

AGAINST ALL ENEMIES

Part I

THE elected and appointed officials of our federal government take an oath of office before undertaking their constitutional duties. Let's take a look at that oath, expressed as a question and answered by "I do."

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter: So help you God?

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.

In response to their oath of office, our Congressmen and Senators answer "I do," but do they really mean it?

Unfortunately for the cause of freedom, the oath of office has often become only a hollow formality. Too many members of the administrative, legislative, and judicial branches of the federal government have failed to "support and defend the Constitution of the United States" and "bear true faith and allegiance to the same."

The Constitution has been misinterpreted, abused, and subverted. As it continues to be violated, we should see how freedom is gradually being destroyed.

The word "destroyed" might appear to be somewhat harsh, but it is appropriate. We ought to heed a warning made by Patrick Henry in

1775, not long before the opening shots of the War for Independence were fired at Lexington and Concord. Henry clearly understood how freedom was being threatened by oppressive government rule. He warned against indifference, complacency, and apathy.

"It is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren, till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be of the number of those who, having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst and provide for it."

By "temporal salvation," Patrick Henry meant the preservation of freedom—the freedom to work and provide for our personal lives as we best see fit. Henry and other patriots believed that freedom meant individuals had the ability and responsibility to plan their own lives without unnecessary government intervention. That freedom was being threatened, and Henry was telling the colonists to wake up and confront the danger before them. His admonition applies to us today.

If we truly want to strengthen

freedom and regain what we have already lost, we will pledge ourselves to defending the Constitution. We cannot support our Constitution, however, unless we face the fact that it is being continually ignored and betrayed. It is time that we give some serious thought to the Constitution.

Protection from Enemies— Foreign and Domestic

The Founding Fathers who framed our Constitution in 1787 knew that individuals have certain unalienable rights—"life, liberty, and the pursuit of happiness," as earlier expressed in the Declaration of Independence. These rights were God-given rights. No government or constitution gave them to the individual. Rather, the purpose of governments and constitutions was to protect these basic, God-given rights.

The Founding Fathers comprehended how and why people behave the way they do. Men like James Madison and Alexander Hamilton understood human nature. They saw that some human beings would always resort to force, deceit, war, stealing, and killing to get what they wanted. Thus, there was an obvious need for government—legitimate, just government to carry out two main functions:

(1) protecting free people from foreign enemies and invaders;

(2) protecting honest, self-responsible, hard-working citizens within the nation from domestic lawbreakers who would use coercion, fraud, or force to deprive others of "life, liberty, and the pursuit of happiness."

Good government would do the above, and the Founding Fathers outlined that kind of government in our Constitution. Just as they gave the government certain authority, they also placed limitations on government power. The framers of the Constitution realized that while government was needed to protect individual freedom, government itself had to be placed within limited, strictly defined boundaries. If government was not restrained, it would destroy individual liberty and lead to tyranny. Government had to be controlled. James Madison explained the matter:

"It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed,

and in the next place oblige it to control itself."

When Madison wrote that government should "control the governed," he was thinking about necessary government laws required to maintain impartial law and order—law and order that protected individual liberty. This issue of defending individual rights and limiting the power of government is the central theme of the Constitution.

Preserving Personal Liberty

Four aspects of the Constitution show the Founding Fathers' concern for preserving personal liberty within the boundaries of limited government.

First, we have a *written* constitution. Having the powers of government and the rights of the citizenry spelled out in print is no assurance that freedom will be observed, but a written constitution does act as a safeguard to liberty. When the Constitution is snubbed or disregarded, we can at least hold up a warning hand and say something to the effect: "Stop, government bureaucrats! The law you have just passed is unconstitutional. The Fifth Amendment says . . ."

Second, our Constitution provides for a republic. That is, we have a republican form of government based upon the citizenry electing representatives to carry out the

functions of government. The Founding Fathers did not frame a constitution that would set up a democracy—a kind of government where political power lay directly in the hands of the people. Under a pure democracy, the citizens of the state would exercise popular vote to decide what laws should be made. The majority view would be registered and then carried out by the administrative hand of the central government. There would be no representation (legislative branch of government) between the citizenry and the administrative branch of government.

A democracy might appear to be more “democratic” than a republic, but the authors of the Constitution knew that a democracy would lead to a loss of individual freedom . . . followed by anarchy or tyranny. While the Constitution was being considered for ratification by the Massachusetts Convention, Moses Ames observed:

“It has been said that a pure democracy is the best government for a small people who assemble in person. . . . It may be of some use in this argument . . . to consider, that it would be very burdensome, subject to faction and violence; decisions would often be made by surprise, in the precipitancy of passion, by men who either understand nothing or care nothing about the subject; or by interested men, or those who vote

for their own indemnity. It would be a government not by laws, but by men.”

