

What Your Teacher *Probably* Won't Tell You About The Constitution



High schools, middle schools and even some colleges require students to pass a United States Constitution test in order to graduate. Generally, these schools require Constitution tests because the government requires them to do so.

You may be wondering why you should study the Constitution. You should be wondering if you are learning the truth about the Constitution. Why does your school and/or the government want you to study the Constitution?

If you are feeling a bit overwhelmed about studying the Constitution in School, you may have good reason. You have heard about “unconstitutional laws” and violations of “constitutional rights”. Also, you know that the Constitution had something to do with the American Revolution, but, if you are like most young people, you don’t have a very clear idea about what the Constitution actually is or why we have such a document. We hope to clear up some of these questions in this booklet.

Of course, you do need to learn what your school wants you to learn, and you need to pass your test. But there is more that you should know and your teacher probably won’t tell you those things. This booklet will help explain certain things about the Constitution that some people would rather you not know.

What is the Constitution?

It would be easier to start with what the Constitution is not. It is not a list of rights, although it does guarantee certain rights. It is not the reason for the American Revolution, but many of the heroes of the American Revolution were involved in writing, promoting and putting the Constitution into effect.

The Constitution is an agreement, or a compact, originally between thirteen separate—but allied—countries designed to delegate certain limited governmental tasks to a centralized authority. Those countries, better known as “States,” eventually allowed 37 other States to join them in this *federation* and delegated only certain very limited powers to the federal government they created.

What Powers Did the Founding Fathers Give to the Federal Government?

Those powers are all listed in Article I, Section 8. If you read them carefully, you will find that these powers are delegated to Congress, not the President or anyone else within the federal government:

1. The power to tax, but only for defense and the general welfare of the United States. (“General welfare,” is not to be confused with government-sponsored charity programs known as “Welfare” that the Constitution clearly does not authorize.)
2. The power to borrow money.
3. The power to regulate commerce outside the individual States. (So we can have fair dealings with people in other States, other countries, or even Indian tribes.)
4. The power to make one set of laws for naturalization and bankruptcy. (Of course, Congress could let the States set their own standards becoming a citizen.)

5. The power to coin money and to set up standards for measurement. (Note that there is no power granted to print paper money.)
6. The power to make criminal laws against counterfeiting.
7. The power to run the post office, the power to grant patents and to make copyright laws so that inventors and authors can protect their work.
8. The power to create federal courts and other tribunals.
9. The power to make criminal laws against piracy and other serious crimes committed at sea.
10. The power to declare war and some powers related to war and conquest.
11. The power to create temporary armies and the power to pay those armies up to a two-year period. (Note there is no power to maintain a permanent army.)
12. The power to keep a permanent navy.
13. The power to make rules and regulations for the navy and any temporary army.
14. The power to ask the States' military, paramilitary and even civilians with weapons to help the federal government defend against an invasion or to suppress a massive riot.
15. When those State military, paramilitary and armed citizens are helping the federal government, the power to organize them, train them, appoint officers for them and even to provide additional arms.
16. The power to create and govern a capital city, such as Washington, D.C. and the power to create military installations, but only with the approval of the State where they are to be located.
17. The power to make laws so that they can use these powers and others the federal government may have in the future.

What About All the Other Things the Federal Government Does?

The short and simple answer is: they are un-Constitutional. The States should be making all criminal laws, except for those involving counterfeiting, piracy, and felonies at sea and those affecting Washington, D.C. and other U.S. Territories.

The federal government should not be in the pension business or seeking to provide healthcare. (See our publication *What Your Teacher Probably Won't Tell About Social Security*.) The federal government should not be regulating what medications your doctor can prescribe. The federal government should not be forcing your State to make you wear seatbelts, to have speed limits, etc.

Your State and only your State should be making those laws without any interference from the federal government.

Isn't the Federal Government Superior to My State Government?

In a word, "NO!" Your State government is a sovereign government, just like the government of France, England, Canada, Germany, Japan or Russia. Your teacher may not realize that. It just seems that we in the U.S. are "one nation," as the Pledge of Allegiance suggests. (See our booklet *What Your Teacher Probably Won't Tell You About the Pledge of Allegiance*.) While that may be interesting prose, it simply does not conform to the literal letter of the law concerning relationship between your State government and the federal government.

It was the States that created the federal government, not the other way around. Each State retained its individual sovereignty when it joined the union. The limited powers that would be delegated to the new federal government are all listed in Article I, Section 8 and certain limited judicial powers are granted to a federal court system in Article III. However, those judicial powers are limited to matters specified in the Constitution; unlike your State courts whose powers are unlimited. The States also agreed not engage in certain activities that sovereign States are normally free to do. Those activities, which the States have voluntarily agreed not to do, are listed in Article I, Section 10.

So, it is your State government—not the federal government—that is the superior unit of government. The concept of limited government may seem difficult to understand at first, but once you realize that the federal government's power is limited, your understanding of the Constitution will be better.

How is Limited Government Different from Sovereign Government?

Originally, sovereign government was only reserved for countries with a sovereign leader, such as a king who answered to no one except God. In those days, other lands might be governed by a prince, a lord, a duke, a baron, a count or other leader loyal to a king with sovereign power.

Note that we are using the word, “sovereign” and not “absolute.” While a sovereign king did not answer to any earthly power, his power was normally not considered absolute, as was the case with some more modern dictators.

Limited government is the power to govern only in certain areas. In the days of kings and noblemen, the lords of their manors or dukes of certain areas may have handled most of the day-to-day governing of their domain. However, they were subject to their king’s sovereign authority.

In today’s America, we have the same arrangement with sovereign States and their limited subordinates, such as counties, cities, villages and townships. The local governments’ powers are limited and subject to the laws of the sovereign State.

Why Shouldn't the Federal Government Be Sovereign Like the States?

The simple answer is because you can only have one #1. In 1776, thirteen colonies declared themselves to be FREE AND INDEPENDENT STATES. It is hard to think of anything as being more sovereign than a free and independent state. After the American Revolution, the British signed the Treaty of Paris, recognizing those thirteen free and independent States.

None of those States ever voluntarily relinquished their sovereign powers.

Why Does Our School Teach that the Federal Government is Superior to our State Government?

Follow the money. It has been said that the man who pays the band decides what music the band must play.

The federal government has more money than any State. It takes money from the States’ citizens, then uses that money to help pay for lunch programs in local schools on the condition that it is able to directly influence what those schools teach. It returns other money to State programs and therefore can indirectly influence what is taught. Congressmen and Senators tend to make more money than State lawmakers and other State officials. Those who work for the federal government tend to make more money than those who do similar work for a State government. Many State politicians and government workers are hoping to work for the federal government, so it is in their best interest to curry favor with the federal government.

The federal government doesn’t want you to know that your State government is sovereign. So, even if your teacher does know the truth, he may not tell you.

Where Can I Learn More About This?

Learn how the federal government began pretending to be superior to the States in our publication, *What Your Teacher Probably Won’t Tell About the “Civil War.”* Learn about Constitutionally guaranteed rights in our publication, *What Your Teacher Probably Won’t Tell You About Constitutional Rights.*

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