

# Government by Bureaucrats Or Congress Is Irrelevant

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## Introduction

“Government is not eloquence, it is not reason. Government is force. Like fire, it is a dangerous servant and a fearful master.”

George Washington

The Declaration of Independence declares, “We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness – that to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed,...

It is told that originally Thomas Jefferson had written the word “property” in place of “pursuit of happiness” but since slaves were considered property at that time the word property would have been inappropriate. However, since we no longer have slaves the word property should be a part of that declaration and thus the unalienable rights should be Life, Liberty and Property which will enable us to pursue happiness. If the government will not protect our property then there is little reason to work more than what is required to sustain life. The right to own and have control of your property is as much a right as the right to life and liberty for we are entitled to the fruits of our labor.

As James Madison stated, “in a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights. Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions.”

It is also important to note that governments derive their just powers from the consent of the governed. Up to that time governments were instituted to enable kings and rulers to control their subjects. Democracy had been tried in ancient Greece but was unstable and led to a dictatorship. Representative democracy had been tried in Rome but Caesar had turned it into a dictatorship. Probably the best government had been a tribal government where a family ruled and had been somewhat fair and

benevolent. There are still some tribal governments today in Africa and parts of Asia but they are limited in scope and in authority and subject to violent overthrow and instability.

The most common form of government was that of a strong king or ruler who governed through the use of force. His armies were supported by granting lands to his army leaders which enabled them to support their soldiers by taxing the peasants who tilled that land. The king was aware that his wealth and strength would be increased by adding to that land and so it was common for those kings to wage war and attempt to increase their power and authority.

History seems to be primarily reciting the wars and conflicts that took place throughout the world. Governments were formed mainly to support the kings and rulers and their main function was to protect themselves through building castles and some infrastructures that enabled them to transport their war equipment and by having large armies. While they employed some servants there was no attempt to provide services to their minions other than protection so those governments were fairly simple.

The Magna Charta in 1215 was one of the first attempts to obtain rights for the people but the kings still controlled the army and had the power to rule. Even though there began to be legislatures to enact laws to protect people the kings were still in charge. It wasn't until late in the 17th century that kings tried to keep the loyalty of their subjects and to provide some services to their citizens and even to gain their approval. That even extended to having legislatures elected to pass laws and to have judges to provide justice.

Our founding fathers were aware of the past governments and also of past theories and visions of ideal governments. From their viewpoint governments had been instruments of oppression, slavery and had deprived millions of freedom. In the past century governments have been the most murderous ever even killing their own citizens. Stalin killed over 10 million, Mao somewhere around 60 million and Hitler about 6 million. That doesn't count what took place in Vietnam, Laos, Cambodia, Cuba and North Korea among those communist governments.

Our government was one that was limited in its powers and constrained by checks and balances within that government. States retained great powers and within the federal government the functions of legislating, judging, and executing were separated with each of those functions being further restrained by checks given to each function permitting it to restrain the other functions.

Therefore, that government was able to protect life, liberty and property and in the next 150 years we became the strongest, wealthiest, and freest country in the world. However, the last 70 years has seen that government take upon itself many powers that were not in our constitution and the effect has been detrimental to our wealth, strength and freedom. The latest Index of Economic Freedom (2010) rates the United States in the eighth position considering freedom. The largest reason for the drop was due to losses in financial and monetary freedom (due to our Federal Reserve) and worsening of property rights.

With FD Roosevelt the government was increased to include functions never anticipated by our founding fathers. LB Johnson did his part in adding to the government as well and the last ten years has been especially bad for us. At the turn of the century the USA was producing 32 percent of the world's gross domestic product and had a relatively low debt in relation to our output with one of the lowest rates of unemployment in the world. At the end of this decade we produced 24 percent of the world's GDP (which still is nearly three times that of anyone else), had a deficit of 10 percent of GDP, an unemployment rate of 10 percent and our dollar had lost half of its value against the euro. In spite of our wealth of natural resources we are dependent upon foreign countries for our energy and our situation is worsening.

