|  |  |  |  |
| --- | --- | --- | --- |
|  | Patrick Bohan for Congress |  |  |



Policy Position Fact Sheet

The sole purpose of government is to protect the fundamental rights of individuals. Unfortunately, there are over 5,000 federal statutes and 400,000 federal regulations with penalties assigned to them. What does this mean? It means everyone in the United States is probably guilty of violating at least one federal law. This is an example of excessive government because it is overreaching its limits and violating the rights of citizens. The only way to restore liberty, the Republic, and the Constitution is to shrink the federal government.

**Education:** Parents should have the right to send their children to the school of their choice and their tax money should follow their child. In Pierce v. Society of Sisters (1925) the Supreme Court held that it was a right “of parents and guardians to direct the upbringing and education of children under their control.” The decision in Pierce is consistent with natural law which holds that the governing of families belongs to the parents and it is separate from politics and the governing of communities, states, and nations. Furthermore, there should be a focus on trade school choices for students not wishing for higher education.

Founding Father and the Father of Education, Noah Webster, asked those attending the Constitutional Convention for patent and copywrite protections in the Constitution (Article I, Section 8, Clause 8). Notice Webster supports protecting inventors and innovation but does not call for any federal control or regulation of education. In fact, both education and agriculture were important issues at the time of the drafting of the Constitution, but the Founders saw no need to provide the federal government any control over these important aspects of American society and culture in the Constitution. Yet, today, we have both an intrusive educational and agricultural department. What has a department of education done for American society? Since its inception there has been a steady decline in math and reading proficiency. In other words, there is no purpose or role for the federal department of education. Education is a local issue, not a federal issue where one size fits all.

**Taxes:** Eliminate the IRS and replace it with a national sales tax on goods and services. This will lower taxes for everyone because cash businesses, such as those for drugs and criminal enterprises, can no longer evade taxes. Article I, Section 8 of the Constitution provides the government has the power and lay taxes “but all duties, imposts, and excises shall be uniform throughout the United States.”  In other words, tax rates among citizens should be equal. Thomas Jefferson would say “There cannot be a stronger natural right than that of a man making the best profit he can.” Furthermore, the parable in the bible verse Luke 19 is clear, Jesus is endorsing profitable behavior which should not be penalized with inordinate tax rates. Similarly, in the 1874 case Loan Association v. Topeka, the power to tax was described as the power to destroy. That is right, the right to profit from our labor is a fundamental or unalienable right. An equal tax rate and a national sales tax would foster profit. The bible is also clear about taxes and tax rates. Our Founders emulated Deuteronomy 14:22 “You shall surely tithe all the produce from what you sow, which comes out of the field every year.” A tithe is 10% of what each person would produce. Both Article I, Section 8 and Deuteronomy 14:22 imply that every person shall be taxed equally regardless of their income. Progressive or variable tax rates became the norm with the passage of the Sixteenth Amendment (income tax) and the repeal of Pollack v. Farmer’s Loan and Trust (1895). That said, the *Sixteenth Amendment* does not imply that tax rates should be progressive or variable and overrule the language in *Article I, Section 8*.

**Diversity:** We are all equal. The only thing that is diverse about American citizens is our character and our personalities. In 1963, the Rev. Martin Luther King Jr. declared, "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character." In his most famous dissent, Justice John Harlan held in the 1896 segregation case, *Plessy v. Ferguson*, that “our Constitution is color-blind,” that “in this country there is no superior, dominant ruling class of citizens.” In other words, fundamental rights and the law should have nothing to do with color, gender, socio-economic status or any demographic for that matter.

