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Counterfeit Constitutionalists Demean the Document

Newspaper Column by Evan Barrett
June 10, 2016

On the coming 4th of July, our hearts will swell with pride as the Stars & Stripes lead our local Independence Day parade. That flag reflects an American reality of which we are all rightfully proud. For, despite its imperfections, we live in a great country, with a remarkable democratic governmental structure that is the envy of the world – the bedrock of our national identity. We are a government of, by and for the people. We are a nation of laws, not of men and their whims and fancies.

On the 4th of July especially, the flag reminds us of the Declaration of Independence which states the self-evident truth: "... that all men are created equal ... [endowed] ... with certain unalienable Rights ... [like] Life, Liberty and the pursuit of Happiness." And that our government derives its "... powers from the consent of the governed."

The flag helps us to also reflect on the US Constitution which, as the supreme law of our land, is an even more important American governmental document. Famed British Prime Minister, William Gladstone reflected the thinking of the world when he said: "...the American Constitution is ... the most wonderful work ever struck off at a given time by the brain and purpose of man."

But, these days it seems the Constitution gets more reverence than respect. There are many in our country and state who rhetorically wrap themselves in the Constitution while at the same time seek to ignore it, change it, dismantle it. To me they are Counterfeit Constitutionalists.

Casual confusion about the Constitution is understandable. Former Supreme Court Justice Hugo Black saw it clearly, when he said: "The layman's Constitutional view is that what he likes is Constitutional and that which he doesn't like is un-Constitutional." That perspective might be relatively harmless, but the Counterfeit Constitutionalists have taken it to a much higher and more dangerous level, organizing to aggressively pursue, in the name of the Constitution, extraordinarily harmful things like nullification and a war on women's rights.

In its "supremacy" clause, our Constitution establishes the supremacy of the federal government in certain areas. However, the Counterfeit Constitutionalists seek to flout the Constitution and assert state government control over the federal government in some of those specific areas. Previously, similar efforts at "nullification" helped plunge America into the tragic Civil War. Notwithstanding that very real history, Counterfeit Constitutionalists over the last three Montana legislative sessions alone have sponsored hundreds of bills that are patently unconstitutional. Alerted to that critical flaw by legislative legal staff, Counterfeit Constitutionalists have nonetheless proceeded to ignore the Constitution and, in many cases, passed the bills anyway. Bills that go so far as to assert that if representatives of our national government try to enforce certain

federal laws in Montana, county sheriffs would be empowered to arrest them. These politically-inspired attempts at nullification are the political currency of the Counterfeit Constitutionalists, demeaning our state and devaluing our Constitution.

Another visible focus of the Counterfeit Constitutionalists is Roe vs. Wade, the Supreme Court decision from 40+ years ago that established within the meaning of the constitution a right of privacy that allows women to make their own reproductive and health choices based upon their own circumstances, religious values, and medical and family consultation. Yes, in these United States women have a right to medically control their own bodies. Because of this long standing Supreme Court interpretation of the Constitution, those medical decisions are NOT to be made by her Congressman or state legislator. Sadly, in dozens of states in hundreds of bills, as well as federally, the Counterfeit Constitutionalists, whose usual watch-cry is “limited government,” try to insert a watch-dog government into every bedroom, into every woman’s hospital and doctor’s office.

Counterfeit Constitutionalists are willing to ignore the Constitution to push their personal perspective; deny the Constitution to serve their particular religious view; shred the Constitution to achieve their political goals.

To help insure that here in America we remain a government and nation of laws, not of men – this year on the 4th of July when we salute our flag, we need to affirm our support of our Constitution and reject the tactics of the Counterfeit Constitutionalists.

Evan Barrett of Butte, has spent the last 46 years at the top level of Montana economic development, government, politics and education. He is currently the Director of Business & Community Outreach and an instructor at Highlands College of Montana Tech. These are his personal views.

(700 words in the body)