

The Death of Freedom in America



By Paul Engel

- Ronald Reagan warned us that unless we fight for liberty, we would one day have to explain it to our children.
- Today, we have to explain to the younger generations what it was like when freedom of religion, freedom of speech, freedom of press, even to be secure from unreasonable searches and seizures were cherished in America.
- So will the American people fight for their liberty, or will we sit by and watch it be destroyed?

. . . freedom is never more than one generation away from extinction. We didn't pass it on to our children in the bloodstream. The only way they can inherit the freedom we have known is if we fight for it, protect it, defend it and then hand it to them with the well thought lessons of how they in their lifetime must do the same. And if you and I don't do this, then you and I may well spend our sunset years telling our children and our children's children what it once was like in America when men were free.

Ronald Reagan "A Time for Choosing" Speech

Ronald Reagan's words have come true. We now live in a country where we have to explain to the rising generations what it was like to live in America where people were free. While this day has been coming for decades, recent events show us the real level of rot and decay when it comes to your rights and liberty. No longer must those of us who cherish our freedom

and liberty concern ourselves solely with the acts of government. Today businesses, society, and even our neighbors, are out to crush the last vestiges of the rights and liberty we enjoy. It's not that we weren't warned this day would come, but like in so many other situations, we never thought it would happen in our lifetimes.

Some of you may think I'm being hyperbolic when I claim that the day Ronald Reagan warned us about has come or that so many are out to destroy our rights. As the drafters of the Declaration of Independence said: "To prove this, let Facts be submitted to a candid world."

Usurpations

As I said, this has been going on for decades. While there are plenty of clauses in the Constitution we've allowed to be violated, there are two at the heart of the problem.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[U.S. Constitution, Article VI, Clause 2](#)

The first is called the Supremacy Clause. Like much of the Constitution, its language is quite clear: The Constitution of the United States is the supreme law of the land. Only laws of the United States made pursuant to the Constitution or treaties made under the authority of the United States, which comes from the Constitution, are considered supreme. This clause means if Congress passes a law that is not pursuant to the Constitution or if the President and the Senate enter a treaty that is not within the powers of the United States, then that action is not supreme. In fact, that action is void.

It is a proposition too plain to be contested that the Constitution controls any legislative act repugnant to it, or that the Legislature may alter the Constitution by an ordinary act.

Between these alternatives there is no middle ground. The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it.

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 an act of the legislature, or for that matter of the President or the courts, is repugnant to the Constitution is void, how were or how have they been allowed to be enforced? Simple. The people who should have known better didn't stand up to those who were breaking the law.

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

We seem to forget, or perhaps most of us were never taught, that the states ratified the Constitution that created the United States government. That means the states created the federal government, not to be its servant, but to be served by it. It also means that when the states created the United States, they also set boundaries on it and its government. While this was assumed by those who drafted the Constitution, it was later confirmed when the states ratified the Tenth

Amendment. So when the federal government exercises a power not delegated to it by the Constitution, it's stealing powers rightfully owned by the states or the people

This reminds me of a third "clause", although this one is not from the Constitution:

[T]he constitutions of most of our states assert that all power is inherent in the people; that they may exercise it by themselves, in all cases to which they think themselves competent, (as in electing their functionaries executive and legislative, and deciding by a jury of themselves, both fact and law, in all judiciary cases in which any fact is involved) or they may act by representatives, freely and equally chosen; that it is their right and duty to be at all times armed; that they are entitled to freedom of person; freedom of religion; freedom of property; and freedom of the press.

[From Thomas Jefferson to John Cartwright, 5 June 1824](#)

When any government acts beyond the powers delegated to it in the Constitution that formed it, they are stealing your powers. When any government infringes on your rights, they are stealing your rights. In short, whenever any government acts beyond their mandate, they are usurping your powers. It seems this has been going on so long with no one standing up to these usurpations they not only have become normal, but many Americans believe they are legal.

Legal Interference

Once the governments in America started assuming the powers to do pretty much whatever they wanted, with little interference from the people, they started using the judicial system to reinforce those powers. If, like me, you actually read what comes out of our judicial system, you may notice how rarely our judges actually quote the Constitution. Article VI, Clause 3 states:

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution;

U.S. Constitution, Article VI, Clause 3

Every officer, including judges at both the state and federal level, is required to include support for the Constitution of the United States in their oath of office. So why does the supreme law of the land appear so rarely in the opinions of these judges? While I cannot read the mind of these judges, a quick look at what is included in their opinions should provide a good answer.

Have you heard the terms “case law” or “constitutional law”? How about “precedent” or “stare decisis”? Do you know what all of these terms have in common? They are “laws” created by the judiciary. Now there are plenty of good reasons to consider the opinions of those who have gone before. However, the Constitution states that all lawmaking power is vested not in the courts, but in Congress.

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.

U.S. Constitution, Article I, Section 1, Clause 1

Yet today, not only do the courts make law, they claim the authority to overrule the acts of the other two branches of government. They do this first by claiming that their opinions are law, then by elevating those opinions above not only the laws made by Congress, but above the Constitution itself. That is why the opinions of judges are all but devoid of references to statutory law or the Constitution, while they are jam packed with references to judges opinions euphemistically called “case law”. In effect, we no longer have checks and

balances between the three branches of governments, since one branch has assumed the incontestable power to overrule the others. And who stood up against this usurpation of power? Did the other two branches stand up? Did the states stand up against their creation? Did the people stand up to restore the judicial branch to its legally authorized role in government? The answer to these questions is no. And that is another reason why the republic, and the liberty it was created to protect, is dying. No one stood up when one branch of government usurped the powers of the others.

