

Constitutional Corner – Dismantling Leviathan

In the Bible, the word “Leviathan,” a transliteration of the Hebrew word, *livyathan*, meaning “twisted,” “coiled,” is used to describe a powerful sea creature.¹ Thomas Hobbes adopted the word for the title of his 1651 book, written near the end of the English Civil War, to describe a great commonwealth to which each citizen’s allegiance was total and complete.² Hobbes’ commonwealth was ruled by an absolute sovereign, responsible for both protecting the commonwealth from external threats and ensuring internal civil peace and security. For Hobbes, the need for Leviathan was clear: in the alternative, the state of nature, life is so horrible (“nasty, brutish, and short”), that human beings would naturally seek security in government, and the best way to achieve security was to construct “Leviathan” through social contract.

Today the word has come to describe an all-powerful central government which expects our total subservience, a government of immense size and near limitless power; in short: the U.S. Government.

But the good ship “U.S.S. Leviathan” now threatens its own survival and with it, the survival of its citizens. Our official national debt, currently just north of \$18 trillion, has nearly doubled since Barack Obama entered the White House. The President says “[w]e don’t have an immediate crisis in terms of debt,”³ but has not taken the time to explain why that declaration should comfort us. Still, for all but two of the last eight years Republicans were in control of Congress and were thus responsible for the appropriation of every dime of the citizen’s dollars. According to the Congressional Budget Office, our debt is expected to climb to almost \$27.3 trillion within the next 10 years.⁴ Despite considerable rhetoric over this problem, there is no plan to curtail what amounts to \$100 million in new debt every hour of every day. Financial experts agree, it is not a matter of if, but when the economy crashes; the social upheaval will be extreme, to say the least.⁵

Our unofficial debt, consisting of unfunded promises we have made to ourselves, is well north of \$128 Trillion, seven times our current GDP. Put another way, we have promised to pay our citizens (and those illegal immigrants posing as citizens) seven times the value of everything produced in America in a year. In short: the path we are on is unsustainable.

I hope this does not come as a surprise to anyone; authors have been warning of this for a decade or more. A sampling of book titles from my library:

William Bonner & Addison Wiggin: *The New Empire of Debt*, 2006

Charles H. Coppes: *America’s Financial Reckoning Day*, 2007.

¹ See Isaiah 27:1, Job 41:1, and others.

² <http://www.gutenberg.org/files/3207/3207-h/3207-h.htm>

³ <http://abcnews.go.com/blogs/politics/2013/03/president-obama-there-is-no-debt-crisis/>

⁴ <http://www.cato.org/publications/commentary/medicare-social-security-tabs-coming-due>

⁵ <http://www.silverdoctors.com/gold/gold-news/what-america-will-look-like-following-the-collapse-five-things-you-can-count-on-happening/>

Martin L. Gross: *National Suicide*, 2009.

Glenn Beck: *Broke*, 2010.

John Samples: *The Struggle to Limit Government*, 2010.

Another of my books, *The Day America Crashed*,⁶ describes the stock market crash of 1929. There will soon be another book by this title -- it will not be about 1929.

So, do we sit idly by and wait for the inevitable economic collapse or, like the heroin addict who “sees the light,” do we voluntarily enter a “treatment program?” I vote for the later simply because I don’t want my loved ones to have to go through the former.

But before we go ripping out major chunks of our federal government and sending thousands of employees packing, it would serve us well to understand what led us to this point, and no, it was not simply that Congress spent more than it received in revenue; that’s the economic answer but not the more important constitutional one. In my opinion, what got us in this mess were three things: one, we lost sight of the purpose of government; two, we became disengaged from our government and the Constitution which guides it; and three, we allowed the Supreme Court to hand Congress the equivalent of an “American Express™ Black Card.”

Jefferson made clear in his Declaration that the purpose of government is to make secure our rights, that was it, in his view. And for much of our first 150 years government was indeed limited to that pretty much the role. Beginning in the 1930s, however, under President Franklin D. Roosevelt we began to look to government to provide our needs in addition to securing our rights. There was one big problem: the Constitution gave the federal government neither the responsibility nor the power to provide the needs of individual Americans. Answer: “fix” the Constitution.

Throughout much of the Great Depression, the Supreme Court routinely struck down FDR’s New Deal legislation -- until Roosevelt threatened the Court with liberal augmentation;⁷ -- then, voila! What had been unconstitutional was now exactly the opposite. Although 1937’s *Helvering v. Davis*⁸ opinion decided that the wealth redistribution program we call Social Security was a valid use of Congress’s spending power under the General Welfare Clause, the previous year’s *United States v. Butler*⁹ opened the door to such an interpretation. Once these decisions gave Congress the authority to interpret “General Welfare” any way Congress

⁶ Tom Shachtman, *The Day America Crashed*, G.P.Putnam, 1979.