Something is very, very wrong. We are still the same people, capable of great actions but it is our government that is holding us back. It needs to be changed and we need to return to the system that brought greatness to us and that system was built around our constitution. We must overturn the socialism we have adopted and return to the constitution.

Article 1, section 1 of the constitution reads, "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." That is the way our constitution starts and it somehow seems important that this is the very first statement of the constitution. Article 1, Section 8 of the Constitution states, "Congress shall have the Power... To make all laws..."

For many years those two statements were considered to be a limitation upon any other departments or agencies and prevented any one else from passing laws. The reason that all of the agencies and departments that have been created by our Congress can function as independent governments exercising the functions of the executive, legislative and judicial is because of the *Whitman v. American Trucking Assoc. Inc* ruling from the Supreme Court. That ruling empowered agencies within our federal government to issue rules that had the effect of laws and then determine if the laws are being met (judging) and then assessing fines or judgments.

Now all that these agencies need to do is to write rules and have them published in the Federal Register (which grows by around 77,000 pages each year) and with that legislative power they also can judge and exercise the functions of the executive branch of government.

Our presidents have also assumed legislative powers through the use of Executive Orders and "signing statements" and so our Congress has given up much of its powers and turned those powers over to others.

Now our unelected bureaucrats can exercise the legislative power that was originally given to the Congress. Those unelected bureaucrats can not be removed for incompetence by the electorate and so we now have a different government than was given to us by our constitution.

One of our founding fathers, James Madison, in *The Federalist No. 47*, states,

"The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny."

And indeed there are many instances which will be cited hereafter where that is the case. Our bureaucrats now make more laws than our Congress and are not responsible to our citizens for their actions. They also exercise judicial and executive responsibilities as well. We are being governed by those bureaucrats and that is much of the reason for our problems.

We have several departments and over 300 agencies that write laws. . Congress does not review them, discuss or debate them nor vote on them. We have laws written by bureaucrats which are as "legal" as any laws passed by Congress. In addition, those bureaucrats can judge whether their rules are being followed and assess fines and penalties to those they believe are not in compliance. Those fined are permitted to sue to reverse the rulings. Thus, our citizens and businesses are forced to fight against the government rules issued by these bureaucrats.

During the Bush Administration the Federal Register has climbed by more than 10,000 pages bringing the total to over 78,000 pages. The number of regulatory personnel has increased by 66,000 and that total number is now 241,000. Much to our sorrow they are working and writing laws that interfere with our lives and freedoms. A recent report on the pay of the government employees would lead us to calculate that those additional bureaucrats added around \$66 billion to the government's payroll and there would naturally be additional offices, desks, phones and insurance for each of them. Do you really believe that the value they added to our country is worth that? In fact, they probably do more harm than good.

They add tremendous amounts to our government expenses and also huge amounts to the costs of our businesses. In many cases their removal would be appropriate and in other cases the functions they perform and regulate should be done by the states for each state is somewhat different from the others.

In most cases those departments and agencies are unconstitutional for they are not in the constitution and according to the 10th amendment should be under state jurisdiction. The 10th amendment reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Thus, the solution to many of our bureaucratic problems could be solved by following the constitution and removing them from the federal government and letting the states adopt them if they wished. That is the main purpose of this book – to return to the constitution and especially follow the statement in article 1, section 1 of the constitution which reads, "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." Unlike our bureaucrats that Congress is responsible to the electorate and can be removed by them when appropriate.

If those bureaucratic groups are performing functions that are deemed proper and are not listed in our Constitution then the state governments can elect to adopt the functions performed and they can be removed from the federal government at a tremendous saving to our country and an increase in our freedoms.

## Chapter 1

### The Start of Socialism

The two enemies of the people are criminals and government

Thomas Jefferson

In a letter to Elbridge Gerry on Jan, 26, 1799, Thomas Jefferson wrote, "I am for a government rigorously frugal & simple, applying all the possible savings of the public revenue to the discharge of the national debt; and not for a multiplication of officers & salaries merely to make partisans & for increasing, by every device, the public debt, on the principle of its being a public blessing."

