

# The Cost of Constitutional Illiteracy



By Paul Engel

December 6, 2022

- How much of your money does the federal government spend on things not authorized by the Constitution.
- Beyond the money, what are the other costs of the fact most Americans don't know what the Constitution actually says.
- How would your life be different if you spent some time learning more about the supreme law of the land?

Here at the Constitution Study, we spend a lot of time discussing the legal and societal cost of ignoring the Constitution. Have you ever considered the financial costs though? Sure, we all complain about the size of government, usually around tax season. Of the trillions of dollars spent every year though, how much of it is spent on unconstitutional government agencies and programs? Let's take some time and look at the 2023 budget for the government of the United States, see how much is being spent on these agencies that do not legally exist, and consider the costs of our lack of constitutional literacy.

I don't know anyone who enjoys creating a budget. It's boring, tedious, and generally frustrating. However, as a much younger man, I learned the importance of knowing where the money was coming from and where it was going. So while it may not be fun, budgeting is an important part of fiscal responsibility. Which perhaps explains why the federal government is so bad at

it?

The other problem I see with understanding federal spending, is the fact that most people don't deal with large numbers very well. Telling someone a car costs \$50,000 is one thing. Telling them it will cost \$1,000 a month though, and they seem to do a better job deciding if they can afford it or not.

With these two limitations in mind, I want to take a look at the 2023 federal budget and see if we can't make some sense of what our employees are doing with our money. Before we discuss the dollars though, I need to make some sense about government spending.

## **Government Spending**

There are two clauses in the Constitution that we need to understand before we dive into the money. First is Article I, Section 8, Clause 1:

*The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;*

### **[U.S. Constitution, Article I, Section 8, Clause 1](#)**

The first thing we need to understand is that Congress can only legally collect taxes to do three things. First, pay the debts of the United States. Second, provide for the common defense of the United States. Third, provide for the general welfare of the United States. That's a capital "U" and a capital "S", making it a proper noun. It's the very same proper noun, used in the second clause, we need to understand The Tenth Amendment.

*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.*

## [U.S. Constitution, Amendment X](#)

Unless a power is delegated to the United States by the Constitution, it doesn't belong to it. I know it sounds simple, but it's the general misunderstanding of these two clauses that leads to so many of the problems in the federal government.

According to Article I, Section 8, Clause 1, unless Congress is paying the debts, providing for the common defense, or the general welfare of the union called the United States, they are not allowed to fund it with taxes, duties, imposts, or excises. And since these different forms of taxes are the only way Congress has of collecting money, it means they cannot legally pay for these things.

By now, someone is asking, "But what is the general welfare of the United States?"

The name United States was given to the union of states in the Articles of Confederation.

*Article I. The Stile of this confederacy shall be, "The United States of America."*

## [U.S. Articles of Confederation](#)

The word "stile" was another spelling of the word "style". Among the many senses of that word we find:

*Title; appellation;*

## [Style – Webster's 1828 Dictionary](#)

So the confederacy of states formed in 1776 was titled, "The United States of America". This title was retained when the new union was formed under the Constitution in 1787,

Why is all this important? Because the General Welfare clause

does not give power to Congress to collect taxes on anything they think is generally beneficial. James Madison made this point while debating the Cod Fishery Bill in 1792.

*It is to be recollected that the terms "common defense and general welfare," as here used, are not novel terms, first introduced into this Constitution. They are terms familiar in their construction, and well known to the people of America. They are repeatedly found in the old Articles of Confederation, where, although they are susceptible of as great a latitude as can be given them by the context here, it was never supposed or pretended that they conveyed any such power as is now assigned to them. On the contrary, it was always considered clear and certain that the old Congress was limited to the enumerated powers, and that the enumeration limited and explained the general terms. ...*

*If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their Own hands; they may a point teachers in every state, county, and parish, and pay them out of their public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision for the poor; they may undertake the regulation of all roads other than post-roads; in short, every thing, from the highest object of state legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit of the application of money, and might be called, if Congress pleased, provisions for the general welfare.*

### **Debate on the On the Cod Fishery Bill, granting Bounties, House of Representatives, February 3, 1792**

The Constitution is very specific, Article I, Section 8, Clause 1 limits Congress to collecting taxes for the general welfare of the United States, not the several states nor the

people. It should be quite obvious that this power is applicable only to the central government and the property it owns (not that it has been much of a hindrance to Congress.)

