

## Plead The 5th And Screw The 10th

For a man who allegedly taught Constitutional Law, Barack Obama seems to know very little about the United States Constitution. (I say “allegedly,” because no one has been able to find any writings from his years of teaching. If Obama taught law, he never published any legal opinions. Maybe he learned never to leave a paper trail that could be used against him by Joe Biden and his Senate Judiciary Committee.) In his appearance at the Saddleback Church on August 16, Obama said he opposed a Constitutional Amendment defining marriage as between a man and a woman “...because historically, we have not defined marriage in our Constitution.” Of course, as the astute columnist Ann Coulter quickly pointed out ([www.anncoulter.com](http://www.anncoulter.com)), “If marriage were already defined in the Constitution, we wouldn’t need an amendment.” Don’t expect Obama to grant an interview to Ann Coulter any soon. (Ms. Coulter likely doesn’t get the same “thrill up the leg” Chris Matthews has reported experiencing when contemplating Obama in the White House.)

Ms. Coulter went on to remind her readers that the Constitution does not define slavery either, but that didn’t stop the document from being amended to abolish the immoral practice. If you need another argument against affirmative action, there it is. Obama is unaware that slavery is not mentioned in the main body of the Constitution, but he is a Constitutional lawyer. Come to think of it, maybe he really isn’t a lawyer at all. He has refused to release a list of his legal clients, so perhaps he never had any. (Or he may have lost the list, along with his birth certificate and citizenship papers.)

Clearly Obama, like most liberals, reads what he wants into the Constitution, passing laws that expand the welfare state when he can and, when that fails, relying on judges who “legislate from the bench” to force his views on Americans who refuse to go along with his leftist agenda. But like most politician-lawyers in general, and all Democrat-politician-lawyers in particular, Obama is no doubt quite familiar with the Fifth Amendment to the Constitution:

*“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”*

The average American is most familiar with the “...nor shall be compelled in any criminal case to be a witness against himself” language – if only from watching television dramas about members of organized crime who, on the witness stand, “plead the Fifth” with the response, “I refuse to answer on the grounds of possible self-incrimination.” More than a few people have used that response in testifying before Congress. As an American you certainly have the right to “plead the fifth,” but it certainly makes you appear guilty. As a result, many who are accused of nefarious deeds simply try to get

away with lying (“I never had sex with that woman, Ms. Lewinsky”), or a convoluted definition to obfuscate the truth (“It depends on your definition of the word is.”)

Fifth Amendment or not, if enough evidence is mounted against you, you’ll be found guilty in a court of law regardless of whether you testify. (At least that’s the case now that Johnny Cochran is no longer among us.) And if there’s some doubt about your guilt, you’ll be set free. That process leaves an occasional criminal on the street, but most of them will end up being caught for something else later on (O. J. Simpson reference number two, if you’re keeping track), and it’s what separates us from the uncivilized people of the world (i.e., those who follow Sharia Law).

When it comes to the Tenth Amendment, however, it’s a different story altogether. Compared to the Fifth Amendment, it’s short, clear, and concise. Yet most Americans know nothing about it – including former law lecturers from the Democrat Party running for President of the United States in 2008. Maybe the problem is that the text is simply *too* straight-forward, leading many to believe there must be some “hidden meaning” within. (Liberals have that problem with that pesky Second Amendment, the one about a “right to bear arms.”) But let’s take the Tenth Amendment at face value. (If we get too inquisitive, Joe Biden will spend an hour and a half explaining “penumbras.”) The real problem is simply that the Tenth Amendment has never been used in the plot of any major motion picture or episode of Perry Mason:

*“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”*

That should be pretty easy to understand, even for Barack Obama. It simply means that the Constitution defines the functions and powers of the Federal Government, and where they’re not defined, those functions and powers are left to the individual States or, better yet, to individual Americans. Or, as Thomas Jefferson wrote, “The states should be left to do whatever they can do as well as the federal government.”

The States argued fervently for the Tenth Amendment. They wanted to prevent the Federal Government from growing too large and powerful. (That is, they didn’t want it to become what it is today.) The States wanted the power to make their own regional decisions, without being told what to do by distant bureaucrats with no understanding of local issues. (Again, they wanted to avoid being stuck with what we have today.) From about the 1840s on, however, Congress continued to push the limits of its power and, helped by liberal interpretations by the Supreme Court (sound familiar?), pretty much got its way.

Barack Obama has the most liberal voting record in the United States Senate. (That record is made cloudy by the many instances when Obama did not cast a vote, in an effort to avoid being pinned down on hot-button issues, but one would have a difficult time finding any instance where Obama voted against the far-left agenda.) His running mate, Senator Joe Biden, comes in third on the Marxist scale. Both are advocates of big

government, higher taxes, more regulations, and more bureaucracy. Both support income redistribution schemes. Both are advocates of federal bullying of the states.

Both Obama and Biden are also supposed to be experts on Constitutional Law. (And neither would hesitate to remind you of his self-generated reputation.) Yet Obama's agenda includes a national infrastructure reinvestment bank, national health care plan, national energy plan, early education plan, paid leave program, job program, education reparations plan, global poverty program, universal national service plan, and carbon-emission restrictions and taxes. A strict interpretation of the Constitution would lead to calling all of those programs unconstitutional. That, of course, is why liberals don't want strict Constitutionists serving on the Supreme Court. They use abortion "rights" as a justification for trying to keep judges who would follow the Constitution from getting on the Supreme Court (and the lower courts), but their main purpose is to avoid the Tenth Amendment at all costs.

And, speaking of abortions, Obama promised Planned Parenthood the *first* piece of legislation he will sign if elected will be the "Freedom of Choice Act," which will overturn *all* state pro-life laws. Does your state have late-term abortion restrictions? Does your state prohibit partial-birth abortions? Does your state require that parents be informed if their 14 year old daughter has an abortion? Well, scratch all those state laws off the books, because Obama's "Freedom of Choice Act" totally bans your state legislature's freedom to do act on abortion. You may as well shut down your State Capitol and save the expense of running it.

Federal abuses like Obama's proposed "Freedom of Choice Act" are precisely why the Tenth Amendment was put in place. Obama believes he is not bound by that law. And if he gets 60 Democrat Senators (enough to avoid a filibuster), he won't be. Obama's atrocious law could conceivably be overturned by the Supreme Court - but don't count on it, as it too has demonstrated an egregious tendency to ignore the Tenth Amendment. And if Obama gets the chance, he'll add to the Court more Justices who will do just that.

Those who think Biden somehow balances Obama on the Democrat ticket are uninformed or unintelligent. Both are determined to take the United States of America far away from what our Founding Fathers imagined. And if Americans catch them in the act, they'll both plead the Fifth.

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