



# Constitution In 10 Lessons

## Lesson 6

Papers: 12,13,14

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# Paper 12

Article 1, Sec. 1

And

The Unconstitutional Administrative State.



# Article 1, Section 1

*“All legislative Powers herein granted shall be vested in a Congress of the United States...”*



The Constitution enumerates the  
power to legislate to ...

The Congress of the United  
States.

# Why is this critical to a Republic?

Because the source of legislation must  
be accountable to the people.

The ballot box is the people's voice of  
accountability.

# Bringing in the experts...

Since Woodrow Wilson, the Progressive Movement has been about allowing self-appointed “experts” to tell the people how best to live.



So, we should not be surprised that Congress has abdicated their enumerated authority to write legislation

- Because of the accountability factor.
- And in deference to the “experts”.

## This unconstitutional lawlessness

- Has allowed unelected, nameless, faceless bureaucrats in the various Executive Agencies:
- to write **The Code of Federal Regulations.**
- To set up miniature governments with their own legislative, executive, and judicial branches - complete with enforcement authority and courts.



# What must we do?

- Read and study the Constitution so that you have a working understanding of it.
- Understand the vocabulary according to Webster's 1828 Dictionary.
- Read and study the Federalist Papers so that we understand key concepts accurately.
- Reclaim our sovereign status because *We The People* are the ultimate political power.

# **Paper 13**

## **Refuting The Bad**

**“Health Insurance/Auto Insurance”**

**Analogy:**

**A Lesson In Federalism**

# Federalism:

- Pertaining to a league or contract; derived from an agreement or covenant between parties, particularly states and nations; founded on an alliance by contract or mutual agreement; as a federal government.

Webster's 1828 Dictionary

# Why we must understand Federalism

- Because State governments and the Federal government are not the same.
- Because the Constitution limits the Federal government, *not the various State governments*.
- Because “Federal” doesn’t mean “*bigger, more powerful.*”

# What Government Requires Auto Insurance?

- The State Government's require auto liability insurance.

Is a State Government prevented by the Constitution for requiring auto liability insurance?

– Of course not.

# Purpose of Auto Liability Insurance?

- To protect the life and property of others due to an accident.
- To hold those at fault for an accident accountable to those whose life and property were injured and damaged in that accident.

# The Value of Our Neighbor's Life and Property...

Is the same reason a fence is required  
around a backyard pool.

Our pets are vaccinated and under the  
owner's control.

This respect for the life, liberty and  
property of others is fundamental to a  
free civil society.

# Question?

Does The Constitution indicate  
the States

have rightful authority

to require such laws

to protect the life, liberty and  
pursuit of happiness of others?



# Federalist 45 - Madison

**“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; with which last the power of taxation will, for the most part, be connected.”**



# Federalist 45 - Madison

“The powers reserved to the several States will extend to all the objects which, **in the ordinary course of affairs, concern the lives, liberties, and properties of the people,** *and the internal order, improvement, and prosperity of the State.*”

## The point is...

- The Federal Government cannot require anyone to purchase auto liability insurance any more than they can require we purchase Health Insurance.
- The Federal Government does not have the constitutional authority to require either.

# Federalist 39 - Madison

“...the proposed government cannot be deemed a national one; *since its jurisdiction extends to certain enumerated objects only*, and leaves to the several States a residuary and inviolable sovereignty over all other objects.”

Italics added

# Enumerated Powers of Congress

## Article 1, Section 8

- Confined to war,
- Commerce - as related to the rest of the nations,
- Immigration
- Mail Delivery
- Uniform commercial system - bankruptcy, a monetary system, punishment of counterfeiting, standards weights/measures, patents and copyrights.



**That's  
Basically  
It,  
Folks.**



- Is the State acting in accordance with the Constitution by requiring citizens to purchase auto liability insurance?

–The Answer is, “Absolutely!”

# **Could A State Require Health Insurance?**

**Yes.**

**Romney-Care is legal  
and required in Massachusetts.**



# Just Because

State and Federal are each  
“*Governments*”,

Has no bearing on what each form of  
government is constitutionally  
authorized to do.

# Paper #14

Where do *Rights* come from?

What is *Federalism*? What is a *Republic*?

What is the function of a constitution?

## Basic Concepts Of Government

## To Restore Constitutional Gov't.

- We must learn the basic concepts of “*government*”.
- We must learn the Constitution.
- We must elect representatives who will honor their oaths to support it (Article VI, clause 3).
- We must remove from office those who don't.



# Necessary Resources

- The Constitution.
- The Declaration of Independence.
- The Federalist Papers
- Webster's 1828 Dictionary.

