

Constitutional Corner – Rearranging the Deck Chairs

“Re-arranging the deck chairs on the Titanic.” That’s the best idiom I can think of to describe the proposals to change our current tax system in the United States.

We’ve been discussing, these last several weeks, the ability of government to take our property, whether by eminent domain or through taxes. If you tuned in Friday morning to “We the People – The Constitution Matters” on www.1180wfyl.com you heard us briefly describe the two competing plans to replace our current mess of a tax system: a Flat Tax and the “Fair Tax.” You also heard Pastor David Whitney of [Institute on the Constitution](http://www.instituteontheconstitution.com) suggest going back to our original Constitutional plan, whereby the federal government assesses a tax on the states, proportioned by population, and the states are then free to each decide how they will collect that tax from their citizens: whether through a tax on income or on sales or through some other or combination of means. David suggested the states might use this new system as a mechanism to begin resisting the overreach of the national government by deciding for themselves what appropriations were constitutional and withholding some portion of their “contribution” accordingly. Great plan, unlikely to happen.

All such talk is nice, it’s comforting; it makes us feel like we’re addressing a problem, proposing a solution. The problem is, such changes to the tax system are unlikely to ever be adopted – for reasons I explained last week,¹ even if Ted Cruz throws the term “Flat Tax” into every other sentence. Furthermore, “tweaking” or even completely replacing our tax system fails to address our root problem. Replacing our current system with a Flat Tax, Fair Tax or even a State-apportioned Tax would be like putting a fresh coat of paint on a pipe rusting from the inside.

Until the American people accept the fact that America has abandoned the fundamental concepts of constitutional government that the Founders put in place, and until they see the wisdom of returning to those concepts, no real progress can be made in restoring the level of personal liberty Americans once enjoyed and the greatness America once exemplified.

Until the people force Congress to begin dismantling the un-constitutional structures and programs they have created (aka, the “Administrative State” and the “Entitlement State”), changing our tax system will have no effect on our ultimate fate.

While I lay most of the blame for our current state of affairs at the feet of Congress, I would add that neither the Executive nor Judiciary are blameless. Many, if not most Presidents have sought opportunities to expand the power of the Executive, and Congress has generally failed to resist the encroachment in any meaningful way. Likewise, the federal courts have purposefully expanded the meaning of words and phrases in the Constitution well beyond their

¹ You can download the podcast of last week’s program at: <http://www.1180wfyl.com/podcasts.html>.

original and intended meanings, giving us a Constitution today that requires 3000+ pages of explanation to fully understand.² All three branches of government have been complicit in pushing us towards the precipice; and the American people have let it happen.

“Progress” is about to destroy the American experiment in self-government after only 228 years. Two hundred years was the average life of republics of old and we seem intent on joining the list of failed states. While I do believe there are groups and individuals trying purposefully to bring about the destruction of the American republic,³ so their idea of utopia can rise like a phoenix in its place, their efforts have been facilitated by the ignorance and apathy of the American people.

We are a sick and weakened nation – sick spiritually, sick morally, sick financially, sick governmentally. Each of these four infections grows like a cancer, and soon even the most radical surgery, the most aggressive “chemotherapy,” will be futile. At some point, the treatment may even kill the patient.

Our problem, at its core, is that we have lost sight of the basic purpose of government. We have reached this point principally because we have failed, in our schools, homes and churches, to teach the relationship between our Declaration of Independence and our Constitution, and to insist that our government remain true to the principles found in both documents. The Supreme Court has acknowledged this relationship,⁴ and Congress even elevated the Declaration to the status of “organic law,”⁵ but our people are completely unaware of these actions, just as they know next to nothing of their “Supreme Law of the Land.”

Our ignorance and apathy will lead to our downfall. Nevertheless, *some* societal pain lies ahead no matter what we do.

Continuing to ignore our financial and governmental ills will result in economic collapse, leading to widespread and perhaps long-lasting hardship. Continue to ignore our spiritual and moral sickness and we invite cultural collapse, with similar results.

Our financial and governmental ills are best exemplified by our nearly \$20 Trillion in “official” debt and our more than \$200 Trillion in unfunded liabilities. Until we make fundamental

² See: U.S. Constitution, Analysis and Interpretation, available at: <https://www.congress.gov/constitution-annotated/>

³ Those of you doubting the existence of the Left’s “project,” should investigate the “Cloward-Piven Strategy” and see if our present situation bears any resemblance.

