



# Viewpoint

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## Odds Poor Use of Constitution Will limit Government

David T. Stevenson and Daniel G. Anderson

Republicans in the US House of Representatives are on the right track in wanting to link spending and regulation to Constitutional authority. It may take a Constitutional amendment to make their desired changes stick, however.

Our country's Founders limited the scope of the federal government to the Departments of War and State for security, the Attorney General to maintain the Rule of Law, the Treasury Department for funding, and the Post Office. As such the federal budget stayed steady at 2-percent of the Gross Domestic Product (the total market value of all final goods and services produced in a country in any given year) from the time of George Washington's first budget to about 1916. At that rate our budget today would be about \$300 billion, instead it is \$3,800 billion. The funding for the departments in the original constitution alone is now \$1,300 billion.

What changed? Well, the Constitution and its' interpretation.

The first Progressives passed the sixteenth amendment in 1913 instituting the federal income tax. Before that, revenue had been severely constrained with tariffs as the only significant source. Progressives further unbound spending and regulatory limits with Supreme Court findings that just about anything Congress wanted to do could be justified by the Interstate Commerce or General Welfare clauses of the Constitution. Broad interpretation of the Supremacy clause cemented federal power over the states. Unlimited federal power combined with unlimited federal

taxing and borrowing power has led to unlimited debt and overbearing regulation.

These findings are far afield from original intent. James Madison, often called the father of the Constitution, in reference to a bill authorizing spending for roads and canals famously said, "The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution, and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers". He vetoed the bill. Madison also said, "Charity is no part of the legislative duty of the government." As Dr. Walter E. Williams of George Mason University recently penned, "Was Madison just plain constitutionally ignorant or has the Constitution been amended to permit such spending?" The obvious answer is no to both questions as these issues were left to each state to decide.

There are whole federal departments whose existence rests on those liberal interpretations of the Constitution. Frequently mentioned are the Departments of Energy, Education, Health and Human Services, and the Social Security Administration. Serious budget cutting will necessarily entail closing departments and re-defining the purpose of government. While any Congress has the power to close departments, any Congress has the power to re-instate them after the next election.

Where would this country be had it stayed with the original intent of the Constitution? With a lot less debt and a Congress that had to debate and

vote on new regulations, rather than having federal departments write regulations that become law without a single elected official having to see them at all.

Congressional Republicans are stressing the Constitution, and they should be, however, A Constitutional amendment overruling these broad Supreme Court findings with narrow definitions of federal power may be the only long term solution to federal government over reaching. Congress will need 38 state governments to agree.

**David T. Stevenson and Daniel G. Anderson**  
**Caesar Rodney Institute**

