

# From Candidate to Congressman

## Knowing the Responsibilities of Office

The founding of the United States was indeed *revolutionary*, but not in the sense of replacing one set of rulers with another.

Prior to the American Revolution, subjects were required to swear loyalty to the reigning monarch; many early American documents included oaths of allegiance to the British king. During the American Revolution, General George Washington required all officers to subscribe to an oath renouncing any allegiance to King George III and pledging their fidelity to the United States, and most of the early state constitutions included elaborate oaths that tied allegiance to and provided a summary of the basic constitutional principles animating American constitutionalism. The United States Constitution (Article VI, Clause 3) contains a simple requirement that “the Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, *to support this Constitution.*”

The importance of this requirement is manifest in the fact that the requirement immediately follows the Supremacy Clause: “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.” The revolutionary significance of this supremacy is seen in the fact that the oaths taken by those holding office in the United States—the President, Members of Congress, federal judges—are oaths not to a king or ruler, or even to an executive or to Congress or the Supreme Court, but to the United States Constitution.

Under current law any individual elected or appointed to an office of honor or profit in the civil service or uniformed services (except the President, who takes the specific oath prescribed in Article II, Section 3) takes the following oath: “I, [name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter” (33 USC 3331).

### Notes

Because of the unique nature of America, because of its constitutional order and because of its great tradition of political liberty and self-government, candidates for elected office, and those given the opportunity to represent the American people in elected offices, have an obligation to know America's principles, to uphold and defend the Constitution, and to articulate the principles and practices of constitutional liberty to the American people.

## **TRUE FAITH AND ALLEGIANCE**

At its birth, this nation justified its independence by asserting truths said to be self-evident, according to "the Laws of Nature and Nature's God." Working from the great principle of human equality, the men who launched this experiment in popular government claimed a new basis of political legitimacy: the consent of those governed. Through a carefully written constitution, they created an enduring framework of limited government based on the rule of law. With this structure, they sought to establish true religious liberty, provide for economic opportunity, secure national independence, and maintain a flourishing society of republican self-government—all in the name of a simple but radical idea of human liberty.

Those seeking and holding public office have a profound responsibility to understand the history and principles of American liberty, the ideas contained in the Declaration of Independence, and the framework of the Constitution. They should be well versed in the primary documents of the founding—not because they are historical relics, but because they have enduring meaning for public life today. A basic understanding of our history—with its many achievements and triumphs as well as its flaws and failures—is a key aspect of the knowledge required for public office.

## **SUPPORT THE CONSTITUTION**

Public officials take a solemn oath to support the Constitution of the United States, which means they have a moral obligation to abide by the Constitution in carrying out their duties of office. For Members of Congress, this means determining constitutional authority for acts before passing legislation. For the executive, it means considering the constitutionality of legislation presented for approval, and withholding approval of unconstitutional legislation, as well as executing the law in a constitutional manner. One small step in this direction would be to require all legislation to contain an explanation of its constitutional authority, compelling at least a consideration of each proposal's constitutional legitimacy.

Too much of government today occurs outside of the confines of the Constitution, in unaccountable administrative agencies. Not stemming from the consent of the governed, these agencies lack basic legitimacy in our

constitutional system. The Constitution creates three branches of government, yet administrative agencies operate in practice as a headless fourth branch beyond the control of the executive and limited largely by budgets they carefully negotiate with congressional committees and staff. Rather than spending its time micromanaging the bureaucracy and trying to influence the casework of various agencies, Congress should reassert its authority as the nation's legislature, avoid delegating its power to administrative agencies, and take responsibility for all the laws which govern us. At the same time, Congress should unambiguously place government administrators under the authority and direction of the President to assure that those laws are faithfully executed.

Too many programs, once started, are automatically reauthorized and become part of the permanent bureaucracy. A good way to correct this would be for Congress to periodically review and authorize anew every major program, creating an ongoing mechanism that would work against the steady, automatic expansion of government. Rather than assuming their permanence, Congress should subject government programs to regular reevaluation of their authority, purpose, and effectiveness.

## **DEFEND THE CONSTITUTION**

One of the most important tasks of public officials is to articulate how the principles and limits of their constitutional responsibilities inform and guide their actions and the public-policy choices they make. Congressmen should do this in committee deliberation and floor debates on proposed legislation, judges in their written opinions interpreting the real meaning of the Constitution in the cases before them, and Presidents in executive orders, legislative signing statements, and especially in official addresses. Public officials, acting on behalf of the consent of the governed, have an obligation to make their meaning, and to make policies and laws, clear and understandable to those governed—without any reservation or purpose of evasion.

Political leaders should speak more about the meaning of America's principles and institutions in speeches, statements, and official communications, making commonsense, principled arguments even when not making specific proposals, decisions, or policy pronouncements. Public statements should be an occasion for informing and educating American citizens about their obligations as well as their natural and constitutional rights. The modern abandonment of this practice has much to do with the widespread cynicism and scorn in which our political leaders of left and right are held today—an attitude which does not bode well for the future of democratic government.

Despite constant criticism and scorn by academic elites, political leaders, and the popular media, most Americans still believe in the uniqueness

of this country and respect the noble ideas put forth by the American Founders. Political leaders need to engage the public debate in new ways by making a clear and forthright defense of core principles, applying them creatively to the questions of the day, supporting positions consistent with those principles, and generally reframing the national debate about the most serious issues before us. The aim must be a clear expression and forthright defense of America's principles in the public square so that they become, once again, an expression of the American mind.

## **FAITHFULLY DISCHARGING THE DUTIES OF OFFICE**

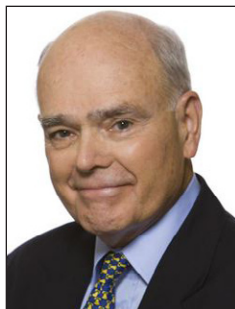
Today's problems aren't going to be solved by formulaic appeals to our principles. It is the job of prudence, keenly aware of the necessities of particular circumstances and the realities of practical outcomes, to advance principles under prevailing conditions by relating particular actions to their ends. But the key to making prudential decisions, as well as distinguishing between reasonable compromise and self-defeating reforms, is a deep understanding of and commitment to core principles. Only with this sure foundation can we go forward as a nation, addressing the great policy questions before us and continuing to secure the blessings of liberty.

Elected officials must look to the principles of the American founding not as a matter of historical curiosity but a source of assurance and direction, and a matter of solemn obligation.

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