

WALTER E. WILLIAMS



AMERICAN  
CONTEMPT  
*for Liberty*

# American Contempt *for* Liberty

Walter E. Williams

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*for* Liberty



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*For my grandson Harrison Edward Mulhollen,  
who is my ticket to the future.*



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# Preface

Most of mankind's history has been one featured by arbitrary abuse and control by people who deem themselves as betters. Personal liberty, free markets, and peaceable, voluntary exchange have always been roundly denounced by tyrants and often greeted with suspicion by the general public. Once a conspicuous exception to this historical pattern, Americans have increasingly accepted the tyrannical ideas of reduced private property rights, reduced rights to profits, and have become enamored with restrictions on personal liberty and control by government.

People who seek to reduce our liberties see themselves as more intelligent and have superior wisdom to the masses. Plus, they believe that they have been ordained to forcibly impose that wisdom on the rest of us. Of course, they have what they consider good reasons but every tyrant has had what he saw as good reasons for restricting the freedom of others. Their plan requires the elimination, or at least attenuation, of the free market. Why? Tyrants do not trust that people acting voluntarily will do what the tyrant thinks they should do. Therefore, they want to replace the market with economic planning. Economic planning is not a very complex concept. It is nothing more than the forcible superseding of other people's plans by the powerful elite.

Here are a couple of examples, among thousands, of the elite vision. My daughter might plan to work at the ice cream parlor down the street for \$4 an hour. She agrees with \$4 an hour and so does the proprietor and so does her mother and father. The powerful elite will



supersede that transaction because it is not being transacted at the wage they think—currently \$7.25 an hour, the minimum wage. Or, a refrigerator manufacturer might plan to purchase sheet metal from a Japanese producer. The powerful elite, through tariffs and quotas, will supersede that transaction because they think it is better for him to make his purchases from an American producer.

Most supporters of restrictions on personal liberty claim that they are doing it in the name of good. In the case of minimum wages, it is to protect the worker. In the cases of import tariffs and quotas, it is to protect American jobs. Do-gooders fail to realize that most good is not done in the name of good but done in the name of self-interest. In other words, in the process of people trying to get more for themselves they promote what might be seen as the social good. This concept is not popularly held so let's look at a couple of examples to make the point.

During cold winter nighttime blizzards, one might find Texas cattlemen braving the weather to run down stray cows and care for them. They make this personal sacrifice to help ensure that New Yorkers have beef on their grocery shelves. During hot summers, one can see Idaho potato farmers getting up in the morning, doing back-breaking, dirty work—making this personal sacrifice to ensure that New Yorkers also have potatoes on their grocery shelves. It would be the height of naiveté to think that Texas cattle ranchers and Idaho potato farmers are making these personal sacrifices because they care about New Yorkers. In fact they might hate New Yorkers but they make sure that beef and potatoes get to New Yorkers every day of the week. Why? The no-brainer reason is that they do so because they want more for themselves. Most good things get done because of the pursuit of self-interest and private property rights.

This is precisely what Adam Smith was writing about in *An Inquiry into the Nature and Causes of the Wealth of Nations* when he wrote, “It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest.” Smith’s other insightful observation was, “I have never known much good done by those who affected to trade for the public good.”

Pope Francis, in his 2013 apostolic exhortation, levied charges against free market capitalism, denying that “economic growth, encouraged by a free market, will inevitably succeed in bringing about greater justice and inclusiveness in the world,” concluding that “this opinion . . . has never been confirmed by the facts.” He went on to label unfettered capitalism as “a new tyranny.” The Pope’s stinging critique of capitalism is shared by many, but let’s examine this tragic vision shared by many.

First, let’s acknowledge that capitalism fails miserably when compared to heaven or a utopia. In fact, any earthly system is going to compare badly. The fact of business is that mankind must make choices among alternative economic systems that actually exist on Earth. For the common man, capitalism is superior to any system yet devised to deal with his everyday needs and desires.

Capitalism is relatively new in human history. Prior to capitalism, the way people amassed great wealth was by looting, plundering, and enslaving their fellow man. With the rise of capitalism, it became possible to amass great wealth by serving and pleasing one’s fellow man. Capitalists seek to discover what people want and then produce and market it as efficiently as possible as a means to wealth. For example: J. D. Rockefeller, whose successful marketing drove kerosene prices down from 58 cents a gallon in 1865 to 7 cents in 1900. Henry Ford became rich by producing cars for the common man. Both Ford and Rockefeller became immensely wealthy, but the benefits they created for the common man by having cheaper kerosene and cheaper transportation far exceeded their personal gains. There are literally thousands of examples, such as wonder drugs, vacuum cleaners, and refrigerators, of how the common man’s life has been made better by those in the pursuit of profits. Here’s my question: Are these entrepreneurs who, by their actions, created unprecedented convenience, longer life expectancy, and a more pleasant life for the ordinary person—and became wealthy in the process—deserving of all the scorn and ridicule heaped upon them by intellectuals, politicians?

The pursuit of profits by pleasing one’s fellow man in a cost-efficient manner is praiseworthy but it should not be confused with

crony capitalism. Free market capitalism is unforgiving. In order to earn a profit and stay in business, producers must please customers and wisely use resources to do so. If they fail to do so, they face losses or bankruptcy.

