



Is Everything Commerce?

Law professor Robert Natelson wrote that because Congress has stretched its definition of “commerce” so far beyond that originally intended by the founders, “it is up to the people to recall the federal government to its constitutional limits.” Known as the “Commerce power,” Article I, Section 8 of the Constitution says that “the Congress shall have Power ... to regulate Commerce with foreign Nations, and among the several states.”

And up until 1937, that power had been relatively tightly construed to mean what the Founders intended: to regulate trade — the buying and selling across state lines. By using false arguments, however, the Supreme Court during Roosevelt’s New Deal ruled in general that Congress was free to “control manufacturing, wages, agriculture, crime, mining, land use, firearm possession, and a [wide] range of other activities.”



Natelson’s article generated over 500 comments, many of which asked the pertinent question: How can American citizens reverse the trend to total government control of everything? This question has been addressed recently by [Ed Vieira](#), Angelo Codevilla (author of *The Ruling Class*), and Roger Douglas, New Zealand’s finance minister during that country’s [remarkable step back](#) from totalitarianism in the 1980s.

Each of them remarks that the timing for such an effort couldn’t be better. Vieira says that “first and foremost, a little thinking is in order ... because not that much [thinking] is really necessary to solve this country’s fundamental problem...America is suffering [from] the transmogrification of her legal system from the rule of law to the lawlessness of rulers.” He elaborates:

For decades, the legal gurus of the Bench, the Bar, and the law schools have inundated this country with tortuous and truly tortured theories of “the General Welfare,” “regulation of Commerce,” “implied powers” ...all intended to infuse, increase and intensify power in the Central Government, at the expense of the States and especially of the people....

What [these gurus] failed to take into account, though, is that now Americans can see...how disastrously these crackpot notions have worked out in practice....

Contemporary Americans now know that these theories were intended, not to “interpret” the Constitution, but to overthrow it - and to bury the common man’s liberty and prosperity in the rubble. This was never a matter simply of stupidity...but of calculated subversion.

Vieira then goes on to promote a piecemeal strategy, state by state, to return the country to limited



Written by [Bob Adelman](#) on October 27, 2010

government under the Constitution once again. Angelo Codevilla says that the time is right and ripe for such a strategy:

The more an idea or scheme ... is dear to the Ruling Class, the more the Country Class has turned its back on it. In doing so, the Country Class is rejecting the ideas' patrons just as much as their substance. In short, the Ruling Class has lost the American people's respect. And having responded by insulting the American people, the Ruling Class has denied itself the possibility of ever regaining it. Hence, *doing away with the Ruling Class' power and perquisites* is the prerequisite for saving America's prosperity, civility, and morality [emphasis added].

The strategy is elegant simplicity itself: forcing substantial, across-the-board cuts — the “network of subsidies” as Codevilla calls them — at the same time that taxes are cut. This must be done simultaneously, rather like a weight-loss program that involves both diet and exercise. As Codevilla puts it, “Eliminating that network is practical, if at all, both because subsidies are morally wrong and economically counterproductive, and because the country cannot afford the practice in general.”

This is how New Zealand was able to reduce the reach, size and cost of government by nearly sixty percent in the late 1980s. As Roger Douglas [pointed out](#), a hallmark of New Zealand's successful economic resurgence involved rapid change across the board, in which everyone participated simultaneously. John Boscawen, a Member of Parliament at that time, [said](#) the reason for their remarkable success in rolling back government was “the awareness among our people that we were in desperate shape financially. We had to do something.” As Natelson noted in his study of the expansion of the Commerce clause, “Under such circumstances people can be induced to part with their favorite programs so long as others are induced to part with theirs.”

The step-by-step process is already being implemented. As Pastor Chuck Baldwin recently noted [in his personal newsletter](#) to friends, he and his entire family are moving to Kalispell, Montana, because the chances of having an impact on the politics of such a small and generally conservative state is substantial. This is also the reason Coordinators for the John Birch Society are also being strategically placed in such states so that the education and galvanizing of efforts of local members can be felt rapidly at the state level. As Vieira stated:

Fortunately, Americans can take advantage of the opportunities offered by the federal system: namely, that there are fifty States, each enjoying a large measure of sovereignty with the exercise of which rogue public officials in the General Government have no legal authority to interfere.

In at least one State, it surely must be possible for We the People to regain control over their legislators. And even one State will be enough to start the ball rolling.



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