

Romney's Upside-Down Constitution

Exclusive: Presumptive Republican presidential nominee Mitt Romney wowed a convention of gun enthusiasts with a flowery talk about the Constitution and his fears about what a re-elected President Obama would do to it. But Romney's speech reflected an American history that never was, reports Robert Parry.

By Robert Parry

Mitt Romney's "liberty speech" to the National Rifle Association on Friday demonstrates how central the Right's false narrative of the nation's founding will be in the November elections, as Republicans depict Barack Obama as alien to the nation's First Principles.

Essentially, the Right's narrative holds that the Framers of the Constitution were hostile to a strong central government (for anything but national defense), rejected a federal role in addressing the nation's economic problems (leaving that to the private sector), and supported a system in which the states were very powerful.

None of these points are true, of course, at least not for the Constitution. They were true for the Articles of Confederation, which governed the original 13 states from 1777 to 1787. But the Framers, especially James Madison and George Washington, came to view the Articles as ineffectual and dangerous.

Madison, Washington and most other Founders recognized that a system of 13 "sovereign" and "independent" states within a weak confederation was a threat to the young nation's success and even survival. The lack of federal coordination of the nation's commerce, for instance, was viewed as an invitation for rich European countries to lure away a state or even a region by offering commercial advantages.

Thus, contrary to the Right's notion that the Framers were government-hating ideologues akin to today's Tea Partiers the reality was that most of the Framers were pragmatic individuals dedicated to the nation's political independence and economic success.

For that, they realized that the Articles with their weak central government had to be jettisoned in favor of an entirely new system that granted the central government broad powers to tax, to issue currency, to make treaties, to build a military, and to pass laws to "promote the general Welfare." One of the most important new powers was an unlimited one, authorizing the federal government to regulate interstate commerce.

In some ways, the drafting of the Constitution resembled a *coup d'état* against the Articles of Confederation. The Constitutional Convention, conducted in secret in Philadelphia, was supposed to simply propose some amendments to the Articles, but instead threw the old system out entirely.

The audacious scheme, orchestrated by Madison and Washington, prompted a fierce backlash from Anti-Federalists who favored the old system and correctly perceived the new Constitution for what it was, a historic transfer of power from the states to the central government.

But what the Constitution revealed most was the hard-headed realism of America's dominant Founders. They recognized that the Articles weren't working that the old system had become a hazard to the nation's future so they reversed course.

It is true that the Framers took pains to prevent a concentration of too much power in any one person's or one faction's hands. As members of the young country's elite, they also distrusted the volatility of democracy, explaining why they constructed such an intricate system of checks and balances.

However, the Framers were not hostile to a vibrant central government that could grapple with the nation's problems. That was what they sought to create. Indeed, the capacity to address the commercial and economic challenges of a new and sprawling country was one of the principal reasons for the Constitution. The Articles of Confederation simply didn't allow for the necessary coordination among the states.

Birth of the Commerce Clause

Madison's Commerce Clause idea predated the Constitution. He initially proposed giving the federal government temporary control over national commerce when the Articles of Confederation were still in effect after the Revolution.

General Washington, who hated the Articles because the voluntary payments from the states had left his troops unpaid and unfed, backed Madison's commerce plan when it was before the Virginia Legislature. In a letter, Washington expressed the need for greater national unity.

"The [commerce] proposition in my opinion is so self evident that I confess I am at a loss to discover wherein lies the weight of the objection to the measure," Washington wrote. "We are either a united people, or we are not. If the former, let us, in all matters of a general concern act as a nation, which have national objects to promote, and a national character to support. If we are not, let us no longer act a farce by pretending it to be."

Madison failed to attach his commerce amendment to the Articles, but he revived

the idea when the Constitutional Convention convened in Philadelphia in 1787. On the first day of substantive debate May 29, 1787 the Commerce Clause was there as fellow Virginian Edmund Randolph presented Madison's constitutional framework.

Madison's convention notes recount Randolph saying that "there were many advantages, which the U. S. might acquire, which were not attainable under the confederation such as a productive impost [or tax] counteraction of the commercial regulations of other nations pushing of commerce ad libitum &c &c."

In other words, the Founders at their most "originalist" moment understood the value of the federal government taking action to negate the commercial advantages of other countries and to take steps for "pushing of [American] commerce." The "ad libitum &c &c" notation suggests that Randolph provided other examples off the top of his head.

