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On Constitution Day, tea party and foes duel over our founding document

It's Constitution Day in the US, which this year features a healthy debate about the limits on government power. The growth of the tea party movement has heightened that continuing argument.

Former Supreme Court Justice Sandra Day O'Connor holds a copy of the Constitution before a recitation of the preamble at the National Constitution Center, Friday, Sept. 16, in Philadelphia. Saturday marks the 224th anniversary of the signing of the Constitution. (Matt Rourke/AP)

By Mark Trumbull, Staff writer
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It's Constitution Day in the US, but that doesn't mean it's a day for the nation to unite around its founding document amid peace, love, and flowers.

Not in a year when Michele Bachmann is trying to keep within an elbow's length of Rick Perry in the Republican presidential race, both standing for limited government. Not when the Republicans are attacking President Obama for constitutional over-reach. Not when some experts are asking whether the nation's fiscal problems are too intractable to resolve without amending the framework of checks and balances that the Constitution's framers designed.

Let's just say we're in an era of healthy debate about the meaning of the Constitution, and over its future. Just like James Madison lived through in his own day.

The central dispute now is about the limits on government power.

Libertarians and the tea party movement have grown their ranks by asserting that the country has strayed far from its constitutional roots. The federal government has taken to itself all kinds of powers not enumerated by the Constitution, they argue, and the public has too often gone along.

But the very force of their rallying cries has spawned a countering effort by defenders of current federal powers.

The duel isn't limited to Constitution Day. But the holiday this year (timed to commemorate the original document's signing on this date in 1787) spawned comment from both camps.

"The value of a constitution is that it binds government and prevents pure majority rule," Wes Benedict, Libertarian Party executive director, said in a statement heading into this weekend. "Unfortunately, over the last 224 years, all three branches of government, and most of the American people, have often decided that the Constitution can be ignored if it's too inconvenient."

A rival group issued a defense of an expansive interpretation of the Constitution.

"Our Constitution is under attack from tea partiers and other self-professed 'constitutional conservatives' who have claimed the document as their own and distorted it to support their ideological agenda," write Doug Kendall and Judith Schaeffer of the Constitutional Accountability Center. "Over the past two years, they have made increasingly extreme, and in some cases absurd, claims."

The debate is surfacing in questions about programs like Social Security, income taxes, and the Federal Reserve, which often revolve around the meaning of "enumerated powers" or the "necessary and proper" clause in the Constitution.

A related debate has emerged over whether the Constitution's checks and balances are hobbling the nation's ability to govern itself. Some pundits, citing gridlock when one party controls the White House but not Congress, argue that the US should shift toward a parliamentary style government.

Others, including tea party loyalists, argue that a balanced budget amendment is needed to impose fiscal discipline on a debt-prone Congress.

Still others argue for ad hoc work-arounds, such as Congress's recent move to delegate tough decisions on the budget to a 12-lawmaker "super committee." The committee is expected to recommend 10-year deficit cuts totaling $1.5 trillion, which would face up or down votes in the House and Senate.

Another view is that, as messy as the status quo can be at times, it ultimately works thanks to the power of citizens to elect and remove public officials at the ballot box.

It's too early to know if President Obama's health care reforms, including a mandate on individuals to purchase insurance, will be found unconstitutional by the US Supreme Court.

But in one sense the proponents of limited government are winning, argues Roger Pilon of the libertarian Cato Institute. Echoing the views of another analyst writing recently in the New York Times, Mr. Pilon argues in a blog post Saturday that the debates are at

least talking about the document's original text, rather than a sense of modern constitutional law rooted in New Deal decisions by the Supreme Court.