

Lesson 16: The Preamble

Why was a constitution needed? We were already governed by the Articles of Confederation, and had been for 11 years. Why change now? Because, on the spectrum of political power, the Articles leaned too far towards anarchy. The authors of the Articles were so afraid of a powerful (tyrannical) federal government, they wrote in certain weaknesses.

1. A president, but no real executive branch with authoritative powers
2. No judiciary
3. Each state had veto power over all the others
4. The government had no power to:
 1. Enforce its decrees
 2. Raise revenue

The result

1. In a loose confederation, the states treated each other as foreign countries
2. Money printed with no backing
 1. Personal and public debt soared
 1. Government had to borrow money to pay the interest on existing loans
 2. Courthouses across the country were burned by rioting farmers to prevent indictments for personal indebtedness

So 12 of the states sent a total of 55 representatives to a convention to amend the articles as they saw fit to address these weaknesses. Instead, they proposed an entirely new form of government: our Constitution.

We begin with the preamble (page 233). The preamble was written by Gouverneur Morris, delegate from Pennsylvania, chairman of the Committee on Style. He wanted a summary of the document right up front so that even people who wouldn't bother reading the whole thing could, at least, have an understanding of what the Constitution intended.

Dr. Skousen went through the Constitution and broke the document down into 286 provisions. We will go through all of them by the time we finish this course.

Provision I

We the People.

Wouldn't be more accurate for it to begin "We the rich, white, slaveholders..."? In fact, lately, we've been barraged with calls to do away with the constitution entirely because it was written by a bunch of, "dead white guys who could not possibly know anything about America as it is today."

To this I reply, Yes, it's true: James Madison, father of the constitution, is dead. Yes he was white and rich and he owned slaves. Was our form of government crafted for rich, white guys only? Well, to a certain extent, yes it was. These were Englishmen, and they created a government much like they left behind, but vested it with provisions for everyman – not just nobles and royalty. It took almost 150 years for those who were overlooked or purposefully ignored to be brought into the fold. But they were.

Some say the constitution was fine for a nation of farmers but is not affective in a country where you can fly from coast to coast in a few hours or purchase anything on the internet. Since when do things like checks and balances on political power go out of date? Did freedom of the press evaporate at the invention of radio, television, or the internet? Likewise, did the right to keep and bear arms disappear with the advent of the semi-automatic rifle?

No, the provisions we will study in this course are as valid and viable today as they day James

Madison – when he was alive – first scratched them down on parchment with a quill.

We the People of the United States do ordain and establish this constitution. This is the summation for the entire preamble. These delegates to the convention represented the states, not the people. But they knew they were creating a government with all authority vested in the people. They even wrote into the constitution, in Article VII, that the constitution would have to be adopted by conventions in the states to take affect. Not by the state legislators. Why? Because they knew the legislatures would only have the interests of the sovereign states at heart.

A government for the people had to be approved by We the people.

Provision 2 (page 235)

In order to form a more perfect union.

Most people interpret this as simply a way of saying a more perfect union than was provided by the Articles of Confederation. This is partly true. But they were striving for a union more perfect than any other in existence – past or present.

Why a union at all? Because united, the nation stood stronger than a loose confederation. Better able to provide defense, or deterrence, to foreign powers. Better able to withstand isolated “convolutions,” such as riots or natural disasters. Able to regulate commerce between the states and abroad. Set boundaries and settle land disputes between the states.

Provision 3 (page 239)

Establish justice.

Governments are established to protect unalienable rights. Justice demands that an injured party be given a place to proclaim that injury, and seek a remedy. To avoid tyranny, an accused person must be able to defend himself against accusations – and be presumed innocent until the accusations are proven, within a reasonable doubt.

Provision 4 (page 241)

Insure domestic tranquility.

Domestic means at home. Tranquility means peace. How does the constitution provide peace in your home? By providing law and order. You need not stay awake every night afraid the local bully will simply come into your house and take all of your belongings.

Another way is by trying to force the government to be predictable. You can't build anything or invest to provide for the future if you have fears and doubts about the future. That's why, right now, so many companies are sitting on great piles of cash instead of hiring: these companies saw what happened to GM and Chrysler a few years back. The government took their stock, their investor's capital, in exchange for a bailout, then gave that stock to the unions. Quite contrary to existing law or regulations. Why would investors today have any faith of consistency for the future?

The constitution tries to provide consistency and predictability by separating and diffusing the power: not only among the three branches of the federal government, but also by splitting duties between the federal and state governments. The federal government is charged with coining money, protecting the borders, making treaties – the things is would be impossible or inappropriate for the states to do themselves. All other matters revert to the states, or to the people.

Provision 5 (page 243)

Provide for the common defense.

This is pretty self-explanatory, but remember: this includes both foreign and domestic.

Provision 6 (page 244)

Promote the general welfare.

This phrase was used in both the preamble and the body of the document. It has to be the most misunderstood and misapplied phrase in the entire constitution.

General welfare means to the benefit of all. This was supposed to be a restriction on the power of government. Instead, it has been used as a ticket to do anything they please. This is not new, the very first Secretary of the Treasury, Alexander Hamilton, tried to validate payments made to factories by stating that helping industry helps everyone.

General welfare is not the welfare for persons. Not for states. Not for regions. Not for groups: such as age groups, races, religions, or occupations.

Provision 7 (page 245)

Secure the blessings of liberty to ourselves and our posterity.

The founders knew they had created something unique, something exceptional. The very idea that people could be trusted to rule themselves was considered a grand experiment. But the blessings of liberty had to be secured. They hoped that by dividing and sub-dividing all the power, they had created a government protected from the ravages of the weaknesses of men. They wanted this rare example of self-governance to last into perpetuity. Or, as Washington called it, “untold generations yet unborn.”

Perhaps Samuel Adams said it best, “But neither the wisest constitution nor the wisest laws will secure the liberty and happiness of a people whose manners are universally corrupt.”