

ABC News Gives a Test on the Constitution

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ABC News (<http://abcnews.go.com/politics>) contained an article today in which readers could test their knowledge of the U. S. Constitution. The test consisted of 10 multiple-choice questions of moderate difficulty (or infinite difficulty, if you were forced to suffer through "social studies" instead of history in school). I am pleased to report that the answers provided by ABC News were all correct.

Now this may seem a little corny, but I think this was an excellent idea. I only wish the reporters and editors at ABC News and other news organizations would keep these proper notions of the Constitution in mind as they go about their daily jobs. It would be refreshing and beneficial to all of us if the news organizations reported the daily events going on in the government and in political parties with a critical eye toward what is allowed and not allowed under the Constitution. We would have less confusion, and the politicians and bureaucrats would have less opportunity to keep the public in the dark.

One of the questions in the test was to recognize the opening lines of the Constitution: "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, 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." But how can it be said that the people established it, if in fact it required ratification by the states?

The answer lies in the fact that each state that ratified it did so at a ratifying convention called for that purpose in each state, and each delegate sent to it was tasked with representing the people of the state. The U. S. Constitution is the founding document of a compound democratic republic established by republican means, that is, when the people are represented by those they trust, and accept the results of a vote of the specified majority. In this way, although the representatives cast their votes directly, those votes matter only because the full weight of the people's confidence is behind them.

James Madison mentions this principle in *The Federalist* No. 43, first quoting the provision of Article 7 that specifies the requirements for putting the Constitution into effect:

"9. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States ratifying the same."

"This article speaks for itself. The express authority of the people alone could give due validity to the Constitution. To have required the unanimous ratification of the thirteen States would have subjected the essential interests of the whole to the caprice or corruption of a single member. It would have marked a want of foresight in the convention which our own experience would have rendered inexcusable."

Madison was echoing a sentiment expressed earlier by John Jay in *The Federalist* No. 2:

"Admit, for so is the fact, that this plan is only recommended, not imposed, yet let it be remembered that it is neither recommended to blind approbation nor to blind reprobation, but to that sedate and candid consideration which the magnitude and importance of the subject demand, and which it certainly ought to receive."

The people of that generation had a choice in the matter of how they would be governed. We have choices too, but we will make the correct ones, that is, the method choosing our representatives and regulating their conduct, only if we reject the usual "blind approbation" and "blind reprobation" that so often passes for news these days.