

The Constitution, the Amendments, and the Law

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Today, once again, I found myself watching as two highly respectable patriots argued over whether the Constitution is a living document or a bastion of permanence: a document to be altered only by amendment, not interpretation.

While I cannot speak to the source of the education of the two men involved in the discussion, I count myself as being fortunate to never have been subjected to studying the Constitution under the tutelage of a lawyer. My studies of the document are firmly based in history and philosophy. In both, the concept of *simplicity* is strong. The making of a nation was to be done in a manner that was understandable by the simplest of the literate citizens. I have embraced that simplicity and wish that it not be polluted by high-brow conjecture.

So, I ask myself, why it is that so many want to make so much of such simplicity? That being too difficult a question to ponder, I turned to the elegance that is housed in the simplicity.

Consider the Constitution itself, prior to the amendments. If one examines the nature of the articles and not the content, things become clear. The United States Constitution is nothing more than a functional, or organizational, plan for running the nation. It is a business plan. There are three articles dealing with the three departments: The board of directors, the management, and the complaint department. At the end there is a statement about how to change the Articles of Incorporation (that would be the amendment process).

To paraphrase, the Constitution says *these guys* can do *these things*, and *those guys* can do *those things* dividing the *guys* into three groups. If it doesn't say that one of the groups of guys can do something, then they can't.

That struck me as being noteworthy, so I made a note of it. As soon as I realized that the Constitution was a business plan, than I noted that the Amendments – the first ten anyway – didn't fit. The first ten amendments don't provide for new departments or special services like a business plan does. These amendments are not *structural* at all; they are explanatory. Somewhat like a corporate policy manual, these first amendments are similar to the sign in the restroom that reads, *all employees must wash hands*. The amendments address the shareholders in the nation: the citizen. Some of the later amendments actually do alter the basic business plan, but I am only looking at the first ten.

Simple. Beautifully, elegantly, simple. Yet, the man arguing that the Constitution was a *living document* and needed to be interpreted in the context of current affairs had a point as well. Could people really be expected to live under a system that was so rigid as the first man proclaimed?

Oddly, the answer that I arrived at was, yes; and no. The government itself had to be flexible, current, and adaptable, but the reality is that for the government to be a *living* government, the Constitution didn't need to change. It's still a good business plan. The ability to shift with the times comes in the form of the law enacted by the board of directors, the Congress.

With my philosophy in tact, and history as support, I therefore submit for your consideration, that the business plan is sound, even if the laws might need a bit of an upgrade.

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