It is this market discipline of profits and losses that many businessmen seek to avoid. That's why they descend upon Washington calling for government bailouts, subsidies, tariffs, licenses, and other special privileges. They do not want to be held strictly accountable to consumers and stockholders, who hold little tolerance or sympathy for economic blunders and will give them the ax on a moment's notice. However, with a campaign contribution here and a gift there, they can get Congress and the White House to legislate against the best interests of consumers and investors. What our nation needs is a separation of "business and state" as it has a separation of "church and state." That would mean crony capitalism and crony socialism could not survive.

Another emphasis of my columns is the massive and little appreciated decline in moral values. Evil acts are given an aura of moral legitimacy by noble-sounding socialistic expressions, such as spreading the wealth, income redistribution, caring for the less fortunate, and the will of the majority. At least two-thirds of all federal spending can be described as Congress taking the rightful property of one American and giving it to another to whom it does not belong. Examples of this process run the gamut from farm subsidies and business bailouts to food stamps and welfare.

The immorality of these acts becomes apparent when one recognizes that Congress has no resources of its very own. Moreover, there is no Santa Claus or Tooth Fairy who comes up with the resources. The recognition of the fact that Congress has no resources of its own forces us to acknowledge that the only way Congress can give one American one dollar is to first, through intimidation, threats, and coercion, confiscate that dollar from some other American. If a private citizen did the same thing that Congress does, we would call it an immoral act—namely theft. Acts such as theft that are immoral when done privately do not become moral when done collectively. The moral tragedy that

has befallen Americans is our belief that it is okay for government to forcibly use one American to serve the purposes of another—that in my book is a working definition of slavery.

The columns contained in this selected collection represent my efforts to sell my fellow Americans on the moral superiority of personal liberty and its main ingredient—limited government.



# Acknowledgments

One of the greatest things about our country is that just because you know where a person ended up in life you cannot be sure about where he started. Americans enjoy a level of economic mobility not seen at any time in human history or any other place in the world. I have had the opportunity to share in that mobility—starting out poor and ending up with more wealth than I could have dreamed as a youngster.

No one who starts out at the bottom, and winds up near the top, does so without a lot of luck, help, and goodwill from others along the way. The greatest luck that I enjoyed was to meet and marry Connie, my wife of nearly forty-eight years before she passed away in 2007. She shared my vision of hard work and sacrifice that enabled both of us to escape poverty. Long before I met Connie I benefited from a determined mother who would always tell my sister and me that we had a beer pocketbook but champagne tastes.

After a two-year stint in the U.S. Army, Connie and I moved to Los Angeles. I enrolled at California State College Los Angeles and earned a bachelor of arts degree in economics in 1965. A number of professors saw promise in me and went beyond the call of duty to assist and later encourage me to continue my education. I took that advice and enrolled in UCLA's master's, and later PhD, economics program. Through the assistance of many professors, and what I called trial by ordeal, I was awarded a doctorate degree in economics in 1972. One of the greatest gifts that all of my professors gave me was to treat me as an

individual. They made no exceptions and gave me no slack because of the nation's history of discrimination. They treated me just as they treated other students. I often tell people that I am happy that I received virtually all of my education before it became fashionable for white people to like black people and before teachers cared about a student's self-esteem.

Writing syndicated columns is an education in and of itself. There is the task of being able to write on potentially complicated subjects while economizing on the number of words. There is the added task of being able to explain things in a fashion that is understandable to the ordinary person without economic training. Professor Armen Alchian, one of my most tenacious mentors at UCLA, told me that the true test of whether one knows his subject comes when he can explain it to someone who does not know a darn thing about it. That is a challenge that I welcome and enjoy.

Much of the education that I have received from writing a nationally syndicated weekly column for the best part of thirty-five years comes from reader responses. I have benefited from letters that ask whether I thought about this or that aspect of an issue. Or, they write, "Here is an example of what you are saying." Then there have been letters criticizing what I have written. Criticism is always beneficial in the sense that it gets one to abandon a weak position or do a better job of explaining it. Speaking of errors, I should acknowledge the due diligence of my editor Mr. David Yontz, who has spared me embarrassment on more than one occasion.

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## PART I

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# Constitution

*My view of the US Constitution is that it represents the rules of the game—namely the relationship between the citizenry and our government. Most of what the framers of the Constitution saw as the legitimate role for the federal government is found in Article I, Section 8, of our Constitution. Briefly quoting sections thereof, it says that “The congress shall have the power to lay and collect taxes, Duties, Imposts and Excises to pay the Debts and provide for the common Defense and general Welfare of United States . . . to borrow money on the credit of the United States . . . to regulate commerce with foreign Nations, and among the several States, and with Indian tribes . . . to coin money . . . to establish Post Offices and post Roads . . . to raise and support Armies.” The framers granted Congress taxing and spending powers for these and a few other activities.*

*Nowhere in the Constitution do we find authority for Congress to tax and spend for up to three-quarters of what Congress taxes and spends for today. In other words, there is no constitutional authority for farm subsidies, bank bailouts, food stamps, Social Security, Medicare, and thousands of other federal spending programs. I think we can safely say that we have made a significant departure from the constitutional principles of individual freedom and its main ingredient limited government that made us a rich nation in the first place. These principles of freedom were embodied in our nation through the combined institutions of private ownership of property and free enterprise.*



