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Outline of a Platform for Constitutional Government

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LARRY P. ARNN, the twelfth president of Hillsdale College, received his B.A. from Arkansas State University and his M.A. and Ph.D. in government from the Claremont Graduate School. From 1977 to 1980, he also studied at the London School of Economics and at Worcester College, Oxford University, where he served as director of research for Martin Gilbert, the official biographer of Winston Churchill. From 1985 until his appointment as president of Hillsdale College in 2000, he was president of the Claremont Institute, an education and research organization based in Southern California. In 1996, he was the founding chairman of the California Civil Rights Initiative, the voter-approved ballot initiative that prohibited racial preferences in state employment, education, and contracting. He sits on the board of directors of several organizations, including the Heritage Foundation and the Claremont Institute. He is the author of *Liberty and Learning: The Evolution of American Education*.

The following is largely adapted from remarks delivered on September 17, 2010, at the dedication of Hillsdale College's Allan P. Kirby, Jr. Center for Constitutional Studies and Citizenship in Washington, D.C.

Today is the 223rd anniversary of the submission of the Constitution of the United States for ratification. It is the greatest governing document in human history. And on this day we dedicate our Allan P. Kirby, Jr. Center for Constitutional Studies and Citizenship near Capitol Hill here in Washington. Let me explain briefly why we are launching this center. The reason has to do with the times in which we live, and it has to do with the purposes of Hillsdale College.

The times are pretty easy to estimate. I'll just mention two things about them that are astonishing and fearful. The first is that we have managed, in about the last 30 years of relative peace and unprecedented prosperity, to pile up a debt that rivals the one we piled up while winning the Second World War, the most disastrous and largest war in human history. And this debt is of a different character. The Second World War was going to end at some point, and we were either going to win and go back to living and working

and pay off the debt—which is what happened—or else we were going to lose and then the debt would never be paid. In contrast, our debt today has become the ordinary way our government and our country operate. As my father, a schoolteacher in Arkansas and a wise man, used to say, it is the kind of debt that means it really doesn't matter how rich we've become, because we can waste money faster.

The second sign of the times that I'll mention is this: We have now a figure in the American government called the regulatory czar. Not only is it shameful and wrong for anybody in America to let himself be called that, he takes the title seriously. Indeed, he writes that some people should be allowed to regulate speech rights—to redistribute them, much as the government redistributes wealth—in the name of what he and his political allies regard as fairness. His is a far different kind of argument about speech than the one our Founders made, which was that speech is an individual right. His argument not only opposes the prohibition the founders placed in the First Amendment, which says that “Congress shall make no law . . . abridging the freedom of speech,” it rejects the understanding of human nature that grounds the very idea of constitutionalism. James Madison summarized that understanding when he wrote in *Federalist* 51 that because men are not angels, they need government, but that government must be controlled and limited for the same reason. Because those in our government are men rather than angels, we must not allow them

the kind of power that this regulatory czar desires and claims.

There needs to be an argument about whether Madison and the founders are right or this bureaucratic czar and his allies are right with regard to civil liberties, just as there needs to be an argument about whether our nation should keep piling up unsustainable debt. There is going to be an argument about these and other big questions in this city in coming years, and the Kirby Center will have a hand in that argument.

What then of the purposes of Hillsdale College? Those purposes do not change. The College was built in 1844. Just yesterday we had a meeting of our Board of Trustees, and we began that meeting, as we begin every meeting, by reading from the College's Articles of Association. Those articles commit us to two things. The first is “sound learning,” learning in the liberal arts. This is the kind of learning that lets us answer such questions as: What do we

mean by “the laws of nature and of nature's God”? Who is this God? What is He like? What is man? What is he like? What do we mean by “nature”? These are the ultimate questions. They are the questions in virtue of which ultimately all of our choices are made. And it just so happens that human beings, ever since they have been writing things down, have been writing beautiful things about these questions, things collected in old books. The founders of our country, like the founders of Hillsdale College, thought that if we were to be able to read the Declaration of Independence, and follow its arguments, we would need to read

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[Latin]: in the first place

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some of these old books. We have always read them at our College. We are not only devoted, we are chained to the reading of them. They are in our core curriculum. There is no escaping them at Hillsdale.

So that's one thing about the College. And the second is, as they say in the Bible, like unto it. The College is devoted in the first sentence of its Articles of Association to the principles of "civil and religious liberty." These principles are America's gift to the world. We are all of us products of that gift. We are not sons of dukes and earls—or of czars. We are Americans because of this gift. And signs are lately that Americans do not much want to give it up. This is a very hopeful thing.

