

The Constitutional Recipe for Freedom

**Twelve principles of
liberty today's
politicians don't
want you to know**

by

Erich Pratt

Table of Contents

ACKNOWLEDGMENTS	vii
WHAT THEY'RE SAYING ABOUT THIS BOOK	ix
PREFACE by Rep. Ron Paul (R-TX)	xi
INTRODUCTION: Discovering the Constitutional Recipe for Freedom	1
CHAPTER ONE: Checks and Balances	9
<i>(Republic v. Democracy, Federalism, and the Separation of Powers; differing theories of government; an introduction to the Federalist Papers)</i>	
CHAPTER TWO: The Rule of Law	21
<i>(The Constitution: The Founders' intent or a living document?)</i>	
CHAPTER THREE: Federalism and the Power of the States	35
<i>(Federalism and the role of the states; limited and enumerated powers; ratification of the Constitution; the Electoral College and the voting process; amending the Constitution; fiscal policy)</i>	
CHAPTER FOUR: Federalism and the Power of the Veto	51
<i>(How the people of the states have restrained illegitimate encroachments by the federal government; a look at key constitutional texts, such as the Tenth Amendment and the Supremacy Clause)</i>	
CHAPTER FIVE: Separation of Powers	75
<i>(The three powers of government; how laws are made)</i>	
CHAPTER SIX: What is the Proper Role of the Supreme Court?	91
<i>(The role of the judiciary; more on the separation of powers)</i>	

CHAPTER SEVEN: Keeping the Peace	119
<i>(The role of federal police; the federal government’s jurisdiction over crime)</i>	
CHAPTER EIGHT: A Safe Defense	137
<i>(Constitutional provisions relating to the defense of the nation)</i>	
CHAPTER NINE: A Government of Limited Powers	159
<i>(The General Welfare Clause and the growth of the welfare state)</i>	
CHAPTER TEN: Why a Bill of Rights?	175
<i>(The true nature of “rights;” the Founders’ debates over the need for a Bill of Rights; the significance of the Ninth and Tenth Amendments; an overview of the first ten amendments)</i>	
CHAPTER ELEVEN: Three Common Myths	
Regarding the Bill of Rights	193
<i>(A closer look at the First, Second and Sixth Amendments)</i>	
CHAPTER TWELVE: Limitations from Beginning to End	213
<i>(Brief historical examples showing why constitutional limitations preserve liberty)</i>	
APPENDIX A: U.S. Constitution	219
APPENDIX B: Outline of the U.S. Constitution	243
APPENDIX C: Declaration of Independence	263
APPENDIX D: A Closer Look at the Commerce Clause	
and the Fourteenth Amendment	267
APPENDIX E: Funny Money versus Freedom:	
Is currency really that big an issue?	277
APPENDIX F: The Patriot’s Success Story: How Hollywood	
stumbled upon America’s formula for freedom	285

Discovering the Constitutional Recipe for Freedom

It would be no exaggeration to say the average person knows little about the document upon which our government is built. Even lawyers, who should know better, quite often graduate from law school without ever having read the Constitution.

Imagine watching a game where none of the players, umpires or spectators in the stands knows the rules of the game. How would one determine if a player committed a foul? How would one know if a player were out of bounds? For that matter, how would one know which team was the winner?

The idea of such a game would be absurd. There would be no way to determine how a player should act or what he should do.

This is exactly the situation we face in this country with our Constitution. Hardly anybody reads it. Hardly anyone really knows what it says. And the lawyers and courts have confused its meaning.

What are the limitations this piece of paper puts on government officials?

People don't know because they've never studied it. And despite all the lip service given to the Bill of Rights, only a small minority can even recount just one of its protections.

One journalist, while shopping at a local mall, decided to take a quick poll. He asked the first 10 people whom he met the following question: "Can you tell

"Imagine watching a game where none of the players, umpires or spectators in the stands knows the rules of the game. . . . This is exactly the situation we face in this country with our Constitution."

me something about the Bill of Rights? Can you identify one of the rights included in that document?”