⁷ <http://www.history.com/this-day-in-history/roosevelt-announces-court-packing-plan>

⁸ https://en.wikipedia.org/wiki/Helvering_v._Davis

⁹ https://en.wikipedia.org/wiki/United_States_v._Butler

wanted, it was only a matter of time before they would find a compelling reason to study the effects of Swedish massage on rabbits,¹⁰ and worse.

How many of our 325 Million citizens know that Congress was given the power to spend money on anything its little heart desired? A handful perhaps; only those who follow the Court or study the Constitution understand this important change to our Supreme Law of the Land. The average American is completely oblivious; most citizens remain disconnected from their government, the Constitution and have no idea what the Court has turned the Constitution into – and they could care less.

It was not always this way. In the 1830s Alexis De Tocqueville found a vastly different American, one “taught...the history of [their] country, and the leading features of its Constitution. ... [I]t is extremely rare to find a man imperfectly acquainted with all these things, and a person wholly ignorant of them is sort of a phenomenon.” Now it is “sort of a phenomenon” to find anyone who can name the three branches of government.

So, back to 1937: Apparently, a Supreme Court decision makes it right to spend money with abandon? Legal perhaps, but not necessarily right. If you believe the Supreme Court always gets it right I would suggest you read *Dred Scott* and *Plessy v. Ferguson*, for starters. Bottomline: the Court has often gotten it wrong. On occasion, they have recognized as much and self-corrected (even if it took 52 years, as in *Plessy*). There is no sign the Court sees anything wrong with *Helvering* or *Butler*.

We could send to Washington a whole bunch of new Congressmen and women who promise to return government to constitutional limits, if we could only find such people.

We could set out to educate the American people about what has happened to their Constitution – but they have other things more pressing on their schedules.

So, how do we begin to “dismantle Leviathan?”

Note: America has many ills, some social, some economic, some governmental. We desperately need a spiritual revival in this country, for instance. I’ll leave revival to others for the moment. This essay will focus on those remedies which are governmental.

“When eating an elephant take one bite at a time.”¹¹

Let’s re-phrase the question that lies at the heart of the preceding statement: “How do you safely dismantle a federal government whose size, complexity, cost and all-too-frequent ineptitude threatens the survival of the nation itself? In other words, how do we return to the

¹⁰ <http://www.washingtontimes.com/news/2014/oct/22/government-waste-includes-swedish-massages-rabbits/>

¹¹ General Creighton Williams Abrams.

federal government of limited and enumerated powers designed by the Framers without precipitating the very collapse that is inevitable if we do nothing? It's a classic case of "damned (possibly) if we do, damned (almost certainly) if we don't."

I'm not going to sit here and suggest there is an easy fix, or that the way ahead will not involve some discomfort, even great pain; but we simply must do this for the sake of the greatest experiment in self-government the world has ever known. Otherwise, we will vividly demonstrate to the rest of the world that the Founders' experiment was a complete failure.

In short, we must put the federal government on a diet¹² and even consider radical surgery. As with human obesity, there are diets/operations that will kill you and those that will help. We must be wise enough to discern the difference.

But here's how I would proceed:

Step 1. Phase out Social Security and Medicare over the next 10 years.

This is the 800-pound gorilla in the room, the "closest alligator to the canoe." But before you go look up my phone number to berate me for my abject inhumanity, please take ten deep breaths and remember that America got along just fine without either program for 148 years and 176 years respectively, so clearly we could do so again. And, truth in lending, as a soon-to-be 70-year old (in June), I'm receiving both Social Security and Medicare benefits myself, so I have some skin in this game – and something to lose with my proposal. But neither program comports with the Constitution as originally conceived.¹³

I'm certainly not the first to recommend this,¹⁴ others, have recommended it for some time. Most suggest phasing it out over much longer periods. What if we don't have that much time? Social Security and Medicare are only considered touchstones today because they have become so ingrained in our social structure that we can no longer conceive of life without them. During our wage-earning years we know both programs will be there and because of this we don't save properly; only 1 in 3 Americans has anything saved for retirement.¹⁵ Instead, we live "la dolce vita" and try to keep up with the Joneses.

Restructuring these programs while retaining them as government programs, fixes nothing, in my view. To keep them economically viable you would have to either delay the onset of

¹² I don't wish to ignore the state governments; many of them have similar problems and need similar solutions.

¹³ For a complete explanation of how Social Security is patently unconstitutional read "The Dirty Dozen, How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom," by Robert A. Levy & William Mellor.

