

## The Constitution still matters

By Marta Mossburg

Thursday, 31 January 2013 00:00

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I wonder what Saeed Abedini thinks of the discussions circling at the highest level of American politics and society to scrap the Constitution. Abedini is the 34-year-old American pastor sentenced Jan. 27 to eight years in prison in Iran. His crime: evangelizing Christianity.

Or what about all those who face constant persecution and imprisonment in China for not belonging to officially sanctioned churches?

People say such injustice could not happen here. Without the religious protection guaranteed by the Constitution, however, why couldn't it? Even with the Constitution in place, many of our fundamental rights have been usurped in the name of safety and tolerance. The use of drones to monitor people within the United States and campus speech codes are just two examples of how basic tenets of our founding document have been undermined.

That is why it scares me to listen to those like Georgetown law professor Louis Michael Seidman who want to scrap the Constitution and forge a new document that more closely aligns with the popular will.

In a segment aired on CBS' "Sunday Morning" he said, "The Constitution has many important and inspiring provisions, but we should obey these because they are important and inspiring, not because a bunch of people who are now long-dead favored them two centuries ago."

He added, "Worse yet, talking about gun control in terms of constitutional obligation needlessly raises the temperature of political discussion. Instead of a question on policy, about which reasonable people can disagree, it becomes a test of one's commitment to our foundational document and, so, to America itself."

He is one of a long list of public figures who favor killing all or some of the document undergirding the republic that has inspired millions to risk their lives and fortunes to come here.

Earlier this month New York City Mayor Michael Bloomberg said gun control "is not a constitutional question. It's a question of political courage."

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Perhaps more dangerously, President Barack Obama in his inaugural speech co-opted the principles of the Constitution to redefine them. He said, “But we have always understood that when times change, so must we; that fidelity to our founding principles requires new responses to new challenges; that preserving our individual freedoms ultimately requires collective action.”

This passage reflects Obama’s belief that an ill-defined progress is more important than fundamental rights, even as he feigns allegiance to original intent. As British writer Janet Daley wrote recently, Obama used the “New Labour trick of claiming that something can only be safeguarded by embracing its opposite: individual freedom requires submitting to the collective will.”

Because so few people have read the Constitution or Bill of Rights and know U.S. history, the new meaning of liberty as defined by Obama, Bloomberg and other influential progressives of the country becomes the de facto definition. They know the more they talk about it the more likely it will become true to those who hear them as psychology reveals repetition makes things more believable.

But Americans must know that abandoning the Constitution, either technically or by redefining it, comes at great risk to minority rights.

As Benjamin Franklin allegedly said, “Democracy is two wolves and a lamb voting on what to have for lunch. Liberty is a well-armed lamb contesting the vote.”

Progressives may be OK with majority rule today because they run the country. But it could turn against them in the next election, so they should have just as much invested as conservatives in protecting the absolute rights to free speech, freedom of assembly and freedom of religion.

To rely on “reasonable” people, as Professor Seidman suggests, to decide whether Americans deserve those freedoms makes us all lambs to the wolves with power, as Saeed Abedini and thousands of others around the world know first-hand.

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