

## How to Unmask Totalitarians

Inspired by four recent episodes of the Path to Liberty show, by Michael Boldin and the Tenth Amendment Center (they're more subtly subversive than you might expect)

- [On Hamilton's Totalitarian Trickery](#)
- [On the Necessary and Proper Clause](#)
- [On the 9<sup>th</sup> Amendment](#)
- [On the General Welfare Clause](#)

Of course, talking about the Constitution always gives me a bit of that old Spooner indignation, but set that aside for a moment and join me on this thought experiment:

*Was the Constitution intended to authorize a limited State or an unlimited one?*

Now, I mean this regardless of what it actually did, or whether or not a limited State is actually possible. And yes, there were plenty of people who wanted to create a much more powerful State, but what did the people think?

Based on the Intolerable Acts being a major motivation for the American Revolution, based on the words of the people writing it (even the Federalists!), and based on the words of the people ratifying it, I think the answer is clear: If a limited State is possible, the Constitution was intended and understood to form a limited State, and it wouldn't have passed if it was going to bind Americans "in all cases whatsoever," even to a government that gave them representatives.

Set aside what it's become since.

You can go look at those Path to Liberty episodes for sources. Michael always packs in primary and secondary sources.

The argument I want to make is purely logical: IF you believe a State's power is limited THEN you must reject ALL interpretations of its powers that makes them unlimited.

Maybe this seems obvious, but its contrapositive is illustrative:

IF you support an unlimited interpretation of ANY power THEN you believe the State's power is NOT limited.

In short, any time someone throws out the General Welfare Clause, what they're really saying is, "I'm a totalitarian just like Mussolini or Lenin, even if I don't go as far as they do in practice..."

**...yet."**

What are the three most common Constitutional phrases interpreted this way?

1. The General Welfare Clause: The State may do whatever it deems to be in the nation's general welfare
2. The Interstate Commerce Clause: The State may do whatever it likes to any action it suspects *may* affect interstate commerce.
3. The Necessary and Proper Clause: The State may do anything it deems convenient.

Note that each of these contain two elements: a vague item and a judgment.

1. “general welfare” and “whatever it deems”
2. “may affect interstate commerce” and “any action it suspects”
3. “convenient” and “anything it deems”

The judgment, by the way, directly violates one of Locke’s most basic principles, one that he outlines before he even gets to the State: [“that no man be his own judge.”](#)

The combination of a vague item and the ability of itself to judge the meaning of that vague item grants unlimited power. There are plenty of other examples, I’m sure.

In short, anyone who believes a State to be limited *must reject* all such constructions, and must be cautious and aware of the possibility of such constructions.

But the real helpful bit is that anyone who *values* limited government or freedom can immediately identify and call out totalitarians by identifying someone making one of these arguments. The utterer has only two courses of action: retract the interpretation, or declare himself a totalitarian.

And all totalitarians, whether they be unwitting dupes or real dangers, should be given the same short shrift, whether they’ve been able to implement their totalitarian plans yet, or not.