

The Breakfast Club

Constitutional Minute for 7 December 2021

Ten Questions to Ask Candidates for Congress

1. What, in your opinion, is the purpose of government?

Discussion: A candidate who does not understand the basic purpose of government should never be elected to office; they are unlikely to learn the correct answer once in office because they will thrust into a Congress packed with others who are similarly clueless. As Jefferson stated, government is instituted to secure our rights. That should be the starting point for discussion. A wise candidate will then proceed to outline the goals of government as elucidated in the Preamble to the Constitution. Any candidate who suggests the role of government is to take care of the governed does not deserve your support.

2. Do you believe our Constitution is a "living document," or do you believe the Constitution should be interpreted according to the original plain meaning of the words at the time?

Discussion: The Framers expected the Constitution to be interpreted as they *wrote* it. James Madison made clear that the understanding of those who *ratified* the document should prevail. Instead, we have allowed the Supreme Court to re-interpret the Constitution and amend it without using the constitution's amendment process outlined in Article 5. Any candidate who suggests it is OK to let the Supreme Court "update" the Constitution and implement policies that did not first pass the Congress should be abandoned.

3. Do you believe the federal government has all powers except those prohibited by the Constitution, or no powers except those enumerated in the Constitution?

A good candidate will immediately quote the 10th Amendment or at least make it clear he or she understands what it says. We were intended to have a government of limited and enumerated powers; we don't today, thanks to the Courts and the blatant usurpation of power that has gone unchallenged. But we need Congressmen who will agree to operate within the Constitution's enumerated powers and vote down legislation that exceeds those limitations.

4. Did the original Constitution vest all legislative power in Congress? How do executive agency rules differ from laws?

Discussion: We really need Congressmen who will start to unravel the doctrine of delegation of legislative power to Executive Branch agencies. Executive rule-making has gotten completely out of hand, as the COVID vaccine mandate has recently demonstrated. We can no longer accept the situation where the states are forced to either accept Executive Branch overreach or challenge these actions in court. The result of reining-in the legislative power will be bigger, more complicated legislation, but we will return, gradually, to where laws are passed by our elected representatives and not by unelected bureaucrats.

5. Do you believe the Constitution requires separation of God and government? If so, where is that provision found?

The knowledgeable, faith-full candidate will confirm that the so-called "wall of separation"

doctrine is a contrivance of the Supreme Court. Government must not meddle in the affairs of the church, but faith in an omniscient, omni-present God should guide every action of our national government. Men steeped in Christian faith designed this government and left the “fingerprints” of their faith on their design (see Article 1 Section 7 and other examples). The “wall of separation” must come down; this does not imply a theocracy will result, only that Judeo-Christian morality is imbedded in the foundation of America and should be recognized and acknowledged by the government. *"It is the duty of all Nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits, and humbly to implore his protection and favors."* George Washington, Thanksgiving Proclamation, 1789,

6. Does Article III Section II, give Congress the authority to limit the appellate jurisdiction of the Supreme Court? If so, under what circumstances would you vote to invoke that authority?

The knowledgeable candidate for Congress should understand that Congress was given considerable power over the Supreme Court, and they must exercise this power from time to time to sequester important legislation or policies from the arms of judicial activism.

7. Under what conditions is impeachment of an elected official warranted?

Discussion: Has the candidate studied or even thought about the impeachment power? Impeachment has a long history in this country, going back to the early years of the Constitution. It is not the only remedy for Executive or Judicial overreach or maladministration, but it should be used when appropriate (and abstained from when not).

8. Do you believe the Second Amendment gives us a right to keep and bear arms or does it guarantee a pre-existing right?

Discussion: knowing that the Constitution does not create rights but rather protects pre-existing rights is fundamental to a correct understanding of the Constitution. A candidate who believes otherwise should be abandoned.

9. Do you believe the Constitution guarantees a right to privacy? If so, where is that right found in the Constitution?

Discussion: Short answer: there is no right to privacy enumerated in the Constitution. The Supreme Court created a right to privacy after surmising that it lay hidden in “emanations from penumbras” of the Constitution (*Griswold v Connecticut 1965*). They then extended and enlarged this right eight years later in *Roe v Wade* to include the “right” to abort unborn children. We don’t need a Court system intent on creating previously unenumerated rights, we have an amendment process for that.

10. Was the 17th Amendment a good idea?

Discussion: This is sort of a “bonus question” to see how deeply the candidate has studied the Constitution. If they answer: “remind me what the 17th Amendment is all about,” you can help them out a bit, but be wary of such an ill-informed candidate. The well-informed candidate will be able to discuss the deleterious effects of this ill-conceived amendment (and you should study the amendment as well to be able to “fact-check” a candidate’s answer). Basically, the amendment removed the state legislature’s power to control legislation in the Senate.