

The Right to Work

The federal government uses national emergencies such as wars, pandemics, depressions, and catastrophic climatic events to encroach on the fundamental rights of the populous.

Cases such as *Wickard v. Filburn*, *Nebbia v. New York*, and *Carolene Products v. United States* are classic examples of how the government used a national emergency, the Great Depression, to increase its power by changing the meaning of the Interstate Commerce Clause in the Constitution to violate the right to work.

The Founders' definition of commerce was trade; today, it covers everything economic, including crime, manufacturing, and labor laws. More troubling, these awful decisions are still valid laws defended by most law scholars.

In *Wickard*, the Court held the federal government could dictate how much wheat a farmer can produce, and growing any excess to feed his family and livestock was prohibited. In *Nebbia*, the Court caved to the powerful dairy lobby and jailed a store owner for selling milk for under 9 cents a quart. During the Great Depression, people were desperate and starving, but the objective of the New York law, upheld in *Nebbia*, was to help the dairy lobby fix milk prices to inflate their profits. In *Carolene Products*, filled milk was banned from interstate commerce because it was sold for 3 cents less a quart than natural milk. Again, the dairy lobby won at the expense of the starving public and small businesses.

As people lived in fear, wondering how they may survive without work and food during the Great Depression, politicians used it as an excuse to expand the scope and power of the federal government to protect the affluent at the expense of the poor and the right to work.

Another method used by the government to mitigate rights, in particular the right to work, is to pass laws with the purpose of making rights better. Take, for example, the progressive push for a 15-dollar minimum wage. Good pay for an honest day's work appears as if it makes the right to work stronger.

What would be the overall result of a 15-dollar minimum wage? Sure, many will benefit, but there will be negatives. First, it will result in the loss of jobs because employers will not be able to afford to have as many employees. Second, the cost of higher-paying jobs will be passed on to the consumer.

The government plays God when it attempts to make the right to work better.