So, Madison and other key Framers recognized that a legitimate role of Congress was to ensure that the nation could match up against other countries commercially and could address problems impeding the nation's economic success.

After the Convention, when the proposed Constitution was under fire from Anti-Federalists who favored retaining the states-rights orientation of the Articles of Confederation, Madison returned, in the Federalist Papers, to arguing the value of the Commerce Clause.

In Federalist Paper No. 14, Madison explained how the Commerce Clause could help the young nation overcome some of its problems with communications and access to interior lands.

"[T]he union will be daily facilitated by new improvements," Madison wrote. "Roads will everywhere be shortened, and kept in better order; accommodations for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout the whole extent of the Thirteen States.

"The communication between the western and Atlantic districts, and between different parts of each, will be rendered more and more easy by those numerous canals with which the beneficence of nature has intersected our country, and which art finds it so little difficult to connect and complete."

The building of canals, as an argument in support of the Commerce Clause and the Constitution, further reflects the pragmatic and commercial attitudes of key Founders. In 1785, two years before the Constitutional Convention, George Washington established the Potowmack Company, which began digging canals to extend navigable waterways westward where he and other Founders had invested in

Ohio and other undeveloped lands.

Thus, the idea of involving the central government in major economic projects a government-business partnership to create jobs and profits was there from the beginning. Madison, Washington and other early American leaders saw the Constitution as creating a dynamic system so the young country could grow and compete with rival economies around the world.

Ironically, given today's furor over the Commerce Clause and the Affordable Care Act, Madison considered the grant of power to Congress to regulate interstate commerce one of the Constitution's least controversial elements.

In Federalist Paper No. 45, Madison referred to the Commerce Clause as "a new power; but an addition which few oppose, and from which no apprehensions are entertained." [See Consortiumnews.com's "[Did the Founders Hate Government?](#)"]

The Musket Mandate

The pragmatic Founders also saw no problem in mandating Americans to buy private products, despite the insistence of today's Republicans that such a mandate has never been enacted in U.S. history, before the Affordable Care Act's mandate on uninsured Americans to buy health insurance (with financial help from the government).

In 1792, just four years after ratification of the U.S. Constitution, Madison and Washington supported the Militia Acts, which mandated that all white men of fighting age obtain their own muskets and related equipment so they could participate in armed militias. Madison was a member of the Second Congress, which passed the law, and Washington was the First President, who signed it.

Though the law was passed under Article Two powers of the Executive, which makes the President the Commander in Chief of the military, not Article One's Commerce Clause, the principle is the same, that the government can order Americans to buy something that Congress deems necessary for the country's good.

The fact that a mandate was included in a law enacted by key Framers of the Constitution also reflects their "originalist" thinking on the question of mandates. The idea didn't seem to bother them in the slightest. It was just a practical way to achieve a goal, rather than having the government use tax money to buy and distribute muskets.

Indeed, if there was one core "originalist" attitude among the Framers, it was their pragmatism. They created a powerful and dynamic federal government so it could address national problems. They weren't hung up on whether some individual might be upset that his personal "liberty" was facing some slight infringement.

After all, the Founders had just fought a long war for independence and, as Washington explained in his letter on Madison's commerce plan, "we are either a united people, or we are not. If the former, let us, in all matters of a general concern act as a nation, which have national objects to promote, and a national character to support."

In other words, Washington wanted the new nation to set aside its squabbles over such issues as state sovereignty and go-it-alone individualism and to do what was necessary to make the country succeed. "If we are not" this unified nation, he added, "let us no longer act a farce by pretending it to be."

Washington's view on the need for a vibrant central government was not universally held by the Founders, but it clearly represented their dominant sentiment since Madison's Commerce Clause did become part of the Constitution, which was ratified by the states.

Ratification consigned the Articles of Confederation, with their "independent" states and weak central government, to the dustbin of history.

But Mitt Romney and today's American Right would have you believe that a different history occurred, that somehow the Articles of Confederation are the Constitution and that the Founders were not the practical men that history shows us they were but rather anti-government zealots.

Romney's NRA speech showed how the Right's false narrative will be repeated again and again, making it the equivalent of truth for the ill-informed and weak-minded.

"The principles of our Constitution are enduring and universal," Romney declared in his didactic speech. "They were not designed to bend to the will of presidents and justices who come and go."

