

By Gary Porter, National Director, Constitution Leadership Initiative, Inc.

Welcome back to Constitutional Corner, a bi-monthly exploration of “all-things constitutional.” Last time I told you we’d start off by exploring gun control. Unfortunately, I can’t cover such a complex topic in the 400 words allotted me for each essay so it will probably take several submissions (if you think I should have more “space” for each essay, please notify the editor).

But before we dive into the 2<sup>nd</sup> Amendment, I need to cover something a bit more fundamental: how to interpret the Constitution. If you study the Constitution for very long you will find yourself falling into one of two basic camps: Originalists or Modernists.

Originalists think that the best way to understand the Constitution is to determine how the Framers (those who attended the Constitutional Convention and debated the wording of the document) intended it to be interpreted. They look to several sources to determine this intent, including the notes from the Constitutional Convention, the writings of the framers, contemporary newspaper articles, and the Federalist Papers.

A branch of Originalism, and one with a considerable following (including this writer), holds that it is not the intent of the Framers that should matter most but the understanding of those who ratified the Constitution. First, while the Constitution was the product of 55 Framers meeting in Philadelphia, it was ratified by 1648 delegates in 13 state conventions. The ratifiers were an even more diverse group than the Framers, should not the ratifiers’ opinions hold more weight?

Opposite the Originalists are the Modernists. A modernist approach looks at the Constitution as if it were just ratified today. What meaning would the words have to today’s citizens? Their main argument against Originalism is that the Constitution soon becomes irrelevant if only viewed through 18<sup>th</sup>-century eyes. Modernists also contend that the Constitution was deliberately left vague in some areas to permit modern interpretations to override older ones. This view was popularized by President Woodrow Wilson who coined the term “living Constitution.”

James Madison had this to say in an 1824 letter to Henry Lee: *"I entirely concur in the propriety of resorting to the sense in which the Constitution was accepted and ratified by the nation. In that sense alone it is the legitimate Constitution. And if that is not the guide in expounding it, there may be no security."*

So are you an originalist or a modernist? Next time: Gun Control (I promise).

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