The first attempt to change the constitution was in the forming of a national

bank. In 1816 Congress had granted The Bank of the United States a 20 year charter. It was a private bank but had authority over the currency system of the United States. In 1832 the Congress passed a bill rechartering the bank. President Andrew Jackson believed the bank was detrimental to the country as well as being unconstitutional. He vetoed the bill and his veto was upheld and the national bank was dissolved. (Later, in 1913 another unconstitutional national bank was formed called the Federal Reserve).

During the Civil War, President Lincoln instituted an income tax as well as many other taxes. He also was able to have our Congress participate when in 1862 he promoted and signed a tax bill that contained 119 different sections, imposing hundreds of excise taxes, inheritance taxes, stamp taxes, gross receipt taxes and license taxes on virtually every occupation, service and commodity in the entire economy. Lincoln was a big-government liberal which probably explains why he has been treated so favorably by our liberal historians.

There was also a tax on income with a top rate of 10% on incomes over \$10,000. Many of the other taxes imposed were probably unconstitutional but there is no question about the income tax. That tax was unconstitutional and was finally repealed by President Grover Cleveland.

With those taxes the government was expanded to include bureaucrats that were performing functions that were not in the constitution and thus added costs to our government and functions that were not anticipated by our founders. Lincoln was not a conservative.

We had a recession in 1921 that was pretty bad – in fact worse than the one that hit in 1928. Our government did absolutely nothing and the economy recovered and we had a real expansion in our economy during the 20's as our Federal Reserve increased the money supply which helped bring on the “great depression.” Then, with the stock market crash of 1928 another recession hit us and this time President Hoover tried to use the government to fix it.

First came the public works programs. The Federal Buildings program was funded for \$400 million and the Department of Commerce established a Division of Public Construction. Hoover granted subsidies to ship construction and asked Congress for another \$175 million for public works. Corporations were persuaded to keep wages high but with declining sales that meant they would employ less. Farm organizations were formed to control prices and production and assign subsidies and the result was chaos as these organizations tried to reduce production to raise prices and to generally take over the farm industry.

By 1930 the unemployment rate was at 9% and the federal reserve increased the money supply and lowered the discount rate. The Smoot -Hawley tariff was passed and really hurt imports and exports. Hoover issued an executive order and stopped all immigration into the country.

With unemployment increasing and production of capital goods declining the Congress passed the Revenue Act of 1932, one of the largest tax increases in our history and the Great Depression was on. It is hard to believe that someone thought that a tax increase would help the economy but President Hoover proposed it and the Congress enacted it,

Franklin Delano Roosevelt campaigned as a conservative and was elected to take the government out of the depression. Instead, he continued Hoover's policies and in fact, added to them and increased the problems. Bank moratoriums and bank holidays led to people not trusting banks and thus not depositing money into them and that meant that money was not available to help start or continue businesses. Public works added some employment but caused businesses not to hire for they would have to compete with lower wages. The Congress passed Roosevelt's programs – the Agricultural Adjustment Act (declared unconstitutional by the Supreme Court), the Tennessee Valley Authority, and the National Industrial Recovery Act (declared unconstitutional by the Supreme court). The Civil Works Administration was organized as well as the Works Progress Administration and the Civilian Conservation Corps came into existence. The Social Security Act was passed in 1935 and the National Labor Relations Act empowered unions.

By 1938 the depression reached its lowest point with 25% unemployed and the government causing much of the problem. The more they did the more that businesses were scared away and thus no new jobs were created and existing companies were afraid to expand. During the first two terms for President Roosevelt the average unemployment rate for that eight years was 18%. The government managed everything and produced unemployment.

Roosevelt's actions frightened small businesses that employed over two thirds of our work force and their reaction was to “hunker down” and not take risks and not hire people. (We are seeing much the same reaction today to President Obama and the Democrat Congress). Roosevelt added bureaucrats and costs to our government at a time when the reverse should have been done. He really opened the door to the huge government we have now as well as prolonging the depression.

