A Clause for any cause.



A Clause for Concern: Cross Examining the Interstate Commerce Clause

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Judge Napolitano discusses new book on Alex Jones.

Lies the Government Told You: Myth, Power and Deception in American History
Judge Andrew Napolitano
Forward by Ron Paul

Judge Andrew Napolitano, of Fox Network and radio talk show host, sat on the other side of the mic on Thursday, March 25 to be interviewed by Alex Jones. Late in the interview, he answered a question foremost in the minds of many listeners. In the process of answering a question concerning abuse of power, he said, "Just like Mike Chertoff handed it off to Janet Napolitano—and I know what you're thinking. The answer is no. We are not related."

I have not read the book because I have yet to receive my review copy. Of course, I haven't asked for one. It is currently listed at No. 13 on the New York Times Best Selling List after about a week on the shelves. It follows ***AMERICAN CONSPIRACIES***, by Jesse Ventura with Dick Russell which is currently No. 7 and ***NO APOLOGY***, by Mitt Romney at No. 10.

Judge Napolitano began by explaining his friends reaction to the book. "When I told friends I was writing a book about the government and lies and that it was 4,000 pages long, everybody laughed and said were you able to get all the lies into 4,000 pages," he said.

About the book: "It shows you the perception that the public has that the government does lie to us, has been lying to us, and we accept these lies and are willing to laugh about it. Even though every one of those lies that I talk about in the book, and those that you mentioned in the introduction destroys our liberty, destroys our freedom by inducing us to make political decisions on erroneous information that the government claims is true. And when we give up this liberty, and loose this property, we don't get it back."

In response to Alex's inquiry about the State of the Union, the Judge replied, "The state of our union is that it is a bipartisan movement toward a police state, and we don't have two parties in this country, Alex, even though most people think we do. And your listeners know that we have one party—the big government party. There's a Republican wing that

likes war, and deficits and assaults our civil liberties. There's a Democratic wing that likes welfare, and taxes, and assaults our commercial liberties. But they basically will feed each other because they're not interested in freedom, they don't believe in fidelity to the Constitution, they're just interested in power."

He described an interview he conducted with James E Clyburn–D, South Carolina Sixth District to illustrate his point. "I mean, on my radio show last month I asked the number three ranking Democrat in the House of representatives–Congressman Jim Clyburn–Congressman, where in the Constitution is the government authorized to regulate health care. And he said to me, Judge, most of what we do down here–referring to Washington–is not authorized by the Constitution. Where in the Constitution is it prohibited that we regulate health care? The very fact that he would ask that question shows a tremendous 180-degree misunderstanding of the federal government.

"The Congress is not a general legislature," Judge Napolitano continued. "It doesn't exist in order to right every wrong. It exists only to exercise power in seventeen unique, discreet, specific, well-defined set-out areas in a piece of paper called the Constitution to which he took an oath to uphold. At least he was candid enough to acknowledge they're not upholding it."

Alex said that states joining the upcoming suit is not enough and that we need to have states nullify, under the ninth and tenth amendment, not just this but denying them from taking highway and education funds.

"Well, you know it's one thing, Alex, for a state legislature and a governor to sign a piece of paper saying we stand on our Tenth Amendment and we are a sovereign State. It would be quite another for a state legislature to enact legislation that did the following: Prohibit state employees from

enforcing federal law. Indite federal officials who come into the state with intention of enforcing federal law that conflicts with state law. Imposing real estate tax on federal property within the state. Now I know that that has been unlawful for the past two-hundred years, but suffice it to say we have a different Supreme Court, now, that might look at this differently. Drag before county and state grand juries federal officers who insist on enforcing federal law that is unconstitutional within the states. The states really have to stand up for their sovereignty. They have to do more than say we are a sovereign state. There has to be teeth to their proclamation of sovereignty."

Judge Napolitano suggested a change in the election system. "Now I would like to see the popular election of Senators done away with. I would like to see state legislatures send members of the Senate to the Senate, because then they wouldn't be stealing power from the states or those Senators would soon be out of their jobs.

The problem that I see is that both means of selecting a Senator—the one that we currently use and the one he suggests—is fraught with inherent corruption. Promises and back room deals could still be made at the State level. Another suggestion of term limits for Senators could, of course, cause the early resignation of a good Senator. I might suggest changing the election cycle of Senators to every two years as we do with the members of the House of Representatives. Further, citizens should be able to recall Senators. Anything we do, however, still requires due diligence by an educated citizenry.

The thing that we have learned, I suppose, is that we should be more willing to fight the government, especially at the school level. We should be teaching the true Constitution, along with reading and math. Instead of indoctrinating, we should be instilling the passion to learn in our students.

“The federal government didn’t begin to grow to gargantuan proportions until the progressive era with the popular election of Senators were able to pander to the collectivist impulses of the masses and deliver as big a piece of pie as they could and create the permanent underclass that relied on them for support and return of their votes,” the Judge explained.