Then, in reference to the Affordable Care Act and the Dodd-Frank regulations of Wall Street, Romney added, "This President is moving us away from our Founders' vision. Instead of limited government, he is leading us toward limited freedom and limited opportunity.

"My course restores and protects our freedoms. As President, the Constitution would be my guide, and the Declaration of Independence my compass."

But Romney, a former Massachusetts governor, appears to know very little about the real Constitution and the real Founders. After all, they were the ones who chose to place no limiting principle in the Constitution's Commerce Clause, because they knew that for it and the other powers to be effective both then and in the future that those powers required flexibility.

Despite their shortcomings in tolerating slavery and granting liberties primarily to white men, the Founders still trusted the democratic impulse of the people, expressed through Congress, to use government to “promote the general Welfare” much more so than today’s conservatives do.

Instead of faith in the democratic decisions of the people, Romney argues that the Constitution restricts the federal government’s actions to address America’s commercial and economic problems like the cost of health care or access to a doctor.

In adopting this crimped view of the Constitution, Romney harks back to a history that never existed and to a self-serving narrative invented by right-wingers who have used this bogus version of the past to mislead the American people into a dreary future.

Robert Parry broke many of the Iran-Contra stories in the 1980s for the Associated Press and Newsweek. His latest book, *Neck Deep: The Disastrous Presidency of George W. Bush*, was written with two of his sons, Sam and Nat, and can be ordered at neckdeepbook.com. His two previous books, *Secrecy & Privilege: The Rise of the Bush Dynasty from Watergate to Iraq* and *Lost History: Contras, Cocaine, the Press & ‘Project Truth’* are also available there.

When Religion Dominates Politics

Religion in politics is a touchy topic in the United States, but Americans have a legitimate right to know how a candidate’s religious views may affect public policy on issues like population growth, anti-gay discrimination and Christian supremacy says Rev. Howard Bess.

By the Rev. Howard Bess

When voters step into the voting booth, many feel the pull of both politics and religion, even though most politicians and the news media seem to prefer ignoring the latter. Three important religion-in-politics issues come to my mind immediately.

The first is Christian nationalism. Most Christians accept that America is a secular nation in which religion is to be practiced without government interference. But there are a significant number of Christians who believe the United States was formed to be a Christian nation.

They believe it is their destiny and the will of God that Christians should rule over non-Christians. The aim of these Christian nationalists is control. They reject the principle of the separation of church and state. In that sense, they are not benign.

To achieve their goal of Christian nationalism, they promote sympathetic candidates and barter with votes. To win elections, many moderate candidates curry their favor. Thus, the reality of this Christian nationalism is a rightful topic in our political debate. It's fair to ask where politicians stand on this religious/political issue.

The second is the onslaught against the rights of homosexual, lesbian, bisexual and transgendered persons by religious organizations. The recent Proposition 8 controversy in California is a case in point.

The two largest donors to the campaign to defeat Proposition 8 were Roman Catholics (through the Knights of Columbus) and the Church of Jesus Christ of Latter Day Saints (the Mormons). Neither broke any law in providing funding for the anti-Prop 8 campaign, but religion was a central factor in their motivation. Both religious bodies opposed the granting of marriage rights to gay people because of church doctrine.

Catholics and Mormons can believe whatever they like, but when they propose that their doctrinal beliefs be made the law of the land, their beliefs become proper subjects of discussion in the political arena.

The third issue has arisen in the very recent struggle over insurance coverage of contraceptives for women. While a number of religious groups have protested a federal requirement that insurance programs paid for by employers include coverage for contraceptives, the loudest voice of protest has come from the Roman Catholic Church.

Roman Catholics have long-held canon regarding human sexuality. According to Catholic teaching, sexual activity has only one purpose, procreation. Sexual intercourse without the intent of procreation is sinful. Sexual activity for simple enjoyment is not acceptable.

Thus, the use of any kind of contraceptive by either a male or a female is forbidden. Further, sex-related sin is a serious matter. It is a primary expression of lust, which is one of the Catholic Church's seven deadly sins.

In Catholic thinking, contraceptives promote sexual activities that have no positive purpose. So, in the name of religious freedom, the Catholic hierarchy argues against any participation in the distribution of contraceptives in any way. They are probably raising a valid constitutional issue (though one

that is not as clear-cut as Church defenders insist, since religious institutions in the United States must operate under civil laws).

