

**THE LAW THAT GOVERNS GOVERNMENT:
RECLAIMING THE CONSTITUTION FROM USURPERS
AND SOCIETY'S BIGGEST LAWBREAKER**

**A PAMPHLET OF PRINCIPLES, PURPOSE AND PROPOSALS
FOR CONSTITUTIONAL CONSERVATIVES**

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CONTENTS

THE PEOPLE’S OPENING ARGUMENT

RECLAIMING THE CONSTITUTION FROM THE
SCOFFLAW POLITICAL ESTABLISHMENT

A CENTURY OF PROGRESSIVES’ MISUSING THE LAW
TO VIOLATE THE CONSTITUTION

A LAW GOVERNING GOVERNMENT FOR OUR POSTERITY

CONTEMPT FOR THE CONSTITUTION AS LAW IS ENDEMIC
IN THE POLITICAL CLASS

RESTATING AN OLD TRUTH

GOVERNMENT IS THE BIGGEST LAWBREAKER

GOVERNMENT LAWBREAKING IS LUCRATIVE FOR CRONIES

THE CONSTITUTION IS LAW, NOT A BLUEPRINT
TO BE IGNORED

A GRADATION OF AUTHORITIES

THE RIGHTFUL SKEPTICISM OF THE ANTI-FEDERALISTS

WHY NOW THE MOVEMENT FOR THE LAW THAT
GOVERNS GOVERNMENT?

A REMEDY OBTAINED FROM THE PEOPLE

APPENDIX I: 30 QUESTIONS TO ‘CROSS-EXAMINE’
CANDIDATES FOR OFFICE

APPENDIX II: EXAMPLES OF GOVERNMENT LAWBREAKING

ABOUT THE AUTHORS AND ACKNOWLEDGMENTS

The People's Opening Argument

Government is the oldest, largest and most pervasive lawbreaker in America.

Lawbreaking by government in terms of cost and the number of people victimized is of a scale unmatched by any other organization or group -- leaving nothing as a close second.

Government has injected itself into nearly every aspect of private affairs, and has taken an excessive, intrusive and omnipotent view of what are *public* matters. Given the vast and unilateral authority it claims to have over so much of society and property, government has unmatched opportunity for lawbreaking. It makes and *rigs* the rules in its favor. It cloisters and covers up its lawlessness, and makes it almost impossible to challenge its lawbreaking when exposed.

Government lawbreaking is bringing down the greatest and fairest engine of prosperity in history -- the American economy. Political establishment lawbreaking is economically and morally rotting America from within.

The political establishment is now openly contemptuous and arrogant in its high profile lawbreaking. After all, who's going to prevent the government from breaking the law? The government has more resources, and is bigger and more powerful than any of its victims. Plus, it has what private lawbreakers do not have: the power to control and change the rules of the game, and with penalties of law on its side.

Government has become a bully to the very people it is supposed to protect and keep free.

In addition to its lawbreaking that takes place in the open, there is the cloistered lawbreaking done by anonymous bureaucrats and in backroom deals by *public* officials. Government transparency is mostly a fiction. We see and know only what government wants us to.

The irony is that government lawbreaking is done mostly under the guise and misnomer of *the rule of law*. The law has become one big slap in the face to all Americans.

Americans are fed up with the political establishment and how it abuses and misuses the law, legal systems and public policy to benefit and enrich its members and its cronies. The polls show it. People discuss it daily. Why, then, haven't we put a stop to the rampant lawlessness of the political establishment?

Why aren't there more political leaders willing to stand up to government lawbreaking?

Law, freedom and America's vanishing exceptionalism

People on the political center-right who believe in small, limited government have in recent years lamented the loss of "American exceptionalism." How many of us, though, can accurately describe *American exceptionalism*? As importantly, who can describe what *enables* it?

Old-line liberal commentary writer Richard Cohen calls American exceptionalism a "myth." Liberals who believe in big, intrusive government are determined to eviscerate our exceptionalism.

Writing in *The Wall Street Journal* about the liberal attack on American exceptionalism, conservative intellectual Shelby Steele puts it this way: "To civilize America, to redeem the nation from its supposed avarice and hubris, the American left effectively makes a virtue of decline -- as if we can redeem America only by making her indistinguishable from lesser nations."

Where you stand on the issue of American exceptionalism, and whether you believe American government has created or greatly contributed to its decline, will influence whether you will take the relatively brief amount of time to read our pamphlet.

It is about our *remedy* against government lawlessness. It is about how enforcing the law *on government* is the key to returning and maintaining American exceptionalism.

It is about how the constitutional conservative movement is the last and best chance to save America, and what you can do to reclaim your individual freedoms, protect your property rights, and keep America secure and prosperous for generations to come.

This pamphlet is for those who believe America has been short-changed, weakened, corrupted and even embarrassed by our political leaders. Anyone, though, looking for a short and easy solution need not read any further. Return to your quiet lives of servitude. Those who are looking for the easy way will not be part of the solution.