Hillsdale College has always taught the Constitution and has always fought for it. Our teaching of it is intense, difficult, challenging. As for fighting, we are famous in modern times for a decade-long lawsuit against the federal government, and for the fact that we refuse to take money from that government. It is expensive these days, indeed increasingly so, for a college not to take federal money. But we believe that the price of taking it is dearer still.

No one should think, however, that in refusing money from the modern bureaucratic form of government that exists in this city today, we have forgotten our loyalty to the constitutional form that flourished here for so long.

There is only one way to return to living under the principles of the Declaration of Independence and the institutions of the Constitution. We must come to love those things again. And if we love them, then we will serve them. But we cannot love them until we understand them. And we cannot understand them until we know them. So the first step is to study them and teach them, and Hillsdale College comes to Washington meaning to do that. We aim to create an atmosphere in this city of the study and

knowledge and understanding and love of the principles of America.

* * *

In the previous greatest crisis of the Constitution, when our College was very young, we also served in its defense. In the summer of 1854, with the extension of slavery not just a threat but a reality, the people of Michigan were invited to join together "to protect our liberty from being overthrown and downtrodden." The result of that meeting was the birth of the Republican Party on July 6 of that year, in Jackson, Michigan, just over 30 miles from the Hillsdale campus. Several College faculty and administration members were leaders of this movement. One of them, Austin Blair, later governor of Michigan, was chosen to be on the committee on resolutions. The first president of Hillsdale College, later lieutenant governor of Michigan, also played a leading role. Among the resolves of that Michigan gathering was the following:

That slavery is a violation of the rights of man as man; that the law of nature, which is the law of liberty, gives to no man rights superior to those of another; that God and nature have secured to each individual the inalienable right of equality, any violation of which must be the result of superior force . . .

Remembering this history, we have set our minds, in beginning our work at the Kirby Center, to thinking about what a platform for constitutional government today might look like. As was the case in 1854, the specifics of what to do amidst changing circumstances, and in light of the need to enlist the agreement of the American majority, are complex and difficult and require statesmanship. Solving our deepest problems will take years, and will require imaginative policies not yet contrived. But the general principles and goals seem to us clear. They were laid out for us by our fathers. We have set our hands to begin writing them down in the document that follows.

Outline of a Platform for Constitutional Government

On June 17, 1858, Abraham Lincoln said in his House Divided Speech, “If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it.” His analysis was founded upon a profound contemplation of the Declaration of Independence and its embodiment in the Constitution of the United States. It issued in a set of proposals designed first to limit and then to extinguish slavery by strictly constitutional means.

We require a similar kind of analysis today. Our most difficult policy issues are embedded in a vast administrative state that is built without regard for the principles of the Declaration in their true meaning, or for the proper constitutional operation of government.

The Declaration of Independence articulates the place of man in nature: below God and above the beasts. It says that we may be governed only by our consent. Woodrow Wilson and the founders of modern liberalism called these doctrines “obsolete.” They argued that we live now in the age of progress, and that government must be an engine of that progress. This idea changes how we view not only the purpose of government, but also the rights of its citizens.

Franklin Roosevelt added economic security to the natural rights, as the Declaration of Independence states, of “life, liberty, and the pursuit of happiness.” Government grew as a result, especially under Lyndon Johnson and Richard Nixon. And it continues to grow—all in the name of progress. Indeed, the current administration is the most aggressive proponent of the doctrines of Progressivism since they were first introduced.

Under the influence of these new doctrines, the government has grown to be, in simple quantitative terms, the largest single force by far in the land. It now consumes nearly half of all we produce, and it is soon to accumulate a public debt as a percentage of Gross Domestic Product equal to the largest in our history, matching our debt level at the end of the Second World War. This debt leaves us vulnerable to every mischance that may come upon the nation from abroad or at home. The burden of it stifles enterprise and closes opportunity for all but the well connected.

As the government has grown, it has become a powerful interest in

the everyday affairs of the nation.

Increasingly, bureaucracy is a factor in every operation our citizens undertake. In the management of our businesses, in the accomplishment of our jobs, in the rearing of our children, and in the very caring for our own bodies, there now are rules too numerous to count. Ominously, these rules now seek even to intrude into the electoral processes by which our free people choose their representatives.

These rules originate in laws passed by Congress that are much too long for anyone to read. After these laws are passed, they are enhanced, expanded, interpreted, and complicated by regulatory agencies. We forget therefore the words of the Father of the Constitution, James Madison:

It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?

All these developments, so long entrenched in our politics, are presented by their proponents as a natural extension of the original principles and the original institutions of the nation. Doubtless those who argue this also believe it, but it

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cannot possibly be true.

