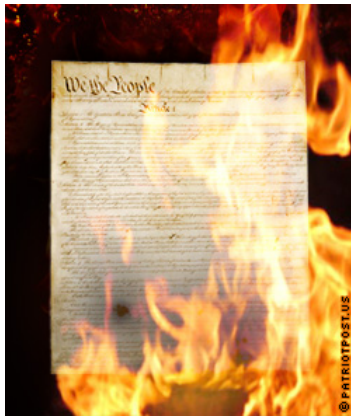




'NOBODY QUESTIONS THAT'?

"In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution." --Thomas Jefferson

Never before has there been more evidence of outright contempt for our Constitution than under the current liberal hegemony presiding over the executive and legislative branches of our federal government.



The protagonist of this Leftist regime is, of course, Barack Hussein Obama, who promised his constituents, "This is our moment, this is our time to turn the page on the policies of the past, to offer a new direction. *We are fundamentally transforming the United States of America.* And generations from now, we will be able to look back and tell our children that this was our time" [emphasis added].

Obama proclaimed, "Everywhere we look, there is work to be done. The state of the economy calls for action, bold and swift, and we will act -- to lay a new foundation for growth."

In his inaugural speech, Obama declared, "The question we ask today is not whether our government is too big or too small, but whether it works," signaling his rejection of the old paradigm, which pitted the conservative position, "government is the problem," against the liberal position, "government is the solution."

Thus, by virtue of his election to the presidency nearly one year ago, he believes he has the authority to establish a new paradigm to "fundamentally transform" our nation by creating "a new foundation."

However, *if* we are a nation of laws with a national government limited by our Constitution, *and, indeed, we are*, then Obama has no legal authority to "transform" our government.

Those who laid our constitutional foundation were very clear about its limits on government.

Our Constitution's primary author, James Madison, wrote, "The powers delegated by the proposed Constitution to the federal government are few and defined [and] will be exercised principally on external objects, as war, peace, negotiation and foreign commerce."

Concerning the legislature's authority, Thomas Jefferson asserted: "[G]iving [Congress] a distinct and independent power to do any act they please which may be good for the Union, would render all the preceding and subsequent enumerations of power completely useless. It would reduce the whole [Constitution] to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and as sole judges of the good or evil, it would be also a power to do whatever evil they please. Certainly, no such universal power was meant to be given them. [The Constitution] was intended to lace them up straightly within the enumerated powers and those without which, as means, these powers could not be carried into effect."

Madison added, "If Congress can do whatever in their discretion can be done by money, and will promote the General Welfare, the Government is no longer a

limited one, possessing enumerated powers, but an indefinite one, subject to particular exceptions."

But too many among us have become so fixated on the superficial parameters of today's political debates rather than demand an answer to that most essential question: What is the *constitutional authority* for Obama's proposals now being debated in Congress?

For example, amid all the acrimony over Obama's [transformation of health care](#), the debate should not be centered on which plan is better, but whether constitutional authority exists for any of the plans under consideration.

Unfortunately, such inquiry is scarce, and hardly noted.

Asked about constitutional authority for their healthcare proposals, Congressional Democrats have responded with answers that betrayed unmitigated arrogance and a disdain for our Constitution second to none in our nation's noble history.

"Are you serious? Are you serious?" replied House Speaker Nancy Pelosi when asked specifically about the constitutional authority for Obama's health care proposal. Pelosi's spokesman later clarified, "You can put this on the record: That is not a serious question. That is not a serious question." (Apparently, there was an echo in the chamber.)

Democrat House Majority Leader Steny Hoyer attempted to answer the question by demonstrating his illimitable ignorance on the subject: "Well, in promoting the general welfare the Constitution obviously gives broad authority to Congress to effect [a mandate that individuals must buy health insurance]. The end that we're trying to effect is to make health care affordable, so I think clearly this is within our constitutional responsibility."

Perhaps Hoyer should take a basic civics course on the "General Welfare" clause in Article 1, Section 8, as written by James Madison. On the limitations of the Constitution, Madison wrote: "I cannot undertake

to lay my finger on that article of the Constitution which granted a right to Congress of expending, on objects of benevolence, the money of their constituents..."

Democrat Patrick Leahy, Chairman of the Senate Judiciary Committee (where Rule of Law once prevailed), responded to the question of constitutional authority by insisting, "We have plenty of authority. ... I mean, there's no question there's authority. Nobody questions that. Where do we have the authority to set speed limits on an interstate highway? The federal government does that on federal highways." (No, actually, the states set speed limits.)

Moreover, only gross misinterpretation of the Commerce Clause by judicial activist relying on their so-called "[living constitution](#)" could be construed to give the federal government such authority.

