

Constitutional scholar says federal government has expanded its powers beyond intent of the Constitution

Lewis & Clark faculty member holds town hall meeting and visits Heppner and Ione schools

By David Sykes
Jim Huffman, scholar at Lewis & Clark College and former US Senate candidate, visited the area recently as part of Constitution week from September 17 to September 23. Huffman put on programs at both Heppner and Ione schools, as well as an evening town hall meeting in Heppner.



Jim Huffman

Huffman covered many areas of the Constitution, and answered questions from the audience at a town hall meeting in Heppner. A central part of his message was that the Constitution and the Bill of Rights were not written to grant rights to Americans, but to protect those rights from intrusion by the government.

He said rights inherently belong to the people and that the government does not have the authority to grant or not grant them to the people. He said the Bill of Rights spells out the rights inherent to all citizens of America.

Huffman pointed out that over the years the

states have lost power to the federal government, and he covered several current topics that he says will test the federal government's future limits to its authority over our lives.

Huffman says the biggest test right now is Obamacare. He says the main question is the individual mandate, or whether the government has the authority to make you buy a product, in this case health insurance. The constitutional legal argument they are using in favor of this power is the Commerce Clause of the Constitution, which gives the government the right to regulate commerce across state lines, Huffman says.

"If you don't participate in health insurance (Obamacare) then you are self insuring and therefore participating in commerce, which can be regulated (by the federal government)," Huffman says in explaining the federal government's legal rationale for Obamacare's constitutionality. He said Oregon's Attorney General John Kroger was the only AG in the United States

to write a brief in favor of the government having this right.

He said over the years the Commerce Clause has been the main tool used to expand the powers of the federal government, allowing control over many more areas of our lives not originally intended by the makers of the Constitution. Huffman pointed out that the Commerce Clause was originally set up to keep states from throwing up tariffs and regulations on interstate commerce.

The constitutionality of the individual mandate is expected to go to the Supreme Court and be decided, possibly by June of 2012, Huffman said. He expects the court to rule that Obamacare is unconstitutional.

If Obamacare is found constitutional, Huffman said, it would be possible to repeal the law but a veto-proof congress would probably be needed. He said the government is currently building up public and private entities that are already receiving money from Obamacare, and this would make it difficult to undo the law.

"They are buying

support," Huffman says. "When a piece of legislation hands out goodies it is impossible to get rid of it."

"It will create a huge mess," he says, "but what we already have is a mess. The best thing to do is start over," he says on health care legislation.

Other recent actions by the Obama Administration that concern him, Huffman says, are actions by the Environmental Protection Agency and the National Labor Relations Board. He says the EPA feels it has the right to regulate carbon emissions and the ozone. He said if the EPA has that much power, there is very little in our lives that it cannot at some point regulate. He also questioned a move by the Federal NRLB to prevent the Boeing Company from relocating one of its production facilities to a right-to-work state.

"Where did the president get the authority to do this? Where did he get the authority to take over a private company in General Motors?" Huffman asked.

He said many of our current leaders say, "What ever we want to do

we will do." "I see that a lot in the Obama Administration," Huffman said.

On other issues, Huffman questioned if people sitting in Washington DC have the knowledge or experience to manage the federal forests in Oregon.

"The idea that we are going to manage the forest from Washington DC is ludicrous," he says.

On passing a balanced budget amendment, which would force the federal government to spend only what it takes in with no debt, Huffman says it is the only way to constrain spending.

"The benefits (of a balanced budget amendment) outweigh the downside," he says. "I think we need a balanced budget and don't think there is any other way. We are on the way to being Greek (a country currently with so much debt it is in default)."

In the end Huffman said the answer to the erosion of Constitutional rights is not the court system, but in the election of people who respect and uphold the Constitution. He

said when electing people from the county level to state to national office, voters should find out their stand on the Constitution.

"After all, they all take an oath to uphold the Constitution," he said.

Huffman was invited here to speak by the Willow Creek Tea Party Patriots, and he praised the nation-wide Tea Party for its grass roots efforts to uphold the constitution.

"One of the results of the Tea Party movement has been that people are talking about the Constitution," Huffman said. "It is a great thing to have a grassroots movement to learn about the Constitution."

Harvest Festival on Sunday

Heppner Christian Church's annual Harvest Festival will be held this coming Sunday, October 9 at 6 p.m. in the church's fellowship hall.

There will be food, music and a guest speaker. The community is invited.

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