A good example of denying rights based on gender can be found in the autobiography movie about Ruth Bader Ginsberg entitled On the Basis of Sex. The movie centers around the case Moritz v. IRS. In Moritz, a male caregiver was denied a 600-dollar tax deduction because solely because of his sex. In front of the Tenth Circuit Court, a young and ambitious Ginsberg was asked what the quota should be for men wanting to work in the caregiver industry. Ginsberg correctly replied, “there should be no quota”. The Tenth Circuit Court correctly held that sexes were equal based on the equal protection clause of the Fourteenth Amendment. Today, whether schools or businesses admit it, using race or gender as a factor for employment or acceptance into a school is essentially a quota system. Quotas are divisive and polarizing because they deny rights in direct conflict with the Moritz decision and the equal protection clause. For instance, today, Asian Americans are suing Harvard University because their rate of acceptance is extremely low when compared to other races. They are correctly arguing that merit should be the only factor considered for acceptance, not their demographic makeup.

**National Debt**: The root cause of most economic issues can be traced to the national debt. No debt means a stronger dollar and a healthy economy. Even national security risks can be traced to the national debt when countries such as China own big chunks of the debt. There should be a balanced budget amendment that ensures the government cannot generate debt. As part of that amendment, the president should also have the power to a line-item veto in omnibus spending bills to control appropriations. One primary reason our Founders fought a revolutionary war was because of taxation without representation. The debt is a tax on future American citizens who have no voice in government, and this violates their fundament right to be represented in government. The federal government should focus on perfecting the few grants of power given to them in the Constitution. Instead, the federal government regulates just about every aspect of human life and it does it poorly. For instance, the federal government has grants of power for national security and control over the post office. Yet, our southern border is a mess and the post office loses billions every year. The federal government has no grant of power to regulate welfare, yet it is a huge part of our national budget. About 30% of government money earmarked for poverty makes it to the people requiring assistance. Any private sector charity with that track record would surely go belly up. My point is that there are a lot of avenues to reduce the national debt if the federal government honored the Constitution.

**Welfare and homelessness:** Empower local churches, charities, and communities to address poverty. It is a local issue, not a federal issue. Welfare violates the takings clause of the *Fifth Amendment* that property (money) can only be taken from a private citizen for public use (not private use). The Constitutional standard set in *Calder v. Bull* (1798) says the government should enforce no law “that takes property [money] from A. and gives it to B.” Calder is still good law and should protect us from welfare. Nobody should get something for nothing. In *Deuteronomy 24:19 – 21* God spells out how the issue of poverty should be addressed. This law states that farmers could only harvest and pick their crop one time. Farmers were forbidden to go back a second time and recover what was missed. Whatever remained was to be earmarked for the poor. That said, it was the duty of the poor to work and collect any remaining provisions. In *2 Thessalonians 3:10* “If anyone is not willing to work, then he is not to eat, either.”  Our Founders, such as Ben Franklin, similarly believed “the best way of doing good to the poor is not making them easy in poverty but leading or driving them out of it.” Ben Franklin, Thomas Jefferson, and George Washington explain the obvious, that no one will get out of poverty through “idleness” or “laziness.” I am not suggesting everyone on welfare is lazy or does not want to work. What I am suggesting is that the system is abused by both the government and some citizens. There is nothing wrong helping neighbors in need, but that is the role of community. One must not forget; the United States government is one of the worst charities since less than 30% of its revenue earmarked for welfare makes it to the nation’s poor. Any charity with the government’s efficiency would surely not last very long in the private sector. In other words, letting the private sector handle the problem should correlate to much more money getting to those in need.

**Crime:** The focus or emphasis should be on crimes that harm others. Crimes for self-destructive actions such as possession of drugs or prostitution should be legal unless harm is being done to other citizens. In other words, laws for crimes without victims should be rescinded. If the local police are failing to protect citizens, qualified citizens have every right to carry guns for their protection to practice their right to self-defense. I am not a fan of guns, but I can read, and the Second Amendment is clear. That said, the stigma and bad reputation of guns is not going to change without some significant breakthrough. I believe smart guns may be a breakthrough solution to help owners become better marksmen, help law enforcement solve crimes, and provide safety measures to track stolen weapons and ensure only gun owners can fire the weapon. The bottom line, reducing the scope and mission of the federal government in criminal matters should be a priority. The Constitution provides for federal enforcement of piracy, counterfeiting, treason, slavery, and crimes against the nation. Of course, a strong argument can be made for federal enforcement of immigration and other matters involving national security. But that is it! Local crimes should remain within the jurisdiction of the municipalities and states.