The Dangers of Democracy

Seeing the dangers of a democracy, the Founding Fathers adopted a republican form of government. It is true that the history of our nation shows that a republic can suffer the very weaknesses of a democracy that Ames described, but the fact remains that a republic comes nearer to preserving individual rights than does a democracy.

Madison and others rejected popular vote as the method of making laws. Instead, Article I of the Constitution provides for representation through the election of Senators and Congressmen to the Senate and House of Representatives. These legislators would represent us and make laws—laws that should protect and promote individual freedom. The government was to be guided by clearly defined laws, not by direct majority rule, which would lead to oppression.

Although Thomas Jefferson did not participate in the work on the Constitution, he understood why a republic was superior to a democracy. He also knew what the basic purpose of a republic was: “The true foundation of republican government is the equal right of every citizen, in his person and property, and in their management.”

A republic meant a government that allowed the people of the United States to work freely, associate freely, and otherwise plan their own lives in the way they pleased—equal rights shared by all citizens. Speaking of the national or central government of the United States, Article IV, Section 4 of the Constitution says: “The United States shall guarantee to every State in this Union a *Republican Form of Government*, and shall protect each of them against Invasion . . .” (emphasis added).

A third principle of our Constitution that defends individual liberty is federalism. When we speak today about the “federal government,” we refer to the executive, legislative, and judicial branches of the central government located in Washington, D.C. In the minds of the Founding Fathers, though, federal government was an all-encompassing term used to describe a nation made up of sovereign states—a nation composed of a central or national government (the folks in Washington, D.C.) and state governments (Delaware, South Carolina, Connecticut, etc.).

Notice that the Constitution recognizes that the United States *are*, not “is,” a union of sovereign states. Article III, Section 3 reads: “Treason against the United States, shall consist only in levying War against *them*, or in adhering to *their*

Enemies . . .” (emphasis added). Although the Founding Fathers considered themselves as Americans and citizens of a unified nation, they also considered themselves citizens of separate, self-governing states. The United States were considered in the plural, not the singular. Thus, treason against the United States was against *them*, not *it*. This fact stresses the federalist nature of the government established by the Constitution.

The Separation of Powers to Protect the Citizenry

The Constitution provides for federalism that grants some powers to the national government and other powers to the states. This federal separation of powers acts as a safeguard to personal freedom. Federalism places the burden of law-making and political decisions upon power units close to the supervision of the citizenry. The Founding Fathers did not want the national government in Washington, D.C., telling the people of Virginia or North Carolina what to do.

Thus, political power was distributed among the different state, county, and local governments, enabling the people to govern themselves. This widespread distribution of authority makes it more difficult for one power unit to infringe upon the constitutional rights of the citizens.

The Founding Fathers provided for another form of separation of powers. This is the fourth aspect of the Constitution's defense of individual liberty. The national government, or, as we say, the federal government, was split up into three separate branches with each branch having distinct, limited powers.

Basically, the executive branch of government headed by the President and his Cabinet carries out constitutional laws and duties. The legislative branch made up of the Senate and House of Representatives makes the laws, while the judicial branch (the Supreme Court and federal courts) decides whether or not laws have been violated in light of the Constitution.

Three Branches of Government

The authority and powers of the three branches of the federal government are balanced and checked by one another. For example, the President can veto laws passed by Congress. Congress, on the other hand, can withhold funds from executive agencies. Although Congress can pass legislation, the Supreme Court has the power to declare certain laws unconstitutional, making them null and void. The President appoints federal judges and various civil servants, but the Senate can refuse to ratify major appointments. The federal judiciary can find individuals guilty of crimes,

but the President has power to grant pardons and reprieves.

This separation of powers, like federalism, should act as a checks and balances system to keep government from going beyond the boundaries of its constitutional authority. No single branch of government should have the combined power to make, interpret, and enforce laws.

The United States Constitution is really a remarkable document. It is a monument to personal freedom. The Founding Fathers distrusted government, and they attempted to shackle political power when they adopted the Constitution. It restricts government to the primary responsibilities of providing for the common defense, maintaining domestic security and peace, and protecting individual rights.

The Bill of Rights

When we think of individual rights, we usually have in mind the first ten amendments to the Constitution, the Bill of Rights. Much has been written about the first eight amendments which include assurances of freedom of religion, speech, and press . . . the right to bear arms . . . the right to trial by jury, etc. Not enough is said, though, about the Ninth and Tenth Amendments.

