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Posted on 08 October 2018 By Ray Raphael

Americans Of Late Have Taken To Waving The Constitution In The Air And Proclaiming, The Founders Were On MY Side See, It S All Right Here But These Phantom Constitutions Bear Little Relation To The Historical OneBy Entering The World Of The Constitution S Framers, And Experiencing It One Day After The Next As They Did, Ray Raphael Helps Us Understand How And Why They Created The Document They Did Casting Aside Preconceptions And Commonly Held Beliefs, He Asks Provocative Questions That Get To The Heart Of The Document And Its Purposes Was The Aim Of The Constitution Really To Limit Government Why Didn T The Framers Include A Bill Of Rights Did They Hate Taxes Was James Madison Actually The Father Of The Constitution, As Proclaimed In Our Textbooks Can We Find The True Meaning Of The Constitution By Reading The Federalist Papers Or By Revealing The Framers Original Intent The Answers To These Questions Are Bound To Surprise And EnlightenBefore We Can Consider What The Framers Would Do If They Were Alive Today, We First Need To See What They Did During Their Own Time, Not In Our Terms, But Theirs Only Then Can We Begin To Resolve The Sweeping Question That Affects Us All What Does The Constitution, Written At A Different Time, Mean For Us Today With This Meticulously Researched Historical Tour De Force, Raphael Sets The Record Straight And Sounds A Vital Call For A Reasoned And Evidence Driven Debate About Our Founding Document This book follows the very interesting and successful structure of introducing a number of constitutional myths, showing how they have a kernel of truth,

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then demonstrating from historical facts how they are flawed. These myths are: The framers of the Constitution opposed a strong federal government; The framers hated taxes; The framers were impartial statesmen, above interest-driven politics; The framers were guided by clear principles of limited government; James Madison sired the Constitution; The Federalist Papers tell us what the Constitution really means; The Founding Fathers gave us the Bill of Rights. By discovering what the framers intended or how the founding generation understood the text, we can determine how each provision of the Constitution must be applied. By using this structure, Raphael is able to weave a wonderful narrative of the creation of our Constitution that was eye-opening to me. I suppose I always knew that the Founders were not a monolithic group, but I was amazed to find just how over the map they were in their political beliefs, and how drastically some founders, especially Madison, changed their opinions of the role of government over time as the early history of our nation unfolded and as political situations demanded. The one thing that is different from the founding period of our history from today is that for all their faults, the founders had an unwavering commitment to the common good, and they were willing to compromise to see that happen. Mr. Raphael gives us much of the facts and fiction of the Constitution from the eyes of the framers. In our society where politicians and talking heads claim they are the sole knowledge keepers, it should be a must-read before they are permitted to run for office or open their mouths. Insight into the what we get wrong part, less about how to get it right. Interesting read for our time in history. This is my favorite of Raphael's many books, and that's saying a lot. Well-written, cogently argued, and packed with facts that will reinforce any teacher's lecture notes. I read this for prep of my Principles in American Government class and found it immensely valuable. Best sections: Chapter 8 skewers the concept of judicial originalism to the point that it's even hard for me to teach this school of thought with any credibility; Chapter 6 argues that the Federalist Papers get way too much credit and should not be relied on as an end-all source; Chapter 5 pretty much unseats James Madison as father of the Constitution. Instead, Raphael would say, the Constitution's paternity is unclear because so many had their hands on it. The implication is that compromise

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is necessary and effective government always does this
Caveat emptor the author clearly has a populist liberal
sway. Lastly, read the endnotes Just because it s in a smaller
font doesn t mean it s not important Raphael is a master of the
well written endnote, this is a skill I wish writers possessed.
This was an excellent read Many things covered weren t new
to me, as I ve read quite a bit about early America and the
founding fathers, but what Raphael does is really attack the
details of the mythical arguments he debates He discusses the
fallacy of treating today s world as if it is the late 18th century,
and thoroughly examines the written word of many of the
founding fathers, searching for a true original meaning in the
Constitution that simply doesn t exist The bottom line, and
anyone who has really studied the founding fathers will tell you,
is that they were political creatures just as all of our leaders
have been throughout the years If taking a certain position
would help them get their way on one issue, then so be it But
they wouldn t be against taking the opposite position at another
time if it would serve their purpose This doesn t mean the
founding fathers weren t brilliant men They deserve our praise
and all of the recognition they ve gotten over the years for
writing our Constitution, which is one of the most outstanding
documents of its type ever created It simply means they were
human, which is something many Americans seem to forget. I
now make it my earnest prayer, that God would have you, and
the State over which you preside, in his holy protection, that he
would incline the hearts of the Citizens to cultivate a spirit of
subordination and obedience to Government, to entertain a
brotherly affection and love for one another, for their fellow
Citizens of the United States at large, and particularly for their
brethren who have served in the Field, and finally, that he
would most graciously be pleased to dispose us all, to do
Justice, to love mercy, to demean ourselves with that Charity,
humility and pacific temper of mind, which were the
Characteristics of the Divine Author of our blessed Religion,
and without an humble imitation of whose example in these
things, we can never hope to be a happy Nation George
Washington, Legacy Letter to the States, June, 8, 1783
Examines several popular beliefs about the constitution such
as 1 The primary objective of the framers of the constitution
was to limit the powers of government.2 The framers were