**Health Care:** The right to pursue health is a fundamental right but that does not guarantee a healthy life nor does it mean that everyone should have healthcare insurance. Individual rights are controlled by the individual such as pursuing health. Healthcare and health insurance are not fundamental rights because it is out of the control of the individual since the government, companies, and the economy control these facets of healthcare. Healthcare and health insurance are examples of how the government impedes our right to pursue health. More government intrusion into healthcare means less liberty. To improve healthcare and health insurance the focus should be on trying to lower costs by increasing private sector competition for drugs, healthcare services and products, and insurance. For instance, drugs from other countries can be used to compete with big pharma. Furthermore, reducing the regulations and red tape from the Food and Drug Administration could also reduce prescription and medical costs. Prioritizing tort reform to protect doctors from frivolous lawsuits to lower malpractice insurance. Allowing private sector companies to provide in home service for infusion treatments, blood draws, X-Rays, physical therapy, or other basic health needs can reduce costs by taking the hospitals and clinics out of the equation.  President John Kennedy “Ask not what your country can do for you, ask what you can do for your country.” What can we do? We can pursue our right to health. The healthier Americans are then the lower the demand for healthcare and subsequently the lower the costs are for everyone. Yes, everyone has a right to live an unhealthy life, but one of the best ways to fight the high costs of the healthcare system is to be healthy.

**Climate Change:**  Obama dismantled NASA and a decade later the private sector was sending astronauts back in space. Similarly, the private sector can develop techniques to capture carbon or scrub carbon from the atmosphere without having to alter or mitigate our right to travel, recreation, work, safety, or health by having inordinate costs for fossil fuels and energy. Our energy policy should be directed by the private sector and include renewables, fossil fuels, nuclear, thermal, and whatever other options that exist or can be developed. Current green policies drive up costs and taxes by placing a prohibition on fossil fuel jobs, production, and products. For instance, cars are made less safe (lighter) so car manufacturers can meet mileage requirements. Higher energy costs mean less liberty to travel, engage in recreational activities, and it can be detrimental to those with health risks who cannot afford heat and air conditioning. We must overcome the fallacy that electric cars, solar panels, wind farms, and hydro power are green. Electric cars run on dirty energy sources and promote the mining of metals to build 1000-pound batteries. Furthermore, dead car batteries cannot be recycled. Solar panels and wind farms take up and disturb vast amounts of space, kill birds, and are located far away from the energy grid requiring more infrastructure. Hydropower disrupts fish and other marine life. Green is not really green. The only green option is for the private sector to remove carbon directly from the atmosphere.

**Religious Liberty**: The doctrine called “the separation of church and state” is implemented in Genesis when Moses led the government and his brother, Aaron, led the spiritual aspect of society. Most societies have separation of church and state. That said, “The entire history of the separation doctrine had been to prevent the State from meddling with, interfering against, or controlling the Church’s beliefs and religious expressions.” The separation doctrine has nothing to do with the exclusion of God. In fact, the establishment clause and the free exercise clause of the *First Amendment* pertain to prohibitions against the government, not a restriction against the Church or the individual to pursue religious avenues. The goal of progressivism is to rewrite history without God. Thus, the establishment and exercise clauses of the *First Amendment* have been used by the government to ban public parking if a vehicle has a religious sticker, prayer at a graduation ceremony, grammar school students praying before lunch, senior citizens praying at community centers, a librarian wearing a cross, college students conducting bible study in their dorm rooms, a third grader wearing a shirt referring to Jesus, students praying at a football game, students doing research papers on religious topics, a choir singing religious songs, and having a bible located in a classroom. In the bible and during the Founding Era seeking advice and counsel between the clergy and government was common. Unfortunately, this support system has been abolished by the incorrect interpretation of the separation of church and state doctrine.