*Through numerous successful attacks, private property and free enterprise, which the framers envision, are mere skeletons of their past. Thomas Jefferson anticipated this when he said, "The natural progress of things is for government to gain ground and for liberty to yield." The best way to look at this process is to look at what has happened to government taxation and spending.*

*Taxes represent government claims on private property. As government taxes increase our claims to our personal property decrease. And taxes are going up. A much better measure of our loss of private property is to look at what has happened to spending. In 1902 expenditures at all levels of government totaled \$1.7 billion whereas the average taxpayer paid only \$60 a year in taxes. In fact, from 1787 to 1920, federal expenditures were only 3 percent of GNP, except during war times. Today federal expenditures alone are nearly \$4 trillion, nearly 25 percent of the GDP. State and local governments spend close to \$3.5 trillion. The average taxpayer pays more than \$10,000 a year in federal, state, and local taxes.*

*The significance of all of this means that as time goes by we own less and less of our most valuable property—ourselves and the fruits of our labor. Another way to look at this is to recognize that the average taxpayer works from January 1st to the end of April to pay federal, state, and local taxes. That means that we work four months out of the year and we have no rights to determine how the fruits of our labor will be used. Someone else makes that decision. Keep in mind that a working definition of slavery is that you work all year and it is someone else who decides how the fruits of the slaves' labor are used. Most federal government spending can be characterized as taking what belongs to one American and giving it to another to whom it does not belong. That is no less than the forcible use of one person to serve the purposes of another—which is also a good working definition of slavery.*

*My columns in this section share the radical vision of the men who founded our nation and sought to make a significant break from the most dominant characteristic of mankind's history—the arbitrary abuse and control by others.*

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## The Hell with Our Constitution

*February 11, 2009*

Dr. Robert Higgs, senior fellow at the Oakland-based Independent Institute, penned an article in *The Christian Science Monitor* (2/9/2009) that suggests the most intelligent recommendation that I've read to fix our current economic mess. The title of his article gives his recommendation away: "Instead of stimulus, do nothing—seriously."

Stimulus package debate is over how much money should be spent, whether some should be given to the National Endowment for the Arts, research sexually transmitted diseases, or bail out Amtrak, our failing railroad system. Dr. Higgs says, "Hardly anyone, however, is asking the most important question: Should the federal government be doing any of this?" He adds, "Until the 1930s, the Constitution served as a major constraint on federal economic interventionism. The government's powers were understood to be just as the framers intended: few and explicitly enumerated in our founding document and its amendments. Search the Constitution as long as you like, and you will find no specific authority conveyed for the government to spend money on global-warming research, urban mass transit, food stamps, unemployment insurance, Medicaid, or countless other items in the stimulus package and, even without it, in the regular federal budget."

By bringing up the idea of constitutional restraints on Washington, I'd say Dr. Higgs is whistling Dixie. Americans have long ago abandoned respect for the constitutional limitations placed on the federal government. Our elected representatives represent that disrespect. After all I'd ask Higgs: Isn't it unreasonable to expect a politician to do what he considers to be political suicide, namely conduct himself according to the letter and spirit of the Constitution?

While Americans, through ignorance or purpose, show contempt for our Constitution, I doubt whether they are indifferent between a growing or stagnating economy. Dr. Higgs tells us some of the economic history of the United States. In 1893, there was a depression; we got out

of it without a stimulus package. There was a major recession of 1920–21; though sharp, it quickly reversed itself into what has been called the “Roaring Twenties.” In 1929, there was an economic downturn, most notably featured by the stock market collapse, after which came massive government intervention—you might call it the nation’s first stimulus package. President Hoover and Congress responded to what might have been a two- or three-year sharp downturn with many of the policies President Obama and Congress are urging today. They raised tariffs, propped up wage rates, bailed out farmers, banks, and other businesses, and financed state relief efforts. When Roosevelt came to office, he became even more interventionist than Hoover and presided over protracted depression where the economy didn’t fully recover until 1946.

Roosevelt didn’t have an easy time with his agenda; he had to first emasculate the US Supreme Court. Higgs points out that federal courts had respect for the Constitution as late as the 1930s. They issued some 1,600 injunctions to restrain officials from carrying out acts of Congress. The US Supreme Court overturned as unconstitutional the New Deal’s centerpieces such as the National Industrial Recovery Act, the Agricultural Adjustment Act, and other parts of Roosevelt’s “stimulus package.” An outraged Roosevelt threatened to pack the Court, and the Court capitulated to where it is today giving Congress virtually unlimited powers to tax, spend, and regulate. My question to my fellow Americans is: Do we want a repeat of measures that failed dismally during the 1930s?

A more fundamental question is: Should Washington be guided by the Constitution? In explaining the Constitution, James Madison, the acknowledged father of the Constitution, wrote in Federalist Paper No. 45: “The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce.” Has the Constitution been amended to permit Congress to tax, spend, and regulate as it pleases or have Americans said, “To hell with the Constitution”?