Only three people out of ten could mention even a single liberty.

Alarmed, he went on with ten more people: “Can you tell me something about the First Amendment? I’ll give you a dollar, if you can tell me one thing it says.” Sadly, the journalist reports that the experiment only cost him \$2.¹

Americans know little about their own great charter—a document that has been used as a model in countless countries around the world. It is no wonder that so many Americans fail to hold their own representatives accountable to the standards in the Constitution. People are not even sure what the text says.

But it was not always this way. In 1831, a 26-year old visitor from France, Alexis de Tocqueville, was clearly impressed with America’s knowledge of law:

In New England every citizen receives the elementary notions of human knowledge; he is taught, moreover, the doctrines and the evidences of his religion, the history of his country, and *the leading features of the Constitution*. In the states of Connecticut and Massachusetts, it is extremely rare to find a man imperfectly acquainted with all these things, and a person wholly ignorant of them is a sort of phenomenon.²



Frenchman Alexis de Tocqueville found that most Americans studied the Constitution in the early nineteenth century.

Wow, American students used to study the Constitution! Yes, times have certainly changed.

And that is why this book was written: so that adults and students may once again read and learn about the Constitution for themselves.

The title of this book refers to the constitutional recipe for freedom. When making a good stew, a chef will include many ingredients: meat and potatoes,

¹ Joel Belz, “My sidewalk survey; Good news: I lost only \$2; bad news: America is losing much more,” *World* (April 15, 2000).

² Emphasis added. Alexis de Tocqueville, *Democracy in America*, 2 vols. (Vintage Books, 1945), 1:327.

carrots and celery, plus an assortment of other vegetables. The more ingredients one has, generally speaking, the more tasty the stew.

Similarly, the recipe for freedom requires several ingredients—protections such as Checks and Balances, the Rule of Law, Federalism, the Separation of Powers, the Consent of the Governed and recognition of man’s Inalienable Rights.

All of these protections (and more) are necessary to preserve liberty and will be discussed in the chapters that follow. All these elements are essential to limit the power that federal officials can exert. And therein lies the key: the limitation of power at the federal level.

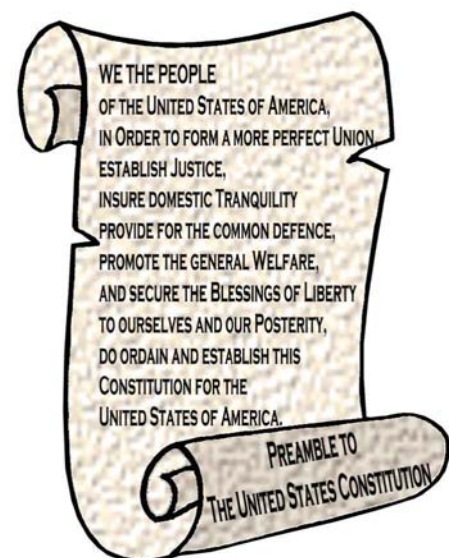
Throughout the Constitution, from beginning to end, one sees countless examples where the framers tried to limit the power of federal officials. This will become plainly clear as people read the document itself, a copy of which is found at the back of this book.

This book is designed to be quite versatile. On the one hand, this book can be read from start to finish like a novel. There are plenty of anecdotes and stories that will not only engage the reader, but illustrate the principles being discussed.

On the other hand, this book can be used as a government textbook for a class or discussion group. To this end, most of the following chapters provide a schedule so that a student can read the Constitution and answer questions related to that reading.

After completing the 12 chapters, students will have read the entire document and, in de Tocqueville’s words, will have been introduced to the “leading features of the Constitution.”

The Preamble of our great charter contains several *principles* that will guide this study. These *principles* are the “leading features of the Constitution” and will help the student to better grasp its most important elements. The Preamble says,



The Preamble of the Constitution introduces many of the important principles found in the rest of the document.

