being unfair to sophomores. For the past five years, we at the Bill of Rights Institute, an education non-profit devoted to teaching students about the words and ideas of America's Founders, have conducted a nationwide essay contest to ask high-school students what it means to be an American. Over 80,000 students, representing every state in the union, have written essays describing the principles that make America unique. After reading Mr. Stengel's assertions, we decided to turn to some of our student essays to see what they might say in reply.

In response to Stengel's claim, for example, that the Constitution "sure doesn't say" that it was intended to limit the federal government, Kansas student Timothy Cahill rightly observes that this is precisely what the founders intended:

*"Madison wrote that whenever the federal government oversteps its delegated authority, the American people can 'by the election of more faithful representatives, annul the acts of the usurpers.'"*

Where Stengel writes that "a constitution in and of itself guarantees nothing," New Jersey student Sashwat Chugh says:

*“I’ve studied the Constitution of other countries, including Pakistan and India, and their systems of government don’t have the same protections as ours. The executive can take over in these other countries at any time, but our Constitution includes protections so there is no way for that to happen.”*

To Stengel’s argument that “we cannot let the Constitution become an obstacle to the U.S.’s moving into the future with a sensible health care system, a globalized economy, an evolving sense of civil and political rights,” we find a rebuttal in the essay of Pennsylvania student Ryan Shymansky, who understands the solutions to America’s ills lie not with a federal government that needs unshackling from the Constitution, but with individual citizens whose entrepreneurialism is protected by that self-same Constitution:

*“The difference between America and the rest of the world is this: here, the people delegate powers to the government, while in other nations, the government delegates rights to the people. The vast majority of rights and responsibilities in America lie with the individual, and this is spelled out in the Constitution.”*

Likewise does California student Michael Tharratt dispense with the notion that it’s the Constitution holding us back from a good and prosperous future:

*“Dependency is a rot hidden at the core of any civilization. It eats away at all aspects of culture and society, leaving barren waste behind. . . The cure for dependency, however, is at the heart of American ideals: self-reliance; the ability to prosper and forward oneself through faith in oneself, and through one’s own actions. Self-reliance is a keystone for American Independence . . .”*

Stengel does admirably end his *Time* essay with a stirring notion, which is that “the Constitution does not protect our spirit of liberty; our spirit of liberty protects the Constitution.” There is certainly truth in the second clause, though if the Founders thought all that was needed was a spirit of liberty, they wouldn’t have bothered with a Constitution or Declaration of Independence in the first place. This is why James Madison famously wrote about the necessity of a constrained government in Federalist Paper #51:

*“If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”*

And that spirit of liberty is flagging, arguably because government has stretched so far beyond the boundaries intended by the Founders. In a national Harris Interactive survey commissioned by the Bill of Rights Institute last year, we found that nearly one in five Americans believe Karl Marx's famous dictum, "from each according to his abilities, to each according to his needs," can be found in the Bill of Rights. Among young people, thankfully, only six percent made that mistake.

Perhaps even worse, sixty percent of Americans couldn't identify the fact that our government derives its powers from we citizens as a feature that distinguishes this nation from most others. Richard Stengel may be willing to count on the spirit of liberty to protect the Constitution, but as for me, I like Madison's "auxiliary precautions," which is to say the divided and limited government delineated by the U.S. Constitution.

Stengel looks at the Constitution and sees an important document that has served its purpose in the American past, but which can't be allowed to obstruct our future. He seems to believe that the world has changed beyond the capacity of constitutional principles to keep up. But these principles were first and foremost about man's relationship to man, and to his government. Our problems may have changed, but our nature has not. We are still self-interested and short-sighted, and prone to forming groups for the purpose of taking things from one another.

And our politicians, regrettably, too often reflect the worst of those human tendencies. Does the Constitution still matter? So long as men are not angels, Madison would reply.

Stengel's desire for a Constitution that does not get in the way of his policy preferences is not uncommon, of course, as our students -- thanks to the good work of the thousands of teachers who use our curricula in their classrooms -- well know. Missouri student and aspiring Supreme Court Justice Nora Faris noted as much in her essay:

*"I believe that strict adherence to the Constitution is necessary in determining the law. However, many skeptical citizens question the validity of a document they view as archaic and detached from modern culture. . . . By resolutely promoting the ability of the Constitution to serve as the basis for modern jurisprudence, I will restore the public's faith in the law."*

May it be so, Ms. Faris. May it be so.

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