



Written by [Thomas R. Eddlem](#) on December 4, 2011

Huckabee Forum: Is Ron Paul a Constitutional Hypocrite on Social Security?

The question posed to Paul during the December 3 forum seems impossible to answer, since the U.S. Constitution fails to enumerate a power of the federal government to create anything remotely resembling an old-age pension fund for all Americans. Panelist and Virginia Attorney General Ken Cuccinelli asked Paul: "Congressman, you are very clear. You think they are unconstitutional. Why would you sign a budget you think contains something unconstitutional?"



Paul responded: "Because you have two choices. You either can work our way out of this, or you have to wait until it collapses and we have to rebuild it."

But the question remains: Is Rep. Paul succumbing to practical politics? Is Rep. Paul a hypocrite for claiming he'd continue to pay Social Security recipients while at the same time claiming to be a strict constitutionalist?

Actually, no, he isn't.

While there's no explicit (or, for that matter, implicit) authority under the U.S. Constitution to create a Social Security or Medicare program, once a federal commitment to pay a benefit in exchange for a fee is made, another provision of the U.S. Constitution comes into play: Congress has the power and duty under [Article I, Section 8](#) to "to pay the debts ... of the United States." Social Security includes an implied contract with people who have paid into Social Security for many years. Cutting Social Security payments would be analogous to cutting the pension of a federal employee who had worked for an unconstitutional agency, or cutting bond payments to Treasury bill owners who helped deficit finance the TARP bailout plan.

Rep. Paul stressed in the debate that he intended to propose to Congress major spending cuts in his first year. "If we want to save this country, we have to cut. So I have a plan to cut \$1 trillion." He also tried to stress that the federal commitment to pay existing Social Security recipients doesn't mean the constitutional approach means keeping the program as is forever. "To cut that off and think you can do that over night," Paul told Cuccinelli, "no, you can't do that. So you have to have a transition program."

So here's the verdict: Rep. Paul remains constitutionally pure.

Fox News broadcast the December 3 debate live, and it featured all of the six major GOP candidates for President: former House Speaker Newt Gingrich, Texas Governor Rick Perry, former Massachusetts Governor Mitt Romney, former Pennsylvania Senator Rick Santorum, and Minnesota Representative Michele Bachmann. Former Utah Governor Jon Huntsman elected not to attend the debate, and businessman Herman Cain dropped out of the race earlier in the day.



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The forum allowed 11 minutes of one-on-one talk between each candidate and the panelists, which included three Republican Attorneys-General: Scott Pruitt (Oklahoma) Pam Bondi (Florida) and Ken Cuccinelli (Virginia).

Rep. Paul also railed against the Patriot Act in the debate, stressing that "If that had been called the 'Repeal of the Fourth Amendment Act,' it wouldn't have passed." And Paul, who is also an obstetrician who delivered 4,000 babies, suggested to the state attorneys-general that states revive the Jeffersonian principle of nullification, which was coined in the [Kentucky and Virginia Resolutions of 1798](#). "I would respond in a favorable way of reinstating the principle of nullification. The states have to be able to nullify this. This would reverse the trend. And this would stop the usurpation of all the powers and privileges from the states to the Federal government."

"We've turned the constitution on its head," Rep. Paul concluded. "Today, the federal government is very big and the states are very little and it is a consequence of our carelessness with the Constitution."

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