



Written by [Joe Wolverton, II, J.D.](#) on June 24, 2016

Obama Is Regulating to Death the Financial and Individual Freedom of Americans

The Obama administration is ruling via regulation like no other presidential administration in the history of the United States. This unconstitutional multiplication of mandates is adding up and is costing the American taxpayer billions of dollars they can ill afford to spend.

A story published by the *Daily Signal* reported, “Since President Barack Obama took office in 2009, 229 new major regulations have increased regulatory burdens by \$108 billion annually.”



The largest benefactors of the largesse are the Environmental Protection Agency (EPA), the Department of Energy, and the Department of Transportation. These are three executive departments that certainly have a profound impact on the “life, liberty, and property” of every American.

Beyond the financial implications, constitutionalists will instantly recognize a crisis of constitutional authority in Obama’s rule by regulation. Article I of the Constitution states, “All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” In other words, *only Congress can make laws*.

While strictly speaking these regulations are not laws, they are certainly afforded the power of law, particularly in the brutal manner some of the myriad EPA regulations are enforced against American property owners.

The president isn’t solely to blame for the billions of dollars spent on carrying out the fiats of the multitudinous executive departments and agencies. Congress could stop the flow of money and could explicitly forbid the bureaucrats from legislating; but they do not. In fact, Congress approves the funding that keeps these desk-bound despots in power.

Moreover, it can be argued that the usurpation by the executive branch of the lawmaking authority is the very definition of the consolidation of power into one branch of government — an act described by James Madison as “the very definition of tyranny.”

It is then easy to see why Heritage Foundation researchers James Gattuso and Diane Katz said that “the unparalleled increase in regulatory burden spells a decline in economic freedom and individual liberty.”

In this as in almost every other case of the slow suffocation of liberty under reams of paper pushed out onto the people by petty tyrants, history is a reliable guide to understanding the problem.

In his seminal study of the end of ancient Rome, *Decline and Fall of the Roman Empire*, 18th-century historian Edward Gibbon identified an over-bloated bureaucracy as one of the contributors to the collapse of the once mighty superpower:

The number of ministers, of magistrates, of officers, and of servants, who filled the different



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departments of the state, was multiplied beyond the example of former times; and (if we may borrow the warm expression of a contemporary) “when the proportion of those who received exceeded the proportion of those who contributed the provinces were oppressed by the weight of tributes.” From this period to the extinction of the empire it would be easy to deduce an uninterrupted series of clamors and complaints. According to his religion and situation, each writer chooses either Diocletian or Constantine or Valens or Theodosius, for the object of his invectives; but they unanimously agree in representing the burden of the public impositions, and particularly the land-tax and capitation, as the intolerable and increasing grievance of their own times.

Another historian, Tacitus, lived at the time of Augustus and witnessed the unwinding of the republic first hand. Tacitus, too, pointed to the increasing power of the bureaucrats as a reason republican liberty was becoming a myth in his time. He reported that the Roman Empire under Caesar Augustus employed 1,800 bureaucrats throughout the whole of the expansive empire.

While 1,800 bureaucrats may sound like a lot, that’s far fewer than those regulation-writing civil servants employed by the state of Nevada alone!

In 1963, historian and journalist William Henry Chamberlain summed up Rome’s situation thusly:

Absolute imperial power replaced the complex check-and-balance system of the republic. The famous Senate declined from a vigorous state council, filled with civilian and military executives, into an ornamental rich men’s club. The Roman populace was no longer in a mood to fight for its constitutional liberties; it was lulled to sleep by the time-honored method: Panem et circenses [bread and circuses]. So long as it received free food at public expense, and elaborate games and spectacles, it ceased to concern itself with public affairs.

Do we not see this in our own day?

Chamberlain recognized a real disregard by the people as a principal factor that led to the fall of Rome, writing, “The Decline and Fall may be interpreted as a process of the atrophy of the individual creative faculty under the enervating influence of a state which went the inevitable way of unlimited power and became constantly more absolutist.”

To finish the point, Canadian classical scholar W. G. Hardy added his voice to the chorus of classicists identifying the growing Roman bureaucracy as a reasons for its demise:

Even before the plague the Roman world was rotting from within. Government paternalism, bureaucracy, inflation, an ever-increasing taste for the brutal and brutalizing spectacles of the amphitheatre and the circus were symptoms of a spiritual malaise which had begun when political freedom was tossed away in the interests of peace, security, and materialism.

Again, lessons from the past serving as prologues to the future.

In his *Democracy in America*, French aristocrat Alexis de Tocqueville warned what would happen should government become a means of regulation of the lives of Americans:

Such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to be nothing better than a flock of timid and industrious animals, of which the government is the shepherd.

As I wrote in [a recent article](#) on the subject:

The entirety of presidential power is defined in the Constitution. The Constitution represents the



supreme law of the land, and all federal offices created therein are given specific and limited powers. If a president (or any other man holding elective office under the Constitution) ventures beyond those restrictive boundaries, he acts outside the law and those actions are absolutely without the force of law, and people are obligated to disregard them.

Perhaps this point is made most clearly in Book I, Chapter 3 of Emer de Vattel's *Law of Nations*, a book that profoundly impacted every leading light of the Founding Generation from Sam Adams to James Wilson. Here is de Vattel's statement on the subject of a ruler acting outside the limits of his constitutionally defined powers:

The constitution and laws of a state are the basis of the public tranquillity, the firmest support of political authority, and a security for the liberty of the citizens. But this constitution is a vain phantom, and the best laws are useless, if they be not religiously observed: the nation ought then to watch very attentively, in order to render them equally respected by those who govern, and by the people destined to obey. To attack the constitution of the state, and to violate its laws, is a capital crime against society; and if those guilty of it are invested with authority, they add to this crime a perfidious abuse of the power with which they are entrusted. The nation ought constantly to repress them with its utmost vigor and vigilance, as the importance of the case requires.

Recognizing that his time is running short, President Obama will oversee the enforcement of about 144 additional and financially burdensome regulations that are just waiting to be issued.

The people of the United States retain ultimate and unalienable sovereignty in this country, and they must call out congressmen who violate their oaths and capitulate to tyrants by funding these federal agencies that are choking the life out of the American middle class.



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