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Interpreting Our Constitution: Living Document or Original Intent?

By Joe Btfsplk

There are two conflicting schools of thought regarding our Constitution. "Living Document" and "Original Intent." The phrase, "Living Document", was invented by those who intended to deceive people into believing that our Constitution is relevant in their lives. Nothing could be further from the truth. In fact, they believe that our Constitution has been rendered obsolete over the years since it was written and should be abandoned. They believe that their political philosophy is superior to that of the founders of this nation. They have been greatly successful in their deception. They have deceived a great many people. If I ask the question, "Do you support the "Original Intent" or "Living Document" theory of The Constitution?" many people jump right on the phrase "Living Document" because they are unaware of what the term means, what it is meant to accomplish, and it sounds better than "Original Intent."

"Do not separate text from historical background. If you do, you will have perverted and subverted the Constitution, which can only end in a distorted, bastardized form of illegitimate government."

Our fourth President, James Madison, knew that there would be tyrants who would attempt to overcome the restrictions placed on them by our Constitution in order to gain power over us. With the possible exception of Thomas Jefferson, James Madison was the greatest political philosopher among the founders of this nation, perhaps the greatest ever.

It is evident that I believe in the "Original Intent" theory of our Constitution. I firmly believe that the men who wrote The Declaration of Independence, our Constitution, and The Bill of Rights were inspired by God, as inspired by God as those who wrote the books of the Bible. If "We the People of the United States" continue to allow those who promote the "Living Document" school of thought to take over our government then we may as well abandon our Constitution. We may as well throw it in the trash. The Supreme Court can just rule that it means whatever they choose, something other than what it says in plain English, something other than the "Original Intent" of the authors. Article V of the Constitution prescribes the only method by which it can be changed:

" The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress;"

The men who wrote The Constitution were very intelligent men who recognized that, over time, society would change and The Constitution would need to be changed to meet those needs.

In 1989, the Supreme Court made a blatantly unconstitutional decision. In the case, the Supreme Court ruled that the accused in a criminal prosecution facing up to six months of incarceration is not entitled to a trial by jury. The Sixth Amendment reads:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury...."

The case was *Blanton v. N Las Vegas*. It is blatantly obvious that those arguing the case did NO research into the "Original Intent" of the Sixth Amendment. It is readily apparent that the Supreme Court has no regard for the plain text language used in the Constitution and Bill of Rights. The First Congress intended the Sixth Amendment to apply to all except "misdemeanors" as defined in 1789. The right to a trial by jury in criminal cases is the only right that was deemed so important that it was guaranteed in both the original Constitution and the Bill of Rights. The following is the definition of misdemeanors from Noah Webster's 1828 dictionary:

" In law, an offense of a less atrocious nature than a crime. Crimes and misdemeanors are mere synonymous terms; but in common usage, the word crime is made to denote offenses of a deeper and more atrocious dye, while small faults and omissions of less consequence are comprised under the gentler name of misdemeanors."

Certainly, anyone who committed an act that justifies incarceration for six months is guilty of a more serious crime than a "misdemeanor" of that time. "small faults and omissions" are certainly not serious enough to require incarceration. A Supreme Court decree is not allowed by our Constitution to change our Constitution. In the case, the Supreme Court ruled that "There is a class of crimes that can be tried without a jury." Taking The Sixth Amendment literally, there is no "class of crimes" nor "crime" that can be tried without according the defendant the right to a trial by jury. However, it would be ridiculous to allow a person that right for committing a "misdemeanor" as defined at the time that the Bill of Rights was written and ratified. Perhaps the reason Congress wrote the Sixth Amendment the way they did is because they never imagined that the definition of a "misdemeanor" would be changed over time to include more serious crimes. There is also the belief that the Bill of Rights did not apply to the States until the ratification of the Fourteenth Amendment decades later.

They never imagined, under the restrictions of The Constitution that Congress would write a law that would be defined as a "misdemeanor." That would always be left to the States. The "Living Document" school of thought virtually means that we are no longer a Constitutional Republic, that we should be ruled by a committee of the nine justices of the Supreme Court. The "Original Intent" school of thought means that we are a nation ruled by laws, not men, that tyrants cannot change our Constitution in their pursuit of power over us without three-fourths of The States concurring.

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