

Cracks in the Constitution

By [Stephen Lendman](#)

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Reviewing Ferdinand Lundberg's "Cracks in the Constitution" by Ferdinand Lundberg

Ferdinand Lundberg (1905 - 1995) was a 20th century economist, journalist, historian and author of such books as *The Rich and the Super-Rich: A Study in the Power of Money Today*; *The Myth of Democracy*; *Politicians and Other Scoundrels*; and the subject of this review - *Cracks in the Constitution*.

Lundberg's book was published twenty-seven years ago, yet remains as powerfully important and relevant today as then. Simply put, the book is a blockbuster. It's must reading to learn what schools to the highest levels never teach about the nation's most important document that lays out the fundamental law of the land in its Preamble, Seven Articles, Bill of Rights, and 17 other Amendments. Lundberg deconstructs it in depth, separating myth from reality about what he called "the great totempole of American society."

He does it in 10 exquisitely written chapters with examples and detail galore to drive home his key message that our most sacred of all documents is flawed. It was crafted by 55 mostly ordinary but wealthy self-serving "wheeler dealers" (among whom only 39 signed), and the result we got and now live with falls far short of the "Rock of Ages" it's cracked up to be. That notion is pure myth. This review covers in detail how Lundberg smashed it in each chapter.

The Sacred Constitution

Lundberg quickly transfixes his readers by disabusing them of notions commonly held. Despite long-held beliefs, the Constitution is no "masterpiece of political architecture." It falls far short of "one great apotheosis (bathed) in quasi-religious light." The finished product was a "closed labyrinthine affair," not an "open" constitution like the British model. It was the product of duplicitous politicians and their close friends scheming to cut the best deals for themselves by leaving out the great majority of others who didn't matter.

The myths we learned in school and through the dominant media are legion, long-standing and widely held among the educated classes. They and most others believe the framers crafted a Constitution that "powerfully restrained and fettered" the federal government and created "a limited government (or a) government of limited powers." It's simply not so because through the power of the chief executive it can do "whatever it is from time to time" it wishes. In that respect, it's no more precise and binding than The Ten Commandments the Judaic and Christian worlds violate freely and willfully all the time. Even so-called "born-again" types, like the current President, do it, along with Popes, past and present, and the former Israeli Sephardi chief rabbi, Mordechai Eliyahu, who advocates mass

killing by carpet bombing Gaza to save Jewish lives.

The “supreme Law of the Land” here deters no President or sitting government from doing as they wish, law or no law. The Constitution is easily ignored with impunity by popular or unpopular governments doing as they please and inventing reasons as justification. Lundberg is firm in debunking the notion that America is a government of laws, not men. It’s “palpable nonsense of the highest order,” he said. Governments enacting laws are composed of men who lie, connive, misinterpret and pretty much operate ad libitum discharging their duties as they see fit for their own self-interest.

It was no different in 1787 when 55 delegates (privileged all) assembled for four months in the same Philadelphia State House, where the Declaration of Independence was signed 11 years earlier, to rework the Articles of Confederation into a Constitution that would last into “remote futurity,” as long as possible, or until others later changed it. None of them were happy with the finished product but felt it was the best one possible under the circumstances and better than nothing at all.

The document is “crisply worded” and can easily be read in 20 to 30 minutes and just as easily be totally misunderstood. The sole myth in it is stated in its opening Preamble words: “We the people of the United States....do ordain and establish this Constitution for the United States of America.” In fact, “the people” nowhere entered the process, then or since.

At its beginning, “the people” who mattered were established white male property owning delegates and members of state ratifying conventions who rammed the ratification process through, by fair or foul means, in the face of a “largely indifferent and uncomprehending populace” left out entirely. They were elected to do it by eligible and interested white males comprising only from 12.5 - 15.5% of the electorate at the time. Women, blacks, Indians and children couldn’t vote and many or most qualified voters didn’t bother to and still don’t. The process, and what it produced, showed “Democracy operatively is little more than a fantasy.”

The American revolution was nothing more than secession from the British empire changing very little with one-third of the colonists favoring it (not upper classes), one-third opposed (mainly upper classes) and another third indifferent to the whole business. From then to now, the country is no nearer “government by the people” than under monarchical or autocratic rule. The latter types rule by application or threat of force whereas sovereign people are manipulated by other means with naked force held in reserve if needed.

Lundberg explained the minimum function of government, ours or others, should be to insure the public welfare is being broadly served. It’s stated in the Preamble and Article I, Section 8 that “The Congress shall have power to....provide for....(the) general welfare of the United States” - the so-called welfare clause. Lundberg let scholar Herman Finer (with more detail on his ideas below) dispel the notion from the constitutional flaws he found and some of the many “social and political evils” he recounted as a result through the middle 20th century decades - rampant crime, unsafe streets, lack of justice, political corruption, dishonest police, racketeering labor officials, corporate fraud in pursuit of profits, raging unresolved social problems and lots more. Only government can address these issues and unless it does successfully it fails. Our is a long history of failure overall with only feeble attempts to fix things.

Lundberg reviewed popular misconceptions about the Constitution saying so many are embedded in the American psyche it's hard knowing where to begin. He noted the document is called "The Living Constitution" saying, in fact, it's "whatever government does or does not do" or uses in whatever way it wishes. The Constitution defines itself as the "supreme Law of the Land" in Article VI, Section 2 which it is and includes all amendments, enacted statutes and treaties made with the concurrence (not ratification) of the Senate. The people are left out of the process entirely with Lundberg saying "government of the people, by the people and for the people" is a "nonexistent entity. The people don't govern either directly or through 'representatives.' The people are governed."

In sum, although the Constitution served many of the purposes its designers and supporters envisioned, in light of the majority populace's great expectations of it, "it has been, quite plainly, a huge flop." That's made clear below.

"We the People"

Lundberg destroys the romanticism and enthusiasm felt today about the Constitution and the revolt against Great Britain preceding it. He began by reviewing the establishment of state constitutions at the time and the enactment of the Articles of Confederation adopted by the Second Continental Congress November 15, 1777 with final ratification March 1, 1781. None of these events had electoral sanction. "They were strictly coup d'état affairs, run by small groups of self-styled patriots many of whom bettered their personal economic positions significantly" from the revolution and events before and after it took place. Despite what's commonly taught in schools, most people opposed the Constitution when it was ratified. So by getting it done anyway, the framers (with the conservative Federalists spearheading the effort) went against the will of the people they ignored and disdained.

It wasn't easy, though, as only by promising amendments did it happen. The anti-Federalist opposition demanded and got the "oft-hymned" first ten amendments, commonly known as the Bill of Rights. In fact, they "made no great difference," and did little to dilute the 1787 document. More on that below.

Lundberg explained that most anti-Federalists weren't particularly happy either with the Articles of Confederation or the Constitution. These men were mostly privileged property owners (all white, of course) squabbling over the means to get pretty similar ends and having a generally hostile attitude about the majority population overall. In other words, everyone was not considered "We the people," which is how radical English Whigs felt and whose traditions colonists adopted. "The illiterate and underprivileged (elements) were not much considered" with the "people" again being the privileged male property owners in charge of everything and out only for their own self-interest.

