

# 101 Constitutional Questions to Ask Candidates

by W. Cleon Skousen. 1980.

Because so many millions of Americans finally realize that something is seriously wrong with the way the government is handling our affairs, people are continually asking: "Do you think there is still time to turn it around?"



When you ask, "Still time before what?" they usually reply: "Before total disaster overtakes."

For those who wonder about such things the answer is this: "Yes, there is still time, but not much."

The next question is: "What can we do to get America turned around and regain our national sanity?"

The answer is: "Elect a President and a majority in Congress who still believe in the Constitution and will fight to return America to her original moorings."

## Identifying Constitutional Candidates

"But how can you tell when a candidate for political office is really a Constitutionalist?"

If the candidate is already in office he will have a voting record which will clearly show whether or not he is a Constitutionalist. Several organizations monitor the Congress and publish the results.

However, if the candidate is a newcomer to politics you will have to test his knowledge of Constitutional principles by asking a few questions.

## What Kind of Questions Should Be Asked?

We are listing a few of the many questions which might be addressed to a candidate in order to determine whether or not he stands for those basic principles advocated by the Founding Fathers.

As we go through these questions you will note that nearly all of them can be easily answered by anyone who has attended the "Miracle of America" seminars on the Constitution. In the text for this course the answers to all of these questions are explained and documented. If your candidate does not know the answers, invite him to take a Constitutional seminar at the earliest possible date. The thirteen hours required for this study may turn out to be the best investment in political orientation he could find. No American should run for public office until he has studied the Constitution in the tradition of the Founding Fathers.

## Questions on General Principles

### 1. Under the Constitution, who has the sovereign authority to govern?

The founders said it is in the people "by God's own allowance". No branch or agency of the government should be allowed to operate in violation of the expressed will of the people. Their collective will is set forth in the Constitution and the laws passed by the people's representatives.

### 2. In what way are "all men created equal?"

All humanity are equal in three ways: 1. equal before God, 2. equal before the law, 3. equal in their rights. In all other respects people are different.

### **3. What is an inalienable right?**

An inalienable right is one which comes as an "endowment from the Creator" and cannot be violated without coming under the judgment of God.

### **4. Which inalienable rights were listed in the Declaration of Independence?**

The Declaration of Independence lists the right to life, liberty and the pursuit of happiness.

### **5. What did the founders mean by the "pursuit of happiness?"**

This is a collective phrase designed to cover all of the other inalienable rights.

### **6. Give an example of an inalienable right which is essential to the pursuit of happiness.**

The Founders believed, for example, that human happiness requires that each of us enjoy the right to acquire, develop and dispose of property. They believed that without the protection of property rights, all other rights are placed in serious jeopardy.

### **7. What are some of the other inalienable rights?**

The inalienable rights of mankind include such things as the right of self government; the right of human beings to beget their own kind; the right of parents to rear their children free from outside interference (unless there is criminal abuse or neglect); the right to freedom of belief; the right to freedom of speech; the right to assemble; the right to petition; the right to change residence; the' right to change jobs, etc.

### **8. What is the purpose of government?**

The Founders said the basic reason for creating a government is to protect the inalienable rights of the people. The government is to provide "liberty under law," which means that no law should be passed unless it is specifically designed to protect the freedom, liberty. and well-being of the people.

## **The American Structure of Government**

### **9. What is a democracy?**

A democracy is a government wherein decisions are made by the masses of the people rather than by elected representatives.

### **10. What is a republic?**

A republic is a system in which the laws are passed and decisions made by the elected representatives of the people.

### **11. Why did Jefferson call the American system a democratic-republic?**

Because the system allows the masses of qualified voters to participate in the election of their officials (democracy) and then the people's elected representatives enact the laws and administer the affairs of the people under majority rule but with the equal protection of individual rights (a republic).

