

The top 10 violations of the Constitution by Obama and the 111th Congress

Posted By [Paul Skousen](#) On 6:14 PM 12/27/2010 In | [41 Comments](#)

At the close of the 111th Congress, America is deeply in the bog of Thomas Jefferson's prophetic warning: "The two enemies of the people are criminals and government, so let us tie the second down with the chains of the Constitution so the second will not become the legalized version of the first." Unfortunately, the broken chains of the Constitution have failed to contain the federal government.

By way of review, let's take a stroll through the junkyard of constitutional violations that have been painted fresh by President Obama and the 111th Congress. Here's my top-ten list, highly abbreviated for length.

#10. — 9/11 Responders Relief Fund: We love and honor those who put themselves in harm's way for our security. However, giving the 9/11 first responders money after the fact violates the Constitution. Article 1.8 gives Congress the right to expend funds for all the purposes itemized, provided it is done for the general welfare, NOT for individuals or preferred groups. The states may reward heroes if they so choose.

#9. — Checks and Balances Failure: The Chairmanship of the UN Security Council: Where was Congress when President Obama became the chairman of the powerful UN Security Council in 2009? The normal monthly rotation for that chair goes to the U.S. ambassador to the U.N. because Article 1.9 of the Constitution forbids the president (and all other office-holders) from accepting any present, foreign office or title from a foreign country or a foreign potentate unless it is specifically authorized by Congress. The Founders wanted to prevent deal-making, corruption, and foreign influence from affecting America's internal affairs.

#8. — Net Neutrality: The government is trying to stop Internet providers from blocking or slowing some web traffic and prevent providers from showing favoritism. The FCC thinks it should be able to regulate the Internet like it regulates utility companies. This violates the property rights of Internet providers and interferes in the market's free choice of which services receive funding. Article 1.8 makes it clear that the FCC is not constitutionally authorized to pass laws, especially those disguised as regulations.

#7. — Czars: The moniker for appointees who report to no one but the president has taken on a new and eerie resemblance to the dusty Russian tsars of old. Article 2.2 grants the president leeway to appoint managers, but those managers may not have any regulatory, legislative or law-making powers — such powers are reserved to the legislative branch. Today's "czars" have the power of cabinet members without having to go through a vetting process or the confirmation process prescribed for cabinet members. Czars are unelected and untouchable political decision-makers — in violation of Article 1.1.

#6. — Cap and Trade: The Clean Energy and Security Act mandates greenhouse gas emissions be reduced to 17 percent below 2005 levels by 2020, 42 percent below 2005 levels by 2030, and 84 percent below 2005 levels by 2050. By 2020, this tax will extract an estimated \$160 billion from the economy, or an average \$1,870 per family. Once again, had the chains of Article 1.8 not been broken, America would be spared such tomfoolery. Cap and trade masked in any disguise whatsoever cannot be justified as a general welfare activity.

#5. — Cash for Clunkers: The government offered \$4,500 rebates to people turning in their clunkers for more fuel-efficient vehicles. When the first program quickly ran out of the \$4 billion allotted to it, another \$2 billion was added. Follow-up analysis showed the program did nothing to stimulate the economy and put many people into additional debt by encouraging them to purchase cars that they otherwise would not have bought during these hard economic times. The government has zero authority to selectively give individuals tax money for purchases of vehicles, according to Articles 1.2 and 1.8 — and common sense.

#4. — TARP Funding: The original 2008 act authorized \$700 billion to bail out banks and other institutions. The government has no business rescuing private financial institutions from bad judgment and risky ventures. Article 1.8 excludes permission for Congress to grant financial aid or loans to

private companies. Any use of Treasury funds must go toward the general welfare, not to specific groups.

#3. — Illegal Immigration: Arizona is being invaded. When that state passed SB 1070 to stem the flow of violent illegals into its sovereign territory, a derelict federal government turned around and sued. At issue was the Fed's failure to control the border, so Arizona took it upon itself to do just that — to uphold existing federal immigration laws. It didn't add new laws; it simply gave local authorities the power to enforce federal responsibilities. The federal government claims the right to manage immigration, but when it refuses to carry out that obligation, thereby jeopardizing the security of border states, it is derelict in its duties. Arizona should haul the federal government before the Supreme Court for malfeasance. Article 4.4 clearly states that the U.S. shall protect states from invasion — more than 400,000 illegal aliens (est.) in Arizona is, by definition, an invasion.

#2. — Economic Stimulus Bill: The \$814 billion stimulus is the most backward-thinking proposition to come along since human sacrifice. Dumping borrowed money into an over-fed, bloated and out-of-control ogre doesn't solve anything, it simply temporarily props up with blocks of melting ice cream a failed and failing government of extravagance. Not only does it illegally take money out of the economy that could be used to provide jobs, but it's using borrowed money — with interest due.

And the worst violation of the Constitution over the past two years is ...

#1. — Health Care Reform: Health care reform was the last lever needed to lift the lid off the pot of American gold and empty it out for socialism. It required all Americans to have health insurance whether they wanted it or not. Earlier this month, Federal Judge Henry E. Hudson said that the government has no power "to compel an individual to involuntarily enter the stream of commerce by purchasing a commodity in the private market."

The string of constitutional violations supporting the judge's rejection is long and shocking:

For purposes of regulation, Congress invoked Article 1.8 and claimed insurance may be controlled because it falls under Congress' power to regulate interstate commerce. But insurance is not interstate commerce — you can't buy insurance across state lines.

Language in the bill says the health care law may NOT be changed or amended by anyone once signed into law. This violates the role of Congress. Article 1.1 makes it clear that only Congress is authorized to make law, meaning it has every right to alter, amend and change the health care law. To restrict Congress is to change its constitutional duty. The 111th Congress must think it can change the Constitution without amending it — a violation of Article 5, which outlines the amendment process.

The health care bill also violates the 10th Amendment because it coerces states into complying with a new national program that reaches far into state jurisdiction.

So, what do you do when you're navigating through a blizzard of political white-out where visibility is reduced to zero, the road is slick and slippery, and disaster is strewn about in all directions? You come to a complete stop — and put on the chains.

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