Lundberg cited voting patterns earlier, up to his time, and clearly now as well, to explain how people are left out of the political process. Whether franchised or not, most don't vote in presidential elections and even fewer show up for congressional, state and local ones. It indicates the will of the people needs considerable qualifying because most of them aren't interested, don't want to bother, don't think it matters, don't understand the whole process, and decide to opt out and act like nothing's going on. "Although repugnant to ideologists of democracy," Lundberg stated, "this conclusion is quite true."

In sum, the relevance of this to the Constitution is that its opening words are meaningless window dressing. They neither add nor detract from the document which served as a

“screen and launching pad for practically autonomous, freely improvising politicians (like any others in the world)....the gentry....sustained (in whatever their endeavors were) by the constitutional structure” they created for their own self-serving purposes.

What the Framers Thought

This section covers who these men were below as well as more about them in the section to follow. Here, first off, the record needs to be set straight about what these very ordinary men (contrary to popularized myth about them) thought about their creation we extoll today like it came down from Mt. Sinai. In fact, it was the result of wheeling and dealing in likely smoke-filled rooms the way deals are cut today with lots of real and figurative smoke to go along with the usual mirrors. When they finished in September, 1787, there was no joy in Philadelphia. The framers disliked their creation, some could barely tolerate it, yet most signed it.

They understood its defects, that it was full of holes, thought it was the best they could do under the circumstances, felt it was a mess, but, nonetheless, believed they could live with it for the time being, hoping it wouldn't come back to bite them. Lundberg said they likely “kept their fingers crossed.” One other thing was clear, though, despite “crowd-titillating campaign oratory” about their creation ever since. Not a single framer suggested “a sheltered haven was being prepared for the innumerable heavily laden, bedraggled, scrofulous and oppressed of the earth.” On the contrary, they intended to keep them that way showing not a lot is fundamentally different then than now, and the so-called founders were a pretty devious bunch, not the noble characters we've been taught to believe.

As already explained, the deal got done with the usual kinds of wheeling and dealing, and, in the end, a lot of opponents being won over by agreeing to tack on the so-called Bill of Rights that was deliberately left out at first. The dominant elements behind the convention were what today are called nationalists. More precisely, they were “centralizers who were continental and global in their thinking.” The opposition consisted of “localists,” later called “states-righters,” who preferred a decentralized government. The “centralizers” wanted a single or central national capital run by superior people by their definition - the rich and better-connected regardless of ability. Men like John Adams and John Jay (the first High Court chief justice) felt government should be run, in Adams' words, by “the rich, the well born, and the able.” There was no disagreement on that notion.

There were no populists in the bunch, no anti-property party, and even the most vocal civil libertarians, like Jefferson and George Mason, were slave-owners. Washington, for his part, contributed no pet constitutional ideas other than wanting to protect the new nation from drifting toward disunion which, in fact, happened with the outbreak of the Civil War in 1861. Lundberg described him as “the very top dog of the Philadelphia accouchement (the constitutional birthing process).” He understood the key reason for adopting a flawed document, no matter how bad it was or how the framers felt about it. Accepting it was the way to prevent disunion and resulting confusion that might have prevailed if public consideration entered the equation to become accepted policy and law.

Conflicting ideas of concern at the time visualized three central governments consisting of the New England states, middle Atlantic ones, and those in the South with likely new entries to follow in the West. The framers worried this arrangement might cause endless bickering and wars as well as rivalrous agreements and arrangements with other countries. In one stroke, the Constitution produced a united front against an ever-encroaching Europe and

internal struggles.

Lundberg spent much time on who the founders were this review can only touch on. It's enough just to put a few faces on a group of crass opportunists who today are practically ranked along side the Apostles. But who's to say those few were any better than others of their day the way myths are constructed and passed on through the ages unchallenged in mainstream thinking. And don't forget that, in his first term, George Bush might have been aiming for sainthood by claiming he got his orders directly from God who told him to "strike at Al-Queda....and then.... to strike at Saddam." Even the framers didn't claim that type heavenly connection.

They did have Lundberg's focus beginning with Alexander Hamilton, Washington's wartime aide-de-camp, first Secretary of the Treasury and acknowledged leader of the Federalists. Here's what this noted man thought of the Constitution in 1802. In a letter, he called it "a shilly shally thing of mere milk and water (and) a frail and worthless document." This is from the man, more than any other in Philadelphia, who was its most articulate and passionate champion. Franklin, too, had doubts as the grand old man, but mere enfeebled figurehead at the convention, who also signed the final document. He was against two separate chambers, disapproved of some of the articles and wanted others that weren't included.

Then there's James Madison miscalled "The Father of the Constitution," which he expressly repudiated and a year later wrote "I am not of the number if there be any such, who think the Constitution lately adopted a faultless work.....(It's) the best that could be obtained from the jarring interests of the states....Something, anything, was better than nothing." Madison's disaffection went even further, in fact. At the convention, he was an ardent "centralizer," but 10 years later he reversed himself by aligning with those wanting to recapture more state power. He also spent most of his life disagreeing with the way the document he helped write was used.

Lundberg covered a few other framers most people know little or nothing about but played their part along with the better known ones. They included men like Nicholas Gilman from New Hampshire, William Pierce and William Few from Georgia, Pierce Butler and Charles Pinckney from South Carolina, Robert Morris, Gouverneur Morris (no relation) and James Wilson from Pennsylvania, Jonathan Dayton from New Jersey, and James McHenry from Maryland.

Of the total 55 delegates attending, 39 signed and 16 didn't, but doing it or not was just a pro forma exercise as only the states had power to accept or reject it. None of the framers believed the Constitution was the glorious achievement people ever since were led to believe - quite the opposite, in fact, but most still went along with it as better than nothing. The nation's second and third Presidents, Adams and Jefferson, were abroad and didn't attend the convention although Adams was considered the leading constitutional theorist at the time. His views had weight and were strong ones. Lundberg noted for the rest of his life until 1826 he consistently criticized the document in private correspondence.

Jefferson overall was just as unhappy. Until it was added, he objected to the omission of a Bill of Rights. He also disliked the lack of any requirements for rotation in office, especially the office of the presidency he wished to be ineligible for a succeeding term. In 1801, he was involved with others proposing a menu of changes to strengthen a document he believed was flawed. He also didn't think any constitution could survive the test of time,

unchanged forever, able to meet all legitimate needs, and as a consequence wanted a new convention every 20 years to update things and fix obvious problems.

Lundberg felt Jefferson and Adams' main objection was they had no part in writing it or were even consulted on what should go in it. They had a point. Adams, as noted, was the leading constitutional theorist of the time and Jefferson (in Lundberg's view) was the most consummate politician in the nation's history, but by no means its best President.

The convention ended September 17, 1787 "in an atmosphere verging on glumness." Delegates signing it were just witnesses to the actions of state delegations, not as individual endorsers, and despite their public approval, nearly all had "inner qualms." James Monroe from Virginia, a future President, was one of them. He voted nay with 15 others that included important figures like George Mason, Elbridge Gerry and Edmund Randolph.