¹⁴ <http://freedomoutpost.com/plan-phase-abolish-social-security/>

¹⁵ <http://losangeles.cbslocal.com/2016/03/21/not-as-many-americans-saving-up-for-retirement-study-finds/>

benefits appreciably or reduce benefits to the point of meaninglessness. Eliminate them, as I suggest, and take a bold step back towards constitutional government and self-reliance.

This would also force us to reexamine the principle of family. Prior to Social Security, seniors unable to financially care for themselves were traditionally brought under the protection of their extended families. Eliminating Social Security again would serve to strengthen our nation's social fabric. The Bible commands us to "honor your mother and father." Here's one way to do so.

If we as a people just can't stand to get rid of these programs, they must be privatized. Their present method of funding is wasteful by a factor of 12. To see how these programs can be retained, I recommend *"Hey, Where's the Other Hand? How America Can Use God's Economic Principles to Immediately Solve our Unsustainable Fiscal Path,"* by Davis Jackson.

Step 2. Phase out all welfare programs and farm subsidy programs over 5 years

Wow, now I'm certain to get phone calls, and perhaps even worse. I'll start checking under my truck before I take my first trip in the morning. But once again we must confront unconstitutional government programs, at least from the Framers point of view. The previously mentioned *Helvering* case provided Congress the ability to spend money on anything they wanted, anything that served the "general welfare," as Congress defined it, the Court said. And so they do: doling out the tax-payers money to those who come begging, literally, at Congress' door. Altogether, there are roughly 80 different "welfare" programs, and they comprise the single largest item in the federal budget — larger than even Medicare, Social Security, or national defense."¹⁶

The government should never have gotten into the business of welfare. "In practice, welfare must be family-based. Primarily, the family meets the most basic welfare needs of society, and the church serves as a secondary welfare ministry."¹⁷ As late as 1887, President Grover Cleveland vetoed a \$10,000 relief bill for farmers in Texas¹⁸ with the explanation that "I can find no warrant for such an appropriation in the Constitution; and I do not believe that the power and duty of the General Government ought to be extended to the relief of individual suffering which is in no manner properly related to the public service or benefit." Where is President Cleveland today?

Step 3. Eliminate all other non-constitutional federal programs over 2 years.

¹⁶ <http://www.heritage.org/research/reports/2014/12/federal-spending-by-the-numbers-2014>

¹⁷ Joel McDurmon, *Restoring America One County at a Time*, American Vision, Inc. 2012.

¹⁸ <http://www.independent.org/publications/article.asp?id=1329>

Read Article 1, Section 8. Those are the legitimate powers of Congress (with a handful of exceptions found outside that section). If it is not found in the Constitution, and we want Congress to have the power for such a task, we should amend the Constitution; instead we take the lazy way out and let the Supreme Court rewrite the Constitution through their opinion. We should eliminate all federal programs and agencies whose existence cannot be found firmly rooted in the Constitution. Two years gives their employees ample time to find other employment. Which agencies? The list is long, but I would start with the Department of Education (see next item).

Step 4. Get the federal government out of public education.

This is not an economic step -- it won't save much money¹⁹ -- but it is just as necessary, in my view. It goes to the heart of how we ended up in this mess: our public education system failed us. It not only stopped teaching first principles, including economic principles, it actually started glorifying socialism, to the point where kids today see nothing wrong with demanding a free college education and other perks. They have no concept of how an economy works.

I think this deficiency can be fixed quickly by returning public education to complete local control and getting the federal government out of the education "business" completely.

There are a few other things we should also consider, like repealing the 16th and 17th Amendments, replacing the current tax system with a flat tax and reducing the corporate tax to the international norm. This would help unleash the power of the American entrepreneur and businessman. I've written previously on this so I won't belabor the point.

It comes down to this: as Clint Eastwood says in Dirty Harry, "Do you feel lucky?" How many more years can we keep racking up more debt before those countries which have been loaning us money say "Enough's enough?" How long would you like the Federal Reserve to continue to diminish the value of your present dollars by printing more to fund the remainder of the debt?

There will be a crash. And out of it will likely come demands for an entirely new Constitution, one not as "antiquated," one more in fitting for a "modern" society. Those demands will be met (because our old Constitution will have clearly "failed" us) and then there will be no need to study the Founders and Framers any more. I'll be able to discard a lot of books from my library.

We need revival in this land, both spiritually and constitutionally. You can either be part of the problem or the solution; which will it be?

¹⁹ The Department of Education's budget request for 2017 is only \$69.4 billion

We discussed this issue last week on WFYL Radio. If you want to learn the views of my two co-commentators, please download or listen to the podcast, available [here](#).²⁰

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²⁰ <http://www.1180wfyl.com/podcasts.html>