A View of the Constitution of the United States

Just Added!
A View of the Constitution of the United States of America was written by Williams Rawle, LL.D. in 1829. The Senate writes of Rawle in Senate Document 2807; A report on the Second Amendment by the Senate Judiciary Committee during the 97rd Congress in February of 1982. Senator Orin Hatch wrote of Rawle,

> *The Jefferson papers in the Library of Congress show that both [St. George] Tucker and Rawle were friends of, and corresponded with, Thomas Jefferson. Their views are those of contemporaries of Jefferson, Madison and others, and are entitled to special weight.*

Senator Hatch quoted *A View of the Constitution of the United States of America* concerning the Second Amendment. Concerning that amendment, Rawle writes

> *No clause in the Constitution could by a rule of construction be conceived to give to Congress a power to disarm the people. Such a flagitious attempt could only be made under some general pretense by a state legislature. But if in blind pursuit of inordinate power, either should attempt it, this amendment may be appealed to as a restraint on both*

I find some inconsistencies in the logic Rawle uses concerning the decision written by Chief Justice Marshall concerning the *Interstate Commerce Clause* of the Constitution. On the one hand, he notes that it cannot be used to disarm the people;

or, in other words, violate the inalienable Second Amendment. On the other, he seems to approve of the Marshall definition as he writes:

> *These principles are so fully and clearly explained by Chief Justice Marshall in a recent case, that we shall make no apology for inserting a large extract from his opinion.*
> *“Commerce, as the word is used in the Constitution, is a unit, every part of which is indicated by the term.*
> *“If this be the admitted meaning of the word, in its application to foreign nations, it must carry the same meaning throughout the sentence, and remain a unit, unless there be some plain, intelligible cause which alters it.*
> *“The subject to which the power is next applied is to commerce ‘among the several states.’ Commerce among the states cannot stop at the external boundary line of each state, but may be introduced into the interior.*
> *“These words do not, however, comprehend that commerce which is completely internal, which is carried on between man and man in a state, or between different parts of the same state, and which does not extend to, or affect other states.*
> *“Comprehensive as the word ‘among’ is, it may very properly be restricted to that commerce which concerns more states than one. The phrase would probably not have been selected to indicate the completely interior traffic of a state, because it is not an apt phrase for that purpose; and the enumeration of the particular classes of commerce to which the power was to be extended, would not have been made had the intention been to extend the power to every description. The enumeration presupposes something not enumerated; and that something, if we regard the language or the subject of the sentence, must be the exclusively internal commerce of a state. The genius and character of the whole government seem to be, that its action is to be applied to all the external commercial concerns of the nation, and to those internal concerns which affect the states generally; but not to those which are completely within a particular state, which do not*

affect other states, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the government. The completely internal commerce of a state may be considered as reserved for the state itself.

"But in regulating commerce with foreign nations the power of congress does not stop at the jurisdictional lines of the several states. It would be a very useless power if it did. The commerce of the United States with foreign nations is that of the whole United States. Every district has a right to participate in it. If congress has the power to regulate it, that power must be exercised wherever the subject exists. If it exists within the states, if a foreign voyage may commence or terminate at a port within a state, then the power of congress may be exercised within a state.

"This principle is, if possible, still more clear when applied to commerce 'among the several states.' They either join each other, in which case they are separated by a mathematical line; or they are remote from each other, in which case other states lie between them. What is commerce 'among' them, and how is it to be conducted? Can a trading expedition between two adjoining states commence and terminate outside of each? And if the trading intercourse be between two states remote from each other, must it not commence in one, terminate in the other, and probably pass through a third? Commerce among the states must, of necessity, be commerce within the states. In the regulation of trade with the Indian tribes, the action of the law, especially when the Constitution was made, was chiefly within a state. The power of congress, then, may be exercised within the territorial jurisdiction of the several states."

I confess that I have not read the entire work, as yet, so I may be missing something. You will notice, however, that in the recent health care legislation that the Congress now permits health insurance companies to do business across state lines. There is a reason for this. They could not regulate

health care and health care insurance if the companies could not conduct interstate commerce. This is a clear act of subversives desiring total government control of the health care industry. It clearly violates the Ninth Amendment to the Constitution of the United States when it demands that you purchase health insurance or be fined. Equally unconstitutional is the requirement for automotive insurance, though one can see that as a more reasonable requirement. You are, after all, responsible for the lives of others when you are on the road.

Government control of any industry was not outlined by the Constitution nor by our capitalistic traditions. The Interstate Commerce Clause was never intended to allow government to control any industry or person directly. And it was never intended as a doorway to repeal the inalienable *Bill of Rights*.

Rawle covers topics concerning all areas of the Constitution. He covers the enumerated powers of the government and their limitations. He describes why treaties that violate the Constitution or State laws are unconstitutional. In other words, you are allowed to arrest someone who had “diplomatic immunity” for smuggling drugs, reckless driving or raping your daughters. A treaty which limits your right to purchase a certain firearm because another country cannot control its internal affairs is unconstitutional and does not have to be treated as law within a state.

Some of the titles of the chapters are nearly as long as the chapter itself, but covers the topics as necessary. Remember that this man wrote to, and spoke with, the founders on topics of the Constitution and, in turn, shared his knowledge with us. It is well worth reading whether you buy a copy from us for $10.00, or get a free version from Project Gutenberg. There is, also, a version available for download.