Southern delegates were won over for ratification by strengthening chattel slavery. The Constitution forbade the federal government from emancipating slaves until Lincoln acted in a meaningless 1862 politically motivated Executive Order. It wasn't until Congress passed the 13th, 14th and 15th amendments, and enough states ratified them, that the law changed freeing the slaves and giving them nominal rights they never, in fact, had in the South at least for another 100 years. Lundberg noted the "slavocracy was not terminated....for moral reasons; it committed suicide for political and economic reasons, blinded by simple greed and vaingloriousness, and long after slavery was abolished in most places elsewhere."

Who the Framers Were

Lundberg asked: "Who were these men about whom so many (unjustifiably) have rhapsodized? Fifty-five in total showed up in Philadelphia in 1787 out of 74 authorized by state legislatures. A fourth of them stayed only briefly, another quarter checked in and out like tourists, and no more than five men carried most of the discussion with seven others playing "fitful" supporting roles.

Further, they didn't, in fact, come to write a new constitution. They were congressionally authorized only to propose amendments to the prevailing Articles of Confederation. Little did they all know in May what would emerge in September, or maybe the ones who counted most did.

Of the 19 non-attending delegates, 11 wanted nothing to do with the affair, were opposed to it, distrusted it, and thought it rigged from the start. The other eight had various excuses - illness (political or real), focused at home with other business, not having their travel expenses covered, and reluctant to make such a long trip to be away from home and hearth for months.

Of those showing up, 33 were lawyers, 44 present or past members of Congress, 46 had political positions at home, including seven as former governors and five high state judges. These were men of note and economic means who promoted their own financial interests and parallel activity in government. In a word, they were movers and shakers or as Lundberg called them - "wheeler dealers."

He described the group as a "gathering of the rich, the well-born and, here and there, the able (with that quality being the exception)." Washington and Robert Morris were reputed

to be the richest men in the country with property holdings in most cases being their main component of wealth at the time along with slaveholdings on it. Directly or indirectly as lawyers or principals, these men were an assemblage of “planters, bankers, merchants, ship-owners, slave-traders, smugglers, privateers, money-lenders, investors, and speculators in land and securities” – essentially a group of powerful figures not much different from their counterparts today. With a few exceptions, Lundberg said they’d now be called a “Wall Street crowd.”

In their mind, “The clear aim of the Constitution was to launch a system that would protect, and enable to flourish, the general interests there represented.” With Great Britain removed, a vacuum was created. The Constitution, with a new government, was created to fill it restoring the same essential British commercial and financial system under new management, or as the French would say, everything changed yet everything stayed the same. Republican government simply removed British monarchical wrappings to operate pretty much the same way. Lundberg quoted Daniel Leonard saying “Never in history had there been so much rebellion with so little real cause” and so little change following it. As for the ingredients of the Constitution, Lundberg explained nearly all of them could have been “stamped with the benchmark ‘Originated in England.’ Only the mixture was different.”

Further, 27 delegates were future members of Congress, two were future Presidents, one a future Vice-President, one a Speaker of the House, and five future High Court justices. They produced a Constitution generated along predetermined lines by the government itself by “a small self-selected elite at the center of government affairs.” They did it in deliberately general, vague, ambiguous language, the product of consummate self-serving insiders. The “people” were nowhere in sight then or for the later future amendment ratifications, all of which were done solely by similar-minded self-serving later officials for their own political purposes. It’s always been that way from the beginning, of course, and is strikingly so today.

Lundberg then reviewed the political background and record of the delegates starting off with the elder statesman in Philadelphia, Benjamin Franklin, the wisest of the bunch. In 1787, he was an octogenarian, attended as a mere figurehead, signed the final document, but was too enfeebled to address the convention at its end, so he enlisted a friend to read his rather notable and prescient remarks to the others saying:

“I agree to this Constitution with all its faults....I think a General Government (is) necessary for us (and) may be a blessing....if well-administered; (I “farther” believe that’s likely) for a Course of Years (but) can only end in Despotism as other Forms have done before it, when the People shall have become so corrupted as to need Despotic Government, being incapable of any other.” Imagine such a dark prophecy at the nation’s birth by a man who never met George Bush but was wise enough to know he’d arrive sooner or later. Franklin today would surely say “I warned you, didn’t I.”

Other notable signers were less insightful, or if they were, didn’t let on. Two of them, John Dickinson and William Johnson were members of the 1765 Stamp Act Congress. Six others were members of the mainly conservative First Continental Congress of 1774 – Thomas Mifflin, Edmund Randolph, George Read, John Rutledge, Roger Sherman, and George Washington.

Other important attendees were Elbridge Gerry, Roger Sherman, George Mason, John

Langdon, Robert Morris, Gouverneur Morris (no relation) and William Livingston. Lundberg called Langdon, Livingston, Randolph, Rutledge and R. Morris political power bosses or power-brokers of their day, and Robert Morris was known to his friends and enemies as the "Great Man." He was the unmatched financial giant of the era with Lundberg saying "his brain would have made two of Hamilton" and that his economic and political power at the time were unrivaled matching that of the House of Morgan in the early 20th century combined with New York's Tammany Hall.

According to Lundberg, however, this was no "all-star political team" compared to other more distinguished figures not there - Jefferson, John and Sam Adams, John Jay, John Hancock, Thomas Paine, Benjamin Rush, Paul Revere, John Paul Jones, Patrick Henry and many others. Apart from two notables, Washington and Franklin, as well as Robert Morris, few later became prominent nationally. In 1787, Madison and Hamilton (Washington proteges) were virtual unknowns.

Lundberg noted nothing on record shows this assemblage to have been extraordinarily learned, profound in their thinking or even unusually capable. Only 25 attended college, and "the one man who held the convention together by the mere force of his presence"....Washington, never got beyond the fifth grade. Franklin was mostly self-taught and Hamilton was a college dropout his first year. Robert Morris, the JP Morgan of his day, and George Mason also never attended college. Of the 25 college attendees, only Madison, Wilson and G. Morris were contributors of note.

In point of fact, colleges in those days were quite rudimentary and graduated students at a much earlier age, often as young as 16, and a bright student could master the law for a degree in a matter of weeks the way Hamilton did. The same was true in England at the time with Oxford and Cambridge not then considered distinguished educational centers as they are now.

Most of the attending delegates also had military backgrounds, but writing about them kept that information secret. Lundberg stressed it saying "the gathering took on the complexion of the general staff of the war of the revolution." Why not, the boss himself was there, Washington, along with his leading officers. In all, 27 delegates served under him in the war. He knew them, most of the others, and all of them stood in awe of him as a larger than life figure. He was "always the nonpareil," assured he'd be the new nation's uncontested first president. He had no party affiliation, ran unopposed twice and got all the votes for two terms in a process more like coronations than elections.

He and the other delegates came to Philadelphia, assembled, did their work and went home in many cases to pursue "their eclipse." Lundberg explained "As a collection of supposedly highly sagacious men, the post-convention careers of the framers raise a big question mark." Ten went bankrupt or became broke, several were involved in financial scandals, two died in duels, one became a shattered drunkard, two "flittered" with treason, one was expelled from the Senate, one went mad, others quarreled bitterly among themselves about politics and interpreting the document they created, and most switched political sides for convenience in their subsequent quests for office. Washington himself, likely died from medical malpractice, the victim of a bloodletting procedure, after he took ill, when he needed all he had.