While Lincoln and Roosevelt acted in unconstitutional manners the real start of socialism was hardly noticed when it started. In 1913 the Progressives ushered in a new era for our government with the passage of the income tax amendment.

In addition, the Federal Reserve Act was passed in 1913 creating a national bank similar to the one President Jackson had vetoed. The title would lead one to conclude that the bank is a government organization. It is not. It is owned privately by the twelve Federal Reserve banks in the system. The governors of the system and the head of the “Fed” is appointed by the President and approved by the Senate. The Fed controls the amount a bank must have in its reserve (banks can loan much more than the

money they actually hold); it establishes the discount rate at which banks can borrow from the Fed; it can reduce or increase overall bank reserves by selling government securities; it can set margin requirements for securities transactions and in general is in control of our economy. It has taken on itself the issuance of money which always leads to inflation.

It has not always been right in its actions. After the depression of 1921 which ended quickly without any government action the Fed increased the supply of money leading to rapid inflation setting the stage for the Great Depression. Their action in 1937 which reduced the money supply led to the deepest part of the depression in 1938. The increase in the interest rate during President Jimmy Carters' presidency led to the following recession and the election of President Ronald Reagan. During the 70's and 80's they took those actions that set the stage for the downturn in 2000.

Here in 2008 we are seeing the effects of the inflation caused by the Fed which has been reflected primarily in the price of oil. They have also been a major contributor to the collapse of our banking system by establishing and keeping an interest rate at a ridiculously low rate from 2003 to 2007. It is a little scary to think that our economy is under the control of one private company and that our economy is dependent upon one person rather than a free market system.

The issuance by the "Fed" of money was the primary cause of the downturn in 2008 but the Congress was also responsible for the economic collapse we are now involved in with their requiring banks to make bad loans. (That same government is now trying to place the blame on the banks who they forced to act stupidly). The establishment of Fannie Mae and Freddie Mac (privately held but government controlled) and the requirement that they purchase sub-prime mortgages helped that collapse substantially. However, that would not have been as possible without the low interest rate the "Feds" instituted. Now, in 2008-2009 the increase in the money supply and the bailouts issued by the "Feds" will lead to significant inflation which will soon appear. According to Reuters news service there are liabilities of \$8.3 trillion which the "Fed" has funded. Congress has asked for information about this dispersal but the Fed has refused to provide details about their actions and commitments. They obviously consider themselves above the control of the Congress and with their actions it is time to consider if we should get rid of the Federal Reserve System.

Congressman Ron Paul has written a bill which would require an audit of the "Fed" and there are many who support that. Speaker Nancy Pelosi refused to allow the bill to be voted on but now with the new Congress we may be able to see all they have done. The Fed does not want to reveal what it has done with the money and what it intends to do. In 2009 the Fed produced a profit of over \$52 billion and while most of that money will be turned over to the Treasury it would be nice to know how they made that profit, what bonuses they paid to their employees and what their expenses were. It would also be nice to know who they issued money to as they bailed out the world. They are resisting providing that knowledge to us.

Now, we turn to the income tax. The sixteenth amendment made an income tax legal for it was specifically prevented under our Constitution. The amendment did not place any restrictions on the amount of the tax nor on its application. In addition to providing our politicians with a source of funds to use for whatever purpose they see fit it has also spawned a huge industry.

In addition to the government bureaucrats involved with this we also have all of the companies involved in calculating the taxes. We also have departments in universities involved in teaching students the tax laws and all of these groups like our tax system and laws and rules and regulations and will resist any attempt to remove this system. Passing any significant change will be difficult for there are many people that benefit from the system. However, we must do it.

The following information comes from the book, Flat Tax Revolution by Steve Forbes. Our present tax system has evolved since 1913 to an unmanageable, unknown mess. The Bible contains 773,000 words and the tax code and rules and regulations have over 9 million words. There are 66,000 pages of special-interest rules, regulations, loopholes, credits, and carve-outs in our tax rules today. It is so complex that H& R Block, the income tax company, under-reported its own tax liability by \$32 million. It is

estimated that around 8 % of the private sector employees in Washington DC are tax lobbyists. They are big contributors to our Congressmen and heavily influence the tax codes. A Roman historian, Tacitus, stated, "The more numerous the laws, the more corrupt the government" .