Furthermore, since the Tenth Amendment limits the power of the United States to those delegated to it by the Constitution, Congress cannot claim the authority to do anything outside of those limited and enumerated powers.

## **2023 Spending**

I want to focus on federal spending rather than the federal budget. The reason is quite simple; budgets can be easily manipulated. For example, the federal government's 2023 budget is approximately \$6.1 trillion, but according to USASpending.gov, a look at the budget resources by agency adds up to over \$11 trillion.

Remember when I said most people don't process large numbers very well? Trillions are very large numbers. A trillion is a thousand billion, or a million millions, but that probably doesn't help very much. Consider this, if you were to start counting seconds, it would take you over 31,000 years to count to a trillion seconds. Or if you were to stack \$1 trillion in \$100 bills, the stack would be over 630 miles tall, which is more than twice as high as the International Space Station.

If all of that seems overwhelming, consider this: There are approximately 330 million people in America today. If you were to divide \$1 trillion equally across all of the American people, that means each one would receive approximately \$3,000 each. Turn that around and you see that if we were to spread the federal budget equally, each American would be responsible for over \$18,000. Compare that to the budgetary resources for the federal agencies and we see that each American is responsible for over \$33,000. And that's just for federal spending.

## **Cost of Our Constitutional illiteracy?**

Which brings me back to the original question. What is the cost of our constitutional illiteracy? I took the spending information on USASpending.gov and broke down the agencies into those that are exercising powers delegated to the United States, those that definitely are not, and those that might be. USASpending.gov lists 108 individual agencies. Care to guess how many are exercising powers definitively delegated to the United States? 12. That's right, only 12 of the 108 agencies listed in USASpending.gov are definitely exercising powers delegated to the United States. Another 15 are possibly exercising powers delegated to the United States, but are most likely going far beyond that authority. What are the costs of these 27 agencies? Again, according to USASpending.gov, the 12 legitimate agencies cost approximately \$4.3 trillion and the 15 agencies that may be exercising legitimate powers another \$485 billion, for a grand total of approximately \$4.8 trillion each and every year, which happens to be the revenue the federal government brought in during fiscal year 2022.

Which leaves us with the 800 pound gorilla (or in this case, the \$6 trillion dollar gorilla), in the room. The remaining 81 departments have an almost \$6.5 trillion in budgetary resources. That means almost 60% of federal spending goes to departments that are not authorized by the Constitution. With the national debt over \$31 trillion, just think what a difference it would make if the federal government only spent money on what it was legally authorized to?

There is, though, a more fundamental problem than the money. As the Tenth Amendment states, powers not delegated to the United States don't belong to it. Yet Congress passed legislation to create these departments, even though they are not authorized by the Constitution. What does this mean?

*Certainly all those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the Legislature repugnant to*

*the Constitution is void.*

### Marbury v. Madison Opinion

If Chief Justice Marshall is correct and an act of the legislature repugnant to the Constitution is void, then the acts of Congress that created these agencies are also void. Therefore these agencies do not legally exist. And if these agencies do not legally exist, then any money appropriated for them was done fraudulently. We call that embezzlement.

### **Conclusion**

So what is the actual cost of our constitutional illiteracy? Yes, it's over \$6 trillion dollars of money embezzled from the American people each and every year. It is also the volumes of rules and regulations, all considered to have the force of law even though they come from an agency that does not legally exist. Probably the most damaging cost of our constitutional illiteracy is the position of servitude to the federal government the American people have assumed. Of all the things we give up because we won't read and study the Constitution, our liberty seems to be of the greatest value. As Samuel Adams said:

*The liberties of our Country, the freedom of our civil constitution are worth defending at all hazards: And it is our duty to defend them against all attacks.*

*We have receiv'd them as a fair Inheritance from our worthy Ancestors: They purchas'd them for us with toil and danger and expence of treasure and blood; and transmitted them to us with care and diligence.*

[Samuel Adams, Essay, written under the pseudonym "Candidus," in The Boston Gazette \(14 October 1771\)](#)

Now that we know the costs of our constitutional illiteracy, will you join me in doing something about it? While the

problem may seem daunting, the solution is simple.

*Every member of the State ought diligently to read and to study the constitution of his country, and teach the rising generation to be free.*

***John Jay, First Chief Justice of the supreme Court of the United States***

You can find out more about Mr. Jay's admonition, along with finding tools and other people to help, by visiting [The Constitution Study](#). If you have any questions, you can ask them there. I hope this will be the first step you take to start rectifying not only any constitutional illiteracy you may have, but reducing their costs as well.

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