Other framers began dying off as well, a number of them right after the convention and at

ages considered very young today for some. Robert (JP Morgan) Morris went bankrupt speculating in public lands and securities, owed millions as a result, served three and a half ignominious years in debtors' prison, and died broke in 1806. Other framers also speculated and lost heavily in their financial dealings.

Hamilton was one of the few Philadelphia delegates to achieve a notable post-convention record as Washington's Secretary of the Treasury and Federalist Party leader. Noteworthy as well was Gouverneur Morris, no relation to Robert. Finally, there was James Madison who was neither the Constitution's father or its indispensable or principle source. He, in fact, had no original or unique ideas to bring to the convention. In this respect, he was like all the others.

Madison did perform a hugely important function as an "amanuensis," dutifully and painstakingly recording the convention proceedings in what historians today call an accurate and complete stenographic record, the best available. It was not until 1840 that it became public after Congress bought it from his estate. He documented what Lundberg called "startling" - that the convention delegates were "a group of men intent upon securing various special economic interests" and weren't the "philosophically detached cogitators they had been held up in propaganda to be."

Madison's report shattered the view that these men came together to devise the best possible government. From the start, they knew what they wanted (at least the key ones there) and set about getting it. Madison was also a powerful advocate on the convention floor of widely discussed views. Unlike the others, he had no considerable property or means, but he lived to age 85, outlasted all the other framers, and served as the nation's fourth President. In total, eight delegates at most can be considered weighty. The rest were "routine or parochial or both," and that conclusion is astounding for a group of 55 leading men of the day who "participated in the formulation of a reputed deathless document" and are revered in classrooms and society as larger-than-life icons.

The Gorgeous Convention

Lundberg stared off saying "The constitutional convention of 1787, an historical event of first-class importance, was itself an entirely routine, utterly uninspiring political caucus....it produced absolutely no prodigies of statecraft, no wonders of political (judgment), no vaulting philosophies, no Promethean vistas." In point of fact, as already stressed and repeated, what happened contradicts all we've been "indoctrinated from ears to toes" to believe that's pure nonsense. Lundberg called the main fantasy the popular conception that the Constitution is "a document of salvation....a magic talisman." The central achievement of the convention, and a big one, (at least until 1861) was the cobbling together of disparate and squabbling states into a union that held together tenuously for over seven decades but not actually until Appomattox "at bayonet point."

As mentioned above, the delegates came to Philadelphia merely to amend the unwieldy Articles of Confederation so what it did was, "strictly viewed, illegal." The finished product emerged as an amalgam of the existing Maryland, New York and Massachusetts constitutions dating respectively from 1776, 1777 and 1790, the latter one written almost entirely by John Adams in a few days. Even though he was abroad in London at the time, the finished Constitution was largely the product of his earlier work. Of those attending, no individual theorist dominated proceedings, but two dominant personalities held things together as its "living core." Without the force of their presence, Lundberg explained, the

whole process “would almost surely have foundered.”

Those men were George Washington, the larger-than-life victorious general of the revolution, and “Great Man” Robert Morris, the JP Morgan-type figure who later went bust because even financial whizzards can succumb to excess greed. Gouverneur Morris also was prominent in the proceedings while Madison and Hamilton, as already explained, were virtual unknowns.

Lundberg called the convention “very much a prefabricated group affair” with internal differences over concentrating power in the President or Congress. Then, there were the “tight nationalizers, those generally wanting a national government, and lastly in the minority “states-righters” believing no state power should be surrendered to a federal authority. “As for flat-out democrats,” said Lundberg, “there were none in sight.” In terms of what they achieved, he called it “Old Wine in a Fancy New Bottle” with a new name under new management. The purpose of the convention was to gain formal approval for what the leading power figures wanted and then get their creation rammed through the state ratification process to make it the law of the land. On that score, and after much wheeling and dealing, they achieved mightily.

The convention began in May, went on through three phases for 120 days, and concluded in September after dozens of parliamentary-type votes to postpone, reconsider, amend, etc. with a document produced and turned over to a committee of detail in late July. The final phase ran from August 6 to September 17, nine states were needed for ratification with the larger, more populous ones, granting concessions to the small ones to win the day.

Several scenarios or plans were proposed, one of which was the Virginia Plan envisioning a central national government with a bicameral legislature that, of course, was adopted. All the plans were “strongly rightist” or conservative. Members of the lower house were to be elected by the people and those in the upper body by members of the lower one. That became the law and stayed that way until the 17th Amendment, ratified in 1913, allowed the people of each state to elect their own senators.

Also proposed was a chief executive, a national judiciary with a Supreme Court at the top, and provisions for admitting new states with republican governments in them all. In addition, the finished Constitution included proposals for amendments and much else including terms of office and staggered elections to prevent too many officials being unseated at the same time. The final product was what one academic observer called a “bundle of compromises” from beginning to end.

Lundberg described the delegates as “flinty hard-liners, determined to have their way, never to yield on anything substantial....willing to make purely political compromises (over) the means of carrying on government (but) adamantly resistant....when it came to (its) ends.” Those were primarily economic and social, and those were left as they were when ties with Great Britain were cut.

Thinking then was much like today with provisions in the Constitution targeting the discontented. Congress was empowered to raise revenue through taxation, always hitting the less advantaged hardest. It was authorized to borrow money without limit meaning the people would have to service the debt. It was given power to regulate foreign and interstate commerce assuring the rich their interests would be served, and much more. In sum, the document created “was the means by which the traditional establishment....was re-

establishing itself” leaving out of the mix the interests of the “common man (who) in point of fact was going to be allowed to remain....common (with) the Constitution, contrary to political blarney (offering) him no bonuses for it.”

Lundberg titled one sub-section: “Down with the People.” In it, he caught the mood of the delegates as expressed by Roger Sherman of Connecticut who said “The people should have as little to do as may be about the government.” Elbridge Gerry then denounced the evils stemming from “the excess of democracy,” and debating delegates drubbed democracy and “the people” repeatedly. That’s how Alexander Hamilton saw things in his view of “mankind in toto (being) wholly depraved” disagreeing with Thomas Paine’s notion of government being depraved and people being inherently good. Paine wasn’t a delegate so he had no input into the proceedings and couldn’t argue against the central interest of property as a requirement for voting and holding office.

Even Jefferson accepted this idea but hated the word enough to use another expression for it in the Declaration of Independence he authored. His substitute language for “property” was “the pursuit of happiness,” meaning the same thing. While Jefferson abhorred that “word,” the attending delegates (Madison and Hamilton among them) found it their “favorite (one), often brought to the fore as a matter of deepest concern.” Also brought up was the “minority,” but not “any minority or all minorities. It was the minority of the opulent.”

The far-sighted among them foresaw a bonanza coming from the revolution that came about when the states passed confiscation acts, putting properties up for sale at bargain prices, still only affordable to the affluent. It sounds very much like the way corporate predators planned to pillage and plunder Iraq and have done a pretty good job of it.

There was also plenty of graft to go around, again just like in Iraq and at home as well. Lundberg noted “the other big bonanza of the revolution was the trans-Allegheny domains in which patriot speculators made and lost fortunes.” The well-off had their eyes on thousands of parcels of land and buildings wrested from their lawful owners. They also wanted to assure that never happened to them.

Then there was the ratification process itself that turned out to be a tussle as soon as the Constitution was sent to Congress. Lundberg reviewed the arduous give and take process of compromise that finally got the document passed by 13 states with three others rejecting it.