(By permission of Doug Sterner.)

We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The Preamble is short—only 52 words. But in those few words, the Founding Fathers laid down some very important principles.

By definition, a *preamble* is an introduction that gives the reasons for a particular law or constitution. Thus, one might expect to find the most important purposes of the Constitution stated in its preface.

Each one of the phrases in the Preamble will serve as a launching pad that takes the reader deeper into the text of the Constitution itself. The 12 chapters in this book will cover the following subjects:

CHAPTER ONE: Checks and Balances. This chapter provides a basic overview. The Founding Fathers were consumed with the idea of limiting the amount and type of power that government officials could wield, and they believed that *checks and balances* were a key ingredient. This chapter will also examine different theories of government and explain why a constitutional republic best protects the liberties of the people.



When the Constitution was produced during the summer of 1787, it contained many “checks and balances” that were aimed at reducing the power of federal officials.

CHAPTER TWO: The Rule of Law. The Preamble states that “We the People ... do ordain and establish this Constitution.” These words are significant, for our Constitution was established for a very important purpose. In short, this piece of paper limits how government officials act. They cannot do whatever they want, for they are bound by the words written in our great charter—the Constitution. This chapter will explain the importance of preserving the “rule of law” and the consequences of disregarding our highest law.

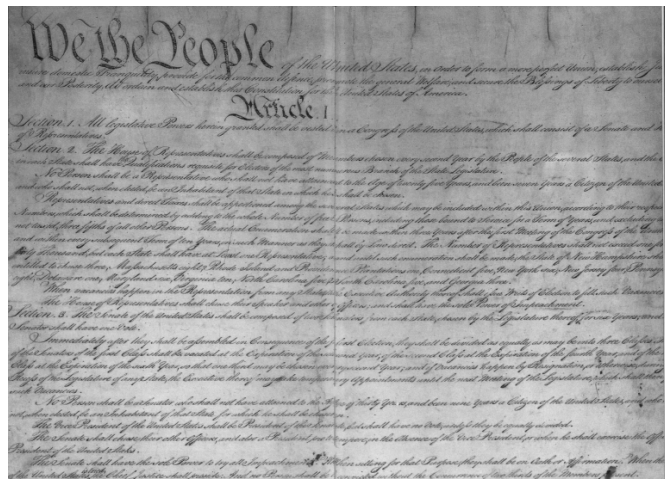
CHAPTER THREE: Federalism and the Power of the States. Are we a nation of people or a nation of states? Which is more important? These questions

have divided political pundits for years. And yet the Constitution—along with the Preamble—points to the real answer. The Preamble begins with these important words: “We the People of the United States...” In truth, both the *people* AND the *states* are important. Our nation is not like an octopus, where Washington is the head, and the states are robotic arms that do whatever the head tells them to do. Rather, the people have delegated limited power to the federal government, reserving most authority for the states.

CHAPTER FOUR: Federalism and the Power of the Veto. The kernels of truth examined in Chapter Three come to fruition in this chapter. Because the people of the several states are the masters over the federal government, they can restrain the abuses and excesses of the federal government. Just what can the states do to rein in federal abuses? This chapter gives answers based squarely on the writings of the Founding Fathers.

CHAPTER FIVE: Separation of Powers. The Preamble explains that one purpose for the Constitution is to “establish justice.” But how can government officials have enough authority to punish wrongdoers, but not so much power that they oppress law-abiding people? This chapter shows how dividing powers among three branches is an important step toward limiting the government’s ability to abuse the rights of American citizens.

CHAPTER SIX: What is the Proper Role of the Supreme Court? Continuing the theme from the previous chapter, this chapter explains how each department of government must interpret the Constitution independently from the other branches. The Constitution has not established any branch as the supreme and final arbiter of the Constitution—not even the high court in Washington, DC. The Supreme Court is simply a supreme court, not the Supreme Law of the Land.