The history of freedom is one of ebbs and flows. There are always those who will take away the freedom of others; then there are those who through struggle and sacrifice claim it back. People who have struggled to obtain or reclaim freedom almost unfailingly appreciate and understand it better than people who didn't struggle for it. The timid who lack the bigger vision never have been part of the solution.

The American history of freedom is no different *except* that our Constitution was written to *secure* liberty better than any system of government in history. Americans have an *advantage* others throughout history seeking their freedom did not have: We have a structure and process designed to protect freedom.

The Constitution, though, does not run on automatic pilot. It is not a passive guarantee of freedom. The Constitution must be *enforced on government*.

Adherence to the Constitution is the very foundation of American exceptionalism. Without understanding that one critical concept, America is lost.

It is time for conservatives to acknowledge why we don't govern effectively

The modern conservative movement began in the 1950s, and was a response to those who were attempting to take away America's freedoms and lessen our exceptionalism. Conservatism is based in constitutionalism and its Madisonian *liberal* principles.

Big government was on the rise domestically. The threat of communism was real and growing. Our God-given freedoms, which are the basis for American exceptionalism, were in decline internally and were threatened from without.

We are now in the fourth generation of the modern conservative movement. Future generations of conservatives should understand the movement's successes and its failures if they are to return America to its promise and secure its exceptionalism.

The first generation of the modern conservative movement was comprised of intellectuals such as Russell Kirk, William F. Buckley, Jr. and the fusionist Frank Meyer. It included two politicians of vision and courage, Barry Goldwater and Ronald Reagan.

The second generation of the modern conservative movement saw the rise of activists such as the late Paul Weyrich, Heritage Foundation's Ed Feulner, constitutional conservative lawyer and author Phyllis Schlafly, and Dr. Jerry Falwell. The second generation of the movement created some, but not enough, conservative organizations.

In the third generation, conservatives began forming even more national organizations to compete against the thousands of liberal activist organizations. Third-generation conservative Rush Limbaugh became America's number one talk radio host. Brent Bozell, III, son of first-generation conservative Brent Bozell, Jr., rips apart liberal media bias at his Media Research Center. Morton Blackwell founded The Leadership Institute, which has trained over a hundred thousand conservatives to be effective leaders.

The fourth generation began the greater opening of channels of conservative communication. Relying greatly on the Internet, the fourth generation has ensured that the liberal elite no longer control the flow of communications about politics. Michele Malkin, Ann Coulter, Andrew Breitbart and other fiery fourth-generation conservatives help put the old liberal establishment to shame.

The modern conservative movement has had success in *slowing down* the growth of liberal big government, but we have not succeeded in scaling it back to where American freedom and exceptionalism may thrive. For in-depth histories of the conservative movement, we recommend *The Conservative Revolution: The Movement That Remade America* by Lee Edwards, and *Upstream: The Ascendance of American Conservatism* by Al Regnery.

Gallup polling shows that for decades people who self-identify as conservatives have consistently outnumbered liberals by about two to one, and have regularly outnumbered moderates. Yet for the most part, liberals control the corridors of government power from the courthouses to the White House. Why is that? What mistakes do conservatives keep repeating? What is it that would take conservatives to the point that we govern in a way that returns America to its promise?

How did conservatives allow the Republican Party to stray so far into corrupt, big-government territory that from 2006 to 2008 Americans booted Republicans out of office and elected the most radical leftwing president in history under his duplicitous, Orwellian mantra “Hope and Change?”

The number one problem with the conservative movement is that too many conservative leaders and organizations became appendages of the Republican Party. Constitutionally, the Republican Party lost its way and dragged many conservative leaders along with it.

The Republican Party establishment has not only tolerated government lawbreaking; it has participated in it. Americans did not so much choose Barack Obama as they rejected the corrupt and weak-principled Republican establishment.

To save America, we conservatives must take the Republican Party with *us* and reclaim the Constitution as the law that governs government. That should be our number one priority. Otherwise -- like Sisyphus, the king in Greek mythology stuck for eternity pushing a rock uphill only to watch it roll back down over and over again -- we will always face an unending fight we cannot win.

Enter the Tea Party and the renewed constitutional conservative movement

In 1976, Ronald Reagan was running against the Republican establishment that included Richard Nixon, Gerald Ford and Nelson Rockefeller. Reagan said something then that applies today: “We need new leaders unfettered by old ties and old relationships.” The Tea Party is just that.

It is a credible argument that the Tea Party has had a more substantial impact on the national debate in its brief tenure than the conservative movement has

had over the course of decades. The Tea Party is forcing the political establishment to confront and react to principled, small-government, constitutional conservatism.

Mark Levin's *Liberty and Tyranny* is the single best and most detailed explanation we've read about the principles of the constitutional conservative movement. What is perhaps most fascinating about his bestselling book is that so much of it is about *the law*. Levin manages to take a subject matter most people find rather boring -- the law -- and turns it into a rallying cry for principled conservatism.