This was when adopting the Bill of Rights made the difference. The ones adopted in the first 10 amendments weren’t for “the people,” nowhere in sight, but to provide them to property owners who wanted:

- prohibitions against quartering troops in their property,
- unreasonable searches and seizures there as well,
- the right to have state militias protect them,
- the right of people to bear arms, but not the way the 2nd Amendment is today interpreted,
- the rights of free speech, the press, religion, assembly and petition, all to serve monied and propertied interests alone - not “The People,”

— due process of law with speedy public trials, and

— various other provisions worked out through compromise to become our acclaimed Bill of Rights. Two additional amendments were proposed but rejected by the majority. They would have banned monopolies and standing armies, matters of great enormity that might have made a huge difference thereafter. We'll never know for sure.

Lundberg stressed the importance of the amendments adopted. Without them, the movement for a second convention likely would have prevailed that might have derailed the whole process or greatly changed the Constitution's structure. That possibility had to be avoided at all costs and was by this compromise that had nothing to do with granting rights to "The People."

Government Free Style

Lundberg destroyed the popular myth of a government constrained by constitutional checks and balances. In fact, it can and repeatedly has done anything judged expedient, with or without popular approval, and within or outside the law of the land. In this respect, it's no different than most others able to operate the same way and often do. It's done through "the narrowest possible interpretations of the Constitution," but it's free to "operate further afield under broader or fanciful official interpretations" with history recording numerous examples.

Many presidents operated this way. Lundberg noted Kennedy, Johnson, Nixon, Wilson, T. and F. Roosevelt, Jackson, could have named Lincoln, and didn't know about Reagan, GHW Bush, Clinton and, most of all, GW Bush when his book was written.

A key point made is that "government is completely autonomous, detached, in a realm of its own" with its "main interest (being) economic (for the privileged) at all times." In pursuing this aim, "constitutional shackles and barriers (exist only) in the imaginations of many people" believing in them. Regardless of law, custom or anything else, sitting US governments have always been freelancing. They've been unresponsive to the public interest, uncaring about the will and needs of the majority, and generally able to finesse or ignore the law with ease as suits their purpose. As Lundberg put it: "forget the mirage of government by the people," or the rule of law for that matter, with George Bush only being the most extreme example of how things work in Washington all the time under all Presidents.

Lundberg went on to explain the Constitution effectively confers unlimited powers on the government. He cited Article I, Section 8, Sub-section 18 allotting to Congress power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution...or any department or officer thereof." It's up to government, of course, to decide what's "necessary" and "proper" meaning the sky's the limit under the concept of sovereignty. The power of government is effectively limited only "by the boundaries of possibility." Special considerable powers are then afforded the President, dealt with in a separate section below, and another on the Supreme Court.

Lundberg explained how the "three divisions of the American government operate under the immoderately celebrated system of checks and balances" with the framers believing too much power in the hands of one person or group of persons was a potential setup for

tyranny. Lundberg believed the theory was false, used the British model to make his case, but he never met George Bush who might have given him pause.

In Britain, the legislature and executive are inextricably linked, a single House of Commons runs the government, the upper House of Lords is only advisory, the courts can only apply the law the legislature hands them, all laws passed become part of the constitution, and new elections are generally called if a sitting government loses a vote of confidence.

In the British parliamentary system, the government consists of a committee of the House of Commons called the Cabinet presided over by a prime minister elected by his party members. He and all cabinet members are elected members of parliament (MPs) and can be voted in or out in any general election with all members standing at the same time. It's a vastly different and much fairer system overall than the convoluted American model even though, in theory, a British prime minister has much more control of the parliament than a US president has over the Congress with two parties and numerous disparate interests.

In practice, many US presidents get their way, despite the obstacles, and George Bush gets nearly everything he wants, takes it when it's not offered, and hardly ever faces congressional objection. The section below on the power of the presidency shows how the Constitution makes it so easy to do with Presidents, like Bush, taking full advantage on top of all the enormous powers he has under the law.

Britain has another interesting feature unheard of in Washington that would be refreshing to have. Once a week, there's a question period when the prime minister and his cabinet are held to account by the opposition and must answer truthfully or pretty close to it, at least in theory. Also, theoretically, a minister is supposed to face certain expulsion if an untruth stated is learned. In the US, in contrast, Presidents routinely lie to Congress, the public and maybe themselves to get away with anything they wish. They face no penalty doing it, under normal circumstances, with exceptions popping up occasionally like for Richard Nixon's serious lying and smoking gun evidence to prove it and Bill Clinton's inconsequential kind that was no one else's business but his own.

Lundberg then reviewed the labyrinthine US system the framers devised under the Roman maxim of "divide and rule" as follows:

- a powerful (and at times omnipotent) chief executive at the top;
- a bicameral Congress with a single member in the upper chamber able to subvert all others in it through the power of the filibuster (meaning pirate in Spanish);
- a committee system ruled mostly by seniority or a by political powerbroker;
- delay and circumlocution deliberately built into the system;
- a separate judiciary with power to overrule the Congress and Executive;
- staggered elections to assure continuity by preventing too many of the bums being thrown out together;
- a two-party system with multiple constituencies, especially vulnerable to corruption and the power of big money that runs everything today making the whole system farcical, dishonest and a democracy only in the minds of the deceived and delusional.

This is a system under which Lundberg characterized the US electorate – left, right and center – as “the most bamboozled and surprised in the world” and leaves voters “reduced to the condition of one of Pavlov’s experimental dogs – apathetic, inert, disinterested.” It got Professor J. Allen to say “A system better adapted to the purpose of the lobbyist could not be devised,” and that remark came long before the current era with things in government totally out of control leading one to wonder what Lundberg would say today if he were still living and commenting.

Court Over Constitution

Article III of the Constitution establishes the Supreme Court saying only: “The judicial power shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.” Congress is explicitly empowered to regulate the Court, but, in fact, the Court “seems to regulate Congress.” Lundberg believed it was to allow those unelected on it to be blamed for unpopular decisions getting them off the hook. Congress, if it choose to, has the upper hand, and even Court decisions on various issues only apply to a specific case leaving broader interpretations to other rulings if they come.

As for the common notion of “judicial review,” it’s unmentioned in the Constitution nor did the convention authorize it. This concept is derived by deduction from two separate parts of the Constitution: In Article VI, Section 2 saying the Constitution, laws, and treaties are the “supreme Law of the Land” and judges are bound by them; then in Article III, Section 1 saying judicial power applies to all cases implying judicial review is allowed. Under this interpretation of the law, appointed judges theoretically “have a power unprecedented in history – to annul acts of the Congress and President.”

Lundberg then reviewed some notable examples of judicial power, first asserted in the famous *Marbury v. Madison* case in 1803. It established the principle of “judicial supremacy” articulated by Chief Justice John Marshall meaning the Court is the final arbiter of what is or is not the law. He set a precedent by voiding an act of Congress and the President. It put a brake on congressional and presidential powers, theoretically, but Presidents like George Bush act above the law by ignoring Congress and the Courts and usurping “unitary executive” powers claiming the law is what he says it is. He gets away with it because the other two branches do nothing to stop him.

