

Real World Graduation: Question 29

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Question 29

Article 2, Section 1 of the U. S. Constitution requires the President to take the following oath of office:

"I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States".

An integral part of preserving, protecting, and defending the Constitution is preserving the rights of the people. The rights of individuals specifically called out in the Constitution and its first ten amendments are:

- 1) Habeas corpus (right to challenge detainment)
- 2) Freedom of speech
- 3) Freedom of the press
- 4) Freedom of religion
- 5) Freedom to keep and bear arms
- 6) Freedom from bearing the expense of quartering soldiers
- 7) Freedom from arbitrary search and seizure (searches require warrants signed by a judge, with testimony under oath by the officials seeking the warrant)
- 8) Federal indictment only by grand jury
- 9) No double jeopardy (a person can only be tried once for the same crime)
- 10) Immunity from self-incrimination
- 11) Due process of law
- 12) Compensation for property allocated for public use
- 13) Speedy and public trial
- 14) Cross-examination of witnesses in criminal trials
- 15) Counsel for defense in criminal trials
- 16) Trial by jury
- 17) Facts found by a jury not reviewable by a court
- 18) Prohibition of excessive bail
- 19) Prohibition of excessive fines
- 20) Prohibition of cruel and unusual punishments.

Also, rights not specifically mentioned are reserved to the people (individuals) or to the states. Based on your understanding of American history, which three would you rate as the worst Presidents with regard to preserving the rights of the people? The letter after their name indicates their party affiliation (F refers to Federalist, R indicates Republican, N indicates None, D indicates Democrat, D-R indicates Democrat-Republican, which later became the Democratic Party in the 1820's).

- a) Alexander Hamilton (F), Aaron Burr (F), and Benjamin Franklin (F)
- b) Richard M. Nixon (R), Gerald R. Ford (R), and George Washington (N)
- c) George H. W. Bush (41) (R), James E. Carter (D), and Thomas Jefferson (D-R)
- d) Walter Mondale (D), Barry Goldwater (R), and Alf Landon (R)
- e) Three among those listed in groups b) and c)

Answer to Question 29

This is a trick question. All of the given answers are wrong.

If you chose groups a) or d), please be advised that none of those six men ever served as President. Alexander Hamilton was ineligible to be President since he was not native-born (he was born in the West Indies). Aaron Burr was Vice President under Thomas Jefferson. Benjamin Franklin never held an office under the Federal Constitution. Walter Mondale served as Vice President under James Carter, Barry Goldwater was Senator from Arizona who lost the Presidential election to Lyndon B. Johnson in 1964, and Alf Landon, Governor of Kansas, lost the Presidential election to Franklin D. Roosevelt in 1936. It is true that Richard M. Nixon and Barack H. Obama (and some others) committed crimes, authorized violations of the U. S. Constitution, or covered up for others' crimes, but they are small change compared to the truly criminal Presidents. The worst three Presidents in our history with regard to protecting the rights of the people are Abraham Lincoln, Franklin D. Roosevelt, and Woodrow Wilson.

Here is a list of Abraham Lincoln's violations of the rights of the people [1]:

- a) Suspension of habeas corpus (a power he usurped from Congress);
- b) Imprisonment without charge for disagreeing with Lincoln's war policy;
- c) Suppression of the press;
- d) Imposition of martial law, even in the Northern states
- e) Seizure of private property without compensation
- f) Imposition of an income tax (prior to the 16th Amendment)

Here is a list of Franklin Roosevelt's violations of the rights of the people:

- a) Forced confiscation of gold held by individuals in return for paper notes per Executive Order 6102, and the paper notes were immediately devalued;
- b) Imprisonment without charges of 110,000 innocent citizens of Japanese descent in internment camps based solely on their race;
- c) Attempted to undermine the Supreme Court by adding additional members sympathetic to his ideology (proposing the Judicial Procedures Reform Act of 1937)
- d) Implemented the National Industrial Recovery Act, which took control of the economy, and even prevented people from raising their own food.

Here is a list of Woodrow Wilson's violations of the rights of the people:

- a) Arrest and imprisonment for opposing U. S. involvement in WW I (Espionage Act of 1917, Sedition Act of 1918), 175,000 people were arrested during World War I
- b) Instrumental in getting Congress to pass an income tax (after ratification of 16th Amendment)
- c) Helped establish the Federal Reserve System (a central bank), which controls the economy indirectly
- d) Promoted and implemented the Federal Trade Commission, Clayton Antitrust Act, and the Adamson Act, all devoted to increasing the government's power over the economy
- e) Favored a Parliamentary system and administrative state, in which bureaucrats have arbitrary power
- f) Permitted his Cabinet secretaries to racially segregate government departments (which was an escalation of Theodore Roosevelt's policies)
- g) Implemented the Committees on Public Information; it's job was to propagandize and intimidate the people to implicitly trust the government
- h) Implemented the War Industries Board, which took control of the economy during World War I
- i) Rejected the separation of power and the concept of personal inalienable rights, writing: "No doubt a lot of nonsense has been talked about the inalienable rights of the individual, and a great deal that was mere sentiment and pleasing speculation has been put forward as fundamental principle."

It appears that Thomas Woodrow Wilson was our worst President overall, yet many historians (many of whom themselves reject the U. S. Constitution) regard him as one of our best Presidents. When rating the conduct of Presidents of any other public official, the primary consideration is how well they protect the rights of individuals. It does not matter how popular they were, what political party they represent, who endorsed them, or who benefitted from their policies. In the long run, your rights are what matters most.

[1] Andrew P. Napolitano, *The Constitution in Exile*, Nashville, TN: Nelson Current, 2006, pp. 61 - 76