

## Constitutional Overreach and Executive Action

As we noted last month, our founding fathers were all too aware of the perils of centralizing governing power in a single person or group of people. Their biblical faith, worldview and experience had provided them with a clear understanding of human nature; the extent of its selfishness, corruptibility and insatiable appetite for power and position. It was out of this understanding, having just shaken off the shackles of oppression from the King of England that these men wrote the founding principles of our Constitution and the Bill of Rights. The fundamental premise of our nation is that we be governed by the Rule of Law, where no one is above the law regardless of their office, wealth or pedigree. The Rule of Law allowed for organizing a form of government of its people, while allowing itself to be governed! The US Constitution is the foundational document by which all governing activities are measured and regulated. Its principles and amendments ensure that the basic human freedoms and God given rights of our citizenry are protected from tyrannical leadership. However, “we the people” have witnessed a gradual dismantling of the very document that protects these freedoms; in the media, education system, etc. Moreover, we are now witnessing elected officials manipulate the words of the Constitution for their own purposes. In some instances, just ignoring them all together. You may say, “That’s how politicians work” or “it really doesn’t involve or affect me”. Read on, and hopefully, you will be convinced or at least led to invest some personal time towards gaining a healthy appreciation for what is at stake for our country, amidst these trends.

One of the bedrock principles contained in our constitution is the concept of the “Separation of Powers”. This principle purposefully de-centralizes the decision making power of our government between the Legislative (Congress) and the Executive (Office of the President) Branches; one legislating laws and the other enforcing the law respectively. This eliminates a single entity from imposing its policies and directives on the people, uncontested. Inevitably, this partitioning of power will lead to debates and a “tug of war” between the branches of government as they seek to solve issues facing the country. Again this was done purposefully, because the founders understood the value of debate in reaching decisions for the good for the country. At the conclusion of the debate, those decisions are reached with majority vote count criteria, not by decree of a single individual. This is intended to ultimately represent the voice of the people in the direction of the nation and protect us from being “ruled” by one person’s whims and ideas.

As a result of the challenges that we have been faced with, e.g. terrorism in particular, various Presidents have used a mechanism called “Executive Action” to impose policy and ultimately laws outside the framework of separation of powers, in the name of urgency and in the example of terrorism, public safety. While some of those decisions were seen as good for the nation, it has opened the door to exploitation and in getting policies imposed without the need to convince congress. Claims to urgency have become the basis for further abuse of constitutional protection. During our recent years, we have seen the Executive branch use *Executive Action* as a “blank check” to enact laws and policies without congressional debate and

approval in the name of urgency and what they consider to be our values. Moreover, we have also witnessed selective enforcement or disregard of laws driven by a particular agenda. This is the most notorious, because if allowed to become accepted, will serve to bury the Rule of Law in our country replacing it with political agendas, power plays and dictatorial rule. Where have we seen this happen, you ask? The following lists some of the most visible examples of this behavior.

1. Open attack on private citizens for engaging in constitutionally protected speech through the 1<sup>st</sup> amendment, when it opposes the politically correct standard.
2. Actively working to strip Churches and other religious groups of their constitutionally protected right to choose their clergy without government intervention.
3. The takeover of the country's Healthcare system. Historic in the sense that the "Affordable Care Act" aka Obamacare, was made law without proper constitutional procedure. The claim: "urgent for us to pass the bill for the good of Americans, so we need to get it done. We don't have time for procedure."
4. Executive branch selectively modified the Obamacare law and delayed its deployment when it found it beneficial to their agenda. Not abiding by the law, is a violation of the law.
5. The ignoring of bankruptcy law in order to arrange favorable deals with labor unions, case in point is Chrysler bankruptcy proceedings.
6. The appointment of hand-picked "policy czars" to positions of power in order to circumvent the constitutionally required confirmation hearings of formal candidates.
7. Imposing government directed education standards, i.e. Common Core on States by administrative fiat.
8. Selectively not prosecuting highly visible cases like, the IRS targeting of conservative 501C applications and preventing them from getting approved, as a means of suppressing dissenting opinion.

This list is illustrative of the most visible events that demonstrate the extent to which Constitutional overreach and executive action have permeated our government and sadly is by no means a comprehensive list. I think that we'd all agree that having a godly, Christ following leader, would be our preference, but since that may not be available to us, we count on the Constitution and the Rule of Law to protect our freedoms. Thomas Jefferson wrote, "In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution." As Christians, we of all people should know the extent of man's sinful nature and his tendencies toward selfish achievement. We need to pray for God to guide our voting decisions, so that we vote for candidates that have an allegiance to honesty, integrity and respect for our Constitution.