Then, into this crippled republic, came the chance of a lifetime for those who desire power and believe they have the moral authority to rule over others.

Lockdowns and Shutdowns

Many people blame COVID-19 for the attacks on liberty we are experiencing, when actually, the tyranny that has run rampant the last 18 months is the consequence of decades of unchecked government overreach. If the antipathy that the people and the states have shown toward instances of government overreach was the explosive, then COVID-19 was the detonator. Suddenly, millions of Americans were afraid that they might get sick and die. And who was ready to assume all the powers necessary to “save the American people”? That’s right, those who are drawn to power, and therefore to government. COVID was the excuse to determine what businesses could be open and who could work. And the icing on the cake? All those unemployed people were now begging government to take care of them. “Enhanced unemployment” benefits allowed thousands to stay home and live on the government dole. And let’s face it, who among us wouldn’t prefer to go about our lives doing what we want while someone else picks up the bill?

There was also another beneficiary lockdowns had: Big businesses. Small businesses cannot afford to lobby government for special dispensations. That’s why a California restaurant

owner had her patio shutdown while a movie company had their catering tent open across the street. It's also why the Walmarts, Targets, Lowes, and other large corporate stores were "allowed" to stay open while their competitors were "forced" to close. This led to a surge in small business closures while large corporations survived just fine.

Mandates

Of course, lockdowns and shutdowns were just the opening salvos, because the divide between small and large business is not just government lobbying. Large business not only have the capacity to absorb the cost of federal regulations, but the legal staff to fight them in court. Combine this with the cozy relationship large businesses have cultivated with government and you should recognize how these two work together, to both regulate your lives and to suppress their competition. Business licenses, promoted as tools to keep the people "safe", are instead more often used to control those businesses. This was on full display with the advent of the COVID mandates.

First, governments instituted public mask mandates. Never mind that these mandates deprive you of your liberty and the property you have in your own body, which are violations of both the Fifth and Fourteenth Amendments of the Constitution of the United States. Then, governments issued mask mandates for private businesses, a blatant deprivation of the owner's property and again without due process. Many businesses gladly joined in the deprivation of the rights of their customers. Yes, private businesses have the right to control how people are allowed to access their property, and many citizens willingly submitted to the whim of the store owners. What do you think happened to those few who recognized not only the infringement on their rights, but the fact that these mandates are void? If you guessed that their precious licenses were threatened with another deprivation of property without due process, you are correct. What did the people do when their

states started violating the very constitutions that created them? How did the people react when the governments they formed to protect their rights instead violated them? What happened when governments exercised unjust powers that the governed had not consented to? Most people did nothing. Even worse, many people took it upon themselves to become the enforcer of these illegal and immoral mandates. That's right, many people saw the opportunity to enforce their will upon their fellow citizens and jumped at the chance.

Now we have government issued vaccine mandates. It started locally, then in some of the states. If you wish to go to a restaurant or other public gathering, you need to show that you've been vaccinated. If you wanted to attend school, you need to show you've been vaccinated. In many cases, both governments and businesses started requiring their employees be vaccinated as a condition of employment. The federal government has even taken these draconian measures to the next level. Thinking of flying? The TSA wants proof you've been vaccinated. Working for the federal government or serving in the military? You need to get the vaccine. Own a business with more than 100 employees? You'll be fined if you don't require vaccination as a condition of employment. If you resist these enforced vaccinations, you are ostracized and in some cases bullied, both in person and online. It seems that we must tell the rising generation what it was once like in America, when men were free.

Conclusion

Yes, freedom is dying in America. The very idea of freedom and liberty seem to be on life-support when the American people take the opportunity to impose their will on others; the very idea of allowing others to live as they see fit is no longer an American value. Like a comatose patient, or maybe like Sleeping Beauty, there is a spark of life, but only just. George Washington said:

And since the preservation of the sacred fire of liberty, and the destiny of the Republican model of Government, are justly considered as deeply, perhaps as finally staked, on the experiment entrusted to the hands of the American people.

[George Washington's First Inaugural Address, 1789](#)

It appears that in the 21st century, our founder's trust was misplaced. We have worked hard over the past few decades to cut off the fuel to that sacred fire of liberty, and today it seems many are doing everything they can to put it out. Fortunately, the embers of that fire still exists in the hearts of some Americans. I pray that for many more, the idea of freedom and liberty has not died, but merely fallen sleep. Who will breathe on the embers of that fire? Who will awaken the beauty of liberty in America? Who will stand their ground against those who wish to control others? Will it be you? If so, you are not alone. There are others for whom the sacred fire of liberty burns strong in their hearts. There are still others for whom the fire burns, but it's being stifled by fear and doubt. Just as a kiss was able to awaken Sleeping Beauty, the kiss of freedom can awaken the fire of liberty in the heart of others. If freedom and liberty are dying in America, it is because We the People have stood by and let it happen. That also means that the American people can restore liberty, if we're willing stand and fight for it, protect it, defend it, and hand it on to our children.

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