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Brief Observations on Constitution Day 2024

by

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Constitution Day is celebrated every September 17th, the date on which the delegates to the Constitutional Convention in Philadelphia signed the Constitution in 1787. So, this year marks the Constitution's 237th birthday.

Given that tests and surveys consistently show a majority of Americans possess little knowledge regarding fundamental aspects of the Constitution, such as the separation of powers that is fundamental to preserving our liberties, a good argument can be made that we should designate September Constitution Month. After all, we celebrate the familiar so-called "heritage" months on a year-round basis, along with literally hundreds of designations of "[special](#)" months, such as Self-Love Month in January, Bird-Feeding Month in February, Frozen Food Month in March, Humor Month in April, and so forth.

A month's worth of concerted focus on the Constitution, especially at the beginning of each school year, could do much to elevate Americans' understanding of our fundamental charter.

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But, alas, because I have only one day, I'll limit myself to offering these brief observations. Please read Jonathan Turley's essay in the Wall Street Journal, "[The Left's Assault on the Constitution](#)." Even many progressives will be shocked by Professor Turley's recitation of statements showing the lengths to which many on the Left have gone to deliberately denigrate the Constitution and undermine respect for it.

Why go to such lengths? As Professor Turley says: "Trashing the Constitution gives professors and pundits a license to violate norms." As we have come to learn, especially in the last few years, when the Supreme Court renders opinions with which the Left disagrees, among the norms that they wish to jettison are changing the size of the Supreme Court, eliminating life tenure for the Justices, and having a separate branch of government impose an "ethics code" on the Court, a separate and independent branch.

Trashing the Supreme Court is a sure-fire way to diminish respect for the Constitution. This in turn, does much to undermine faith in the American democratic experiment.

So, I commend Jonathan Turley's essay – and, if you're in a constitutional learning mode, I also suggest you read Professor Turley's new book, "[The Indispensable Right: Free Speech in an Age of Rage](#)." Suffice it to say, with threats to free speech abounding, the book couldn't be timelier – or more indispensable.

Now, on to a positive note which reflects my own hopeful view regarding the Constitution's role in binding together we Americans – "We the People" as the first three words of the Constitution have it. As Yuval Levin suggests in his new book, "[American Covenant: How the Constitution Unified Our Nation – And Could Again](#)," we might think of the Constitution as comprising five different objectives: a legal framework, a policymaking framework, an institutional framework, a political framework, and a unity and union framework. As the subtitle telegraphs, Mr. Levin's book is focused mainly on this last, least discussed frame. But consider: the first of the Constitution's aspirations, beginning with the Preamble's eighth word, is "in Order to form a more perfect Union."

The aim of Mr. Yuval's book is to show that one of the key purposes of the Constitution, evidenced by its design and structure, is to create opportunities for those with divergent political, policy, and philosophical views to reach common ground in tackling America's problems. In short, various familiar aspects of the Constitution often cited as structural obstacles to the President or Congress single-mindedly establishing a particular preferred policy, instead were intentionally designed by the Framers to require compromise in political give-and-take. Of course, some of those counter-majoritarian impediments are intended to protect minority rights from abuse by majority rule.

While acknowledging the frustrations that may accompany constitutional impediments to speedy achievement of one side or the other's preferred policy outcomes, Mr. Levin offers this: "The process of dealing with one another, of being forced into areas of contentions and negotiation, often accustoms Americans, in time, to relating to one another across lines of difference."

In our day of hyper-polarization and bitter partisanship, we can hope that this proves true for our fractured nation.

George Washington presided over the Constitutional Convention in Philadelphia. In a note presenting the Constitution to the delegates for approval, he wrote this: “The Constitution which we now present is the result of a spirit of amity, and of that mutual deterrence and concessions which the peculiarity of our political situation rendered indispensable.”

Those words written 237 years ago regarding a spirit of amity are worthy of deep reflection on Constitution Day 2024.

* Randolph J. May is President of the Free State Foundation, a free market-oriented think tank in Rockville, MD. The views expressed in this *Perspectives* do not necessarily reflect the views of others on the staff of the Free State Foundation or those affiliated with it. *Constitution Day 2024* was published in *RealClearMarkets* on September 17, 2024.