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## Good Ideas

*March 11, 2009*

During winter months, I work out ten minutes on the treadmill and lift weights at seven stations four mornings a week. Over the years, during the spring through fall months, I racked up about two thousand miles on my road bike. This level of exercise helps account for why, at seventy-three years, I'm in such good health and physical fitness. So my question to you is whether you think regular exercise is a good idea. I think the answer is definitely yes, if nothing other than its beneficial effects on health care costs. Since exercise is a good idea, would you support a congressional mandate that all Americans engage in regular exercise?

Instead of simply saying, "Williams, you're a lunatic!" and rejecting such a congressional mandate out of hand, let's ask why it should be rejected. We should keep in mind that there's precedent for congressionally mandated measures to protect our health and safety. Seatbelt and helmet laws are examples. If you're in an accident and wind up a vegetable, you will be a burden on taxpayers; therefore, it's argued, Congress has a right to mandate seatbelt and helmet usage. Wouldn't the same reasoning apply to people who might burden our health care system because of obesity or sedentary lifestyles? If it is a good idea for Congress to force us to buckle up and wear a helmet on a motorcycle, isn't it also a good idea to force us to regularly exercise?

There is only one question to ask were there to be a debate whether Congress should mandate regular exercise. Whether regular exercise is a good idea or a bad idea is entirely irrelevant. The only relevant question is: Is it permissible under the Constitution? That means we must examine the Constitution to see whether it authorizes Congress to mandate exercise. From my reading, the Constitution grants no such authority.

You say, "Aha, Williams, you've blown it this time. What about Article I, Section 8, of the Constitution, which says Congress shall

provide for the ‘general welfare of the United States’? Surely, healthy Americans contribute to the nation’s general welfare.” That’s precisely the response I’d expect from your average law professor, congressman, or derelict US Supreme Court justice. Let’s look at what the men who wrote the Constitution had to say about its general welfare clause. In a letter to Edmund Pendleton, James Madison, the father of the Constitution, said, “If Congress can do whatever in their discretion can be done by money, and will promote the General Welfare, the Government is no longer a limited one, possessing enumerated powers, but an indefinite one. . . .” Madison also said, “With respect to the two words ‘general welfare,’ I have always regarded them as qualified by the detail of powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators.” Thomas Jefferson said, “Congress has not unlimited powers to provide for the general welfare, but only those specifically enumerated.”

If you compare the vision of our nation’s founders to the behavior of today’s Congress, White House, and US Supreme Court, you would have to conclude that there is no longer rule of law where there is a set of general rules applicable to all persons. Today, we are commanded by legislative thugs who, with Supreme Court sanction, issue orders commanding particular people to do particular things. Most Americans neither understand nor appreciate the spirit and letter of the Constitution and accept Congress’s arbitrary orders and privileges based upon status.

What to do? Thomas Jefferson advised, “Whensoever the General [federal] Government assumes undelegated powers, its acts are unauthorized, void, and of no force.” That bit of Jeffersonian advice is dangerous. While Congress does not have constitutional authority for most of what it does, it does have police and military power to inflict great pain and punishment for disobedience.

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## Why a Bill of Rights?

*July 1, 2009*

Why did the founders of our nation give us the Bill of Rights? The answer is easy. They knew Congress could not be trusted with our God-given rights. Think about it. Why in the world would they have written the First Amendment prohibiting Congress from enacting any law that abridges freedom of speech and the press? The answer is that in the absence of such a limitation Congress would abridge free speech and free press. That same distrust of Congress explains the other amendments found in our Bill of Rights protecting rights such as our rights to property, fair trial, and to bear arms. The Bill of Rights should serve as a constant reminder of the deep distrust that our founders had of government. They knew that some government was necessary but they rightfully saw government as the enemy of the people and they sought to limit government and provide us with protections.

After the 1787 Constitutional Convention, there were intense ratification debates about the proposed Constitution. Both James Madison and Alexander Hamilton expressed grave reservations about Thomas Jefferson's, George Mason's, and others' insistence that the Constitution be amended by the Bill of Rights. Those reservations weren't the result of a lack of concern for liberty. To the contrary, they were concerned about the loss of liberties.

Alexander Hamilton expressed his reservation in Federalist Paper No. 84, "[B]ills of rights . . . are not only unnecessary in the proposed Constitution, but would even be dangerous." Hamilton asks, "For why declare that things shall not be done [by Congress] which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given [to Congress] by which restrictions may be imposed?" Hamilton's argument was that Congress can only do what the Constitution specifically gave it authority to do. Powers not granted belong to the people and the states.

Another way of examining Hamilton's concern: Why have an amendment prohibiting Congress from infringing on our right to picnic on our back porch when the Constitution gives Congress no authority to infringe upon that right in the first place?

Alexander Hamilton added that a Bill of Rights would "contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more [powers] than were granted. . . . [it] would furnish, to men disposed to usurp, a plausible pretense for claiming that power." Going back to our picnic example, those who would usurp our God-given liberties might enact a law banning our right to have a picnic. They'd justify their actions by claiming that nowhere in the Constitution is there a guaranteed right to have a picnic.