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particularly non political and patriotically inclined.³ The original intent or original meaning of the abstract and general provisions of the constitution can be objectively determined and can form a consistent and unbiased key to interpreting the constitution. These beliefs are examined and shown to be oversimplifications or just plain wrong. Here is my review for DigBoston.com Raphael's new book *Constitutional Myths* is about how average folks, scholars, and Supreme Court justices misunderstand the Constitution as a result of incomplete or selective knowledge of its origins and the beliefs of those responsible for its creation. *Constitutional Myths* doesn't really deliver on the second half of its subtitle. But what author Ray Raphael teaches us in elucidating the first half is captivating and vital. Perhaps the framers of the Constitution favored big government after all. Of the eight myths that Raphael seeks to dispel, I found the several chapters that undermine the standing of James Madison as the paragon of small government advocacy and the driving force behind how the nation's ruling document turned out to be the most compelling. Raphael seems to definitively undercut the idea that Madison was the father of the Constitution by quoting an 1834 letter written by the man himself: "You give me a credit to which I have no claim, in calling me The writer of the Constitution of the U.S. It ought to be regarded as the work of many head and many hands. Perhaps it's Madison just being modest. More likely, however, this myth endures because those on the right wing of the political spectrum wish to afford him the honor in order to confidently and convincingly map onto the Constitution the small government views of which he was supposedly the source. Conservatives invariably quote what they see as a bulletproof passage from Madison's essay *The Federalist No. 45*: "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in State governments are numerous and indefinite. What part of that do people not understand? State governments can do almost anything that the citizens will tolerate and that which the federal government does must be in accord with the 18 enumerated powers specified in Article I, Section 8." Ya still with me? To those who agree, the supposed father of the Constitution advocated such a system before, when, and after he wrote these words. Why then, Raphael wonders, did

Madison write to George Washington on April 16, 1787 before the Federal a.k.a Constitutional Convention even assembled , A negative in all cases whatsoever on the legislative acts of States, as heretofore exercised the Kingly prerogative, appears to me to be absolutely necessary Hardly an argument in favor states rights, eh However, since he knew that the citizens charged with ratifying the document would never approve such language, Madison was forced to soften his argument The lighter, gentler version of the argument survives in The Federalist No 45 , eclipsing the strident, harsher one How about what J Mad wrote to Thomas Jefferson 11 days before the convention ended the plan should it be adopted will neither effectually answer its national object nor prevent the local mischiefs which every where sic disgusts agst sic the state governments Why did he have such a low opinion of the final product if he was the one primarily responsible for it Simple if the Constitution appeared on the Maury Povitch show, DNA evidence would conclude that, James, you are NOT the father of the Constitution By one tabulation, Raphael writes, he offered an opinion on seventy one motions but lost out on forty of these Raphael discusses Madison s relationship with the document in the years immediately following ratification by the required number of states in 1788 He then offers a couple of challenges to Madison s supporters Which Constitution did he supposedly sire The pro nationalist one he would have preferred in 1787 The one proposed by the Federal Convention in 1787 and ratified by the states in 1788, despite his complaints but with his support The one he interpreted rather loosely while serving in Congress in 1789 and 1790 Or the less centralized and strictly interpreted version first touted in The Federalist Papers , the one that came to define his political views from 1791 onward If one cannot answer that, try this little exercise Select a half dozen of Madison s quotations favoring states rights or strict limitations on powers of the national government Did Madison make any of these pronouncements in 1787 Now compare those quotations with any statements he did make during the summer of 1787 The next few pages of examples demonstrate that Madison tended to favor the power of the U.S Congress to that of state legislatures It is accurate to say of that passage from The Federalist No 45, Madison wrote, than to say Madison believed my words, not Raphael s. Now

