



THE VIEW

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THANKS ONCE AGAIN TO OUR CONSTITUTIONAL ANCESTORS

BY

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I plead guilty to the charge that I am a newspaper junky. There is no better place in the world to be a victim of such an addiction as in the nation's capital and the surrounding environs. I was attending meetings in both Baltimore and Washington last week in what verged on sensory overload for one prone to soak in news from all angles. My first stop each morning was at one of the myriad of newsstands that are scattered throughout the area. A New York Times, Washington Post, and yes the rival conservative Washington Times could all be had for a total of \$1.70 plus tax. The horror of Virginia Tech, the Gonzales hearings, and the late term abortion decision by the Supreme Court were just some of the things that sparked debate. All of these issues and others signaled the full scale return of the wedge issue in this perpetual political season.

In light of such activity it seems that a similar thought always occurs to me. That thought comes in the form of the question as to how we got it right the first time when we crafted a document that would contain an approach to governance that we could all agree to on a daily basis. Last week, without most of our knowing it, the Constitution and its all important Bill of Rights were poked, pulled, twisted, and jumped upon and as usual they emerged with hardly a scratch. My hat is off to those of my citizen ancestors who stood their ground and said in the late 1780's "No Bill of Rights – No Constitution". It is indeed fascinating to ponder how the joint actions of the founding fathers and those who consented to be governed resulted in the Bill of Rights ratified in December of 1791 and to then observe how that 215 year old document guided the course of government in April 2007.

It is instructive, for a moment, to take stock of the miraculous foresight that the Bill of Rights represents. The First Amendment protects the five fundamental freedoms of religion, speech, press, assembly, and petition. The sordid Don Imus racial slur threw this amendment into full debate and the ironies are now beginning to surface. While Imus is, for the most part, history, the trusty aim of the language critics is now focused on the modern day cultural phenomena of “Hip Hop” music and the similar lyrics contained therein. Without even pretending to possess the ability to settle this argument, suffice it to say we are once again in a situation of, “who can stop whom from saying what?”

Just when it was thought safe to move to the Second Amendment our attention is once again focused on an unthinkable gun related tragedy. Simply, this Amendment guarantees the right to “keep and bear arms.” If you missed the gun control debates following the Virginia Tech massacre then you have figured out how to totally limit your television viewing. Oddly just as is the case with Hip Hop the right to possess firearms is being couched in some circles as a cultural issue protected by the Constitution. In every case the language of the two century plus old Second Amendment was brought into the fray.

Hopefully the Third Amendment and its prohibition against the uninvited quartering of troops can lie dormant for a while longer. Not so, however with the Fourth, as we are currently in a discussion over the reach available to the federal government through the Patriot Act. The argument over such things as bank and cell phone records has only been bumped from the news by other events. It shouldn't be long before these activities bubble to the surface once again bringing the Fourth Amendment along with them as justification for the arguments on both sides.

No doubt lurking just out of sight are those issues related to the Sixth Amendment's specification of criminal court procedures. The possibilities here run the gamut of crimes related to terrorism and the plight of illegal immigrants or even those of questionable legal status.

It would be unwise to conclude without mentioning the Tenth Amendment. This amendment states that in effect the states retain all powers not delegated to the national government. All this means is that the final say so on abortion, gun control, immigration laws and many more issues of similar magnitude may soon be coming to a legislature near you. Then these debates will take on a

very personal and a very localized context. For the time being take a moment to consider where we would be if rather than insisting on a Bill of Rights our forbears in the public square had simply said “No big deal”.

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