We believe our pamphlet adds two central themes that may help advance the conservative cause, and scale back government to its rightful size and place in society.

The first theme of our pamphlet is to articulate that the Constitution is *the law that governs government*.

When people -- whether they self-describe as conservatives, libertarians, independents or Tea Partiers -- start thinking of the Constitution as the law that governs government instead of a compact (or, as liberals treat it, a token guide for government), we begin to approach political solutions in a different way.

Instead of simply working to elect more small-government proponents, we begin to think: How is it that Americans can *enforce the law* against government? That is a mindset broader than just trying to win the next election.

A sub-theme of the law that governs government is that we must *reclaim* the Constitution, not merely restore it. The political establishment disregards and shows contempt for the notion that the Constitution is the law that binds them. They have *usurped* power, and they will not sit back and allow the Constitution to be *restored*. We must therefore take it back. This requires a more proactive approach, and is different from seeking to merely *restore* the Constitution.

The second major theme of our pamphlet is that government is society's biggest lawbreaker. People tend to think of government as *protection* from

lawbreakers, and indeed it should be. The reality, though, is that we now need protection from government lawbreaking.

We now live in a regulatory state where government doesn't enforce the law so much as it picks the winners and losers in private matters. Government has corrupted the law so that it is no longer protection against the "bad guys." Government itself has become the equivalent of a criminal syndicate, but with virtually limitless power and resources, including the capacity to make and enforce public laws its victims must follow.

Liberals have misused the law by making it authoritarian and dictatorial, and have targeted and suppressed the free exercise of rights. The law is now misused to hold back private achievement, supplant it with government-based approaches, and advance the political establishment and its cronies.

We are becoming more of a police state where individual and private property rights are violated. Private, civil acts -- even political speech -- are criminalized and *over-criminalized* by a government that fails to follow the rules.

The political establishment has actually come to rely on government lawbreaking, and there is no one policing government.

When we understand that government is America's biggest lawbreaker, inevitably we conclude that we cannot depend on or trust government the way liberals want people to. The rats are running the cheese factory, so to speak. Big-government liberalism is no longer a credible ideology once people understand the scope of government lawbreaking.

This pamphlet does not have the space to document all the ways in which -- never mind all the examples of how -- government breaks the law. However, we do provide an appendix listing just some examples of how government breaks the law and violates rights.

As we explain, most government lawbreaking goes undisclosed for a variety of reasons, so documenting government lawbreaking is difficult. Government operates more and more in secrecy. It violates public transparency laws to hide its lawbreaking. Government uses intimidation and bribery to silence whistleblowers.

Knowing that exposing government lawbreaking hurts ‘their side,’ the liberal media provide cover for it. The amount of government lawbreaking that is actually made public and known is probably not even the tip of the iceberg.

When people know the government has violated the law, the government’s reaction tends to be, “So sue us.” Government, though, has also rigged the rules for obtaining legal remedies. Justice is denied and government lawbreaking is protected through judge-made doctrines.

The United States Fourth Circuit Court of Appeals, for example, invoked a judge-made doctrine called “standing” to deny Virginia’s constitutional challenge to Obamacare. What an outrage! Federal judges protect government lawbreaking by refusing to give citizens *and* states their day in court to protect their constitutional rights.

Suffice it to say, however, there is no close second place to government as society’s biggest lawbreaker. Again, when we think of government this way, the political solutions we must implement become clearer.

Like all efforts for freedom, we stand on the shoulders of giants. The constitutional conservative movement is comprised of people whose names we recognize, and people whose names we don’t. It is a peaceful uprising of the middle class, but it is deadly serious about its mission. And, it is growing.

The law of the jungle is to eat or be eaten. The law of politics is to define oneself or be defined. The left is anxious to define the constitutional conservative movement in ways and as something it is not.

There are those who call constitutional conservatives “extremists,” “anti-government,” or even “terrorists.” Those are of course false, pejorative descriptions, even projection from the anti-freedom left.

We, on the other hand, may accurately describe many of our critics as “lawbreakers” and “abettors.” That changes the conversation, doesn’t it?

The constitutional conservative movement must therefore define itself. We hope our pamphlet not only offers perspectives that form the bases for

action, but also articulates and confirms what constitutional conservatives understand to be sound principles and purpose.

Because the Constitution is truly the law that governs government, this pamphlet is about the law, not politics *per se*. The law is intended to protect society and *our freedoms*, and all of us have an equal say about it.

The law is not the exclusive domain of lawyers, although a fair number of them would prefer the law to be theirs to dictate and control. This pamphlet is not written for lawyers, but addresses some legal terms applicable to the Constitution. We urge you to embrace them.

Above all else, this pamphlet is about one legal term in particular: *remedy*. It is about the constitutional remedy of reclaiming our rights that are the cornerstone to America's exceptionalism. If you wish to be a part of that remedy, go here: <http://www.reclaimtheconstitution.com/download>.