The Constitutionality Crisis

An overview of this site

The meaning of "Constitutional"

This site is concerned with the **Constitution for The United States of America** — the U.S. Constitution — and thus **we define 'constitutional' as:** *being in accordance with, or authorized by the United States Constitution*. Thus, when we speak of 'unconstitutional' laws, we refer to laws that are **not in accordance with nor authorized by the United States Constitution.** References to 'government' mean the federal government of the United States.

The Crisis

This site examines the Constitutionality Crisis facing the United States of America and suggests an approach for restoring Constitutional government. The federal government routinely violates constitutionally-protected rights of both its citizens and of the states making up the union. The legislative, executive and judicial branches of the federal government are all guilty. We are to the point where government sees no practical limits on its actions. Unless something is done — and soon — the United States of America is doomed as a republic. In compressed form, here's what this site covers.

1. It is far too easy to pass unconstitutional laws.
2. It is practically impossible to repeal unconstitutional laws.
3. There are many unconstitutional laws on the books.
4. The Supreme Court has permitted vast, unconstitutional expansions of government power.
5. We need a mechanism, outside of the federal court system, to invalidate unconstitutional laws.
6. It is the right and *responsibility* of the states to provide that mechanism.

The problem can be remedied, but only by changing the way we pass laws and the way we determine whether laws are in fact Constitutional or not. To understand what's needed to fix this very broken system, we must first understand how we got into this mess in the first place.

Three Critical Questions

Here are three questions to ask yourself:

1. Does the Constitution empower the Supreme Court to judge the constitutionality of federal laws and regulations, and uphold or strike them down as the court sees fit?
2. Does the Constitution prohibit the states from determining the constitutionality of federal laws and regulations, and uphold or strike them down as they see fit?
3. What does the Constitution have to say about the powers not delegated to the United States federal government by the Constitution, nor prohibited by it to the States?

The answers to the above questions are these:

1. No. The powers of the U.S. Supreme Court are listed in Article III, Section 2. There is no mention of judging the constitutionality of laws and regulations in Article III, Section 2.

2. No, the Constitution does not prohibit the states from exercising this power. In fact, nowhere in the constitution is the judging of laws to be constitutional or not even addressed.
3. For this answer we refer to Amendment X which states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Ask any 'Constitutional Scholar' the above three questions and you should get the same three answers. Given the foregoing three irrefutable facts, it is reasonable to conclude that the power to review federal laws and regulations as either being in accordance with the Constitution or not is a power "...reserved to the States respectively, or to the people."

Two More Questions

If the drafters and ratifiers of the Constitution could have foreseen the size and scope of the current federal government:

1. Do you think the drafters would have been more explicit in limiting federal powers? Another way to put it is: Do you think that this (the current gargantuan bureaucracy) is what the drafters of the Constitution had in mind?
2. Do you think the original thirteen states would have ratified the Constitution as written?

There are, of course, no "right" or "wrong" answers to the last two questions. I offer them simply to get you thinking about what it was the Founding Fathers intended.