

# THE CONSTITUTION - HIT AND RUN BY FIAT

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Patrick Henry admonished "The Constitution is not an instrument for the government to restrain the people, (but) an instrument for the people to restrain the government"

This is meaningless unless we the people restrain those in power from ignoring the Constitution and its explicitly proscribed system of governmental checks and balances. It is meaningless unless the fourth estate of a free press is held accountable and remains free. It is meaningless unless a fifth column of engaged and informed electorate grows intolerant and acts against the enfeebling unrestrained entitlement has wrought.

We have put ourselves in peril. Presently, over 90 cents of every dollar will be absorbed by Social Security and Medicare, only two workers support the retirement of a third, national indebtedness eclipses \$200 trillion and our educational standards are plummeting despite spending more per student than all other modern nations except Luxembourg.

And yet we play fast, loose and disrespectfully with a divinely inspired constitutional republic whose genius has been repeatedly demonstrated as the governmental systems of its detractors decay.

In these weeks before the change in possession of the House's power of the purse strings and loosing of the Senates' lock step voting, those entrusted with something rather sacred act as if our metaphorical constitutional "Ten Commandments" were merely the "Ten Suggestions"

Of course such games are always afoot and both sides have done it. However, the flagrancy, potential for irreversible damage to American exceptionalism, disregard for constitutional sanction and the stark ignorance and seeming disdain for the will of an uncharacteristically engaged, articulate and informed electorate is a recipe for disaster.

Examples are odious and plentiful. The FY 11 lame duck session Omnibus bill, with over six thousand earmarks worth more than \$8 billion dollars, was attempted to be rushed through like a Congress with cholera; malodorous, feculent and utterly preventable.

The American people and Congress, rightly or wrongly, thoroughly discussed and soundly rejected section 1233 "end of life consultations" of Obamacare out of concerns that a cost conscious government seeking to cut costs might also put more than just the proverbial camel's nose of a convenient death under the tent. Did you know that over the recess those provisions you made your Congress reject are now administratively part of your Medicare? You have been ignored.

At least six major Christmas recess appointments were made to influential governmental positions that most likely would not have passed even the highly partisan pre recess Congress. Can you name them? Do you know how important these appointments might be. You were not even given a chance to exercise disinterest or diffidence.

In March 2009 the Supreme Court ruled against the Obama administration's request to regulate political internet satellite traffic. Chief Justice Roberts described it as "The government urg(ing) the Supreme Court ...to uphold a direct prohibition on political speech". During the Christmas recess, by administrative fiat, Obama's appointed FCC chairman issued regulations extending FCC authority over aspects of the internet.

This fiat thing is driving all over the Constitution. Obama's Environmental Protection Agency (EPA) is defying Congress by imposing, through administrative fiat, cap-and-trade-type regulations despite the failed debacle of Obama's prior attempt with Congress. The EPA declared that carbon dioxide, which is 0.0387% of our air, is a pollutant that endangers the health of Americans. The agency is using this "finding" to justify regulating anything that emits carbon dioxide.

The EPA actually had the chutzpah to say their actions are ... "To protect human health and welfare... (And)... ensure environmental justice threatened by rising temperatures and global climate disruption" which, under their own calculations, show that compared to the time of the industrial revolution we all should have warmed 14- 16 degrees Fahrenheit. Silliness.

Texas is America's leading producer of crude oil, natural gas and wind-based energy. It is second in work force and gross state product, refines 25% of our petroleum and produces more electricity than any other state. And of course they are first on the list of economies for the EPA to arrest for the crime of CO2 emissions and presumably excessive cow flatus (CH4-methane) as well.

There is much more these not so lame duckies have done while some pine for a messianic resurrection of the republic once the next Congress takes its seat. Congress denied Obama authority to transfer money to the International Monetary Fund; he did so anyway, issuing an executive order promising to give that body \$140 billion for redistribution to Third World countries.

The non elected head of the Bureau of Land Management is establishing new rules to make it more difficult to develop natural resources on government-owned land, which of course will increase energy costs as well as dependency on foreign energy sources. This perfectly dovetails with Obama's proclaimed seven year ban on eastern Gulf drilling and bi coastal areas. Why? How? Because they say so!

This cancer of canonizing administrative entities and buffet of bureaus self beatifying is reminiscent of very evil episodes of governance in other nation's history and must be stopped. More importantly, all of this is the evil fruit of the Platonic progressive which we fertilize by our tolerance for unwarranted entitlement and our intolerance for standards.

Our founding Fathers proclaimed how delusional it is to construct and conduct governance predicated on believing that man is somehow ultimately perfectible through legislated social engineering birthed from the genius of enlightened ruler elites.

Our Founding Fathers knew unearned entitlement not only enfeebls the electorate but does nothing to redistribute aptitudes and raw abilities that can never be made equal. They understood that the

genius of American Exceptionalism lies not in rewiring the nature of man, but in accepting it and its “only a God who understands faith and humor could have made us” vicissitudes.

The beauty of our republic is its complementarities with man’s nature just as one strand of the magical double helix of life anneals to another. Our constitutional crafters wrote that opportunity and access are the inalienable rights we share, and mightily so, right along with our imperfection.

What to do?

The fourth column of an independent press and internet must remain free. Fiats are foreign cars for conveying the masses for convenience of travel. They are not contraptions meant to cart away the last vestiges of a constitution that is always in context as it is timeless and the bedrock of American exceptionalism.

Need it be actually said that all proposed laws must be read and understood by those charged to vote on them. They must be clear, cogent, jargon free and comprehensible to the average citizen, transparent with timely posting on the web with multimedia graphics showing where they came from, where they are going, and who did what and said what and how they voted. They must be of reasonable length with their relevance and relationship to our constitution clearly cited. The new House must shrink the bureaucracies that are crushing us and clarify who does what before passing another bill.

The unsullied rays of constitutional credibility must illuminate a New Year of national dialogue on the crucial issues we face together. We the people, irrespective of party and persuasions, must be exceptional, of honest resolve and without deceit.

Might the unsullied rays of constitutional credibility illuminate a New Year of national dialogue on the crucial issues that face us? Might we the people, irrespective of party and persuasions, be exceptional in honest resolve and not disreputable in our deceptions? More than just the future of America hangs in the balance.

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