There are many companies such as H & R Block involved with helping fill out personal tax forms and many firms that calculate personal and corporate taxes. This whole industry produces nothing of value to anyone. Their efforts are wasted as far as adding to our country's growth and wealth. The Congressional Office of Management and Budget estimates that over \$200 billion is spent each year in calculating and determining taxes and the Tax foundation estimates the cost at \$250 billion per year. About 60% of tax payers now use professional help ( if you want to call it that) to determine their taxes. The tax codes and rules are so complex that no one really understands them. In 2004 it was found that IRS bureaucrats gave the wrong answers over 25% of the time to people trying to calculate their taxes and companies involved with calculating taxes have the same problems.

All of the above organizations are dependent upon the tax rules and codes for their livelihood and so do not really want to scrap the system. Our politicians also receive large campaign contributions from the lobbyists and companies in the industry and so they too are not inclined to fix the tax codes and rules. For every tax rule there is a paid accountant, a paid lobbyist, and a campaign contribution to some Congressman.

The IRS writes the rules (laws), judges who violate or who adheres to those rules and assesses fines and penalties as they see fit. The Congress does not review those laws and rulings but allows them to operate freely. There is very little hope of improving the rules and regulations or of improving the competence of the bureaucrats so the only hope is to completely discard the system.

The Income tax is bureaucracy at its best (or worse).

The Flat Tax would put many of them out of business and we have a tax system which is inconsistent, misunderstood and not fair which provides benefits to those in the tax industry and to some of our politicians and that means it will be difficult to fix. Since 1986 when the tax code was last revised the tax code has been amended 15,000 times and it is probable that each amendment was accompanied by a campaign contribution. This system is a drain on our economy and will leave us less able to compete with those countries who have a flat tax such as Russia, Hong Kong, Romania, Lithuania, and Slovakia and it appears that China is also going to adopt a flat tax.

We should adopt a Flat Tax as proposed by Steve Forbes and then delete all the rules, regulations, exceptions, loopholes and guidelines that the IRS has issued and no one understands. A family of four would pay no taxes on income under \$46,000 and the rate for personal taxes would be 17% on the income above the untaxed base. Businesses would also pay 17% on profits. There would be no capital gains tax, no taxes on social security, no Alternative Minimum tax and no more death tax. Forbes's book details this proposal and could be used to write this simple tax.

Fiscal Associates of Alexandria, VA an economic consulting firm, did an analysis of the Flat Tax and concluded that between 2005 and 2015, the Forbes Flat Tax plan would generate \$56 billion more in new government revenue than the current income tax. Our best bet here is to throw out everything the IRS has written and start over and adopt the Flat Tax as proposed by Steve Forbes.

The FairTax may be an even better solution than the Flat Tax but does require a constitutional amendment to make it effective and that would involve securing the approval of two thirds of our states and many years to accomplish. It also has a big sales job to accomplish. It has some advantages over the Flat Tax for it removes all of the incentives that enable Congress to obtain campaign contributions and support their elections. It should also attract many businesses to our country and help our economy.

So, even though we have a Department of Treasury which is responsible for writing laws and collecting taxes it is not responsible for our banks and banking system.

## Chapter 2

### Bureaucratic Departments

In a letter to William Johnson on June 12, 1823 Jefferson wrote, "I believe the States can best govern our home concerns, and the General Government our foreign ones. I wish, therefore, to see maintained that wholesome distribution of powers established by the Constitution for the limitation of both; and never to see all offices transferred to Washington, where further withdrawn from the eyes of the people, they may more secretly be bought and sold as at market."

We now have many departments and some were not conceived of at the time the Constitution was adopted. In discussing these departments they will be separated into three categories – Departments that perform functions, departments that legislate, and departments that distribute money. (The last two are unconstitutional and unnecessary).