### **12. Is it a mistake, therefore, to call the United States a democracy?**

Yes. The only part of the American system which is borrowed from "democracy" is the popular election of government officials. Except for this, the Founders strongly emphasized the republican aspects of the American system. A republic places the responsibility for sound government and decision-making on the people's elected representatives rather than allowing the fluctuating and superficial emotions of the people to override law and order or the rights of minorities. The classical example of government functioning on republican principles and prevailing over "pure democracy" would be the case of a sheriff protecting a prisoner against a lynch mob.

## **The Task of Controlling Power**

### **13. Why is separation of power safer than concentration of power?**

Government is "force" which Washington compared to "fire" and said government is a "dangerous servant" and a "fearful master." Power should be dispersed among the people where they can keep it under control.

### **14. How should the powers of government be separated?**

First of all the Founders wanted political power separated vertically. They considered the principal power base of society to be the family. However, there are a few things which a community of families can provide better than a single family (police, fire, water, utilities, etc.). Power to perform these functions is therefore delegated to the community. Then there are a few things which groups of communities can do better than the single community. These tasks are assigned to the higher level of the county. There are also a few things that a group of counties can do better than a single county and these are assigned to the State level. The Founders also discovered that there were certain matters dealing with foreign affairs, problems of war and peace, imports, etc. which need to be handled in behalf of all the states. These responsibilities are therefore assigned to the Federal Government. It should be noted that the Founders' pyramid of power provided that the greatest number of responsibilities should rest with the family. Only a few responsibilities were assigned to the levels of government above the family and the Federal Government was to have the least of all. 1

### **15. What remedies did the Founders provide if government officials violated the channel of power assigned to them?**

Administrative pressures from other departments are provided and if his offenses are serious he can be impeached for treason, bribery, high crimes or misdemeanors.

### **16. Why did the Founders want the powers of government to flow from the bottom up rather than the top down?**

Jefferson stated that a political unit governs best which governs least. In other words, the services which the people need from government are relatively simple and when circumstances are normal the people like to conduct their affairs with as little interference from the government as possible. Consequently, in the Founders' original plan for a happy and prosperous society, the functions of government were designed to be relatively simple and remarkably cheap.

### **17. Then why do we have such a complicated and expensive government today?**

The professional politicians learned that in a war, depression, or a serious crisis, the people will endure higher taxes and a far greater concentration of authority on the higher levels of government. Certain politicians therefore set out to exploit every emergency as an excuse for the acquiring of more power. During most of the twentieth century ambitious politicians trumpeted the message that the government can solve practically all problems better than the people. Today, as a result, Americans are being literally "programmed" to death. And taxes have skyrocketed.

## **Separating Power Horizontally**

### **18. How did the Founders separate power horizontally?**

There are three functions of government at each level of society. One function is to make the law, another is to administer the law and a third is to interpret the law. These are all on the same horizontal level and are referred to as the legislative, executive, and judicial functions of government. The Founders wanted these three functions to be separated into equal, independent departments. At the same time, they wanted to coordinate these functions so that one department could not function without the other two. Each department was therefore assigned to serve as a check on the others. The idea of the Founders was to have these functions of government "coordinated but never consolidated." This was one of the most ingenious devices contributed by the Founders.

### **19. What happens if the separation of powers breaks down either vertically or horizontally?**

The Founders warned that if the vertical separation of power should ever break down so that all power began to be concentrated in Washington, there would be a severely arrogant abuse of the people by government officials. They also said that if the legislative executive and judicial departments failed to act as a check on each other, there would be tyranny and the people would lose their freedom. For more than one full generation this is what has been happening.

## **Americans Experiment with Another System**

### **20. Is the consolidation of government functions the trend today?**

Yes. Consolidation of power is gravitating toward Washington at a pace which would have greatly alarmed the Founders.

### **21. What has caused this?**

Beginning around 1900 certain wealthy influential groups lost confidence in the original American system and began propagandizing the people into believing that a "redistribution of the wealth" by the government would greatly improve the American life style. This theory of economics with its concentration of political power at the center of government is usually referred to as socialism. Samuel Adams vigorously warned against these principles. He said socialism violates equal protection of rights and completely destroys the concept of limited government. In fact, he said the Founders had done everything possible to make these collectivist policies "unconstitutional."

