

# AGAINST ALL ENEMIES

## *Part II*

JOHN QUINCY ADAMS, sixth President of the United States, once observed: "Our Constitution professedly rests upon the good sense and attachment of the people. This basis, weak as it may appear, has not yet been found to fail."

Up until President Adams' administration and for many years afterwards, our Constitution did indeed work in the manner it was meant to work. Times have changed, though. Although the principles of the Constitution of the United States remain as strong as ever, we have seriously neglected and forsaken them. The Constitution itself is a rugged, farsighted document, but, as Presi-

dent Adams said, its effectiveness lies in how well we observe its provisions.

Tragically, too many Americans today have abandoned the faith of the Founding Fathers. Our Constitution has been trampled upon by government officials, members of the mass media, educators, other public-opinion molders, as well as the average citizen.

Consider for a moment how some Americans (particularly those serving in Congress) have manipulated the "general welfare" clause of the Constitution. The "general welfare" is mentioned in the preamble and in Article I, Section 8.

The preamble reads: "WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common

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In this three-part series, Robert Bearce of Houston, Texas identifies the basic principles of limited government as set forth in the Constitution of the United States. He shows how we have forsaken many of the basics, and points the way toward a restoration of freedom.

defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Article I, Section 8 of the Constitution mentions the "general welfare" in this way: "The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defense and general welfare of the United States . . ."

The preamble clearly defines the two major functions of government: (1) ensuring justice, personal freedom, and a free society where individuals are protected from domestic lawbreakers and criminals, (2) protecting the people of the United States from foreign aggressors.

### **No Special Privileges**

When the Founding Fathers said that "WE THE PEOPLE" established the Constitution to "promote the general Welfare," they did not mean the federal government would have the power to aid education, build roads, and subsidize business. Likewise, Article I, Section 8 did not give Congress the right to use tax money for whatever social and economic programs Congress might think would be good for the "general welfare."

James Madison stated that the "general welfare" clause was not a

freeway for Congress "to exercise every power which may be alleged to be necessary for the common defense or general welfare." If by the "general welfare," the Founding Fathers had meant any and all social, economic, or educational programs Congress wanted to create, there would have been no reason to list specific powers of Congress such as establishing courts and maintaining the armed forces. Those powers would simply have been included in one all-encompassing phrase, to "promote the general welfare."

Writing about the "general welfare" clause in 1791, Thomas Jefferson saw the danger of misinterpreting the Constitution. The danger in the hands of Senators and Congressmen was "that of instituting a Congress with power to do whatever would be for the good of the United States; and, as they would be the sole judges of the good or evil, it would be also a power to do whatever evil they please."

The Founding Fathers said in the preamble that one reason for establishing the Constitution was to "promote the general welfare." What they meant was that the Constitution and powers granted to the federal government were *not* to favor special interest groups or particular classes of people. There were to be no privileged individuals or groups in society. Neither minorities nor the majority was to be favored.

Rather, the Constitution would promote the "general welfare" by ensuring a free society where free, self-responsible individuals—rich and poor, bankers and shopkeepers, employers and employees, farmers and blacksmiths—would enjoy "life, liberty, and the pursuit of happiness," rights expressed in the Declaration of Independence.

Quoting the Tenth Amendment, Jefferson wrote: "I consider the foundation of the Constitution as laid on this ground: That 'all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people.' To take a single step beyond the boundaries thus specially drawn around the powers of Congress is to take possession of a boundless field of power, no longer susceptible of any definition."

### **A Monstrous Bureaucracy**

Jefferson was correct in fearing that Congress could "take possession of a boundless field of power," but he was wrong in saying that such unlimited power could not be defined. It can indeed be defined by simply looking at the federal government of the United States today. There we see a "boundless field of power" in both little and big matters.

Unlike public officials during Jefferson's time, our modern-day legislators have a very loose interpreta-

tion of the Constitution. The result is that government has snowballed into a monstrous bureaucracy. Consider the power given to Congress by the Constitution in Article I, Section 8, clause 8: "To promote the Progress of Science and useful Arts. . ."

Does that mean Congress has the right to use our tax dollars to finance agencies like the National Science Foundation and the National Foundation on the Arts and Humanities?

Definitely not! The complete clause reads: "To promote the Progress of Science and useful arts, *by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries*" (emphasis added).

That's what the Founding Fathers meant by encouraging science and the arts. An appropriate Copyright Office was set up. Article I, Section 8, clause 8 is just one example of how the Constitution protects individual freedom and assures the individual the right to enjoy the fruits of his own labor, energy, and abilities.