Yet, if we understand Catholic theology, we understand the Church's stance: the Vatican instructs Roman Catholics that sexual activity is for procreation only; when that purpose is thwarted, the will of God has been violated.

One notable result of this teaching, whether intentional or not, is the large Catholic family, raising another issue where politics addressing the common good conflict with religious edicts fulfilling a theological purpose.

In the past, large families offered both social and economic benefits, but we live in a changing world where population is exploding. Six billion people on the Earth quickly become seven billion and eight billion, putting stress on the planet's survivability.

We talk about pollution of air, land and water. We note the impact of burning of fossil fuels. However, we sidestep the number one problem of the world, the exploding human population which is often driven by religious conviction. In other words, the Roman Catholic Church is an important factor in the pollution of the planet through the promotion of population growth.

Roman Catholics are not alone. One of the marks of the Church of Jesus Christ of Latter Day Saints is the large family, which is promoted by church teachings. Thus, Mormons are the fastest growing religion in America, though with little growth beyond birthrate. In the world today, the birthrate in Muslim nations also is unsustainable.

In part because of these religious teachings, population growth in India, Africa and Central and South America is pushing life beyond the resources to sustain the people. Only China has shown any willingness to address the problem of unsustainable population growth.

Can religious practices that actively promote rapid population growth be ignored in the name of religious freedom? Religious beliefs and practices that threaten the earth as a place for human habitation cannot be left out of the political dialogue.

In the United States, there is no religious test for running for public office. The Bill of Rights keeps government out of the religion business, but it does not keep voters from taking into account religious considerations.

When people run for public office, the voting population has a right to know how the candidate's religion will potentially affect public policy. In that sense, the Bill of Rights does not ban religion from the public square.

When a candidate enters the public square, his/her personal religion is not left behind. Voters have valid reasons to ask religious questions.

The Rev. Howard Bess is a retired American Baptist minister, who lives in Palmer, Alaska. His email address is hdbss@mtaonline.net .

Is Occupy's 'Purity' Under Assault?

Hardliners in the Occupy movement have begun equating police infiltrators and other enemies with Occupy supporters who favor some practical electoral and legislative goals. There is alarmist talk about the need to protect Occupy's revolutionary purity from these reformers, as Danny Schechter explains.

By Danny Schechter

Perhaps my problem is that I live in too many worlds at once, while many political eras live in me. That may be why I responded so negatively to a recent polemic wrapped up in a poetic communiqué from [Adbusters](#), the culture jammers in Canada who do so much good work (and often so creatively) battling the consumption virus promoted by big corporations many of us have grown to despise.

I respect their magazine and marvel at the impact they have had in helping to stir Occupy Wall Street into existence. They clearly feel a sense of ownership in the movement and act not just as the midwife that promoted the Occupy idea, but as the guardians of their version of the movement's essence, as if they own the copyright and have to defend it aggressively in the court of public opinion.

Their latest communiqué, directed to "jammers, occupiers and Springtime dreamers," is offered up almost like a new commandment from the mountaintop of political purity, warning one and all "that a new enemy is in their midst that is threatening to neutralize our insurgency with an insidious campaign of donor money and co-optation."

Batten down the hatches! Defend the ramparts! Fly the flag! They then call for a "fight to the finish" to defend the "soul of Occupy" that they claim is menaced by a "THEY" that is out to get us like some boogie man that acts like a virus and can't be resisted. Will "Black Bloc" militants become their enforcers?

Who is the THEY? Nefarious bankers on Wall Street? The CIA and Blackwater-type mercenaries? Karl Rove and the Koch Brothers? No, their new enemy is not an external threat but an internal one that the Adbusters have no use for, alleged

operatives of the Obama campaign urging Occupy activists to take part in the electoral process and to seek concrete legislative reforms.

But read on: “First **they** silenced our uprising with a media blackout then **they** smashed our encampments with midnight paramilitary raids And now? **They** are planning to destroy all that that we built.”

The brutal police raids on Occupy and the initial media indifference are conflated with these alleged Obama operatives on a stealth mission of co-optation. There’s no real evidence cited, but that’s not the point of this appeal to fear. Political paranoia is always driven by what COULD happen, not necessarily what is happening,

The political theory behind all this is that Occupy is not just the vanguard of the revolution but the revolution itself, and it is in danger of being stifled by reformers who fear its imminent success in toppling capitalism. How realistic is that?