**Equality (Urban v. Rural)** *Article IV, Section 4* of the Constitution reads: “The United States shall guarantee to every State in this Union a Republican Form of Government and shall protect each of them against Invasion; and on Application of the [Legislature](about:blank), or of the Executive (when the Legislature cannot be convened) against domestic Violence.”

The above section of the Constitution clearly indicates states should have republican forms of government and not democratic forms of government. However, democratic principles were forced onto the states in *Baker v. Carr (1962)* and *Reynolds v. Simms (1964)* or better known as the One Person, One Vote cases.

In the above-mentioned cases, the Supreme Court decided that districts for both state legislative houses must be evenly divided based on population. Remember, the United States Senate does not follow the standard decided in Baker because each state has two senators regardless of population. In essence, Baker provided all the voting power within states to urban centers. Rural regions are now at the mercy of big city politics. There is no good reason why one state house chamber cannot have equal representation for urban and rural regions whereas, representation in the other house chamber can be allotted based on population. According to the Department of Agriculture, per capita data suggests rural areas are more poverty stricken and less educated than inner cities. That may surprise some but considering how state and federal tax money is appropriated, that finding should not be a shock. Those with greater representation receive the most benefits. There are no dirt roads in cities, urban teachers make more money than rural teachers, many rural areas still have limited internet and cell phone coverage, and state constitutional amendments are dominated by urban centers. The purpose of Baker was to stop disenfranchisement of minority voters, but instead it displaced subjugation to rural areas. One solution would be for one house in the state legislator to be divided equally among urban and rural counties, for example providing each county of the state one representative.

**Gay Rights:** Romans 1:26 – 27 is clear that homosexuality is “unnatural” and a sin, but it is not up to me to judge another person’s character. That is the duty of God and it is certainly not the duty of any human being. And just because homosexual behavior is outside my norm it does not mean I am not obligated to love, accept, and treat homosexuals no different than any other human being. We are not supposed to agree with all the beliefs and actions of our neighbors, but we are supposed to be tolerant. In John 8:7 Jesus reminds us “He that is without sin among you, let him first cast a stone.” Christian historical author, David Barton, condemns homosexuality and claims that higher rates of HIV and venereal disease in the homosexual community are Godly interventions punishing those who reap what they sow. Although I agree with most of what Barton writes, I do not find this rhetoric at all helpful because it is purely speculative. For example, nobody views sickle cell anemia as a curse on the African race. Furthermore, Barton argues that God does not create people to have homosexual feelings. Barton argues that homosexuality is a choice. To that end, I would ask Barton why does God create people with birth defects? By no choice of their own children may be born with multiple genitalia. These children fail to meet any gender definition that the bible dictates because they are both male and female. Thus, if these types of defects are possible then why is so improbable to think that God created homosexuality? I believe evolution is part of God’s plan to satisfy His want for diversity and uniqueness. Hence, homosexuality may very well be part of God’s plan. [[i]](" \l "_edn1)

Barton’s critical mistake is to imply homosexuality is a crime. Barton bases the implication on prior laws which ban sodomy. Sodomy was a crime in the United States until it was overruled by the Supreme Court in *Lawrence v. Texas* in 2003. Where Barton and moralism are mistaken is that they fail to distinguish between crimes against others and crimes against oneself. Crimes against others should be the focus of the justice system, not so-called crimes without any victim. Yes, it is true, God gives us the responsibility to care for our body which is a sacred vessel to house our soul and spirit (*Romans 9:21*). That said, natural law teaches us we can do whatever we wish with the property we own. And according to natural law, our bodies are both property and owned by the person occupying it. Defiling oneself may be a sin and crime against God, but it is not a common law crime because everyone commits self-destructive acts that are sins. Immoral behavior towards others, including bad manners, is more destructive to society then immoral behavior committed against oneself. [[ii]](" \l "_edn2) As for gay marriage, God did not intend for married couples to receive financial benefits that other single Americans cannot receive. For example, the federal government discriminates against single persons because they pay a higher tax rate than married couples. For that reason, government sponsored civil marriages cannot be denied to homosexual persons. Moreover, a marriage is a friendship and contact between two people and the government cannot deny this right to anyone. Although Churches cannot be compelled to marry anyone, but by failing to do so, they too are committing a sin because they are treating persons differently, judging others, and displaying a lack of tolerance. The Church should follow the moral principle that two wrongs do not make a right.