how about The Federalist Papers, a collection of 85 essays almost two thirds of which were written by Alexander Hamilton, fewer than one third by Madison of which Madison said, The ultimate object of these papers is to determine clearly and fully the merits of this Constitution, and the expediency of adopting it Liberal Supreme Court justices such as the retired David Souter and conservative ones such as Antonin Scalia cite them as influencing their decisions Were they as influential when they were written between October 27, 1787 and August 16, 1788 No, they were not. According to Raphael, Six states had already voted for ratification before the first volume of collected essays appeared on March 22, 1788 By May 28, when the second volume appeared, Maryland and South Carolina had already ratified, and only one state was needed The Federalist Papers carried little weight as citizens cast ballots So what if no one read them With 81 of the 85 essays penned by James Madison or Alexander Hamilton, they must contain within them exactly what these two men wanted out of the document all along, right Nope Madison and Hamilton both defended views in The Federalist Papers that differed markedly from those they expressed at the Federal Convention What Raphael says about Hamilton can apply to Madison as well As any good lawyer would do, Hamilton argued the case he was given, even though it was not the case he would have preferred One thing that can be gleaned from The Federalist Papers is what the delegates of the Constitutional Convention agreed upon at the end of the long hot summer of 1787 They do not, however, accurately depict what James Madison the darling of small government conservatives was hoping for all along However, Madison fans might have that passage from The Federalist No 45 on their side after all It may not be what he wanted, but it is what the convention agreed to and what 52 of the 55 delegates attached their signatures to. Wait a minute not everyone at the Constitutional Convention signed the Constitution How comes that Because the Constitution did not originally contain the Bill of Rights. Yep, the first through tenth amendments to the Constitution were exactly that amendments, changes, alterations, fixes. That is hardly a myth, though What is lesser known is that two and only two delegates proposed including a Bill of Rights five days before the end of the Constitutional Convention. Raphael describes the proceedings thusly On

September 12 Virginia's George Mason had a new idea why not preface the Constitution with a full Bill of Rights, as many of the states had done with their constitutions Massachusetts delegate Elbridge Gerry, agreeing with Mason, moved that the preparation of a Bill of Rights be assigned to committee It was only then that the other delegates realized the folly of their ways and got cracking tirelessly on those constitutional guarantees that all Americans take for granted nowadays When the question was called on Gerry's motion, not a single state voted ay T he Committee of Style had just presented its almost final draft, and delegates thought their work was done WHAT Apart from their understandable weariness, many delegates also subscribed to Pennsylvania delegate James Wilson's view that, in Raphael's words, Since they had never granted Congress any power over the press, for instance, it would have been superfluous and absurd to protect against a power Congress did not have This did not satisfy the citizens who had come to expect the explicit protection of specific rights that their state constitutions frequently afforded them Therefore, Raphael explains, Although the state conventions ratified the Constitution they proposed scores of amendments, some resembling provisions of what we now know as the Bill of Rights So whom do we have to thank for the ten amendments that are often viewed favorably than the Constitution the framers created in 1787 Certainly not the men we most venerate as the founding fathers including almost all of the framers of the Constitution who greeted the clamor of a bill of rights with hostility or, at best, indifference The credit, therefore, belongs not to anyone who affixed his name to the Constitution Rather, it goes to the people at the state ratifying conventions whose names and faces are unlikely to ever grace the pages of any American history textbook. Like that James Madison fellow said, As the instrument came from them, it was nothing than the draft of a plan, nothing but a dead letter, until life and validity were breathed into it, by the voice of the people, speaking through the several state conventions W e must look for its meaning not in the general convention, which proposed, but in the state conventions, which accepted and ratified the constitution He probably should have added and insisted on amendments The two delegates who fought for the Bill of Rights in the first place ended up with legacies that are

probably unworthy of them one has a university in Virginia named after him, and the other is remembered in a word that is pejoratively used to describe the carving up of an elected official's district in order to ensure election re-election gerrymandering. There is so much misinformation out there about the Constitution and the founding fathers. This book sets out to tell it how it really was. While it was a time and place in history where some incredibly brilliant minds all came together at one time, they most certainly were not of one mind. They wrangled and argued, and each one wanted to make his point which he believed strongly in. But what they did all have in common then was a commitment to compromise. They were dedicated to crafting a document that everyone could support. And, they knew they were doing something extraordinary, and they were taking the long view. Lots of lessons here for today's legislators.