### **22. What has been the result?**

These policies launched the United States on a wild and dizzy trajectory which has resulted in run-away inflation; a huge burden of national debt; taxes which are devouring nearly half of the peoples' earning power; a serious invasion of individual rights; and a virtual collapse of states rights.

### **23. Has socialism or "collectivism" worked anywhere in the world?**

Unfortunately, it has not. In fact, the militant forms of socialism such as Communism, Nazism, and Fascism have caused more wars and shed the blood of more human beings than any system of government in the history of the world. Even the so-called "peaceful" forms of socialism such as Democratic Socialism and Fabian Socialism, have proven counter-productive and have continuously crept along the razor's edge of perpetual bankruptcy. Americans have sent over hundreds of billions of dollars in foreign aid trying to help the socialist nations survive. Now we are bordering on bankruptcy ourselves.

**24. How did the Founders structure the American system so that socialism would be unconstitutional?**

They did it by setting up a "limited" form of government with carefully enumerated powers. Jefferson called these limitations on government the "chains" of the Constitution.

## **American Leaders Began to Abandon the Founders Success Formula**

**25. Does this mean Theodore Roosevelt was in error when he said the President could do anything except that which the Constitution forbids?**

Yes, he was turning the Constitution upside down. The President and all other officials of the government are only allowed to do that which is expressly authorized. The Founders referred to any exercise of power outside of these Constitutional chains as "usurpation."

**26. Was President Woodrow Wilson also in error when he said the United States should become involved in the political and economic affairs of the world?**

Yes. The Founders had continually warned against foreign, entangling alliances. The Founders believed the United States should try to be friendly with all nations, but beholden to none. They knew that political interdependence leads to the development of power blocs, and power blocs ultimately lead to war.

**27. Was Franklin D. Roosevelt in error when he structured the New Deal?**

Yes. The New Deal was structured on collectivist principles designed by such men as Harry Hopkins who saw socialism as a tremendous vehicle to acquire power over the people and their resources. His famous formula was "tax, tax -- spend, spend -- elect, elect!"

**28. Was Lyndon Johnson in error when he said, "We will take from the haves and give to the have nots!"**

The Founders would certainly have called it an error. There is absolutely no Constitutional authority for the government to engage in any such invasion of private property rights. Throughout history it has always been popular for governments to pretend they are going to "soak the rich," but such programs have always ended up with government officials using this newly acquired power to violate the inalienable rights of both rich and poor. It is a political trick to build bigger government with bigger debts and bigger taxes.

**29. Was President Nixon in error when he continually tried to involve the United States in a "New World Order"?**

Yes. It is extremely dangerous for Americans to enter into foreign engagements where decisions for Americans are made by non-Americans. The Founders believed that we should coordinate but never consolidate our free and independent society with foreign nations.

### **30. Was President Carter in error when he began meddling in domestic affairs of foreign nations?**

Yes. The Monroe Doctrine specifically promised that the United States would never undertake to meddle in the domestic affairs of other countries. Any President or Secretary of State who has followed a policy of "interventionism," has operated outside of his Constitutional authority.

## **Presidential Violations of the Constitution**

### **31. What about executive orders which are treated as laws after being published in the federal register?**

In the eyes of the Founders these would be considered unconstitutional. The President can issue executive orders to the administrative branches of government under his supervision but he has no authority whatever to make "laws" for the people since the Constitution assigns that authority exclusively to the Congress. An act of Congress could stop this whole illegal procedure.

### **32. What about executive agreements between the President and heads of foreign governments?**

This procedure is also unconstitutional. The Founders provided that all agreements with foreign nations must have the advice and consent of the Senate. Since American Presidents began holding summit conferences with the heads of foreign governments, they have been entering into secret engagements which very often never see the light of day let alone receive the advice and consent of the Senate. Each year there are many more executive agreements signed by the President than there are treaties ratified by the Senate.