One of the main bulwarks of our form of government was the division of power between the branches of the federal government – the presidency, the judiciary and the legislative – and with great power left with the states. The tenth amendment to the Constitution reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

That would lead to the conclusion that the departments of Education, Energy, Health and Human Services, Housing and Urban Development, The Environmental Protection Agency, Transportation and Agriculture and many agencies should not be a part of our federal government. The states might have those functions but they are not in the Constitution and thus are reserved to the states or to the people.

So, let us consider some of these departments and agencies. The Housing and Urban Development Department is huge. There is no mention of any department or function like that in the Constitution but we have one. It makes its own rules and operates independently. It manages the largest realty operation in our country. It does not perform that function very well. Let me restate that. It is lousy.

The Department of Housing and Urban Development has become a giant realtor. It builds housing developments, owns houses, loans money and holds mortgages. One of its most famous developments was the Pruitt-Igoe apartments in St. Louis. It consisted of 2879 units in 33 high-rise buildings in downtown St. Louis and was the HUD answer to providing housing to the poor. Within the next 20 years it had become a center for vandalism and several murders and by 1972 only 600 of its apartments were occupied because the rest had been trashed. Even with federal subsidies St. Louis could not afford to keep it going and finally tore it down.

The Robert Taylor Homes was another project in Chicago that was originated in 1962. Forty four years later the 16 story towers consisting of 4300 apartments stretching for two miles is being torn down. Nearly 186,000 public housing units have been approved for demolition in Detroit, Atlanta, and Philadelphia according to HUD.

.Those kinds of complexes have been tried in other big cities and resulted in the same failures. The latest approach is now to build smaller operations and scatter them throughout the big cities in the hopes of spreading the crime instead of concentrating it in one place. We need to expand that concept even further. The best place for having this operation performed would be to totally remove the HUD department from our federal government and have this function performed at the state and local level. There might even be some thought about whether this function of providing massive structures for the homeless and poor is necessary at all but if it is then we know the federal government is not capable of doing it and we should leave this function up to the states. HUD could transfer their mortgages, land, buildings and property to the states and let the states take over this function if they wished to continue it.

HUD was also used to exert pressure on banks to make loans to minorities and the poor which led to the bank meltdown that occurred in 2008. These agencies have bureaucrats that are not elected and are removed from the people and are independent and are not controlled by our Congress.

The next department to be considered is the Department of the Interior.

Many of the functions it performs will be discussed later since it is a department involved in distributing money but it also controls the national parks and all federally owned or controlled land. Our federal government owns 29% of our land and owns 55% of the land in our eleven western states. That seems somewhat surprising since our Constitution does not provide for the federal government to own and manage parks or to own and control land other than what is needed for the operation of the federal government.

Article 3, Section 8 of the Constitution provides for the Congress to legislate and control a district (not exceeding ten miles square) which will become "the Seat of the Government of the United States" and "to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings: From this it would appear that the states own and control our land. The legislatures of the states have to consent to the purchase of land and the federal government only has land necessary for it to fulfill its function.

The Department of the Interior has done an excellent job in our national parks and has been zealous in protecting wetlands, in stopping road construction in our national forests, in preventing mining and stopping exploring for oil and gas in federal owned lands and generally interfering in anything of a commercial nature taking place on the federal government lands. From the number of fires we have every year in our national forests it is logical to conclude that they do not know how to protect our forests.

The control by Interior of the drilling and mining for oil offshore has resulted in reducing our oil production. The Gulf oil spill has provided an excuse for placing a moratorium on offshore drilling and that moratorium has applied to all offshore water including Alaska and thus significantly reduced our oil production. Ken Salazar, Secretary of Interior, has indicated they have cancelled five potential leases in the Outer Continental Shelf which could hold up to 77 billion barrels of oil.

There were 33 wells operating in the Gulf prior to the spill but only 6 of those wells are now operating due to the moratorium. The Interior Department has refused to obey Judge Martin Feldman's order to issue permits and has been cited for contempt of court as a result.

