



Written by [John F. McManus](#) on February 18, 2017

## Do We Live in a Land of Laws?

When a federal judge blocked President Trump's ban on entry to America from seven majority-Muslim nations, his decree won praise from the liberals and left-wingers. One of these, the *Boston Globe* newspaper, defiantly cheered its print issue, "We Are Still A Nation Of Laws." Read the online version [here](#). The target of that remark was President Trump who was thereby accused of not obeying a law and relying on his will in its place.



The particular "law" joyously pointed to by the *Globe* was the mandate issued by [Federal District Judge James Robart](#). But, if our nation is indeed a land of laws, the primary law should be the U.S. Constitution, not a mandate issued by President Trump or a counter mandate issue by the judge. This is law-making by several methods never envisioned by the Founding Fathers and decidedly not authorized by the U.S. Constitution.

The Constitution, sworn to be obeyed by all federal officials, states in Article I, Section 1, Clause 1, "All legislative powers herein granted shall be vested in a Congress of the United States...." That means there is no law-making power in the Executive or Judicial branches. But laws are constantly being made by presidential executive order and by judicial decree. The *Boston Globe* isn't alone in ignoring this clearly stated constitutional process.

The Constitution grants to Congress alone the power "To declare war." Sending our forces into combat without a congressional declaration of war is, therefore, unconstitutional. The absence of declarations of war has led to either stalemate or defeat in Korea, Vietnam, Iraq, Afghanistan, and elsewhere. Lives have been lost, treasure has been squandered, and good will toward our nation has evaporated. Refusal to obey the war-making clause of the Constitution can be blamed for all of that.

The Constitution says that Congress shall have the power "To coin money." It does not grant power to issue money. And, following on the absence of power to issue money, there is no authorization for Congress to delegate non-existent power to issue money to the Federal Reserve.

The Constitution tells us that it shall be the task of "the United States" (meaning the federal government), "to protect each of them against invasion." The reference to "them" is to the states. It doesn't specify military invasion. If upwards of 20 million have crossed into our states illegally, is that not an invasion? And isn't the failure of the federal government to meet its assigned responsibility to protect the states from invasion a gross disregarding of the law?

The Constitution states that Congress "shall make no law respecting an establishment of religion." It does not state that there shall be "separation of church and state." Nor does it bar religious expressions at public functions. Misuse of the First Amendment has converted our nation from its refusal to elevate any particular faith to a position of dominance and an attitude that can be summed up as "separation of God and state."

The Constitution states that all powers "not delegated" to the federal government by the Constitution



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shall remain with the states or with the people. But federal power has grown enormously into areas where no authorization for such intrusions can be found.

The points made above aren't issued by the *Boston Globe*, by its leftist readers, nor by like-minded liberals across the nation. America became great not because of what government did, but because of what government was prevented from doing by the Constitution. America will regain its greatness when government at all levels adheres to the Constitution. There's no other way.

How well do you know the Constitution? [Download it today!](#)

*John F. McManus is president emeritus of [The John Birch Society](#). This column appeared originally at the [insideJBS](#) blog and is reprinted here with permission.*



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