## **Judicial Violations of the Constitution**

### **33. What about new laws laid down by the Supreme Court?**

This is called "judicial legislation." This occurs when the Supreme Court creates a new law by pretending to interpret an old one. In the Federalist Papers the Founders specifically warned against this type of arrogance by the Supreme Court.

### **34. How is the Supreme Court supposed to interpret the Constitution?**

The Founders made it very clear that the Supreme Court would be violating its assignment if it substituted its own opinions for that of the Founders. Until recently it has always been an established principle that the

Constitution must be interpreted the way the Founders intended it and not according to the whims or caprice of modern justices.

### **35. Is there any way to curb the Supreme Court from exercising its power in an unconstitutional manner?**

Yes. A Judicial Reform Amendment would allow any Supreme Court decision to be overturned by two-thirds of the House and two-thirds of the Senate. A decision could also be overturned by concurring resolutions from three-fourths of the State Legislatures. Had this procedure been available the States would have' undoubtedly outlawed forced busing of school children at least twenty years ago.

## **Unconstitutional Edicts of Regulatory Agencies**

**36. Is it Constitutional for an agency of the Federal Government to write rules and regulations which are enforced in the courts as "laws?"**

No. This is a recent development in governmental procedures. It is called "administrative law." The Founders provided no power in any agency of government to make laws except the Congress.

## **Blurring the Founders' Division of Labor Between the States and the Federal Government**

**37. How did the Founders intend to divide the problem-solving powers between the States and the Federal Government?**

James Madison spelled it out in the Federalist Papers, No. 45. He wrote: "The powers delegated by the proposed Constitution to the Federal Government are few and defined.... 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 the properties of the people, and the internal order, improvement and prosperity of the State."

**38. How did the Founders know whether to assign a problem to the State or Federal Governments?**

If a problem involved foreign relations (war, peace, treaties, etc.) or matters which could not be handled by any one of the states (regulating interstate commerce, crimes on the high seas, navigable waters, naturalization, etc.) it went to the Federal Government. All other powers were retained by the States.

**39. How many areas of power were ultimately assigned to the Federal Government?**

The Constitution gives the Federal Government twenty powers. These are set forth in Article I, Section 8.

**40. What if the Federal Government thinks it needs more power?**

The government cannot legally exercise any powers except those which are specifically granted to it by the Constitution. The only way Washington can get any additional legitimate power is by an amendment.

**41. Where does it say that the Federal Government is specifically restricted from exercising any power not granted to it by the States?**

## **The Tenth Amendment**

**42. Then how did the government get so much power?**

The dominating arrogance of the Federal Government today came about primarily through three channels: 1. outright usurpation of power, 2. an edict by the Supreme Court in the Butler Case in 1936 reversing the original meaning in the Welfare Clause, and 3. distorting the Commerce Clause as the means of shattering the restrictive chains of the Constitution and expanding Federal jurisdiction into hundreds of areas never intended by the Founders..

## **Subverting Two Important Constitutional Clauses**

**43. What was the Butler Case?**

In this decision, Justice Roberts included in his opinion a dictum that the Congress would no longer be restricted in its taxing and spending powers so long as it was in the "general welfare" of the nation. This immediately opened the U.S. Treasury to looting for all kinds of give-away programs which politicians began using to buy votes.

#### **44. In what way has the Commerce Clause been distorted to give the Federal Government unconstitutional powers?**

This clause was simply designed to give the Federal Government sufficient power to insure the "free flow" of commerce so that the States would not interfere with inter-state shipments as they had done in the past. Since 1936 the original intent of the Founders has been expanded to include Federal control over practically everything which affects inter-state commerce either directly or indirectly. This usurpation of authority by Congress (which has been upheld by the Supreme Court), has shattered some of the most important restrictions on Federal intervention in the business and commercial life of the nation.

### **Some Practical Questions**

#### **45. Doesn't the more complex nature of modern society require a far more extensive control of the economy by the Federal Government?**

No. The more complex society becomes the more it needs the automatic problem-solving devices of a free-market economy operating with the least possible interference from government. As Adam Smith pointed out, government interference only adds to the complexity of the system and results in a serious deterioration of individual freedom.