[[i]](#_ednref1) David Barton, *The Founders Bible*, Shiloh Road Publishing, Newberry Park CA, 2012, 1742 – 1743, 1778 – 1790, 1803 – 1812

[[ii]](#_ednref2) David Barton, *The Founders Bible*, Shiloh Road Publishing, Newberry Park CA, 2012, 1742 – 1743, 1778 – 1790, 1803 – 1812

**Economy and Inflation:** Eliminate the federal reserve. Ever since the Federal Reserve was formed in 1913 the value of the dollar has been in a steady decline. Additionally, controlling government spending and the national debt will help to stabilize the dollar, stabilize consumer prices, and lower inflation.

The federal reserve should be replaced with the gold standard. The United States is in such a deep hole (debt) that converting the economy back to the gold standard would be painful. There are not enough precious metals to back our economy and debt without significantly scaling (raising) the price of metals. That said, the Federal Reserve has failed, and returning to the once proven gold standard may provide a better solution. Unlimited printing of worthless paper money is a disaster waiting to happen. It is interesting to point out that there are creative solutions to unique problems if the United States migrated back to the gold standard. For instance, gold back legal tender is an interesting solution that enables people to purchase lower priced items with currency that has value. A gold back is shaped like paper currency but is made with gold foil and gold paint whose worth fluctuates with the price of gold. A gold back is usually valued between 3 and 4 dollars. The bottom line, an economy that backs debt and its currency in circulation with something of equal value is much more stable. One thing is clear, the Constitution provides the federal government the power to coin money, not to print worthless paper money. It was not until the Knox v. Lee in 1871 that the Supreme Court held printing paper money was constitutional overruling cases such as Hepburn v. Griswold decided a few years earlier. The bottom line, it was never an open and closed case the federal government could issue paper currency.

**Free Speech and the Power of Fear** - Fear during World War I led to placing restrictions on First Amendment free speech liberties that were considered a “clear and present danger” by Justice Oliver Wendall Holmes. In Schenck v. United States, Schenck was arrested for writing a pamphlet that disagreed with the draft and war effort. Although only a few pamphlets were distributed, it was decided Schenck violated the newly passed Espionage Act and was not only denied his free speech rights but was jailed. In Debs v. United States and Abrams v. United States, fear of communism led to the Court rejecting the First Amendment rights for those partaking in the socialist movement. Free speech rights have never recovered and have been on a downward spiral since Justice Holmes went on his power grab. Fear of persons who had learning disabilities, the disabled, the sick, the poor, immigrants, and minorities drove abortion, sterilization, eugenics, and anti-immigration policy in the 1920s. For instance, in the infamous case, Buck v. Bell, Justice Oliver Wendall Holmes would write “Three generations of imbeciles is enough” as he ordered the sterilization of a young woman. Fear during World War II led to the internment of Japanese Americans (Korematsu v. United States). When fear is being used to dictate policy, one should be very weary of the objective because it is often used to mitigate liberty.

In McCullen v. Coakley the Court held that some speech should garner more protection than other types of similar speech such as pro-abortion speech is more meaningful than pro-life speech. Freedom of association and contract rights were denied in Civil Rights accommodation cases such as Atlanta Motel v. United States and Katzenbach v. McClung. These cases held places of business could not deny customers service for any reason. Since these rulings in the 1960s, courts have been using opinions, bias, and balancing tests to decide which exceptions are permissible to deny customer service such as providing so called artistic businesses (i.e., bakers, artists, or photographers) the power to deny service. All businesses, like persons, are equal and must be treated the same, no exception. That said, *First Amendment* cases are riddled with carve outs and exceptions. There is a simple litmus test for determining the constitutionality of laws: If a law violates the rights of individuals and or the law fails to treat everyone equally, then the law must fail.