To mollify Alexander Hamilton's and James Madison's fears about how a Bill of Rights might be used as a pretext to infringe on human rights, the Ninth Amendment was added that reads: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." In essence, the Ninth Amendment says it's impossible to list all of our God-given or natural rights. Just because a right is not listed doesn't mean it can be infringed upon or disparaged by the US Congress. The Tenth Amendment is a reinforcement of the Ninth saying, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." That means if a power is not delegated to Congress, it belongs to the states or the people.

The Ninth and Tenth Amendments mean absolutely nothing today as Americans have developed a level of naive trust for Congress, the White House, and the US Supreme Court that would have astonished the founders, a trust that will lead to our undoing as a great nation.

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## Constitutional Contempt

*November 11, 2009*

At Speaker Nancy Pelosi's October 29 press conference, a CNS News reporter asked, "Madam Speaker, where specifically does the Constitution grant Congress the authority to enact an individual health insurance mandate?" Speaker Pelosi responded, "Are you serious? Are you serious?" The reporter said, "Yes, yes, I am." Not responding further, Pelosi shook her head and took a question from another reporter. Later on, Pelosi's press spokesman Nadeam Elshami told CNSNews.com about its question regarding constitutional authority mandating that individual Americans buy health insurance. "You can put this on the record. That is not a serious question. That is not a serious question."

Suppose Congress was debating a mandate outlawing tea-party-type protests and other large gatherings criticizing Congress. A news reporter asks Nancy Pelosi where specifically does the Constitution grant Congress the authority to outlaw peaceable assembly. How would you feel if she answered, "Are you serious? Are you serious?" and ignored the question. And what if, later on, someone from her office sent you a press release, as was sent to CNS News, saying that Congress has "broad power to regulate activities that have an effect on interstate commerce," pointing out that demonstrations cause traffic jams and therefore interfere with interstate commerce?

Speaker Pelosi's constitutional contempt, perhaps ignorance, is representative of the majority of members of both the House and the Senate. Their comfort in that ignorance and constitutional contempt, and how readily they articulate it, should be worrisome for every single American. It's not a matter of whether you are for or against Congress's health care proposals. It's not a matter of whether you're liberal or conservative, black or white, male or female, Democrat or Republican, or member of any other group. It's a matter of whether we are going to remain a relatively free people or permit the insidious encroachment on our liberties to continue.



Where in the US Constitution does it authorize Congress to force Americans to buy health insurance? If Congress gets away with forcing us to buy health insurance, down the line, what else will they force us to buy; or do you naively think they will stop with health insurance? We shouldn't think that the cure to Congress's unconstitutional heavy-handedness will end if we only elect Republicans. Republicans have demonstrated nearly as much constitutional contempt as have Democrats. The major difference is the significant escalation of that contempt under today's Democrat-controlled Congress and White House with the massive increase in spending, their proposed legislation, and the appointment of tyrannical czars to control our lives. It's a safe bet that if and when Republicans take over the Congress and White House, they will not give up the massive increase in control over our lives won by the Democrats.

In each new session of Congress since 1995, John Shadegg, R-Ariz., has introduced the Enumerated Powers Act, a measure "To require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes." The highest number of cosponsors it has ever had in the House of Representatives is fifty-four and it has never had cosponsors in the Senate until this year, when twenty-two senators signed up. The fact that less than 15 percent of the Congress supports such a measure demonstrates the kind of contempt our elected representatives have for the rules of the game—our Constitution.

If you asked the questions: Which way is our nation heading, tiny steps at a time? Are we headed toward more liberty, or are we headed toward greater government control over our lives? I think the answer is unambiguously the latter—more government control over our lives. Are there any signs on the horizon that the direction is going to change? If we don't see any, we should not be surprised. After all, mankind's standard fare throughout his history, and in most places today, is arbitrary control and abuse by government.

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## The Census and the Constitution

*February 17, 2010*

The Census Bureau estimates that the life-cycle cost of the 2010 Census will be from \$13.7 billion to \$14.5 billion, making it the costliest census in the nation's history. Suppose you suggest to a congressman that given our budget crisis, we could save some money by dispensing with the 2010 census. I guarantee you that he'll say something along the lines that the Constitution mandates a decennial counting of the American people and he would be absolutely right. Article I, Section 2, of our constitution reads: "The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct."

What purpose did the Constitution's framers have in mind ordering an enumeration or count of the American people every ten years? The purpose of the headcount is to apportion the number of seats in the House of Representatives and derived from that, along with two senators from each state, the number of electors to the Electoral College.

The Census Bureau tells us that this year, it will use a shorter questionnaire, consisting of only ten questions. From what I see, only one of them serves the constitutional purpose of enumeration—namely, "How many people were living or staying at this house, apartment, or mobile home on April 1, 2010?" The Census Bureau's shorter questionnaire claim is deceptive at best.

The American Community Survey, long form, that used to be sent to one in six households during the decennial count, is now being sent to many people every year. Here's a brief sample of its questions, and I want someone to tell me which question serves the constitutional function of apportioning the number of seats in the US House of Representatives: Does this house, apartment, or mobile home have hot and cold running water, a flush toilet, a bathtub or shower, a sink with a faucet, a refrigerator, a stove? Last month, what was the cost of

electricity for this house, apartment, or mobile home? How many times has this person been married?

