Congressmen Need Tutorials On The Constitution

by Phyllis Schlafly October 11, 2006

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Some federal employees are griping because a new law requires them to take a 25-minute tutorial on the U.S. Constitution. Senator Robert C. Byrd (D-WV) sponsored this law, along with a similar law requiring every public school to "hold an educational program on the United States Constitution on September 17," which is Constitution Day.

Byrd deserves our thanks for this great idea since most Americans, including public officials, are abysmally ignorant of the text and the meaning of our Constitution. The only thing the matter with his laws is that he should have required a constitutional tutorial to be taken by judges and Members of Congress.

If judges understood the Constitution, they would know that it gives government eminent-domain power to take your private property for "public use," and that judges have no power to change those words to "public purpose" and then define an increase in tax revenue as a public purpose. The Constitution provides an amendment process, but the judges are not part of it.

If ex-Members of Congress John Anderson (R-IL) and Birch Bayh (D-IN) understood the Constitution, they would realize the time-tested superiority of our

method of electing U.S. Presidents by the Electoral College. Its rationale and structure are the perfect mirror of the Great Compromise that made our Constitution possible: the combination of equal representation of states with representation based on population.

Anderson, Bayh and their associates in the Campaign for the National Popular Vote know they can't change the Electoral College honestly by passing a constitutional amendment. So they have launched a devious plan to get states to enact identical bills requiring their own electors to ignore the winner of their state's election and cast all their state's ballots for the candidate whom the state believes received the most popular votes nationwide.

This would be organized vote-stealing. It's ridiculous and un-American to try to force electors to vote against their constituents' wishes.

If current Members of Congress understood the Constitution, they wouldn't be toying with a devious plan to subvert the District Clause of the U.S. Constitution (Article I, Section 8, clause 17), which makes clear that the District of Columbia is not a state or a congressional district, and that Congress is given the power "To exercise exclusive Legislation in all Cases whatsoever over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States."

Our Constitution's framers decided on a separate and independent federal enclave to serve as the seat of the new government, a territory outside of and independent from every state. The delegates to the Constitutional Convention of 1787 gave Congress complete authority over the District so that it would be insulated from undue pressures and interruptions.

This means that the District of Columbia does not have its own Senators and Representatives. That decision was not a mistake or oversight on the part of the Founding Fathers, but was an integral part of the original constitutional design to

keep the seat of our Federal Government out of the political process so that it would remain the servant of all the people, and not become our master.

In the 1980s, the people who don't like our Constitution the way it was written tried to eliminate this provision by a proposed constitutional amendment to give Washington, D.C. representation in the Congress "as though it were a state." The "D.C. Representation" Amendment passed Congress, but it was rejected by the American people and died on August 22, 1985, after a decisive majority of 34 of the 50 states refused to ratify it.

The 23rd Amendment, ratified in 1961, is the 20th century's reaffirmation of the District of Columbia as a unique juridical entity in the American system. The 23rd Amendment allows District residents to vote for President and Vice President just like all other citizens, and even gives them an electoral vote disproportionately larger than all but the smallest states.

That should have been the end of it, but some misguided Members of Congress keep trying to make an end run around the Constitution.

Rep. Tom Davis (R-VA) has launched a new attempt to bypass the District Clause by pretending the District is something that it isn't. H.R. 5388 would give the District a House seat by stating: "The District of Columbia shall be considered a Congressional district for purposes of representation in the House of Representatives."

Assuming that a Representative from the District would always be a Democrat, Davis tries to make his bill palatable to Republicans by another section that would increase the number of House members from 435 to 437 and give the extra Representative to Utah, a Republican state.

We urgently need more study of the U.S. Constitution to learn what is says, why it has survived for more than two centuries, and why Americans should defeat all mischievous attempts to bypass it with unconstitutional laws.