A permit for drilling has also been denied for the National Petroleum – Alaska project and that has led to concern that there will not be enough oil to be obtained from the North Slope of Alaska to continue that production. The pipeline transferring the North Slope Oil was originally completely full and the temperature of the oil was sufficient to make it possible to transfer it through the arctic cold. However, the present volume is only filling about half of the pipeline and there is great concern that very soon the volume will not be enough to overcome the cold temperature and that the pipeline will no longer be capable of moving any oil. We need that oil from Alaska.

The Dept. of Interior has cancelled oil and gas leases on 77 parcels of federal land in Utah and has also stopped eight parcels from a lease sale in Wyoming.

To stay in line with our Constitution we should transfer ownership of the federal property to the states wherein it is located and grant them full rights of ownership of that land and property. The states could then determine whether mining, or logging or drilling or exploring or construction could take place and we might even be able to solve our energy problems. Our government has nearly stopped the logging in our national forests which has contributed to the forest fires that now are common.

It has also deprived our states and businesses of income. In 1991, 8.5 billion board feet of commercial timber was harvested from national forests. That generated \$5.5 billion in local income, another \$325.5

million in shared harvest receipts and \$831 million in federal income taxes. Thus, we have harmed our national forests and reduced income to business, local governments and the federal government as well. Our federal government and their laws and rules and restrictions are the reason we have energy problems and if the states controlled their own land we might have different rules than at the present.

## Chapter 3

### The Environmental Protection Agency

. A Roman historian, Tacitus, stated, “The more numerous the laws, the more corrupt the government.”

The first legislating department to examine is the Environmental Protection Agency. The Environmental Protection Agency was established under President Nixon (another reason to dislike President Nixon) and made a department under Bush 41. The Environmental Protection Agency has become a nightmare. It was started to implement the Clean Air Act but it has mushroomed into a monster. There have been improvements to our air quality, to our water quality and to other environmental areas. However, in the process of improving our environment the EPA has caused massive expenses and has made many mistakes.

Our original constitution was to protect our citizens from the government and this is an excellent example of how a government can oppress its people. A small group of radical, crazy, environmental activists have been able to influence enough of our legislators to pass laws and ignore our constitution as we become more like a democracy and less a republic.

The burden placed on our businesses is huge. In 1995, Carol Browner, then head of the EPA, announced that the EPA had streamlined its regulatory procedures to save businesses and state and local governments 23 million hours of unnecessary paperwork each year. That means that prior to that time there was 23 million hours of wasted time spent each year and there was no mention of how many hours of time was still required.

The Super Fund which was started in 1980 to clean up toxic waste sites is a good example. The EPA and Congress had started to assess the polluter for the clean up but in many cases no one knew who had polluted. The government came up with the concept of “joint and several liability” to try to get anyone to pay for the cleanup on land they were occupying even if they were not responsible for it. It seems crazy but that was their solution.

Naturally, that led to massive law suits as those who were innocent fought those charges in courts. At one time it was estimated that 60% of clean up costs were legal costs. Finally the EPA recognized that the system would not work and so a special tax was assessed on chemical and oil companies and that generated billions of dollars in tax revenue and huge costs to those companies. The clean ups were performed and in 1995 the tax was allowed to lapse with \$3.8 billion left in the EPA to pay for the remaining sites. In 2002 there were still 33 toxic sites in 18 states that were still in the process of being cleaned and the EPA estimated that \$450 million would clean them up.

At that point the administration had allocated \$228 million for that purpose. The costs were much larger than they should have been (over \$50 billion) but the cleanups have been or are in the process of being done.

Not all of the clean ups were necessary. In 1996 the Lawrence Livermore National Laboratory said that maybe all the hundreds of millions of dollars spent on excavation, removal of tanks treatment of soil and etc was misguided and misspent effort. Cleanup efforts were examined in California and tank cleanup costs are estimated to be \$2.5 billion and much of that was not necessary. The Alexis de Tocqueville institution reports that “EPA consistently assumes that future sites will include children, who will live

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