

# BlueWolf: Upholding the Constitution

Contributed by James BlueWolf  
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An effort to compel Americans to take refresher courses in American history and government has never come to fruition but the more newspaper comments I read, the more I think it's a good idea. Especially when I read comments about the outcry that might occur should the state Supreme Court rule against Proposition 8, because it challenges the "will of the people";

Many Americans seem to have bought into the idea that the US is a democracy. That myth has been pulled out to use at various times, mostly for political gain, but the reality is that we have never been a democracy.

The idealists who founded this country were just as divided in their ideals as we are today. They realized that to simply allow the current "dominant voice" among the people to formulate laws and direct government would surely lead to a fragmentation of unity and the ultimate dissolution of the Union.

Our republican system of government, balanced by judicial oversight, was carefully structured by the Founding Fathers to guard against a simple majority determining our course and our laws. They recognized that the fickle populace, driven by emotion and righteous indignation, could be swayed to pass any number of unreasonable laws, by majority consent, which would infringe on the rights of others.

That's the reason they put together the document we call the Constitution. Those are the guiding principles (not always enforced and twisted whenever possible) that protect America from itself. We have had presidents who ignored Supreme Court decisions and acted unilaterally to achieve the privilege of executive power — Jackson's decision to remove the Cherokees — but generally we have pretended to be governed by the rule of law.

America is not one color, one religion or one creed — it is supposed to be every citizen together. We are as compelled to protect the rights of those we disagree with as fervently as those singing to our choir. The reason for this is that even those racist, deist and revolutionary thinkers who put this country together understood that majorities can be just as totalitarian as governments. Achieving religious, cultural or moral supremacy are the typical driving culprits behind depriving peoples of those "inalienable rights" we read about in school. The Constitution was intentionally made difficult to change because "the whims of the people" were not deemed by the Founding Fathers to be stable enough to uphold the Bill of Rights.

The majority does not rule in America, the Constitution does — or it should. That's why we have "Supreme" Courts. They have the duty to point out when the populace is becoming unreasonable, pushing their values and mores on others for no other purpose than to bolster their own failing institutions and socio-political control. Of course, even the courts have proved themselves subject to agendas and politics, but the Supreme Court has managed to stay somewhat above the fray — maybe.

Not all Americans have benefited from constitutional or court protection in our checkered history, but as we move forward in time, the promise of what America can become is much greater than the mystical, misrepresented and over-glorified realities of our past. The greatness of America is in our yet-to-be-realized potential—and while that potential is there, we are obliged — in our own time — to reach for it. I have heard some argue that "state's rights" should supersede federal law however at present that is not the prevailing priority, as evidenced by the difference between state and federal cannabis legislation.

So anytime someone says that "the voice of the people" is greater than the law, as defined by the Constitution and the Bill of Rights, and as interpreted by the US and state Supreme Courts — who are challenged to protect and uphold the Constitution from every enemy, foreign AND domestic — we should jump up and protest! Otherwise, "might" will continue to make "right" and the loudest voice or biggest gun will always control our lives.

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