#### **46. What is a modern example of the Founders' original success formula solving some of the highly complex problems of a modern society?**

No nation could have had a much more complex situation than West Germany right after World War II. Every major city in Germany was bomb-gutted and the people were surviving in basements and make-shift hovels. Chancellor Konrad Adenauer of West Germany took over in 1949 and immediately initiated the basic economic principles advocated by the Founding Fathers. By using freedom instead of heavy-handed government regulations, West Germany achieved the highest standard of living in Western Europe within eight years. The West Germans were not only fully employed but importing foreign labor besides. Clothing, food and housing were abundant and cheap. West Germany became so prosperous she was the envy of socialized Sweden. It will be recalled that Sweden wasn't even in the war and had boasted of the superiority of her socialist controls. However, in Sweden a young married couple has to wait ten years to get a one-room apartment because of the government monopoly over housing. It was obvious West Germany had chosen a better way.

### **Questions About Money and the Budget**

#### **47. What happened to the Federal budget after the "Butler" case?**

In 1936 (the year of the Butler case) the Federal budget was around six billion dollars. By 1980 the looting of the American taxpayer had pushed the Federal budget to more than six hundred billion dollars!

#### **48. Is it Constitutional for the government to spend more money than it takes in?**

Yes. The Constitution allows the government to borrow in emergencies. Unfortunately, during the last 50 years Congress has continually found excuses to borrow whether there was an emergency or not. The only way to stop this is to replace the big spenders in Congress with Constitutionals who recognize that we are presently on a disaster course.

## The National Debt

### 49. How much is the national debt today?

The U.S. National Debt is nearly a trillion dollars (extremely higher today!) requiring interest payments which cost more each year than the entire cost of World War I. Future liabilities to which the government is already committed will require taxation of an additional six to seven trillion.

### 50. How does the U.S. debt compare with the debts of other nations?

The United States now owes more than all of the rest of the nations of the world combined.

### 51. Why would the Founders have considered this gigantic indebtedness immoral?

The Founders said that no generation should go so deeply in debt that it becomes guilty of squandering the next generation's inheritance. They said such extravagance is immoral. All past generations tried to pay off all the debts accrued during their time. Ours is the first generation which has deliberately squandered the inheritance of its children.

## What About Welfare?

### 52. But hasn't much of our money been spent for welfare and other important social programs?

This was the main excuse for sky-rocketing taxation and deficit spending. Tragically, however, the money has been squandered primarily to build a vast bureaucracy. It is amazing how many of the government's multibillion dollar social programs have provided only a pittance to trickle down to the poor, the sick and the elderly.

### 53. But didn't the government have to try to do something to help those in need?

The Founders specifically warned against this type of political deception where the compassion of the people is exploited to build big government and raise taxes. They said that all types of charity and welfare should be handled on the local level where abuses could be quickly detected and corrected.

### 54. But what if the states do not provide needed services?

The existence of a need on a State level does not create a power on the Federal level. When a State fails to fulfill its obligation the pressure should be exerted on the State, not the Federal government. Jefferson said there is no way to preserve freedom if all political power gravitates to Washington.

## The National Debt and Foreign Aid

### 55. In view of America's tremendous national debt, why do we continue giving foreign aid to over a 125 countries?

This whole procedure violates the Constitution and common sense. What started out as part of the defense program in the interest of the United States has turned into an international Santa Claus give-away program. similar to the extravagant give-away programs at home. Tens of billions given away each year automatically add to the national debt.

## Social Security

**56. Is Social Security an insurance plan or a welfare plan?**

The Supreme Court has held that it is a welfare plan. This means that it can be terminated at anytime. It also means the government can distribute its proceeds arbitrarily. The contributor to social security payments acquires no rights and receives only what the government condescends to distribute to him as "payments" if he qualifies under the government's arbitrary poverty level.