Our present-day legislators, however, have ignored the Constitution as they pass legislation to help science and the arts. We now have the federally funded National Science Foundation, National Endowment for the Arts, and National Endowment for the Humanities. How do

these federal programs spend our tax monies? Well, it has been reported that \$130,000 from the National Science Foundation was used to study the evolution of the cricket. Another \$46,000 was evidently spent by the National Endowment for the Arts to finance a film documentary on the history of the toilet. On the other hand, we are informed that for only \$2,500 the National Endowment for the Humanities was able to finance a study on why tennis players are rude on tennis courts. A real bargain!

Undoubtedly, federal programs like the National Science Foundation have had some worthy results, but the benefits received are not the issue for discussion or debate. The problem is that such federal programs are unconstitutional. Rather than depending upon free individuals to encourage science and the arts through *voluntary* contributions to private foundations, Congress is taking money from some citizens and giving it to whomever it judges to be needy of federal handouts.

### **Congress Assumes Powers Beyond Intent of Founders**

Congress is continually usurping its constitutional power, spending more of our tax dollars, and otherwise assuming obligations the Founding Fathers never meant it to undertake. For example, our generous government offers us such help-

ful publications as *And Now a Word About Your Shampoo, Keeping Your Pet Healthy, and Imaginative Ways With Bathrooms*. The really nice thing about these publications is that they are "free."

Now, it might be heartening to some people to know that our government wishes to advise us on how to plan or remodel our bathrooms, but are we to believe that federal funding for such publications is provided for in the Constitution?

The Constitution is being twisted and manhandled as our legislators toil in Congress to do what we can and should do for ourselves. One prominent Senator proudly lists in his legislative newsletter laws and proposals he has worked for in our behalf. These include a National Technology Act . . . federal subsidies for mass transit . . . a child abuse act . . . aid for bilingual education . . . a legal Services Corporation . . . an Arthritis Act . . . a Drug Utilization Improvement Act . . . subsidies for solar energy . . . monies for public service jobs, and so forth and so on.

The Senator's constituency, as well as all American citizens, should recall Jefferson's advice: ". . . Still one thing more, fellow citizens—a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of

labor the bread it has earned. This is the sum of good government.”

Yet, our federal government today rumbles on, disavowing the Constitution and taking from our “mouth of labor the bread it has earned” through taxation. Government grows bigger and more comprehensive as federal funds are spent for cooperative farm extension work . . . urban mass transit . . . child-nutrition programs . . . public housing . . . elementary and secondary education . . . air and water pollution control . . . rural-housing grants . . . minority business development . . . public broadcasting . . . adolescent health services and pregnancy prevention . . . boating safety assistance . . . new-community assistance grants . . . urban renewal, and so forth and so on.

### **A Free Economy**

America’s past progress in achieving material prosperity in a climate of freedom and human dignity did not come as a result of government intervention into social/economic matters. Our nation has prospered because we were true to the Constitution. The Founding Fathers believed that the role of government was to provide a political framework that would permit individuals to work together in voluntary cooperation, pursuing their own destinies. Individual initiative and personal responsibility—not government so-

cial and economic intervention—were the basis for stability and growth.

The critical question for us is how many of the federal government’s departments, boards, projects, and agencies are constitutional. We should remember that elected and appointed public servants are sworn to support and defend the Constitution of the United States. Consider what the Constitution has to say about private property, and then think about how government has abused its authority.

The Fourth Amendment states: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . .”

The Fifth Amendment assures us that we will not “be deprived of life, liberty, or property, without due process of law . . .”

The Fourteenth Amendment states that citizens will not be deprived of “life, liberty, or property, without due process of law . . .”

Few government officials, if any, will deny that private property is a basic principle or right enjoyed by Americans. Yet, these same public officials support laws that have the effect of infringing upon our liberty and property.

Without the right to dispose of our property as we best see fit, the right to private property is mean-

ingless. Our property includes everything from our homes or the business we might own to our earnings at whatever job or profession we have. Our pay checks are just as much a matter of private property as are our homes, automobiles, and TV sets. Government deprives us of liberty and property to the extent that it (1) tries to manage our economic lives for us; (2) prevents us from reaping the rewards of hard work and enjoying the fruits of our own property. Through unnecessary government regulations as well as excessive taxation we are not in full control of our property.

### Private Property Protected

James Madison, known as the Father of the Constitution, understood that government interference threatens freedom and private property:

"That is not a just government, nor is property secure under it, where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens that free use of their faculties, and free choice of their occupations, which not only constitute their property in the general sense of the word; but are the means of acquiring property so called."