⁴ In U.S. Supreme Court, *Gulf, C. & S. F. R. CO. v. Ellis*, 165 U.S. 150 (1897), the Supreme Court declared that the Declaration of Independence is the “thought and the spirit” of our government while the Constitution is the “body and letter” of the government. It is useless to study one without the other.

⁵ http://freedom-school.com/law/ORGANIC_LAW.pdf

changes to our structure and philosophy of government, we will continue on a path to certain financial ruin.

Manifold signs point to our spiritual and moral sickness, but three recent ones stand out: the inability of Congress to muster sufficient moral courage to defund the slaughter house we call Planned Parenthood; accepting without a fight the forced judicial redefinition of the institution of marriage; and “turning the other cheek” to the blatant suppression of the religion which gave birth to this republic: Christianity.

As a people we seem “hell-bent” on embracing hedonism and secularism; yet, paradoxically, we open our arms wide to the immigration of thousands of Muslims, a faith that, once it reaches majority status, as it soon will in some locales, will vividly demonstrate its complete intolerance of competing systems of thought and conduct.

You might ask: “What if the American people “wake up” and decide to address the problem? Unfortunately, returning to a federal government constrained to its legitimate Constitutional powers and functions (as originally conceived) will mean the loss of thousands upon thousands of federal government jobs, hundreds of thousands more civilian jobs that rely on government contracts, and millions of various “entitlement” checks. The resulting shock to the economy will be traumatic, most likely triggering a general economic collapse.

“What about some less radical approach, like returning to a true federal republic, where the states recapture their originally intended control of the Senate (by repealing the 17th Amendment and returning Senatorial appointment to the state legislatures)? That would be a step in the right direction.” Yes, it would, and this might indeed produce a more measured, slower and safer restoration of constitutional government. Unfortunately, this remedy is placed beyond our reach by a trio of obstacles:

- the rabid, yet blinkered opposition to an Article V convention that could draft and forward for ratification the needed amendment,
- the unwillingness of today’s Senators to countenance such a loss of prestige and power,
- and the ignorance of the American people, who haven’t the foggiest idea why such a change might even be warranted.

All this means repeal of the 17th, and a measured return to true federalism, is unlikely to happen.

And so we plod on, some pinning their hopes on a man who promises to “Make America Great Again;” others pinning their hopes on the possibility of our first woman President, as though gender will somehow make a difference.

As I tell all my seminars, until you can look out your front window and see troops enforcing martial law, there is still hope; but the window for effective action narrows with each day. 2016 is likely to be the most decisive election in American history; the next President will have the opportunity to replace at least three, perhaps four Supreme Court Justices; this will cement the ideology of the Court and, in many ways, the direction of the country, for the next 30 years.

Some of you see what is coming, see the near certainty of it; but there are simply not enough of you. Even still, unless you are willing to educate your friends and neighbors, unless you are willing to commit your time and treasure to this fight; unless you are willing to take this fight to the halls of government, at every level; unless you are willing to take this fight to your churches and civic groups, the best advice I would have is: "Enjoy the voyage while it lasts -- don't bother with the deck chairs."

Note, action required: The deadline to remain on my subscription list approaches. Should you wish to remain subscribed and you haven't already done so, I would appreciate it if you would respond by [clicking here](#) and sending me the resulting email. You need only do this once; I will acknowledge all responses, but if I have not received any response from you by 15 November, the essays will stop.

I will discuss this week's somewhat morose topic with my two intrepid commentators Friday morning, 7 am EDT, on WFYL Radio, AM1180. I'll be interested to hear their take on this; they each bring a unique viewpoint to each show. I'll also be interested to hear your views. Is the collapse of our republic imminent? Will anything short of radical surgery be effective? Should we add shuffleboard to make the voyage more pleasant?

You can monitor the broadcast at www.1180wfyl.com using the "Listen Live" button, and then give us your comments or questions at the appointed time by calling 610-539-8255 or 610-539-1783/1784.

Notice: Only one seat remains in my November 14th Constitution Seminar for Teens in Norfolk, held in conjunction with [Constituting America](#)!! It's free for ages 14-18. Juliette Turner, author of "Our Constitution Rocks" will address the class via Google Hangouts.

If you are interested in a Constitution seminar for adults or youth in your area, please let me know.

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