**57. Is there a better way?**

Yes. It is called an annuity program. If the money contributed by an employee (and his employer) between 25 and 65 were invested in American industries under an annuity plan, the fund could be built to a quarter of a million dollars by the time he retires. An annuity fund of this kind would permit an employee to retire at \$1,200 to \$1,500 per month. Furthermore, the money is his. He does not have to be poor to get it. If he dies it goes to his widow and children. He earned it. He owns it. [these figures would be higher now]

**58. Is the Federal Income Tax Constitutional?**

Yes. The Sixteenth Amendment was adopted according to the requirements of the constitution.

**59. Is this the type of tax which the Founding Fathers would have employed?**

No. They provided that direct taxes be apportioned to the States according to population, not according to the incomes of the people.

**60. Has income tax been administered uniformly?**

No. A graduated income tax violates the equal protection of rights. It violates the principle of uniformity required by the Constitution and makes the property of accumulated wealth less sacred than those who have less.

**61. Is it possible to administer the Income Tax fairly?**

No. This could only be done by setting up a universal monitoring system similar to a "police state." This would violate all of the basic rights guaranteed in the Fourth Amendment.

**62. Would it ever be possible to repeal the Federal Income Tax?**

Yes. By phasing out governmental activities which are clearly outside the Constitution, the cost of government would be greatly reduced and the income tax could be safely eliminated.

**63. Would the repeal of the Sixteenth Amendment interfere with defense and other legitimate Federal responsibilities?**

No. Corporate taxes and other sources of Federal revenue would more than adequately provide for the legitimate expenses of the Federal Government if its unconstitutional expenses were phased out. Who knows, there might even be a surplus!

**64. What about the thousands of Federal-aid programs covering nearly every aspect of American life?**

Federal grants are unconstitutional unless directly related to some power specifically delegated to the Federal Government. A strict interpretation of the Constitution would probably wipe out at least 95% of the Federal-aid programs presently plaguing the nation.

## **Federal Regulatory Agencies**

### **65. What about EPA?**

The Environmental Protection Act involves problems which the Founders delegated exclusively to the States where local supervision could prevent abuses and deal with over-regulation more readily. Today, federal control over air, water, and land environment is strangling the economy and suppressing the development of energy and natural resources.

### **66. What about OSHA?**

Occupational safety and health are important responsibilities but they should never have been delegated to the Federal level. The Founders knew that government is too big, and the legal machinery too expensive for most citizens to handle. They therefore endure the disruptive and oppressive edicts of this agency because it has been too big for the average citizen to fight.

### **67. What about the Federal Communications Commission?**

This agency was designed to "police" the traffic on the air waves but the FCC has used its licensing power to control the editorial content of programs. This is in direct violation of the First Amendment.

### **68. What about the Pure Food and Drug Administration?**

There is no authority for this agency under the Constitution. If it is in the national interest to have such an agency it should have been authorized by an amendment. There is already a wide-spread criticism of the arbitrary manner in which this agency has exercised its broad spectrum of power.

### **69. What about Consumer Protection?**

Here again we have an exercise of power unauthorized by the Constitution. Do we really want that much power allocated to the Federal level where the agency is so big and powerful that not even the largest corporations are able to cope with its abuses?

## **What About the Government Setting Up Business Operations?**

### **70. Is there any authority in the Constitution for the government to set up tax-exempt corporations or business operations to compete with tax-paying citizens?**

The answer is no, unless the corporation or business is directly connected with an area of Federal responsibility enumerated in the Constitution. For example, an independent government corporation to provide mail service would be constitutional. However, a corporation set up to compete in the production of electricity, the manufacturing of clothes, or the operating of a chain of public restaurants, would not.

### **71. How many corporations and businesses does the government operate at the present time which are unauthorized by the constitution?**

Around 700 corporations and 11,000 businesses. [much higher now]

**72. Are all of these tax-exempt?**

Yes. They are not only tax-exempt but most of them are being subsidized out of tax funds because they are not being operated efficiently.