Sen. Roland Burris (appointed to the seat Obama vacated), responded to the constitutional question with a even less polish, but probably more in keeping with the constitutional perspective of most Democrats: "Well, that's under certainly the laws of the -- protect the health, welfare of the country. That's under the Constitution. We're not even dealing with any constitutionality here. Should we move in that direction? What does the Constitution say?"

Sen. Jack Reed (D-RI) said he "would have to check the specific sections, so I'll have to get back to you on the specific section. But it is not unusual that the Congress has required individuals to do things...which I don't think are explicitly contained [in the Constitution]."

Sen. Ben Nelson (D-NE) drew a blank: "Well, you know, I don't know that I'm a constitutional scholar so, I, I'm not going to be able to answer that question."

As for Obama, his publicist, Robert Gibbs, issued a similar disclaimer: "I won't be confused as a constitutional scholar, but I don't believe there's a lot of -- I don't believe there's a lot of case law that would

demonstrate the veracity of [questions about constitutional authority]. ... I do not believe that anybody has legitimate constitutional concerns about the [health care] legislation."

Ah, yes, "case law." That is code for amending our Constitution by judicial diktat rather than its prescribed method in Article V.

For sure, nobody will confuse Gibbs with a scholar of any stripe. And, we would remind Gibbs that when the Clintonistas attempted to nationalize healthcare (18 percent of the U.S. economy) back in 1994, the bi-partisan Congressional Budget Office issued this piece of analysis: "The government has never required people to buy any good or service as a condition of lawful residence in the United States. An individual mandate ... would impose a duty on individuals as members of society [and] require people to purchase a specific service that would be heavily regulated by the federal government."

Remarkably, neither Obama's *bête noire*, Fox News, nor any nationally syndicated conservative column, devoted air time or print to these egregiously errant responses.

To be sure, there are a few Republicans who have questioned Obama's authority. Utah Republican Sen. Orrin Hatch proposed an amendment requiring swift judicial review of the health care folly if it is ultimately passed into law. Not surprisingly, Democrat Sen. Max Baucus, chairman of the Senate Finance Committee, refused to take up Hatch's amendment, insisting that it was a matter for the Judiciary Committee -- the very committee chaired by the aforementioned Senator Patrick "We have plenty of authority" Leahy.

In order to divine the real source the Left claims as its authority for "fundamentally transforming the United States of America," consider this congressional inquiry from last March.

Republican Rep. Michele Bachmann dared ask Obama's tax cheat Treasury Secretary, Timothy

Geithner, "What provision in the Constitution could you point to gives authority for the actions that have been taken by the Treasury since March of '08?"

Geithner responded, "Oh, well, the -- the Congress legislated in the Emergency Economic Stabilization Act a range of very important new authorities."

Bachmann tried again: "Sir, in the Constitution. What in the Constitution could you point to gives authority to the Treasury for the extraordinary actions that have been taken?"

Geithner's response: "Every action that the Treasury and the Fed and the FDIC is -- is -- has been using authority granted by this body -- by this body, the Congress."

The "*authority granted by this body, the Congress*"?

In every successive Congress since 1995, conservative Arizona Republican Rep. John Shadegg has sponsored the Enumerated Powers Act (HR 1359), which requires that "Each Act of Congress shall contain a concise and definite statement of the constitutional authority relied upon for the enactment of each portion of that Act."

The measure continues to fail, however, because of a dirty little secret: There is no legitimate constitutional authority for almost 70 percent of current federal government programs, and, thus, no authority for the collection of taxes to fund such activities.

Though Obama swore to "*preserve, protect and defend* the Constitution of the United States," and every member of Congress has pledged "to support and defend the Constitution of the United States *against all enemies, foreign and domestic*," and "bear true faith and allegiance to the same," Democrats, and too many Republicans, have forsaken their sacred oaths.

In doing so, they have inflicted grievous injury upon our Constitution, thereby placing our [Essential Liberty](#) in imminent peril.

In May 1775, at the onset of the hostilities that gave rise to our Declaration of Independence and Constitution, the Second Continental Congress adopted a resolution calling on the states to prepare for rebellion. In its preamble, John Adams advised his countrymen to sever all oaths of allegiance to the Crown.

Since that time, generations of American Patriots have honored their oaths, shed their blood, given their lives -- but not to the crown of any man or a partisan sect. Instead, these sacrifices have been made to support and defend our Constitution and the Rule of Law it established.

Put simply, there is no authority for a "constitutional rewrite" by Barack Hussein Obama, nor Nancy Pelosi, nor Steny Hoyer, nor any like-minded revisionists. Such contempt for our Constitution, such willful violation of their sacred oaths is a disgrace to the selfless dignity of generations of Patriots before them.

At present, we have a gang of outlaws at the helms of the executive and legislative branches. Under such despots, we are being unlawfully taxed without lawful representation. Sound familiar?