# Basic Government Concepts: Definitions

## Constitution:

In free states, the constitution *is paramount to the statutes or laws enacted by the legislature, limiting and controlling its power,*

# Basic Government Concepts: Definitions

## Federal:

An **alliance of States** with close cultural and economic ties associated together in a “federation” with a national government which is delegated supremacy over the States *in specifically defined areas.*

# Basic Government Concepts: Definitions

## Republic:

A state in which the exercise of the sovereign power is lodged in representatives elected by the people.

A **constitutional republic** *is a state in which the representatives (and other officials) are limited and restricted by a constitution.*

# Basic Government Concepts: Definitions

## Democracy:

Majority rule, mob rule.

Democracy always leads to authoritarian rule that upon achieving power, shut down any dissent. We have known this since Aristotle/Plato.

*Democracy - Two wolves and a sheep deciding on what to have for dinner.*



# Basic Government Concepts: Definitions

## Types of Government

1. **Self-government** - man's control and restraint over his own temper, passions, and social actions.

# Basic Government Concepts: Definitions

## Types of Government

2. **Family Government** - parents' authority over their children and other family members.

# Basic Government Concepts: Definitions

## Types of Government

3. **Civil Government** - the form of, and the rules and principles by which a nation or state is governed.

# Basic Government Concepts: Definitions

## Types of Government

In a **Totalitarian** nation - the civil government eliminates the other forms of government so that its power is unchallenged in all spheres of life.



# Self-Government vs. Totalitarianism

- Elimination of the responsibility of individuals to act morally and responsibly in the conduct of their own affairs.
- The less responsible receive more favor.

# Family Government vs. Totalitarianism

- Dictates the discipline and education of children.
- Advising children outside of parent's will, authority, and consent.
- Family responsibilities being assumed by civil government.



**Free Country:** civil government limited by the Constitution.

**Tyranny: Those in power do  
ANYTHING they want.**

# Lex, Rex, The Law & The Prince

Written by Samuel Rutherford (1644) in which he sets forth the biblical model wherein the king is subject to the Law *to the same extent* as the citizens.

Biblical References: Deut. 17:18-20, 2 Kings 22:8-13; 23:1-3

**The Rule of Law** - the King is under the Law.

**The Rule of Man** - When certain men claim they are above the law.



## Frederic Bastiat's, The Law (1848) Bastiat.org

- Makes the distinction between the moral law and man's law.
- Man's law uses the justice system to reward friends and punish enemies.
- Man's law attempts to make legal those things which are inherently lawless.
- Man's law makes use of most people's acceptance of the law as being right.



# Everything bows to Caesar

- The Church is no longer the moral authority of our nation.
- God must be relegated to the strictly personal, or the Federal Government will punish by law.
- Charity is reduced as our tax deductions are reduced.
- All charities must adhere to government regulations.

# A Free Country is Decentralized

In a free country, civil government itself is decentralized -- we have **city** governments, **county** governments, and **state** governments.

Each local government has its own constitution that defines its powers and duties.

# Federalist 45 - Madison

“The powers delegated by the proposed Constitution to the federal government are few and defined. Those that 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; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people.”

# Federal Authority *if*

- We are in the military.
- We are engaged in foreign trade/commerce.
- We are a counterfeiter.
- We file for bankruptcy.
- We are an inventor, author, artist,...
- We are a pirate.
- We are an immigrant or becoming a naturalized citizen.

# Tyrants

- Know no law but their own ideas, whims, self-interest, self-glorification, and lust for power.
- Webster's 1828 "govern"

# Federalist 33 - Hamilton

“If the federal government should overpass the just bounds of its authority and make a tyrannical use of its powers, **the people, whose creature it is**, must appeal to the standard they have formed [the Constitution], and take such measures to redress the injury done to the Constitution as the exigency may suggest and prudence justify.”

# What are rights?

- The Declaration of Independence states that our rights are unalienable and come from God:

*“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness...”*





## Ayn Rand - Atlas Shrugged

“The source of man’s rights is not divine law or congressional law, but the law of identity. A is A --Man is Man. Rights are conditions of existence required by man’s nature for his proper survival. If man is to live on earth, it is right for him to use his mind, it is right to act on his own free judgment, it is right to work for his values and to keep the product of his work. If life on earth is his purpose, he has a right to live as a rational being: nature forbids him the irrational. Any group, any gang, any nation that attempts to negate man’s rights, is wrong, which means: is evil, which means: is anti-life.



# Gifts from God, not man...

“To say that the Bill of Rights is the source of our rights, diminishes them from their proper status as unalienable gifts from God, and transforms them into privileges which we hold, or not, according to whether they are recognized in a document written by men; and according to the interpretations of judges!”

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