**What Caused the "Sagebrush Rebellion?"**

**73. Shouldn't all of the states have been admitted to the Union on an equal basis?**

Yes. This was set forth by Congress in the Northwest Ordinance of 1787.

**74. Which states were strong-armed into accepting statehood without being admitted on an equal footing?**

All of the Western States and Alaska.

**75. In what way were they forced to accept statehood unequally?**

Large regions of these states were retained by the Federal Government for purposes not authorized by the Constitution in Article I, Section 8, Clause 17.

**76. About how much of the land did the Federal Government usually withhold from these states?**

The government retained around 50% of the land in most Western States, but 79% of Nevada and 96% of Alaska.

**77. Are any of these states attempting to get this land back?**

Yes. The press has labelled this effort the "Sagebrush Rebellion," but it is not a rebellion. These states are simply following the legal and Constitutional procedures necessary to have this land turned back to them.

**What About Locking Up State Territory As Wilderness Areas?**

**78. Does the Constitution authorize the President and the Secretary of the Interior to lock up large blocks of land within a state as a "wilderness reserve?"**

No. This violates the express provisions of the Constitution but was upheld by the Supreme Court on extremely tenuous grounds.

**79. Does the Constitution authorize the Federal Government to have a national forest within the confines of a state?**

No. This is not included in the list of territories which the Federal Government is allowed to occupy with the consent of the State. (See Article I, Section 8, Clause 17) The Supreme Court had to distort the Constitution to justify it. Historically, the States have had fewer forest fires and have maintained the State forests on a higher level than the national forests.

**80. Does the Constitution authorize the Federal Government to have national parks within the confines of a State?**

No. For the same reasons as those cited above, the Supreme Court should have disallowed them. It has been observed that as a rule State Parks are better maintained and provide better facilities than those operated by the Federal Government.

## **What About Federal Control of Energy Resources?**

**81. Does the Constitution authorize the government to control, regulate, or inhibit the production of energy resources within a state?**

No.

## **Problems with Government Monopolies**

**82. What about the widely expanded activities of the Interstate Commerce Commission?**

The Founders never intended the "regulation of commerce" to include cartel monopolies, fixing prices, fixing routes, and regulating industries into bankruptcy. The recent deregulation of airlines dramatically demonstrated the advantage of free-market competition over a system of unconstitutional governmental regulations.

**83. Does the Constitution authorize the Federal Government to set prices?**

Not in time of peace.

**84. Does the Constitution authorize the Federal Government to set wages?**

Not in time of peace.

## **The National Labor Relations Board**

**85. Does the Constitution authorize the Federal Government to enter into labor-management disputes in the private sector?**

No. This area of Federal usurpation occurred during the "New Deal" days by completely distorting the original intent of the Commerce Clause.

## **The Department of HEW**

**86. Is there any Constitutional foundation for the extravagant and wasteful expenditures of the Department of Health, Education and Welfare?**

No. Each of the agencies under HEW has developed since the Butler Case. The dictum in this case authorized the general welfare clause to be interpreted in a manner which extended government intrusion into areas specifically excluded from Federal jurisdiction by the Founders.

**87. About how much of the Federal budget is spent each year on these unconstitutional activities?**

Around 201 billion dollars in 1980 which is approximately 1/3 of the Federal budget.

**88. Would it require an amendment to the Constitution to eliminate the Department of HEW?**

No. An act of Congress could dismantle this extremely costly department which has probably been more wasteful and nonproductive in its assigned area of activity than any other branch of the government.

## **The Equal Rights Amendment**

### **89. Why are so many millions of American women now opposing the passage of the Equal Rights Amendment?**

In the beginning nearly everyone assumed that this amendment was designed to provide equal rights for women. This supposed objective was widely approved. It was only after 30 states had ratified this amendment that it was realized that the simple wording of this amendment would actually destroy a broad spectrum of rights which American women already have.

### **90. What are some of the rights of American women which ERA would destroy?**

At present American women enjoy both the common law right as well as the statutory right to be supported, along with their children, by their husbands. ERA would not only destroy this right but also eliminate many rights relating to employment, maternity leave, insurance and survival rights which are presently provided by law.