After each question, the Bureau of the Census provides a statement of how the answer meets a federal need. I would prefer that they provide a statement of how answers to the questions meet the constitutional need as expressed in Article I, Section 2, of the US Constitution.

The Census Bureau also asks questions about race, and I want to know what does my race have to do with apportioning the US House of Representatives? If I'm asked about race, I might respond the way I did when filling out a military form upon landing in Inchon, Korea, in 1960; I checked off Caucasian. The warrant officer who was checking forms told me that I made a mistake and should have checked off "Negro." I told him that people have the right to self-identify themselves and I'm Caucasian. The warrant officer, trying to cajole me, asked why I would check off Caucasian instead of Negro. I told him that checking off Negro would mean getting the worse job over here. I'm sure the officer changed it after I left.

Americans need to stand up to Washington's intrusion into our private lives. What business of government is the number of times a citizen has been married or what he paid for electricity last month? For those who find such intrusion acceptable, I'd ask them whether they'd also find questions of their sex lives or their marriage fidelity equally acceptable.

What to do? Unless a census taker can show me a constitutional requirement, the only information I plan to give are the number and names of the people in my household. The census taker might say, "It's the law." Thomas Jefferson said, "Whensoever the General Government [Washington] assumes undelegated powers, its acts are unauthorized, void, and of no force."

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## Constitutional Awakening

*March 24, 2010*

If there is anything good to say about Democrat control of the White House, Senate, and House of Representatives, it's that their extraordinarily brazen, heavy-handed acts have aroused a level of constitutional interest among the American people that has been dormant for far too long. Part of this heightened interest is seen in the strength of the tea party movement around the nation. Another is the angry reception that many congressmen received at their district town hall meetings. Yet another is seen by the exchanges on the nation's most popular radio talk shows such as Rush Limbaugh, Sean Hannity, Mark Levin, and others. Then there's the rising popularity of conservative/libertarian television shows such as Glenn Beck, John Stossel, and Fox News.

While the odds-on favorite is that the Republicans will do well in the fall elections, Americans who want constitutional government should not see Republican control as a solution to what our founders would have called "a long train of abuses and usurpations." Solutions to our nation's problems require correct diagnostics and answers to questions like: Why did 2008 presidential and congressional candidates spend over \$5 billion campaigning for office? Why did special interests pay Washington lobbyists over \$3 billion that same year? What are reasons why corporations, unions, and other interest groups fork over these billions of dollars to lobbyists and into the campaign coffers of politicians?

One might say that these groups are simply extraordinarily civic-minded Americans who have a deep and abiding interest in elected officials living up to their oath of office to uphold and defend the US Constitution. Another response is these politicians, and the people who spend billions of dollars on them, just love participating in the political process. If you believe either of these explanations, you're probably a candidate for some medicine, a straitjacket, and a padded cell.

A far better explanation for the billions going to the campaign coffers of Washington politicians and lobbyists lies in the awesome government power and control over business, property, employment, and other areas of our lives. Having such power, Washington politicians are in the position to grant favors and commit acts that if committed by a private person would land him in jail.

Here's one among thousands of examples: Incandescent light bulbs are far more convenient and less expensive than compact fluorescent bulbs (CFL) that General Electric now produces. So how can General Electric sell its costly CFLs? They know that Congress has the power to outlaw incandescent light bulbs. General Electric was the prominent lobbyist for outlawing incandescent light bulbs and in 2008 had a \$20 million lobbying budget. Also, it should come as no surprise that General Electric is a contributor to global warmers who help convince Congress that incandescent bulbs were destroying the planet.

The greater Congress's ability to grant favors and take one American's earnings to give to another American, the greater the value of influencing congressional decision-making. There's no better influence than money. The generic favor sought is to get Congress, under one ruse or another, to grant a privilege or right to one group of Americans that will be denied another group of Americans.

House Speaker Nancy Pelosi covering up for a corrupt Ways and Means Committee chairman, Charles Rangel, said that while his behavior "was a violation of the rules of the House. It was not something that jeopardized our country in any way." Pelosi is right in minimizing Rangel's corruption. It pales in comparison, in terms of harm to our nation, to the legalized corruption that's a part of Washington's daily dealing.

Hopefully, our nation's constitutional reawakening will begin to deliver us from the precipice. There is no constitutional authority for two-thirds to three-quarters of what Congress does. Our Constitution's father, James Madison, explained, "The powers delegated by the proposed Constitution to the federal government, are few and defined . . . [to be] exercised principally on external objects, as war, peace, negotiation, and foreign commerce."

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## The Founders' Vision versus Ours

*July 7, 2010*

The celebration of our founders' 1776 revolt against King George III and the English Parliament is over. Let's reflect how the founders might judge today's Americans and how today's Americans might judge them.

In 1794, when Congress appropriated \$15,000 to assist some French refugees, James Madison, the acknowledged father of our Constitution, stood on the floor of the House to object, saying, "I cannot undertake to lay my finger on that article of the Constitution which granted a right to Congress of expending, on objects of benevolence, the money of their constituents." He later added, "[T]he government of the United States is a definite government, confined to specified objects. It is not like the state governments, whose powers are more general. Charity is no part of the legislative duty of the government." Two hundred years later, at least two-thirds of a multitrillion-dollar federal budget is spent on charity or "objects of benevolence."