In 1776 and at the time of the convention, few in the country believed in judicial review with theoreticians like Madison and James Wilson zealously opposed to it. They wanted legislatures and the executive to be the sole judges of their own constitutional powers. Lundberg then said “Judicial review....is just one of the usages of the Constitution that sprung up in the course of jockeying among the divisions, personalities and factions of government.”

Lundberg then reviewed numerous other notable Court cases, including the shameful *Dred Scott* decision when claimant Scott, a slave, sued for his freedom on justifiable grounds and lost due to the tenor of the times.

A few others were:

— *Fletcher v. Peck* in 1810 that stabilized the law of property rights, especially regarding contracts for the purchase of land;

- Dartmouth College v Woodward in 1819 with the Court holding charters of private corporations were contracts and as such were protected by the contract clause;
- McCulloch V Maryland also in 1819 with the Court ruling a state couldn't tax the branch of a bank established by an act of Congress;
- Gibbons v. Ogden in 1824 when the Court upheld the supremacy of the United States over the states in the regulation of interstate commerce;
- Plessy v. Ferguson in 1896 with the Court affirming discrimination in public places;
- a number of cases, including US v. EC Knight Company in 1895, in which the Court vitiated the Sherman Anti-Trust Act of 1890 while at the same time keeping “hot on the trail of labor unions” as conspiracies in restraint of trade in violation of Sherman in Loewe v. Lawler in 1908;
- Santa Clara County v. Southern Pacific Railroad in 1886 when Court reporter JC Bancroft Davis wrote what the Court refused to refute, thereby granting corporations the legal status of personhood under the 14th Amendment with all rights and benefits accruing from it but none of the obligations. In this writer's non-legal judgment, this decision above all others, adversely changed the course of history most by opening the door to the kinds of unchecked corporate power and abuses seen today. It stands as the most far-reaching, abusive and long-standing of all harmful Court decisions now haunting us.

Lundberg ended this chapter with a section titled “The Corporate State” citing what's pretty common knowledge today in the age of George Bush. The US is a corporate-dominated society run by near-omnipotent figures within and outside government. They believe in an “individualistic economy,” with the law backing it, based on the inviolate principles of free private enterprise, with them in charge of everything for their self-interested gain. In a zero-sum society, it means their benefits harm the rest of us, and that's pretty much the way things are today with things far more out of control than when Lundberg wrote his book.

Even so, his comments pre-1980 observed how giant corporations arose “under the ministering hand of government officials, especially in the courts (and there emerged) wealthy dynasties of successful corporate intrepeneurs, insuring a line of (future) Robber Barons.” With the Constitution forbidding “the granting of titles of nobility,” corporate titans, in fact, had all the “material substance pertaining to European nobility (making) Money per se....ennobling in the American scheme.”

Gross disparities in income and personal wealth, far more out of proportion now than three decades ago, are largely the result of these earlier events with government and business conspiring to make them possible. Earlier, and especially now, “successful wealthholders in almost every case had an omnipotent lever at their service: the government, including Congress, the courts and the chief executive.” The constitutional story comes down to a question of money and money arrangements – who gets it, how, why, when, where, what for, and under what conditions. Also, who the law leaves out.

This story has nothing whatever to do with guaranteeing, as they say, life, liberty and the pursuit of happiness; establishing justice; upholding the rule of law equitably for everyone; promoting the general welfare; or securing the blessings of freedom for the general public unconsidered, unimportant and ignored by the three branches of government serving

monied and property interests only, of which they are part.

This was how it was when the Constitution was drafted, it stayed that way through the years, and is written in stone today with Lundberg concluding “It seems safe to say (this way of things) will never be rectified.” Never is a long time, hopefully on that count he’s wrong, but how insightful and penetrating he was on the constitutional story he revealed exquisitely so far with more below, beginning with the crucially important next section. George Bush will love it if someone reads it to him or this review.

The Veiled Autocrat

Lundberg’s dominant theme here is that the US President is the most powerful political official on earth, bar none under any other system of government. “The office he holds is inherently imperial,” regardless of the occupant or how he governs, and the Constitution confers this on him. Whereas under the British model with the executive as a collectivity, the US system “is absolutely unique, and dangerously vulnerable in many ways” with one man in charge fully able to exploit his position. “The American President,” said Lundberg, stands “midway between a collective executive and an absolute dictator (and in times of war like now) becomes in fact quite constitutionally, a full-fledged dictator.”

A single sentence, easily passed over or misunderstood, constitutes the essence of presidential power. It effectively grants the Executive near-limitless power, only constrained to the degree he so chooses. It’s from Article II, Section 1 reading: “The executive power shall be vested in a President of the United States of America. Article II, Section 3 then almost nonchalantly adds: “The President shall take care that the laws be faithfully executed” without saying Presidents are virtually empowered to make laws as well as execute them even though nothing in the Constitution specifically permits this practice. More on that below.

Lundberg said the proper way to understand the Constitution is to view it as a “symphony” with big themes being like separate movements. Theme one in Article I, Section 1 says “All legislative powers herein granted shall be vested in a Congress of the United States.” Theme two is the dominant one on the Executive in Article II, Section 1 cited above. The final movement or theme three deals with “The judicial power.”

Lundberg then continued saying “to understand the inner nature of the United States government (the key question is) What is executive power? – aware all the time that it is concentrated in the hands of one man.” He also reviewed how Presidents are elected “literally (by) electoral (unelected by the public) dummies” in an Electoral College. The process or scheme is a “long-acknowledged constitutional anomaly.” They can subvert the popular vote, never meet or consult like the College of Cardinals does in Rome to elect a Pope, so, in fact, its use is “a farce all the way.”

Now to the issue of executive power covered in Section 2. It’s vast and frightening. The President:

— is commander-in-chief of the military and in this capacity is completely autonomous in peace and a de facto dictator in war; although Article I, Section 8 grants only Congress the right to declare war, the President, in fact, can do it any time he wishes “without consulting anyone” and, of course, has done it many times;

- can grant commutations or pardons except in cases of impeachment. Nixon resigned remember before near-certain impeachment;
- can make treaties that become the law of the land, with the advice and consent of two-thirds of the Senate (not ratification as commonly believed); can also terminate treaties with a mere announcement as George Bush did renouncing the important ABM Treaty with the former Soviet Union; in addition, and with no constitutional sanction, he can rule by decree through executive agreements with foreign governments that in some cases are momentous ones like those made at Yalta and Potsdam near the end of WW II. While short of treaties, they then become the law of the land.
- can appoint administration officials, diplomats, federal judges with Senate approval, that's usually routine, or can fill any vacancy through (Senate) recess appointments; can also discharge any appointed executive official other than judges and statutory administrative officials;
- can veto congressional legislation, with history showing through the book's publication, they're sustained 96% of the time;
- while Congress alone has appropriating authority, only the President has the power to release funds for spending by the executive branch or not release them;
- Presidents also have a huge bureaucracy at their disposal including powerful officials like the Secretaries of Defense, State, Treasury and Homeland Security and the Attorney General in charge of the Justice Department;
- Presidents also command center stage any time they wish. They can request and get national prime time television for any purpose with guaranteed extensive post-appearance coverage promoting his message with nary a disagreement with it on any issue;
- throughout history, going back to George Washington, Presidents have issued Executive Orders (EOs) although the Constitution "nowhere implicitly or explicitly gives a President (the) power (to make) new law" by issuing "one-man, often far-reaching" EOs. However, as Lundberg explained above, the President has so much power he's virtually able to do whatever he wishes, the only constraint on him being himself and how he chooses to govern.
- George Bush also usurped "Unitary Executive" power to brazenly and openly declare what this section makes clear - that the law is what he says it is. He proved his intent in six and a half years in office by subverting congressional legislation through his record-breaking number of unconstitutional "signing statements" - affecting over 1132 law provisions through 147 separate "statements," more than all previous Presidents combined. In so doing, he expanded presidential power even beyond the usual practices recounted above.
- Presidents are, in fact, empowered to do almost anything not expressively forbidden in the Constitution, and very little there is; more importantly, with a little ingenuity and a lot of license and chutzpah, the President "can make almost any (constitutional) text mean whatever (he) wants it to mean" so, in fact, his authority is practically absolute or plenary. And the Supreme Court supports this notion as an "inherent power of sovereignty," according to Lundberg. He explained, if the US has sovereignty, it has all powers therein, and the President, as the sole executive, can exercise them freely without constitutional