### **91. Would passage of the Equal Rights Amendment give women any more rights than they now have?**

No. All of the rights which the advocates of ERA claim they are getting for women through the passage of this amendment are already provided by law.

### **92. Would the passage of ERA further damage the original separation of powers instituted by the Founders?**

Yes. For example, it would transfer a large percentage of cases involving family and other domestic problems from the State courts to the Federal judiciary which is already smothered with legal problems.

## **Abortions**

### **93. Is Federal funding of abortion a violation of the Constitution?**

Yes. The specific and limited authority granted to the Federal Government does not include any funding for abortions.

## **The Gold and Silver Standard**

### **94. Was the United States taken off the gold and silver standard in violation of the Constitution?**

Yes. The gold standard is written into the Constitution (Article I, Section 10, Clause 1) and was removed by several acts of Congress without an amendment to the Constitution between 1934 and 1964. From the Founding Fathers standpoint this whole procedure was illegal.

## **The Federal Department of Education**

### **95. Is it Constitutional for Federal funds to be used in the financing of local schools?**

No. The Founding Fathers warned against the funding of schools by the Congress. In fact, education in the U.S. has seriously deteriorated since Federal funding began. James Madison equated the Federal funding of schools as extremely dangerous and said it was almost as bad as funding and controlling the churches of the nation.

**96. Should the members of State and educational associations be required by law to pay dues to the National Educational Association?**

No. The NEA is a private lobby with an annual budget of nearly \$60 million dollars. It succeeded in getting the States to pass a law requiring the educators in State associations to pay dues to the NEA. These laws should be repealed. Teachers find themselves compelled to pay dues to this private organization which often advocates policies that are inimical to the best interests of American education.

## **Taxes on Dividends**

**97. Should stockholders be required to pay income taxes on their dividends when the corporation has already been subject to a corporate tax?**

No. The stockholders are the owners of the company. They have already paid around 48% tax on the company's earnings. The residue should be distributed among the stockholders as funds on which the required tax has already been paid.

## **Control of Firearms**

**98. Should the Federal Government pass laws providing for the control of guns?**

No. The Founders left gun control under the exclusive jurisdiction of the State. They felt it was extremely dangerous to allow the Federal Government to "infringe" on the right to bear arms even in the slightest degree.

## **The Modern Method of Electing Senators**

**99. Should the Seventeenth Amendment be repealed?**

The Founders would undoubtedly say yes. They set up a House of Representatives to represent the people and set up a Senate to represent the individual States. Senators were originally appointed by State legislatures and were the watchdogs of States rights. The Seventeenth Amendment took away the authority of the State Legislatures to appoint Senators, and therefore required Senatorial candidates to appeal to the people in a popular election. This resulted in the Senators frequently ignoring States rights in an effort to get more money for their States just as Congressmen do. States' rights have been seriously deteriorating since the Seventeenth Amendment was adopted in 1913. It destroyed an important element of balance which the founders built into the Constitution.

## **The BLM**

**100. Should the Bureau of Land Management be abolished?**

Yes. This bureau has been rapidly phasing out the traditional grazing rights of ranchers and setting up impossible regulations on land which should have been turned over to the States when they were admitted into the Union.

## **Government Expenses**

### **101. Can you find out how the government spends its money?**

Yes. A complete breakdown of government spending is published each year by the Government Printing Office. This is required by the Constitution.

## **Conclusion**

Now, as nearly as we can ascertain from the writings of the Founding Fathers, this is about the way they would have answered each of these 101 questions. We have also tried to reflect the line of reasoning which their writings portray when similar questions were raised in their own day.

It is believed their point of view deserves careful consideration in view of the rather calamitous consequences which modern Americans have encountered as a result of following a different line of thinking. The socialist or collectivist formula has not worked for Americans; nor any one else for that matter.

It is believed this generation of Americans could earn the eternal gratitude of their descendants if they would immediately undertake to restore the Constitution in the tradition of the Founding Fathers.