**Right to Work:** Cases such as Wickard v. Filburn, Nebbia v. New York, and Carolene Products v. United States are classic examples of how the government used fear created from a national emergency, the Great Depression, to increase its power by changing the meaning of the commerce clause in the Constitution to mitigate the right to work. The Founders definition of commerce was trade. Today, however, commerce covers everything that is economic in nature including manufacturing and labor laws. What’s more troubling is that these awful decisions are still valid laws and defended by most law scholars. In Wickard, the Court held the federal government can dictate how much wheat a farmer can produce and growing any excess to feed his family and livestock violated the Agriculture Adjustment Act. 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 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.

Consider another example, the 1873 Slaughterhouse Cases. In this case, the Supreme Court held that the city of New Orleans could produce a law that would monopolize the butcher industry so they could prevent cases of cholera. That sounds reasonable, the Court wanted to protect the safety and wellbeing of citizens from the unhealthy butcher practices of dumping waste into the drinking water. But does this law really choose the least evasive method to achieve its goal of public safety? No, the city did not have to eliminate the right of butchers to work a lawful profession. It makes no sense to monopolize the butcher profession. Instead, a law that outlined proper methods for disposing of waste would make more sense than removing the livelihood of hundreds of people. Again, a local emergency allowed the local government to use fear to garner more power by allowing them to needlessly reduce the rights of individuals and workers. The Slaughterhouse Cases are a classic example of fear leading to irrational problem solving. Well, some may argue so what - this case is 150 years old. True, but the *Slaughterhouse Cases* are still good law because they have never been overruled. What was even more irreprehensible was the decision in this case redacted the privileges and immunities clause from the *Fourteenth Amendment* passed just 5 years earlier. Think about that, over 600,000 Americans died in the Civil War to garner passage of the *Thirteenth, Fourteenth, and Fifteenth Amendments* just to have one of the most powerful provisions, that protects human rights from state government infringement, redacted 5 years later!

**Undocumented Immigration**: If an undocumented immigrant violates the rights of just one American citizen through criminal activity, carrying a contagious and deadly illness, replacing citizens in the workforce, diluting the votes of citizens, displacing persons wanting to immigrate legally, or accepting tax money without contributing to society, then it should be the objective of the government to end the practice. Besides, if the United States knowingly allows entry to one undocumented immigrant, then technically, they cannot deny anyone illegal entry into our country. Unsecure borders are a national security risk allowing potential terrorists and criminals safe passage or allowing lethal drugs laced with fentanyl into the hands of unsuspecting citizens. The federal government has very few Constitutional responsibilities but protecting our borders and citizens should be its top priority and objective. It is very puzzling that the federal government wants to control things that are beyond their grants of Constitutional power, but at the same time they neglect things that they do have the authority and power to control.

All that said, I am open to increasing legal immigration. America was built on legal immigration and that practice needs to be fostered. I truly wish it were possible to accommodate everyone wanting to come to the United States. Unfortunately, that is not realistic or possible without needlessly stressing the economy.

**Property Rights:** The Constitution’s taking’s clause (Fifth Amendment) provides that the government may take private property only for public uses and with just compensation. For instance, the government may take property to build public roads if the owner is properly compensated for the confiscated property. The decline in property rights began in the 1954 case Berman v. Parker. In this case, the Court held that “blighted” property may be taken for public benefit instead of for public use. Property rights were further stripped in the 2005 case Kelo v. New London. In this case, the Court held that taking well maintained property for both public and private benefit was also permissible. In Kelo, the Court reasoned the public could benefit from job creation and increased tax revenue by removing homes in favor of new businesses. If Kelo is the standard, then no one’s property is safe from government confiscation. Of course, just compensation is needed, but even then, the government routinely violates this obligation. In both Penn Central v. New York and Sierra-Tahoe v. Tahoe Reginal Planning Association the Court denied the expansion of a private business and the building of a home on private property respectively, without compensating the owners. Furthermore, renters of homes and apartments receive no compensation if they are forced onto the streets. To make matters worse, many people renting in "blighted" neighborhoods may have no prospects of finding a new home if the building they reside in is confiscated.