The U.S. Constitution

CHAPTER SEVEN: Keeping the Peace. The Preamble says that the federal government can help “insure the domestic tranquility.” But this phrase is not a blank check for the government to do anything it wants in the name of

keeping the peace. The federal government has limited authority in this area, as the Constitution makes no provision for a national police force. By leaving the enforcement of most crimes to the states, the Constitution strictly limits the power that federal officials can wield.

CHAPTER EIGHT: A Safe Defense. The Preamble acknowledges the federal government’s authority “to provide for the common defense.” But how does a country provide an army for the nation’s defense, while at the same time ensure the army does not hijack the government, as is common in many other countries today? This chapter examines the answer to this difficult question.

Readers should note that the discussion of a “safe defense” is revisited in Appendix F, which is entitled *The Patriot’s Success Story: How Hollywood stumbled upon America’s formula for freedom*. This appendix examines how the Founders provided for the *safest way* to defend the country. What is the primary way by which our nation is to be defended? The answer might surprise you!

CHAPTER NINE: A Government of Limited Powers. The Preamble says that the federal government will “promote the general welfare.” Is this a blank check for federal officials to do anything they want in the name of helping the *general welfare*? Hardly! This chapter will examine how the Constitution defines this term and, thus, limits the powers of the federal government.

FOR FURTHER STUDY: Go to the website of the National Archives to read the history surrounding the making of the Constitution.† It provides a brief look into the delegates who attended the Constitutional Convention, the reasons they scrapped the Articles of Confederation, and the debates surrounding the final document they crafted in Philadelphia.

† See *A More Perfect Union: The Creation of the U.S. Constitution* at http://www.archives.gov/exhibits/charters/constitution_history.html

CHAPTER TEN: Why a Bill of Rights? The Preamble promises the Constitution will “secure the blessings of liberty” to the people. And yet, many Founding Fathers were disappointed that the original Constitution did not contain a Bill of Rights to further define the people’s liberties. This chapter will discuss the reasons why the Bill of Rights was added to the Constitution, as well as some relevant concerns which kept the Founders from listing these rights in the first place.

CHAPTER ELEVEN: Three Common Myths Regarding the Bill of Rights. For more than 200 years, the Bill of Rights has protected Americans from excessive government. Unfortunately, some of these precious liberties have come under fierce attack in recent years. This chapter will examine three rights which are frequently misunderstood: the First, Second and Sixth amendments.

CHAPTER TWELVE: Limitations from Beginning to End. The Constitution imposes scores of restrictions upon federal officials. But when those restrictions are ignored, serious consequences result. This final chapter demonstrates official abuses that have occurred, not only in this country, but in other countries as well. The answer to this problem is quite simple. Government officials must read the Constitution and be forced to live by the rules set down in that document. Additionally, Americans must be willing to read the Constitution, so they can hold their public officials accountable at the polls.

While this book aims to be brief, it is nevertheless hoped that, upon its completion, the reader will become familiar with the most important features of the Constitution.

Students who wish to use this book as a government textbook will want to make use of the “For Further Study” sections. These highlighted texts are sprinkled throughout the book and will provide additional government topics that can be easily found on the Internet—topics such as the history behind the Constitutional Convention, how laws are made, the voting process, etc.

Individuals will also find a plan for reading the entire Constitution in this book, and can simply turn to Appendix A to see a copy of the document. Additionally, Appendix B will allow students to outline each section of the Constitution.

After reading the following chapters (and the Constitutional texts related to them), you’ll know quite a bit about our highest law—perhaps even more than many lawyers.

TEACHER’S GUIDE: Information for acquiring the Teacher’s Guide for *The Constitutional Recipe for Freedom* is available at www.PrinciplesofFreedom.com. It provides answers to the chapter-ending questions, as well as application assignments to further help students apply the principles in each chapter to current issues of the day. Other available resources include tests and answer keys.

Finally, a Biblical Principles Guide (with corresponding study questions) is available to supplement each chapter in the textbook.