

An Independence Day Memory

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Our nation was created by an ideal antithetical to the British monarchy: Personal Freedom. In order to preserve and protect personal freedom, the constitution was written in a manner that prohibited power from being exercised by only one man, or even just a few, men. The ideal of distributed power served to make it impossible for a new monarch to arise. The protection of distributed power was embedded in the Constitution using articles, sections, and paragraphs that gave power to one segment of government and prohibited power from others. These protections are woven into the Constitution much more deeply than the frequently cited three branches of government. In fact, there are at least forty-seven places where a sentence or a phrase assures the perpetuation of individual liberty.

Liberty and freedom, however, come with a cost. Individual freedom carries with it the burden of self-reliance. That is not to be construed to imply that everything must be accomplished alone, but that the formation of solutions includes contributing to the solution rather than complaining loudly enough so that others – the government – solves the problem. To our detriment, people are inherently impatient and often seek expediency in the resolution of problems. Where self-reliance, a takes time and effort, expediency is best accomplished by power. And so, in a round-about way, the people have demanded that personal freedom be sacrificed in order to achieve short term goals.

Over the years, power has slowly drifted towards aggregation and freedom has drifted into complacent compliance. There are many examples of this. In fact, there are too many to mention in this short essay, but a few instances can be cited. The most blatant losses of personal freedom can be found in the rulings of the Supreme Court.

In one case an Ohio farmer was fined by the Department of Commerce for growing too much wheat. The farmer was not selling his wheat, but used it to feed his own cattle. The Court ruled that by feeding it to his own cattle, he removed himself as a consumer from the interstate market and ruled in favor of the Department of Commerce.¹ In a more recent finding, the Connecticut Supreme Court ruled that the State of Connecticut could take a man's land under eminent domain, and give the property to a manufacturer that would provide jobs and an increase in tax revenues.² The taking was deemed to be in the general welfare of the community.

¹ Wikard v. Filburn, 1942

² Kelo v City of New London, 2005

Other examples include the sixteenth amendment which removed the responsibility of the States to fund the federal government, and placed the burden directly on the citizens. The power to collect the taxes congealed into the halls of the Internal Revenue Service. Similarly, the seventeenth amendment removed the power of the state to send their representatives to Washington. Senators would become no different than Representatives with a longer term in office. Two of the branches of government had merged into one.

Perhaps one of the most damaging is the practice of waging war without a declaration by Congress. That power now lies firmly in the hands of the President.

In 2021 the drift towards aggregated power has become an imminent tsunami. Fortunately, it has not yet arrived and can be avoided. The aggregation of power contained in the suggestion that the federal government control state and local elections would collect all the individuality from 3,243 Election Supervisors and all the legislators of the states and territories into one small set of hands.³

The admonition that power ought to be distributed amongst the many lest it fall into the hands of the few, is in jeopardy of being violated. Along with it, would come the loss of even more personal freedom, and the possibility that what we celebrate on Independence Day will become a faded memory.

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³ The For the People Act, HR1, 117th Congress.