Madison, Roger Sherman, and other men who wrote our Constitution achieved a wise, firm balance between personal liberty and gov-

ernment power. The Constitution has proven itself to be a stable but flexible document. Our problem today is that we have allowed flexibility to be interpreted as a blank check for government to do whatever it wishes. This is seen in the misinterpretation of the "general welfare" clause and the so-called "elastic clause" of Article I, Section 8 which says Congress shall have the 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 in the Government of the United States, or in any Department or Office thereof."

Our government officials continually distort the meaning of the Constitution's "elastic clause." In doing so, they have stepped beyond the boundaries of limited, constitutional government. If he were alive today, James Madison would tell us that many government laws and programs might be useful, but they are certainly not "necessary and proper" according to the Constitution. He would remind us that no law is constitutional unless it is "necessary and proper" to carry out *specifically enumerated* powers given to the executive, legislative, or judicial branches of government by the Constitution.

The duty of the federal judiciary—the Supreme Court and lower federal courts—is to determine whether

laws are constitutional and whether they have been broken. Just as both the executive and legislative branches of government have shown their contempt for the Constitution, so the judiciary has failed to carry out its legitimate responsibilities. Instead of rightfully interpreting the Constitution as a bulwark defending individual freedom against government oppression, many judges in our federal courts reject the Constitution and interpret it to agree with what *they* believe to be politically, economically, morally, or socially correct.

Meanwhile, Congress flouts the Constitution by not only making laws but also interpreting them and enforcing them—responsibilities of the judicial and executive arms of government. Countless agencies, commissions, departments, and boards set up by Congress issue burdensome, unconstitutional guidelines, regulations, and laws. What would the Founding Fathers think of this federal bureaucracy? They would recall what the Declaration of Independence had to say about government and the King of England.

"The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States . . . He has erected a

multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance."

### Freedom Threatened

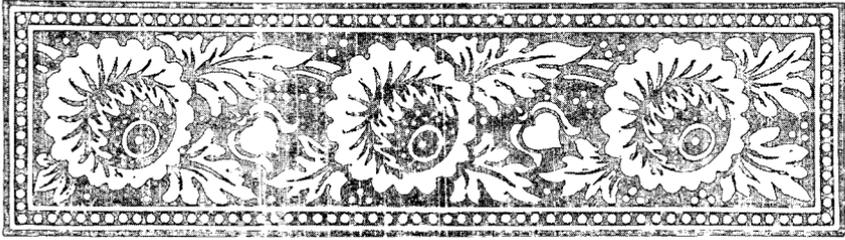
The patriots of the War for Independence fought to preserve freedom against a "multitude of New Offices" and "swarms of Officers." Later, the people of the United States adopted a Constitution designed to limit government authority and protect individual liberty. That freedom is threatened today, not so much from foreign aggression as from many of our own citizens who do not want to live by the principles of the Constitution.

Senators, members of the House of Representatives, and other government officeholders have sworn that they will support and defend the Constitution "against all enemies, foreign and domestic." Our public officials have also sworn to "bear true faith and allegiance" to the Constitution.

Are they living up to their oath of office? Are other citizens, "WE THE PEOPLE of the United States," bearing "true faith and allegiance" to the Constitution? ©

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*(Editor's note: "Against All Enemies" will be concluded in the next issue of *The Freeman*.)*



Samuel Smiles

# SELF-IMPROVEMENT

TO DO JUSTICE, a man must think well not only of himself, but of the duties which he owes to others! He must not aim too low, but regard man as created "a little lower than the angels." Let him think of his high destiny—of the eternal interests in which he has a part—of the great scheme of nature and providence—of the intellect with which he has been endowed—of the power of loving conferred upon him—of the home on earth provided for him; and he will cease to think meanly of himself. The poorest human being is the centre of two eternities, the Creator overshadowing all.

Hence, let every man respect himself—his body, his mind, his character. Self-respect, originating in self-

love, instigates the first step of improvement. It stimulates a man to rise, to look upward, to develop his intelligence, to improve his condition. Self-respect is the root of most of the virtues—of cleanliness, chastity, reverence, honesty, sobriety. To think meanly of one's self is to sink—sometimes to descend a precipice at the bottom of which is infamy.

Every man can help himself to some extent. We are not mere straws thrown upon the current to mark its course; but possessed of freedom of action, endowed with power to stem the waves and rise above them, each marking out a course for himself. We can each elevate ourselves in the scale of moral being. We can cherish pure thoughts. We can perform good