

## The U.S. Constitution Requires Limited Government

Today we see Congress and the President advocating federal take over of banks, private automobile companies, and most notably, a federal health care plan. Yet we see little discussion of whether Congress or the President has the legal authority to undertake such programs. The reason is because modern Americans have forgotten what early Americans understood so well: that the U.S. Constitution was intended to restrict government at the federal level.

Typical of today's views are those of MSNBC's David Shuster who insists all the various government programs are justified by the "general welfare" clause in Article 1 of the Constitution. He claims that clause "unambiguously authorizes" social welfare spending like "social security, Medicare, veterans' care, etc." He also claimed, on a September 12, 2009 MSNBC broadcast, that "the Tenth Amendment is a bunch of baloney."

Such views are not just wrong, they are not even close to being right. When anyone examines the Constitutional language, along with its context and history, it is abundantly clear that our Founders sought to purposely limit the power of the federal government.

"One major reason for this was a fear of too much power," said Michael Boldin, founder of the Tenth Amendment Center. "The founding generation spent their lives toiling under a tyranny – a government without limits. When the Constitution was written, it was done to limit the power of government. It was created under the principle of popular sovereignty – that 'We the People' created the government, and all powers not delegated to it, were retained."

The Constitution specifically gives the federal government about 35 powers. Not included are powers to establish national health care, the myriad social welfare programs, efforts to redistribute wealth and an assortment of other federal programs. It is not a matter of whether you support such efforts, it is a matter of Constitutional authority. According to Mr. Boldin, "The Constitution is not exclusively for either the left or the right. It established rules for limiting government power so your liberty would have a better chance of success. The founders created a system of government where the most important and most difficult issues would be kept close to home, and that's just the opposite of how things are today."

In the book *Contending for the Constitution*, Mark Beliles and I address this very issue. Here is an excerpt:

*"During the ratification debates, James Madison assured skeptical Americans in Federalist 45 that the powers of the federal government under the proposed Constitution were to be 'few and defined.' As one of the principal authors of that document, he was clearly in a position to know. He understood that the Constitution established a unique system of*

*government based on delegated, enumerated, and limited powers. Only those powers delegated to the national government can be constitutionally exercised at the federal level; that left the great bulk of powers to be exercised by the states.” (p. 151)*

Today, many politicians, journalists and university professors try to justify expansion of federal government by citing to the general welfare clause and the necessary and proper clause. Others reach for the Commerce Clause. Such justifications are intellectually shallow at best; dishonest at worst. Each of those clauses, understood in context, was intended to be interpreted as they related to the enumerated powers that the drafters of the Constitution so carefully set forth.

The modern concept of general welfare is most often defined in terms of wealth redistribution where some members of society (“the rich”) are taxed heavily in order to benefit the “welfare” of others (“the poor”). General welfare, according to the Constitution, means welfare that benefits everybody more or less equally. This can be clearly seen in providing “for the common Defense.” Taxes collected to defend the nation benefit everybody generally. Taxing some people so other people can have decent housing or an education or healthcare is not general welfare; it’s particular welfare.

Under the modern interpretation of the Constitution, anything goes. Name one government program (other than those that might advance Christianity) that liberals have found exceeds the bounds of the Constitution. You won’t be able to. In fact, you won’t even hear them discuss the possibility. Their views make a mockery of the careful limits our founders made to protect us from government tyranny.

Americans need to be reminded that prior to ratification of the Constitution, indeed, as a condition for it, the states insisted on adding a Bill of Rights that included the Tenth Amendment which defined the limited authority of the Federal government. If Americans want less restrictions on the federal government and more federal government programs that is fine, so long as they do so lawfully, by seeking to properly amend the Constitution. Instead we see politicians wanting to manipulate the language of the Constitution in order to bend it to their will or ignore it altogether to push their own agendas.

We may enjoy receiving government checks, government handouts, and government benefits of various kinds paid for by others. But if we truly desire to follow our Constitution and want liberty to flourish in this nation, we need to return to the idea of limited government at the federal level and pushing control over government down to the local level where local citizens have a greater voice in the programs they want or don’t want. As for me, I have greater confidence in the Constitutional knowledge and correctness of James Madison and the founders who called for the powers of the federal government to be “few and defined,” than I do MSNBC’s David Schuster who flippantly calls the 10<sup>th</sup> Amendment a “bunch of baloney.”