What would the founders think about our respect for democracy and majority rule? Here's what Thomas Jefferson said: "The majority, oppressing an individual, is guilty of a crime, abuses its strength, and by acting on the law of the strongest breaks up the foundations of society." John Adams advised, "Remember democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy yet that did not commit suicide." The founders envisioned a republican form of government, but as Benjamin Franklin warned, "When the people find they can vote themselves money, that will herald the end of the republic."

What would the founders think about the US Supreme Court's 2005 *Kelo v. City of New London* decision where the court sanctioned the taking of private property of one American to hand over to another American? John Adams explained: "The moment the idea is admitted into society that property is not as sacred as the laws of God, and that

there is not a force of law and public justice to protect it, anarchy and tyranny commence. If ‘Thou shalt not covet’ and ‘Thou shalt not steal’ were not commandments of Heaven, they must be made inviolable precepts in every society before it can be civilized or made free.”

Thomas Jefferson counseled us not to worship the US Supreme Court: “[T]he opinion which gives to the judges the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action but for the Legislature and Executive also in their spheres, would make the Judiciary a despotic branch.”

How might our founders have commented about last week’s US Supreme Court’s decision upholding our rights to keep and bear arms? Justice Samuel Alito, in writing the majority opinion, said, “Individual self-defense is the central component of the Second Amendment.” The founders would have responded “Balderdash!” Jefferson said, “What country can preserve its liberties if its rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms.”

George Mason explained, “[T]o disarm the people [is] the best and most effectual way to enslave them.” Noah Webster elaborated: “Before a standing army can rule, the people must be disarmed. . . . The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States. A military force, at the command of Congress, can execute no laws, but such as the people perceive to be just and constitutional; for they will possess the power, and jealousy will instantly inspire the inclination, to resist the execution of a law which appears to them unjust and oppressive.”

Contrary to Alito’s assertion, the central component of the Second Amendment is to protect ourselves from US Congress, not street thugs.

Today’s Americans have contempt for our founders’ vision. I’m sure our founders would have contempt for ours.

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## What Our Constitution Permits

*January 12, 2011*

Here's the House of Representatives new rule: "A bill or joint resolution may not be introduced unless the sponsor has submitted for printing in the *Congressional Record* a statement citing as specifically as practicable the power or powers granted to Congress in the Constitution to enact the bill or joint resolution." Unless a congressional bill or resolution meets this requirement, it cannot be introduced.

If the House of Representatives had the courage to follow through on this rule, their ability to spend and confer legislative favors would be virtually eliminated. Also, if the rule were to be applied to existing law, they'd wind up repealing at least two-thirds to three-quarters of congressional spending.

You might think, for example, that there's constitutional authority for Congress to spend for highway construction and bridges. President James Madison on March 3, 1817, vetoed a public works bill saying: "Having considered the bill this day presented to me entitled 'An act to set apart and pledge certain funds for internal improvements,' and which sets apart and pledges funds 'for constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defense,' I am constrained by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States and to return it with that objection to the House of Representatives, in which it originated."

Madison, who is sometimes referred to as the father of our Constitution, added to his veto statement, "The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution, and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers."

Here's my question to any member of the House who might vote for funds for "constructing roads and canals, and improving the navigation



of water courses”: Was Madison just plain constitutionally ignorant or has the Constitution been amended to permit such spending?

What about handouts to poor people, businesses, senior citizens, and foreigners?

Madison said, “Charity is no part of the legislative duty of the government.”

In 1854, President Franklin Pierce vetoed a bill to help the mentally ill, saying, “I cannot find any authority in the Constitution for public charity. [To approve the measure] would be contrary to the letter and spirit of the Constitution and subversive to the whole theory upon which the Union of these States is founded.”

President Grover Cleveland vetoed a bill for charity relief, saying, “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.”

Again, my question to House members who’d vote for handouts is: Were these leaders just plain constitutionally ignorant or mean-spirited, or has our Constitution been amended to authorize charity?

Suppose a congressman attempts to comply with the new rule by asserting that his measure is authorized by the Constitution’s general welfare clause. Here’s what Thomas Jefferson said: “Congress has not unlimited powers to provide for the general welfare, but only those specifically enumerated.”

Madison added, “With respect to the two words ‘general welfare,’ I have always regarded them as qualified by the detail of powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators.”

John Adams warned, “A Constitution of Government once changed from Freedom, can never be restored. Liberty, once lost, is lost forever.” I am all too afraid that’s where our nation stands today and the blame lies with the American people.

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## Why We're a Divided Nation

*January 19, 2011*

Some Americans have strong, sometimes unyielding preferences for Mac computers, while most others have similarly strong preferences for PCs and wouldn't be caught dead using a Mac. Some Americans love classical music and hate rock and roll. Others have opposite preferences, loving rock and roll and consider classical music as hoity-toity junk. Then there are those among us who love football and Western movies, and find golf and cooking shows to be less than manly. Despite these, and many other strong preferences, there's little or no conflict. When's the last time you heard of rock and roll lovers in conflict with classical music lovers, or Mac lovers in conflict with PC lovers, or football lovers in conflict with golf lovers? It seldom if ever happens. When there's market allocation of resources and peaceable, voluntary exchange, people have their preferences satisfied and are able to live in peace with one another.