You know when Janet, the head of the Department of Homeland Security, Janet *what’s-her-name*, announced that the most dangerous people on the planet were the groups you just indicate—right-to-lifers, people who believe in a Second Amendment, returning veterans from the wars, people who think taxes are too high and the government is too onerous—I got in an argument on air with one of my Fox colleagues who said to me well she knows that you are in favor of Second Amendment rights, she knows that you’re pro-life and she knows you’re against the IRS, but how does she know that everybody else feels that way? I said because she can capture—her agents can capture—every keystroke on your computer. How can she do that? he says. Because she has the power under the Patriot act which you—I won’t tell you which Fox colleague this was, but you can probably guess—which you supported when your guy, George W. Bush, was in the White House. Now it’s in the hands of those who would use this power against you. What are you, Crazy? Don’t you realize liberty, once given up, and put in the hands of the government as power never comes back?

“I think the American people should vote out of office, and aggressively hound out of office—lawfully, obviously—not only everyone who voted for Obamacare, but everyone who voted for TARP—proposed by George W. Bush. Everyone who voted for the first two stimuluses that we’ve had in the past four years, which came from George W. Bush. Everyone who voted for the Patriot act, which came from George W. Bush. Everyone who voted for any tax increase. Now that would be about ninety-three to ninety-four percent of the Congress. These people’s

voting records must be revealed.

“The collusion of Rand Paul being forced against the guy who’s in charge of counting the ballots. Even Joe Stalin wouldn’t have been so bold as to do that. he would have put a *crony* in to count the ballots. But in Kentucky, the Republicans are forcing Rand Paul to run against the guy who will decide who wins the election. The American public cannot put up with that.”

Jones asked why the government would want to destroy the economy?

“The government wants to control us because of what Saint Augustan called *libido dominandi*. Look, we all know about certain types of libido. This is a lust for power. Before the Civil war, we sent people to our State houses and to Congress who were interested in Liberty. Who were concerned with confining the government with assuring that it did not interfere with our natural rights, with our civil liberties, and with our property rights. Since the Civil war, we have sent people to the government—by-and-large. There are exception both before the Civil war and after wards.

“But by-and-large, people who were not interested in liberty, but people who were interested in power. Power for its own sake. Power in and of itself. Power to control other people. Government attracts those with lust for power. Ron Paul and Rand Paul, and Ron Paul’s colleagues in the House and—if there are any in the Senate I’m unaware of them—are the exception to the rule. But for the most part, this is the type of human being that the government attracts.

“And this type of illicit aggregation of power gets worse, and worse and worse, because when they get power, they hand it off to their successors. Just like Mike Chertoff handed it off to Janet Napolitano, and I know what you’re thinking. The answer is no. We are not related. This happens generation after

generation after generation. That's why I'm not optimistic about our future because it will take a generation of Drs. Paul to change this. To stop it. To reverse it."

Also discussed was the recent move by McCain-Liberman to destroy personal liberties by revisiting the *Alien and Sedition acts of 1798*. You can find Senator McCain's statement on the matter here. The Senate Bill proposed is S. 3081 entitled *Enemy Belligerent Interrogation, Detention, and Prosecution Act of 2010*. The Judge pointed out that under this bill, it would require an act of Congress to release you from U.S. government custody. This interferes with the due process clauses of the Constitution.

In a recent television interview concerning health care legislation, purported to understand what the founding fathers envisioned. About the lawsuits he said they are going, "…pretty well. You notice that State Legislatures and Attorneys General and Governors all over America are challenging the Constitutionality. I think they have very legitimate Constitutional challenge. The government's now going to force individuals to buy health care insurance at the level they want them to have it, and if they don't they are going to fine them. I'm not sure that is what the founding father's that had in mind."

It's amazing that Senator McCain cannot see the Fourth, Fifth, Ninth and Tenth Amendments in the same light. He does not seem to understand the separation of powers inherent in the words of the Constitution. He apparently is unfamiliar with Article III of the Constitution. It is amazing how people invoke the image of the brown parchment when it suits their needs.

Judge Napolitano explained a bit of Constitutional History. "Do you remember, Alex, studying basic American History? The King of England had ingenious ways to tax us. The last straw was the Stamp act. It required that every colonists have on every piece of paper in his or her home a stamp. Every book,

every bank draft, every mortgage, every lease, every deed, every pamphlet, even a poster that was going to be nailed to a tree had to have the King's stamp on it. Imagine having to go—we have enough difficulties with the Post Office, as it is—you had to go to a foreign post office in the colonies and buy the King's stamp.

"Question. How did the government know if you had the King's stamp on every piece of paper in your house? Answer: The Parliament enacted the *Townsend acts* which permitted British soldiers to write their own search warrants. And thus they would show up at your home and hand you a piece of paper on which they had purported to authorized themselves to enter your home ostensibly to look for the stamps. Of course they would confiscate alcohol. They would confiscate furniture which you couldn't demonstrate you had paid taxes on. They would even sometimes kick you out of the house and take it over for days, or weeks, or months.

"We fought a revolution. We won the Revolution. We wrote a Constitution. We added the Fourth Amendment to that Constitution. Which, next to the right-to-life, is the greatest right there is; the right to be left alone. And it says the government can't come onto your property and can't seize what you have and can't intrude into your privacy unless it goes to a judge and demonstrates to a neutral judge that its more likely than not that you are committing a crime."

"Fast forward two-hundred years to the *Patriot act*. What does the *Patriot act* do? It allows federal agents to write their own search warrants. We have elected a government that has done the very same thing to us, which was the last straw when we broke away from an island three-thousand miles away that was regulating us as if we were chattel and as if we were slaves to them."