



## Cuccinelli: Obama Worse Than George III

Virginia Attorney General Ken Cuccinelli understands the difference between unpopular and unconstitutional. During a speech October 21 at the Fall 2020 Legal Strategy Forum sponsored by the Heritage Foundation, Cuccinelli told attendees, “We don’t sue because we don’t like things. That is what elections are for.”

To support his thesis, Cuccinelli gave listeners a little lesson in the early history of the Republic. It is rare that a politician would mention the words “Intolerable Acts” and King George III in a presentation to legal professionals, but those unusual references are what make Ken Cuccinelli unique and imbue his remarks with soberness. In the age in which we live, any time someone says something not meant to be ironic, it is worth noting.



In his discourse, Cuccinelli specifically referenced the lawsuit challenging the individual mandate of the new healthcare law that his office filed against the Obama Administration on behalf of the Commonwealth of Virginia. (The Heritage Foundation blog, “The Foundry,” notes that the Old Dominion is also suing the Environmental Protection Agency for its economically disastrous decision to use the Clean Air Act to regulate greenhouse gases thought to cause climate change).

As Cuccinelli noted in his speech, the First Continental Congress passed bills authorizing the boycott of British goods. This historic stand was regarded as a legitimate act of defiance by self-governing colonies against the tyranny of the so-called Intolerable Acts.

King George III, riled by the effrontery of his American subjects, sought the advice of his ministers regarding the right of colonists to thus obstruct the King’s will. His Majesty was informed that there was no royal prerogative permitting him to force his subjects to purchase any specific commodity. The analogy is obvious.

“The power of the United States government under the Constitution must be smaller than that of King George,” concluded Cuccinelli.

Like the government of King George, the national government of the United States has for decades disregarded constitutional checks on the limited powers granted to it. With the Supreme Court and Congress as willing accomplices, one administration after another has taken the inch of limited power given them and stretched it into a mile of boundless despotism.

To his credit, Cuccinelli called out these usurpers. He cited a response given earlier in the day by former Solicitor General Walter Dellinger, who, when asked to identify the boundaries of the power of the federal government, replied that the only boundary was politics. “Congress could force you to buy



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cars,” Dellinger claimed.

That Congress, the President, and the Supreme Court would crave such power and perform whatever illegitimate act necessary to satisfy that craving is, by now, not remarkable. What is remarkable, however, is the notion that gradually, incrementally, the American people are becoming inured to such tyrannical abuses. While we rant and rave against “big government” and “socialists,” every couple of years we inexplicably re-elect the co-conspirators (or their sympathizers) to represent us in Congress. As the saying goes, “He may be a closet socialist, but he’s *my* closet socialist.”

Kudos to Attorney General Cuccinelli for infusing his discourse with lessons from our own history, which in the historical perspective, didn’t happen very long ago. With his apparent understanding of history and the Constitution, however, he must realize that it is folly to rely on the federal courts to impede the national government’s road to absolutism. A man of his wisdom should know that the only sure and constitutionally sound means of accomplishing this vital mission is for the states to steadfastly reassert their sovereignty and to nullify all unlawful acts of the central government.

*Photo: Virginia Attorney General Ken Cuccinelli*



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