**National Polarity:** To end national division and polarity, we must eliminate bad manners that can have a profound negative effect on nations. Founder of the Revolutionary War movement Samuel Adams said, “Neither the wisest nor the wisest laws will secure liberty and happiness if a people whose manners are universally corrupt.” Furthermore, Abraham Lincoln realized during the Civil War that America could only be destroyed from within. The present state of American politics is what I like to call “The age of rage.” Moreover, polarizing politics have created fringe elements within society that are filled with anger and hate. We can heal this disease by uniting those in the middle with a louder, bigger, and more powerful message of tolerance. Liberty is about tolerance and acceptance. The objective of the government is to promote domestic tranquility, not to categorize the populous based on demographics to create culture wars. One way to achieve better political manners is to limit government so they do not have the power nor the capacity to be destructive and create culture wars. The narcissistic mentality that the government is to cater to the beliefs and ideology of a majority has got to end. We need to adjust our mentality that the role of government is to protect the rights of all citizens equally.

**Government v. Business**: There should be separation of government and business. There should be no bailouts or government subsidies for any business (for example, subsidies for green energy companies). Elimination of this practice is the easiest path to save on wasted tax dollars. The infringement of government into the business realm began early in American history. Case in point, the national bank dispute arose during the George Washington administration. The national bank was proposed by Treasury Secretary Alexander Hamilton and it was adamantly opposed as being unconstitutional by Secretary of State Thomas Jefferson. Washington would side with Hamilton and a national bank was chartered. Later, the constitutionality of the national bank was taken up by the Supreme Court in *McCulloch v. Maryland* in 1817. The Court incorrectly, in my opinion, ruled the national bank was indeed constitutional. In McCulloch, the Court held that the federal government could do what was necessary and proper to carry out its taxing powers and to stabilize United States currency. Nevertheless, was a national bank the best solution or the least evasive method for the federal government to carry out its taxing power? No.

A decade later, President Andrew Jackson was determined to end the national bank despite its popularity. In fact, when Jackson took matters into his own hands by removing federal funds from the national bank and dispersing them among smaller state banks, his actions were censured. Jackson agreed with Congress’s act to censure him because he realized he overstepped his executive powers since dealing with treasury funds was a legislative task. Still, Jackson prevailed when Congress decided not to renew the national bank charter when the southern coalition was joined with western support. The bank was one of several sectional fights. But Jackson proved a national bank was not a necessary and proper solution to help the government deal with taxing issues or for stabilizing currency. Actually, the debate over the national bank and how to handle federal treasuries extended into the Van Buren administration and his *Treasury Act* also had little impact on the economy. The *Treasury Act* divorced the treasury from all banks with no ill effects on the economy or for the government to collect taxes. Thus, the national bank was not the least evasive method to achieve the government’s taxing objective. Despite these types of egregious power grabs by the federal government, they still insist on injecting themselves in economic manners to pick winners and losers in industry.

Interestingly, Alexander Hamilton would govern much differently than he would defend the Constitution anonymously in the Federalist Papers. He would become the first progressive in American history and that is why he has become the democrats favorite Founding Father and why there is a popular Broadway play in his honor.