authorization or restraint.

In effect, “the President....is virtually a sovereign in his own person.” Compared to the power of the President, Congress is mostly “a paper tiger, easily soothed or repulsed.” The courts, as well, can be gotten around with a little creative exercise of presidential power, and in the case of George Bush, at times just ignoring their decisions when they disagree with his. As Lundberg put it: “One should never under-estimate the power of the President....nor over-estimate that of the Supreme Court. The supposed system of equitable checks and balances does not exist in fact (because Congress and the courts don’t effectively use their constitutional authority)....the separation in the Constitution between legislative and the executive is wholly artificial.”

Further, it’s pure myth that the government is constrained by limited powers. Quite the opposite is true “which at the point of execution (reside in) one man,” the President. In addition, “Until the American electorate creates effective political parties (which it never has done), Congress....will always be pretty much under (Presidents’) thumb(s).” Under the “American constitutional system (the President) is very much a de facto king.”

Lundberg cited examples such as Franklin Roosevelt, considered one of the nation’s three greatest Presidents along with Lincoln and Washington. He “waged (illegal) naval warfare against Germany before Pearl Harbor.” During the war, he stretched his powers to the limit and functioned as a dictator. Truman atom-bombed Japan twice gratuitously and criminally with the war over and the Japanese negotiating surrender. He also went around Congress to wage a war of aggression on North Korea when its forces attacked the South after repeated US-directed southern incursions against the North. Lyndon Johnson attacked North Vietnam February 7, 1965 using the contrived August, 1964 Gulf of Tonkin Resolution as justification even though there was none. The examples are endless, Presidents take full advantage, and nearly always get away with it.

The only thing Presidents can’t do, in theory, is openly violate the law. But since he can interpret it creatively, it’s up to Congress and the High Court to hold him to account, and that rarely happens. Nixon was forced to resign to avoid impeachment because there was smoking gun evidence on tape to convict him on top of his being roundly disliked making it easier to act. But what he did overall wasn’t unusual except that he paid the price for it.

As Lundberg put it, “highhandedness, unpalatable doings (and) scandals” are part and parcel of politics from top to bottom in the system at all levels of government. Jethro Lieberman showed this type behavior “is a steady occupation at every level of government” in his pre-Watergate book - “How the Government Breaks the Law.” At the executive level, he showed government proceeds “pretty much ad libitum outside the stipulated rules at all levels.” In other words, the nation was always infested with Nixons at all levels, but most got away with their offenses and today that’s truer than ever.

As for impeaching and convicting a President for malfeasance, Article II, Section 4 states it can only be for “treason, bribery, or other high crimes and misdemeanors.” Based on the historical record, it’s near-impossible to do with no President ever having been removed from office this way, and only two were impeached, both unjustly.

Lundberg quoted John Adams on this issue saying he was right believing it would take a national convulsion to remove a President by impeachment, it hasn’t happened up to now, which is not to say it never will with no President more deserving of the “distinction” than

the current sitting one who almost makes Richard Nixon look saintly by comparison. It's long past the time to smash the inviolate notion of presidential invincibility, and given the growing groundswell, it could happen against all odds. If it does, it will be a first, and if he were still living, it would also make Lundberg rethink his final comment on the subject that it's "virtually impossible to remove a President (and) His security in office....is but one facet of his power." Still remember, an exception, when it happens, only proves the rule, so Lundberg's assessment is still valid.

Presidential power since WW II is also reinforced by their own private army through the vast US intelligence apparatus and much more. The CIA is part of it and today functions mainly as a presidential praetorian guard and global mafia-style hit squad operating freely outside the law as a powerful rogue agency backed by an undisclosed budget likely topping \$50 billion annually. And since January, 2003, the Department of Homeland Security functions as a national Gestapo about as free to do as it pleases as CIA that also operates outside its mandate on US soil along with the equally repressive FBI. They mainly target disaffected political groups and individuals publicly standing against government policies with enough influence to make a difference.

The Risks in One-Man Rule

Lundberg quoted noted political scientist Herman Finer (1898 - 1969) again reinforcing what's covered above that "there is (virtually) no limit to the Chief Executive's power." In six and a half years in office, George Bush proved he was right and then some. Finer, even in an earlier less complex era, portrayed the President as overweighted with responsibilities while having enough concentrated power in his hands to make irresponsible, rash or dangerous decisions with potentially immense repercussions.

Finer proposed a way to improve the presidency by relieving one man of more responsibility than anyone can handle alone and minimize incompetency or villainy at the same time. His idea was for a collective and supportive leadership formed around the President, including a cabinet of 11 Vice-Presidents elected in combination with the chief executive every four years.

The framers structured the government to frustrate and confuse the electorate. They did it through staggered elections to avoid a clearly visible line of authority as well as maintain a continuity of governance whatever else the public might prefer. Finer wanted to correct these kinds of faults in the current system. He also understood that Presidents are plucked out of almost anywhere because of their perceived electability, not from their ability to govern effectively in an office enough to overwhelm anyone no matter how able and dedicated.

His idea was for Presidents and Vice-Presidents to be required to have served in either house of Congress a minimum four years to learn how Washington operates that can be quite different from a state or the military where former generals of note, like Dwight Eisenhower and others, went on to become very ordinary or failed Presidents. Only George Washington was the exception proving the rule, and being a new nation's first President (governing a population smaller than Chicago today) was quite different from how things are now.

Finer also wanted the President and his cabinet to sit in the House of Representatives to make them more visible and responsible like the British model. His main concern was that

too much responsibility lay with one man, with too much power to discharge it, and far too often that man turns out to be incompetent, venal or both. Under the present system, the President is near-omnipotent, operates in secrecy, is most often the wrong one chosen, and is able to spring surprises at will, often with potentially disastrous implications like today under George Bush.

He was also concerned about Presidents having secret ailments, impediments or becoming seriously ill enough to be unable to govern yet still be able to retain the power of the office. Woodrow Wilson was a case in point as he suffered a severe stroke and paralysis on his left side 17 months before his second term of office expired. His principle biographer said he was "either gravely ill (his last year in office) or severely incapacitated at the time the country needed his leadership most."

