



Written by [Jack Kenny](#) on January 28, 2015

Will House Freedom Caucus Really Adhere to the Constitution?

A new congressional caucus, started by nine Republicans, promises to defend freedom in a hostile environment: the Congress of the United States.

“We support open, accountable and limited government, the Constitution and the rule of law, and policies that promote the liberty, safety and prosperity of all Americans,” says the mission statement of the House Freedom Caucus, announced this week by its nine founding members as a group that will work to push the Republican majority in the House in a more conservative direction. The group intends to be an alternative to the 172-member Republican Study Committee, regarded for decades to be the conservative voice among House Republicans.



The Freedom Caucus intends to be much smaller. Membership will be by invitation only and the goal is to attract around 30 members. Since the Republicans have 246 representatives in the House, 29 dissenting members will be enough to keep the Republican leadership from gaining the 218 votes needed to pass legislation without help from Democrats — which could drive away some Republican votes.

Members of the new caucus are Scott Garrett of New Jersey, Jim Jordan of Ohio, John Fleming of Louisiana, Matt Salmon of Arizona, Justin Amash of Michigan, Raúl Labrador of Idaho, Mick Mulvaney of South Carolina, Ron DeSantis of Florida, and Mark Meadows of North Carolina.

“We seek to ensure that the members of the House honor promises made to their constituents, to make the congressional leadership put the interests of the American people above inside-the-Beltway interests, and to advance positive reforms that reflect limited government principles,” DeSantis said.

According to *Conservative Review*, Rep. Steve Scalise during his time as chairman of the Republican Study Committee “worked to merge the RSC’s priorities with those of House leadership and neutered the ability of the caucus to highlight conservative concerns with legislation.” Scalise was elected chairman in 2012 and held that post until he became House Majority Whip in 2014. The current RSC chairman is Bill Flores of Texas. Scalise kicked Heritage Foundation staff out of the weekly RSC member lunch meetings in 2013, *Conservative Review* said, because the group’s political action committee, Heritage Action for America, was promoting “conservative reforms” to a farm bill backed by the House Republican leadership. “The synergy between Heritage and the RSC was vital in creating legislation and policies that articulated conservative principles,” the conservative journal said.

The Heritage group wanted the farm bill, with its crop supports, and its provisions for the Supplemental Nutritional Assistance Program (food stamps) and other food programs — split into two bills. Members



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of the RSC agreed, but efforts to amend the bill failed. Heritage Action urged a “no” vote on the bill. “If they voted ‘yes,’ members faced consequences,” the *National Journal* reported, “anything from a demerit on their Heritage Action ‘scorecard’ to a 30-second radio ad launched back in their districts.” The bill was defeated when 62 Republicans voted against it, joining with Democrats who denounced the bill for cutting support for food stamps. Speaker John Boehner and his leadership team eventually passed a “farm only bill,” with the support of 48 of the 62 Republicans who had voted against the earlier bill. Yet the bill passed over the objections of Heritage Action, which had issued another alert, calling on conservatives to vote against the revised legislation, saying it “would make permanent farm policies — like the sugar program — that harm consumers and taxpayers alike.”

“We went into battle thinking they were on our side, and we find out they’re shooting at us,” Rep. Mulvaney fumed to the *Wall Street Journal*. Heritage Action’s opposition to the revised farm bill, he added, “undermines the credibility of the organization.” Mulvaney is now one of the nine members of the House Freedom Caucus. Whether he will remain in the Republican Study Committee is not clear, since caucus members may belong to both.

But if the dust-up over the Heritage group is any indication of the principles involved in these internal battles, House Republicans appear to be straining at gnats while swallowing camels. If they were really following the Constitution, as each lawmaker is bound by oath to do, the only farm bill they would vote for would be one to get the federal government out of the agriculture business altogether. There is no provision of the Constitution that can reasonably be stretched to cover subsidies and price supports for sugar or any other product. The crops are, to be sure, bound for interstate commerce, but commerce is the selling and buying of goods and services, not taxpayer-supported subsidies for growing or not growing crops according to a vote of Congress or the whims of the Department of Agriculture in Washington.

Unfortunately, Supreme Court decisions have held that the constitutional power of Congress to “regulate” interstate commerce means the federal government may regulate (i.e. control) anything *affecting interstate commerce* — which is to say, anything at all.

Agriculture is not the only area in which Republicans have, despite their conservative rhetoric, joined with Democrats in Congress to support the intrusion of federal dollars and controls into areas over which they have no constitutional warrant. The No Child Left Behind Act was passed by a Republican Congress at the urging of a Republican president, farming, education, local law enforcement, and economic development programs are all areas in which conservative Republicans have been all too ready to legislate Washington solutions to local problems.

If the members of the House Freedom Caucus are committed to reversing that trend, their efforts will be as commendable as they are overdue.



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