



Wrong Way to Make Law

Every federal official solemnly swears an oath to support and defend the U.S. Constitution. Once having met that requirement, practically all of these officials put the document in their bottom drawer and continue building unconstitutional government power.

The Constitution allows for creation of three government branches. The Legislative branch is empowered to make law; the Executive branch has the responsibility to see that laws are properly enforced; and the Judicial branch has the responsibility to ensure that no laws exceed the powers given to it and the other branches.

To begin to grasp how far the Constitution is being ignored, consider its very first sentence: “All legislative powers herein granted shall be vested in a Congress of the United States...” All law-making power belongs to Congress. Can Congress legitimately delegate its law-making power to the Executive branch? In Essay No. 78 of [The Federalist Papers](#), Alexander Hamilton emphatically answered that delegation of authority is improper. He stated: “There is no position which depends on clearer principles than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void.”

But presidents continue to make law by issuing executive orders. When doing so, they ignore the very first sentence in the Constitution. President Clinton’s aide Paul Begala jubilantly saluted this trashing of the Constitution when he enthused about the way his boss was making law by decree: “Stroke of the pen; Law of the land; Kinda cool!”

Not only is law being made by presidential decrees, a veritable flood of additional law is continually being handed down by an array of bureaucratic agencies. This process occurs repeatedly when Congress improperly delegates its authority to the unelected bureaucrats. The American people are expected to know and obey all of these dictates. Some are regularly surprised when enforcement of unknown regulations causes them grief.

In 1999, when President Clinton faced trial by the Senate as part of the impeachment process, former Secretary of Labor Robert Reich issued a newspaper column headlined, “Trial ties up Senate? Don’t worry, Congress is irrelevant.” He claimed that our nation’s domestic policy was being run by the Federal Reserve; its foreign policy in the hands of agencies of the United Nations; and the sole congressional authority to send the nation into war had been transferred to the president. His conclusion that Congress has become “irrelevant” was hardly excessive. But that was 1999. Trashing the Constitution had not only become routine; the process has gotten worse.

James Madison stated in *The Federalist*, No. 45: “The powers by the proposed Constitution to the federal government are few and defined.” He would be aghast at what government is doing today. Americans should be equally aghast — not only elected and appointed officials, but all Americans. We have a Constitution designed to limit government to very few powers. But it is of little or no value if it isn’t adhered to.

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