Wilson never should have been allowed to run at all as it was known seven years earlier he was a bad health risk. He did it because the information was concealed from the public even though Wilson himself thought he might die at any moment, was blind in one eye, suffered episodes of depression, dyspepsia, colds, headaches, dizziness and feelings of dullness and numbness in one hand the result of diseased nerves. In short, he was a physical and emotional basket case running the country and unable to do it much of the time and not all late in his second term.

Franklin Roosevelt is another prime example. At age 39, eleven years before being elected President, he was stricken with what was thought to be polio and was permanently paralyzed from the waist down. Yet, he kept his condition secret and (before the age of television) was never photographed in a wheelchair in public. In his third term, he was advised not to run for a fourth time because of his health. He did, of course, and won, but in 1941 his blood pressure was high and rising, his heart was enlarged, and he suffered from congestive heart failure from which he finally expired in April, 1945. By early 1944, he was in marked decline and a dying man.

With the most calamitous war in history in its late stages and the power of the chief executive most needed, Lundberg described FDR as "a burned-out matchstick" barely able to function. It showed in some of his irrational decisions at the end. Yet, he was still in charge as commander-in-chief and the most powerful leader on earth as the war in Europe and Asia still raged, and he alone was calling the shots.

With future Presidents just as vulnerable to serious health problems, Lundberg's view was as the presidency is now structured, "the American people are sitting on a bomb....likely to explode (unexpectedly) at any moment." The problem, he said, isn't just about an imperial presidency, but an "anarchic," "wild-cat" or "Protean" one under which "anything can happen." Drawing an analogy to a modern-day corporation, he explained the obvious. No large publicly-owned corporation would ever operate this way. It would never put its chips on a single person or "choose its chief executive (as) nonchalantly as does the United States."

Wilson and Roosevelt weren't the only Presidents who served in office while experiencing serious illness. Eisenhower suffered two heart attacks along with other health problems, and Kennedy "was a walking bundle of ailments" with much of it concealed. Lyndon Johnson, as well, was in trouble from the start, suffered a massive heart attack before winning national office, and (unknown to the public) was never judged physically or mentally sound while President.

His actions proved it and give pause to what may be afflicting George Bush, kept secret from the public. A disastrous six and a half year record conclusively shows this man is unfit to serve in the nation's highest office or in any responsible capacity. Because he's there taking full advantage, all humanity is held hostage to what's coming next at the hands of a venal, incompetent and possibly mentally unbalanced or deranged US chief executive.

For all the above-stated reasons along with the examples just cited, Finer believed the office of the President was ill-structured and should be drastically changed for the betterment of the country (and all humanity). As far as achieving any of what he proposed or any other type broad brush makeover of the system, Lundberg believed it's near-impossible. Doing it would involve amending the Constitution and in a wholesale way. With certain opposition in enough states, there's almost no chance these type changes can happen.

How did this happen, and were the framers at fault, Lundberg asks? To some degree, but not entirely. It's pure fantasy to imagine any group of men, even if they'd been the most talented and far-sighted, could have met in 1787 to produce a Constitution, elaborate, detailed and ingenious enough to "anticipate and provide for every facet and contingency of the nation" that would eventually encompass 50 states and grow to a diverse population exceeding 300 million. It was impossible then and now everywhere. Furthermore, they made the amending process extremely hard to do even though it was subsequently accomplished 17 times after the Bill of Rights was added to get the Constitution ratified in the first place.

At a much simpler time, the framers didn't understand that governments fundamentally act in their own self-interest whatever the law says. The Constitution complicates it for them by consisting of a "set of incomplete prescriptions, ostensibly frozen in time except as subject to an almost impossible amending process." So to get around the problem or ignore it, governments function ad libitum with one man at the top calling the shots even though this isn't what the framers had in mind.

So all the "patriotic praise....heaped upon the Constitution in schoolbooks....is simple nonsense, pap." How well the country is served at any time depends on the pure luck of the draw to get a really first-rate capable leader as President. It rarely happens, and Lundberg cites only the three example of Washington, Lincoln and Roosevelt. None of the others matched them, and far too many were abysmal failures or worse with one candidate just cited standing out prominently as the overwhelming choice for the worst and most dangerous ever.

On top of all the other flaws and faults, "the people" were deliberately and willfully left out of the process proving "democracy is not recognized in the Constitution," shocking as that notion is to most people reading these words. Lundberg had hopes, however, that a future time would come that would embrace constitutional improvement on a significant scale. As he put it, this document, "as it stands, is by no means the system the United States is ultimately fated to embrace (forever). For there is a great deal of room for improvement - a great deal" (indeed, and then some).

A Renewed Call for a Second Convention

With the need so much greater now than 30 years ago, in the age of George Bush, it's time we went about the process Lundberg advocated in the title of this section. Doing it, however, is infinitely harder than achieving relatively simpler amendment tinkering here

and there, even though Article V allows for such a procedure. With everything in mind from what's covered above, it's easy to believe, whatever the Constitution allows, convening a convention for constitutional change is near-impossible given the way the country is now run, by whom and most importantly for whom - the immensely powerful monied interests sitting in corporate boardrooms running the country, the world and our lives.

They've got everything arranged their way, it's taken decades to get it, they engineer elections to get the best "democracy" they can buy, and it always turns out that way, more or less. The bankers and Wall Street even own the Federal Reserve giving them the most powerful instrument of government - the right to print and control the nation's money supply and charge interest on it. By so doing, the government (and the public) must pay interest on its own money that wouldn't happen if it printed its own as Article I, Section 8 of the Constitution says only the government can do.

It relinquished that power when Woodrow Wilson betrayed the public by signing the most disastrous piece of legislation in the nation's history willfully after Congress passed the Federal Reserve Act in the dead of night December 23, 1913 with many of its members away for the holiday and most others unaware of what, in fact, they were signing.

Today, with a virtual stranglehold on state power, in league with Democrat and Republican governments in their pockets, why would corporate giants ever give up what took so long for them to get. They never will, Lundberg knew it, too, and said the chance for real change from a second convention "is almost nil....if (these pages) have shown anything, (it's clear as day) the government (backed by the power of money) controls the Constitution," not the other way around or "the people" either, left out completely from the start.

Lundberg didn't say it but surely believed achieving the kinds of democratic changes he wanted would have to come from the bottom up. Only an aroused public, en masse and undeterred, fed up with the state of things and committed can make it happen. Impossible as it seems, history at times surprises, and if it does this time, it will be the greatest one ever....and not a moment too soon.

Stephen Lendman lives in Chicago and can be reached at lendmanstephen@sbcglobal.net.

Also visit his blog site at sjlendman.blogspot.com and listen Saturdays to the Steve Lendman News and Information Hour on TheMicroEffect.com at noon US central time.

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Articles by: **Stephen Lendman**

About the author:

Stephen Lendman lives in Chicago. He can be reached at lendmanstephen@sbcglobal.net. His new book as editor and contributor is titled "Flashpoint in Ukraine: US Drive for Hegemony Risks WW III."

<http://www.claritypress.com/LendmanIII.html> Visit his blog site at sjlendman.blogspot.com. Listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network. It airs three times weekly: live on Sundays at 1PM Central time plus two prerecorded archived programs.

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