The Ninth Amendment states that "The enumeration in the Con-

stitution of certain rights, shall not be construed to deny or disparage others retained by the people.”

This amendment assures the individual that he has other rights besides those listed in the Constitution and previous eight amendments. These unnamed rights cannot be taken away just because they are not mentioned in the Constitution. We have such rights as “the pursuit of happiness,” not included in the Constitution but stated earlier in the Declaration of Independence.

Now look at the Tenth Amendment: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

This important amendment says that all powers not granted by the Constitution to the national government are retained either by the states or individual citizens. Likewise, all powers not prohibited by the Constitution to the states are left in the hands of the states or people themselves.

Unfortunately, many of our government officials today act as if the Ninth and Tenth Amendments do not exist. They have twisted the meaning of the Constitution and the role of government. They look upon the Bill of Rights as rights granted to us by a supposedly benevolent government. In reality, the first ten

amendments are a list of prohibitions against government *interfering* with those rights. Our legislators should listen to Daniel Webster.

Webster was only a youngster when the Constitution was ratified in 1788, but in later years he earned the reputation of being “The Defender of the Constitution.” During a Senate speech in 1830, he declared:

“The people, then, Sir, erected this government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the states or the people.”

A Framework for Freedom

The Founding Fathers knew that the basic responsibility of government was to serve as a “watchdog” to maintain a free society of free individuals working together freely. Improved working conditions . . . better education . . . good health care . . . material progress—all of these are goals that people work toward. The purpose of government is to ensure the necessary freedom that will permit individuals to work for those goals through self-responsibility, individual initiative, the free market, and voluntary ex-

change. Government has the responsibility of providing a framework that will allow individuals to achieve prosperity and dignity on their own.

The Founding Fathers were not men who felt that the purpose of government was to plan, formulate, and then implement specific ways to achieve the goals of a nation. Government was not to be in the business of providing public housing or job training through its political, economic, or social legislation. Government was not to mold society but, instead, allow society to mold itself freely.

Let's consider some advice from Jefferson: ". . . 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. . . ."

We need to see how far we have strayed away from the Constitution. Not only is government poking its bureaucratic nose into where it should not be, it is not fulfilling one of its primary constitutional responsibilities—deterring crime. Government is supposed to prevent, prosecute, and punish crime, but now government itself has become the lawbreaker of the Constitution.

The Enemy Within

Many of our public officials have broken their oath of office. They affirm or swear that they will support the Constitution and defend it "against all enemies, foreign and domestic." There is the foreign threat of Marxist subversion and aggression. More dangerous, however, are the domestic enemies—individuals whose actions and attitudes are corrupting the Constitution. Those individuals include some of the very government officials sworn to uphold the Constitution.

Actions by the executive, legislative, and judicial branches of the federal government have proven that many officeholders apparently do not understand the Constitution. If they do know what the Constitution stands for, then we should hold them responsible for willfully repudiating their oath of office.

Two tasks are before us. First, we must have a firm appreciation for the Constitution. Second, we must have a clear understanding how and why the Constitution is being defied. Until we face the truth, we will slide steadily towards the eventual destruction of freedom in the United States. ☉

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

HOW TO RETURN TO GOLD



THE economic letter of the Texas Commerce Bank, dated April 18, discussed the problems of returning to the gold standard, and decided that such a return should not be attempted. The bank's discussion reveals a number of misconceptions of how a gold standard functions. As these misconceptions are probably widespread, they are worth analysis.

The bank takes for granted, without explicitly saying so, that the only form of gold standard now being recommended is a full, 100 percent gold backing for outstanding money and credit. This is

not the system that prevailed in the nineteenth century, or at any time since. What the world then had—and now calls the "classical" gold standard—was a *fractional* gold reserve system—that is, one in which each nation's gold stock represented only a fraction of its outstanding money and credit.

My own preference happens to be for a full gold standard. But as most advocates of a return to the gold standard have in mind the previous fractional reserve system, that should be discussed first. The basic objection to it is that until the reserve falls to the legal minimum fraction permitted, there is continuous pressure from banks to continue expanding their loans. But when the minimum reserve is reached, political pressure is likely to develop to reduce the required gold reserve

Henry Hazlitt, noted economist, author, editor, reviewer and columnist, is well known to readers of the *New York Times*, *Newsweek*, *The Freeman*, *Barron's*, *Human Events* and many others. For more on inflation, see his recent book, *The Inflation Crisis, and How to Resolve It*.