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ALEXANDER'S ESSAY

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IF REPUBLICANS ARE SERIOUS ABOUT BUDGET CUTTING...

Start by identifying expenditures and taxes which are not expressly authorized by our Constitution, and schedule them for termination

"I cannot undertake to lay my finger on that article of the Constitution which granted a right to Congress of expending, on objects of benevolence, the money of their constituents." --James Madison

With a new Republican House majority on the way, the first real test of whether they will part ways with old spending habits met with a mixed response.

House Republicans lined up behind John Boehner, the speaker-elect of the House for the 112th Congress, and House Majority Leader-elect Eric Cantor, pledging overwhelming support for a measure to eliminate earmarks -- those small (merely \$15.9 billion) and unrelated special-interest add-ons attached to spending bills. However, as the gateway drug to bribing and cajoling our elected representatives, earmarks have become fodder for an insidious wink-and-nod spending mentality that has corrupted our legislative process.

Apparently, even most moderate Republicans in the People's House received the memo from the midterm election. They seem to understand that there's a Great Awakening of conservatives outside the Beltway -- conservatives who are going to hold them to their oaths to abide by the plain language of our Constitution and the Rule of Law it enshrines.

However, over in the House of Lords, (a.k.a. the Senate), where members are less accountable to their constituents because they only stand for re-election every six years, some Republicans were a little fuzzy on the midterm message and failed to hear the objections to earmarks.

Chief among them was Senate *Minority* Leader Mitch McConnell, who, as you recall, supported like-minded establishment Republican, Trey Grayson, over Kentucky's Tea Party favorite and now Senator-elect Rand Paul. McConnell, who swindled taxpayers out of \$113 million for his own pet earmarks in 2009 alone, has been slow to

embrace the fact that there's a new constitutional posse on the way to town. That posse will not kowtow to the old-boy Republicans who turned their back on the great conservative revolution launched by Ronald Reagan some three decades ago.

Senate Tea Party linebackers Jim DeMint (R-SC) and Tom Coburn (R-OK), with a little assist from the Johns (Cornyn, Ensign and Barrasso) impressed upon McConnell the error of his ways (and perhaps even the error of the *era* of his ways), and McConnell finally reversed his position. He now supports a ban on earmarks.

Keep in mind, however, that the Senate vote was only a non-binding committee resolution and a secret vote to conceal the bad guys.

"What I've concluded is that on the issue of congressional earmarks," McConnell now says, "as the leader of my party in the Senate, I have to lead first by example. Nearly every day that the Senate's been in session for the past two years, I have come down to this spot and said that Democrats are ignoring the wishes of the American people. When it comes to earmarks, I won't be guilty of the same thing."

Welcome to the party, however late, Senator McConnell. Now what about "when it comes to" other budget cuts?

Unquestionably, the most nescient remarks about earmarks came from Sen. Lamar Alexander. (In case you've never heard of him, he's a two-timing, er, two-term "Republican" from my home state of Tennessee.)

Alexander said that the earmark moratorium was just "a timeout" in order to "permit Congress to limit the number of earmarks." He then appended his remarks with this stupefying addendum: "Cleaning up earmarks ... would undermine the Constitution."

Well, since he was kind enough to bring it up, I suggest that if the next Congress is serious about budget reform, it should consider this novel question: What does our Constitution actually authorize the central government to tax and spend?

Now, don't expect Republicans to open up that can of worms with unanimity, but the question will be asked, and now with greater frequency and conviction than since Madison's celebrated objection to unauthorized spending back when it first reared its head in 1794: "I cannot undertake to lay my finger on that article of the Constitution which granted a right to Congress of expending, on objects of benevolence, the money of their constituents."

Roger Pilon, director of Cato's Center for Constitutional Studies, aptly sums up the problem: "Over the 20th century, the federal government has assumed a vast and unprecedented set of powers. Not only has the exercise of those powers upset the balance between federal and state governments; run roughshod over individuals, families, and firms; and reduced economic opportunity for all; but most of what the federal government does today -- to put the point as plainly and candidly as possible -- is illegitimate because it is done without explicit constitutional authority. The time has come to start returning power to the states and the people, to re-limit federal power in our fundamental law, to restore constitutional government."

My colleagues Ed Feulner and Brian Riedl at the Heritage Foundation have laid out some clear budget-cutting objectives for the next Congress. Feulner has published a Checklist for Congress, and Riedl has outlined more than \$343 billion in cuts for the fiscal 2012 budget.

As for "leadership" on the Left, apparently Nancy Pelosi and Harry Reid will still be piping the Demos down the road to demise for the next couple years, so the opportunity for Republicans to contrast fiscally conservative measures with those of the Socialist Bourgeoisie on the Left has never been greater.

Article VI of our Constitution reads, in part, "This constitution, and the Laws of the United States which shall be made in Pursuance thereof ... shall be the supreme Law

of the Land." It continues, "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution."

For the record, "bound by Oath" means obligated to uphold the Rule of Law established by our Constitution, not the adulterated remnants of that noble document under the aegis of the "living constitution." Indeed, it is that adulterated version which generations of legislators have relied upon for their extra-constitutional taxes and spending, just as judges have done for their extra-constitutional diktats.

Madison once observed that the first American Revolution had its origin on "a minute tax of 3 pence on tea." Hopefully, no shots will need to be fired in a second revolution, but make no mistake: The second Tea Party is well under way.

Publisher's Note: The Patriot Post has had, and continues to have a vital role in leading the charge to restore the integrity of our Constitution and Rule of Law. It will, at best, take several election cycles to re-establish the primacy of First Principles and reset a course for our nation. Please help us maintain that momentum with your support of our 2010 Year-End Campaign.

Veritas vos Liberabit -- Semper Vigilo, Fortis, Paratus, et Fidelis! Mark Alexander, Publisher, for *The Patriot Post's* editors and staff. Read online at <http://patriotpost.us>

(Please pray for our Armed Forces standing in harm's way around the world, and for their families -- especially families of those fallen Soldiers, Sailors, Airmen, Marines and Coast Guardsmen, who granted their lives in defense of American liberty.)