This worst-case scenario is projected as a coordinated and calculated strategy by groups that Adbusters put down in terms reminiscent of the way the Chinese cultural revolution demonized and stigmatized millions of people as counter-revolutionaries, a process that tore the Chinese Revolution apart using strident ideology to silence a “class enemy.”

Were there class enemies? Sure, there always are. But thousands of innocent people were accused and abused by ultra-leftists on a mission from Mao. Today’s self-appointed and unelected commissars of new consciousness say they see a new set of counter-revolutionaries out to snuff Occupy.

They ask: “Will you allow Occupy to become a project of the old left, the same cabal of old world thinkers who have blunted the possibility of revolution for decades? Will you allow MoveOn, The Nation and Ben & Jerry to put the brakes on our Spring Offensive and turn our struggle into a ‘99% Spring’ reelection campaign for President Obama?”

Is this really what is happening or is it more like a conspiratorial fabrication? Is this type of insulting language really appropriate for a movement that claims to be democratic and inclusive?

MoveOn and Van Jones have denied they are trying to control the movement, refuse to speak in its name, and couldn’t steal its thunder if they wanted to. The Nation is just one magazine of many that has been sympathetic to Occupy, but also supports the more structured but very democratic resistance in Wisconsin that Adbusters ignores.

Ben & Jerry are individuals, former business partners, who want to help by raising money for Occupy after consulting with many activists on how they could be helpful. They seem sincere to me.

Why is all this so threatening? Why the fearful and purist denunciation? Can't they respect people who unlike Occupy's core activists don't make decisions at General Assemblies?

Occupy has in the past sought coalitions with labor unions and black community groups that often have more traditional leadership structures. They haven't tried to dictate politically correct processes that allies and supporters must accept. Why this intolerance now?

By the way, I have been pouring my heart out in books, blogs and films and opinion pieces on about the failures of Barack Obama's administration in combating the financial crimes that enabled the depression we are coping with. My latest exposes his campaign's pandering on terrorism and threatening Iran.

MoveOn would not help me promote my work, neither has the Nation, really, or, for that matter, Ben & Jerry, whose work I admired more before they sold their company to a mainstream corporation (although they have been engaged in admirable campaigns challenging military spending for years.)

That doesn't make them all sell-outs. Even if in the eyes of some, **they** are the "enemy" because **they** aren't "horizontal" enough, or anti-capitalist enough, or anarchistic enough and may act more like reformers than Adbusters-approved revolutionaries.

On Friday, NYU hosted a tribute to the 50th anniversary of the Port Huron Statement, the founding document of SDS that sparked activism in the 1960s. Former SDS leader Tom Hayden was on hand to tell his some stories about that era.

He noted that the central idea of Port Huron, "participatory democracy," also appears in Occupy's first declaration, suggesting continuity with the so-called "old thinkers" whom Adbusters gratuitously deride.

Hayden also recounted how liberals with whom SDS were aligned at first demanded that their movement become more outspokenly anti-communist, even as the movement rejected the cold war.

When SDS wouldn't go along with this arrogant old-left thinking, (funded in part by the CIA), there was an internal "trial" and interrogation that led to SDS's defunding and ouster from its offices. According to Hayden, it was a scene right out of Kafka, not unlike the tone of this recent communiquÃ©.

SDS stood true to its principles and politics and refused to work with the people who tried to control them. The result: SDS grew more influential.

The organization successfully resisted co-optation and fought for racial justice and against the war in Vietnam. It supported organizing on campuses and in communities. It challenged the Democratic Party, which later also fragmented over the war, with Richard Nixon the ultimate beneficiary of all the discord.

But SDS couldn't find a way of bridging its own ideological divides and the movement broke into warring factions that led to an organizational implosion. There also was plenty of paranoia and repression, with the government covertly pitting one group against another, using the FBI, racism and phony appeals to patriotism.

There was plenty of blame to go around. Today, there may be parallels here with this call to "save the soul" of Occupy. Can we learn from SDS's destructive history of acrimony and sectarianism or are we doomed to repeat it?

News Dissector Danny Schechter wrote *Occupy: Dissecting Occupy Wall Street* (Cosimo Books) based on his coverage for his NewsDissector.net blog, Al Jazeera.com and other outlets and also directed a TV film on the organization of Zuccotti Park. Earliest, he was an activist in the civil rights, anti-war and anti-apartheid movements. Comments to dissector@mediachannel.org