Gone now is the caution about human nature that recognizes that human beings must live under law in order to protect their rights, and that those who make and enforce the law are no more likely to be perfect—or less likely to violate the rights of their fellow citizens—than others. The current tendency toward unlimited government undermines the foundation of constitutional rule in our country. That foundation is stated by Madison in a few words: “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.”

Men must be governed because they are imperfect—less than God, less than angels. But then so too are those who make and enforce the law imperfect. They also have interests. Therefore government must have strong powers, but these powers must be limited and checked.

If this is where we are, then it is easy to see “what to do, and how to do it.” We must return to the principles and institutions of the founding of our country. We must revive constitutional rule. To do so, we propose the following four pillars of constitutional government.

1. Protecting the equal and inalienable rights of individuals is government’s primary responsibility.
 - a. By rights, America’s founders meant those things naturally belonging to us, and those things earned by our own labor. The protection of rights understood in this way breeds harmony in the society, because each of us claims for himself what he can also give to all others. We may all speak, worship, assemble, and keep our justly earned property without taking from another.
 - b. Each branch of government is subservient to the Constitution.
 - c. The federal government has the constitutional duty to ensure that each state maintains a republican

form of government. This obligation is strengthened and clarified in the 14th Amendment. It must ensure that no state infringes on the rights or the “privileges or immunities” of citizens. Yet it must also recognize the constitutional standing of state governments.

- d. The duties of Congress are clearly delineated in Article I, Section 8 of the Constitution. It should do no more, lest liberty be endangered. It should do no less, else anarchy ensue.

2. Economic liberty is inversely proportional to governmental intrusion in the lives of citizens.

The platform upon which Abraham Lincoln was elected president stated “that the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government.” It urged “a return to rigid economy and accountability” that “is indispensable to arrest the systematic plunder of the public treasury by favorite partisans. . . .” Likewise today:

- a. American economic recovery requires that we liberate the American people to work, to save and to invest, secure in their property, confident about the dollar as a store of value, and sure that the government will be an impartial enforcer of the law and of contracts.
- b. In all administration of federal programs we must demand the utmost economy, and that every care be taken to avoid further growth and sprawl in the federal administrative establishment.
- c. Our massive public investment in entitlement programs must be protected through privatization programs, which should utilize the real practices of insurance against

catastrophe and of savings for future needs. In this process our investment must be safeguarded from loss, as the government must keep its contracts.

d. Sound money is among the most sacred of the federal government's responsibilities, and price stability should be the aim of monetary policy.

e. The federal government must not subsidize corporations or individuals in its tax code or any other policy.

f. Philanthropy is the natural outgrowth of American principles and institutions. It should be encouraged and relied upon, along with local and state government, as the great engine of social reform and the amelioration of distress.

3. To accomplish its primary duty of protecting individual liberty, the federal government must uphold national security.

a. National defense has been for most of American history the chief undertaking of the government under the Constitution. It has been supplanted by the federal entitlement and regulatory state. This reversal of priority hampers growth at home, deprives the American people of scope for self-government, and undermines the defense of the nation.

b. We should pursue relentlessly every form of defense against foreign threats. Especially is this true in the case of attack by weapons of mass destruction. Therefore missile defense and a vigorous policy to combat Islamic and other forms of terrorism are urgently required.

c. We must overcome all international and domestic efforts to undermine

American sovereignty, including those mounted through the United Nations and other international organizations, or through efforts to impose new treaties.

d. Promotion of democracy and defense of innocents abroad should be undertaken only in keeping with the national interest.

4. The restoration of a high standard of public and private morality is essential to the revival of constitutionalism. As the Northwest Ordinance of 1787 states, "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." The Constitution itself says nothing about education, for the same reason it says nothing about families or marriage or child-rearing: the federal government should not control or regulate these things. Parents and teachers, not the federal government, teach children. What they teach them matters most, for without proper moral and civic education a republican form of government will falter. With it, and with a strong defense of our right to religious liberty, republican government can flourish.

We close again with the words of Lincoln, from the same speech with which we began. Quoting the Bible, Lincoln said that "a house divided against itself cannot stand." We shall be governed either by ourselves, under a Constitution, or else we shall be governed by the new kind of master invented in our day, the bureaucrat, and by the impenetrable web of rules that he fabricates and enforces.

Let us stand together against the rule of bureaucracy, and for liberty and the Constitution. ■



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DID YOU KNOW?

Jared Veldheer, '10, was selected in this year's NFL draft by the Oakland Raiders and has played extensively at offensive tackle for the Raiders this season.