Think what might be the case if it were a political decision of whether there'd be football or golf watched on TV, whether we used Macs or PCs, and whether we listened to classical music or rock and roll. Everyone had to comply with the politically made decision or suffer the pain of fines or imprisonment. Football lovers would be lined up against golf lovers, Mac lovers against PC lovers, and rock and rollers against classical music lovers. People who previously lived in peace with one another would now be in conflict.

Why? If, for example, classical music lovers got what they wanted, rock and rollers wouldn't. Conflict would emerge solely because the decision was made in the political arena.

The lesson here is that the prime feature of political decision-making is that it's a zero-sum game. One person's gain is of necessity another person's loss. As such, political allocation of resources is conflict-enhancing, while market allocation is conflict-reducing. The greater the number of decisions made in the political arena, the greater

the potential for conflict. It would not be unreasonable to predict that if Mac lovers won, and only Macs could be legally used, there would be considerable PC-lover hate toward Mac lovers.

Most of the issues that divide our nation, and give rise to conflict, are those best described as a zero-sum game where one person's or group's gain is of necessity another's loss. Examples are: racial preferences, school prayers, trade restrictions, welfare, Obamacare, and a host of other government policies that benefit one American at the expense of another American. That's why political action committees, private donors, and companies spend billions of dollars lobbying. Their goal is to get politicians and government officials to use the coercive power of their offices to take what belongs to one American and give it to another or create a favor or special privilege for one American that comes at the expense of some other American.

You might be tempted to think that the brutal domestic conflict seen in other countries can't happen here. That's nonsense. Americans are not super-humans; we possess the same frailties of other people. If there were a catastrophic economic calamity, I can imagine a political hustler exploiting those frailties, as have other tyrants, blaming it on the Jews, the blacks, the conservatives, the liberals, the Catholics, or free trade.

The best thing the president and Congress can do to reduce the potential for conflict and violence is reduce the impact of government on our lives. Doing so will not only produce a less-divided country and greater economic efficiency, but bear greater faith and allegiance to the vision of America held by our founders—a country of limited government. Our founders, in the words of Thomas Paine, recognized that, "Government, even in its best state, is but a necessary evil; in its worst state, an intolerable one."

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## Democracy versus Liberty

*February 23, 2011*

It is truly disgusting for me to hear politicians, national and international talking heads, and pseudo-academics praising the Middle East stirrings as democracy movements. We also hear democracy as the description of our own political system. Like the founders of our nation, I find democracy and majority rule a contemptible form of government.

You say, “Whoa, Williams, you really have to explain yourself this time!”

I’ll begin by quoting our founders on democracy. James Madison, in Federalist Paper No. 10, said that in a pure democracy, “there is nothing to check the inducement to sacrifice the weaker party or the obnoxious individual.” At the 1787 Constitutional Convention, Virginia Gov. Edmund Randolph said, “that in tracing these evils to their origin every man had found it in the turbulence and follies of democracy.” John Adams said, “Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself. There was never a democracy yet that did not commit suicide.” Alexander Hamilton said, “We are now forming a Republican form of government. Real Liberty is not found in the extremes of democracy, but in moderate governments. If we incline too much to democracy, we shall soon shoot into a monarchy, or some other form of dictatorship.”

The word “democracy” appears nowhere in the two most fundamental documents of our nation—the Declaration of Independence and the US Constitution. Our Constitution’s Article IV, Section 4, guarantees “to every State in this Union a Republican Form of Government.” If you don’t want to bother reading our founding documents, just ask yourself: Does our pledge of allegiance to the flag say to “the democracy for which it stands,” or to “the Republic for which it stands”? Or, did Julia Ward Howe make a mistake in titling her Civil War song “The Battle Hymn of the Republic”? Should she have titled it “The Battle Hymn of the Democracy”?

What's the difference between republican and democratic forms of government? John Adams captured the essence when he said, "You have rights antecedent to all earthly governments; rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe." That means Congress does not grant us rights; their job is to protect our natural or God-given rights.

For example, the Constitution's First Amendment doesn't say Congress shall grant us freedom of speech, the press, and religion. It says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press. . . ."

Contrast the framers' vision of a republic with that of a democracy. Webster defines a democracy as "government by the people; especially: rule of the majority." In a democracy, the majority rules either directly or through its elected representatives. As in a monarchy, the law is whatever the government determines it to be. Laws do not represent reason. They represent force. The restraint is upon the individual instead of government. Unlike that envisioned under a republican form of government, rights are seen as privileges and permissions that are granted by government and can be rescinded by government.

To highlight the offensiveness to liberty that democracy and majority rule is, just ask yourself how many decisions in your life would you like to be made democratically. How about what car you drive, where you live, whom you marry, whether you have turkey or ham for Thanksgiving dinner? If those decisions were made through a democratic process, the average person would see it as tyranny and not personal liberty. Is it no less tyranny for the democratic process to determine whether you purchase health insurance or set aside money for retirement? Both for ourselves, and our fellow man around the globe, we should be advocating liberty, not the democracy that we've become where a roguish Congress does anything upon which they can muster a majority vote.