**Retirement Planning:** Retirement planning should be the responsibility of the individual and family, not the federal government. Our national debt is huge, but unfunded liabilities that both federal and state governments own retired federal and state workers is 10 times larger! Yes, our liabilities are approaching 300 trillion dollars! Stacking 300 trillion one-dollar bills would go to the moon 75 times! The first step to regain any fiscal responsibility is to end Social Security. This will be painful, but Social Security should be replaced with individual retirement plans similar to 401K solutions offered by businesses. How did we get in this fiscal mess of 300 trillion dollars?

In *Steward Machine Company v. Davis (1937)*, SCOTUS upheld the unemployment compensation provision of the 1935 *Social Security Act*. In *Steward*, SCOTUS used a broad interpretation of federal government powers using the spending and general welfare clause. Both the *Social Security Act* and the unemployment provision, as was every entitlement act to follow in American history, was a coercive use of government power. For instance, if states opted out of entitlement laws, then they could never recoup the federal tax monies paid by its constituents. In Steward, Justice Benjamin Cardozo wrote, “the petitioner confuses motive with coercion” since “the states are at liberty, upon obtaining the consent of Congress, to make agreements with one another.” That may be true, but the federal government rarely takes advice from states, it only dictates terms. There is a fine line between motive and coercion.

SCOTUS also ruled that the *Social Security Act* was necessary and proper to promote the general welfare of the nation in response to the Great Depression (*Helvering v. Davis*). In his dissent, Justice James McReynolds wrote, “I cannot find any authority in the Constitution for making the federal government the great almoner of public charity throughout the United States.” Justice George Sutherland correctly predicted that “encroachments upon other functions, will follow.” He also added “Imposing a tax that could be avoided only by contributing to a state unemployment compensation fund was effectively coercing each state to make a law creating such a fund.” Steward marked the beginning of New Deal programs that were found constitutional using the spending clause to promote the general welfare of the nation. The precedent for this decision was established in *United States v. Butler (1935)*. Although the Butler decision invalidated many provisions of FDR’s 1933 *Agriculture Adjustment Act* using the *Tenth Amendment*, for some reason SCOTUS felt compelled to provide an expansive interpretation of the spending clause as it pertains to the promotion of the general welfare of the nation. In fact, SCOTUS suggested Congress has powers not enumerated in the Constitution when using the spending clause.

The *Sixteenth Amendment* does not provide that federal tax revenue obtained from income can be used for anything other than enumerated Constitutional powers. However, that did not stop SCOTUS from using a national emergency, the Great Depression, as an excuse for the federal government to provide itself an illegal grant of power in *Helvering v. Davis (1937)* that is nowhere to be found in the Constitution.

Many scholars argue that Social Security is not a welfare program, but it is! The reason United States liabilities are astronomical is because most people will receive more money from social security then what they paid into the system. That is the definition of welfare. Social Security is a scam. Originally, when it was passed, less than half of all Americans would collect any funds since the life expectancy in 1935 was about 59 and no one could collect funds until they were 65. Today, since life expectancies are near 80, the system cannot be sustained because it is paying out much more than it receives. Since the United States is in debt, funding for the current generation on Social Security is coming from younger tax payers. That means Social Security is a Ponzi scheme in which money is confiscated from struggling young people and then given to wealthier older persons. Moreover, since the median age of Americans is increasing, there are fewer people to pay into the system when, at the same time, more and more people have become eligible for Social Security. This is why Ponzi Schemes always fail, they are unsustainable. Social Security is broken and another mess created by the federal government meddling where they have no grant of power and certainly no vision for how the law would play out over the long term.

Helvering opened the door for the legality of any welfare program using the spending and general welfare clause. But, once again, the general welfare clause was never intended to be an unlimited grant of power for the federal government. In fact, general welfare during the founding era meant for the common good of all citizens therefore, the statement in the Constitution was never intended to be a work around to generate more federal power. If the government could use the general welfare clause to pass anything outside its enumerated powers, then why did the framers bother enumerating powers in the Constitution? After all, any enumerated power would simply be a truism with no official purpose. Helvering is also important because it took the responsibility of social welfare from local charities and churches (where it belongs) and gave it to the government (where it does not belong).