New Speaker Must Reclaim Article One

by Phyllis Schlafly

Nov. 10, 2015

Shortly after he was sworn in as Speaker of the House, Representative Paul D. Ryan (R-WI) admitted to his colleagues: "The House is broken. We are not solving problems; we are adding to them. Neither the members nor the people are satisfied with how things are going."

Ryan continued, however, "I am not interested in laying blame" – or, for that matter, in accepting his share of it. If the House seems broken, it's because of Congress' consistent failure to exercise its legitimate powers.

Our fundamental document, the Constitution, Article One, Section One, begins: "All legislative Powers herein granted shall be vested in a Congress of the United States." The rest of Article One sets forth the many powers that the framers allocated to what they thought would be the most powerful of our three branches of government.

In his first act as incoming Speaker, Ryan signed off on a deal that had been secretly negotiated by outgoing Speaker John Boehner. A key provision of that deal was to surrender Congress's authority to "borrow money on the credit of the United States" for the remainder of President Obama's term in office.

To confirm the budget deal, Ryan had to violate the unofficial Hastert rule, in which Republican leaders have repeatedly vowed not to advance legislation that most Republicans oppose. Two-thirds of Republicans in both Houses opposed the Boehner-Obama budget deal, yet the new leadership allowed it to become law with mostly Democratic votes.

Congress also gave up its power to limit federal spending through the sequestration required by the last bipartisan budget deal, thereby effectively surrendering its authority to "provide for the common defense and general welfare of the United States." Despite strong Republican majorities sent to both Houses by the voters in last year's election, the new Congress has surrendered its basic powers over foreign trade, war and peace, immigration and naturalization, regulation of the economy, confirmation of judges, and regulation of federal courts.

Last week's release of the secret text of the Trans-Pacific Partnership (TPP) reminds us that Congress already surrendered its sole power to "regulate commerce with foreign nations." Congress will be limited to an up-or-down vote on that 6,000-page monstrosity at a time of Obama's choosing.

Obama's commitment to restricting our use of energy, so he can be a hero at the upcoming UN conference in Paris, knows no bounds. In addition to cancelling the Keystone XL pipeline project, his Environmental Protection Agency (EPA) and Department of Energy (DOE) have issued an incredibly costly series of regulations that can and should be overturned by Congress.

Only Congress has the power to create a "uniform rule of naturalization," but the uniform law passed by Congress is openly defied by President Obama and more than 300 sanctuary cities, counties and states. It's long overdue for Congress to enforce its sole authority over immigration and nationality by withholding funds from defiant officials.

Although the U.S. already accepts 70,000 people a year as refugees from various conflict zones around the world, Secretary of State John Kerry unilaterally promised to increase that number to 85,000 in 2016 and 100,000 in 2017, and the number from Syria would increase from 10,000 to 65,000. After FBI Director James Comey admitted there are serious "gaps" in the information available about those people, Senator Chuck Grassley (R-IA) wrote that "not one dollar should be expended" for refugee resettlement until we have a better way to vet them.

Although Congress has the sole power to "declare War" and to "raise and support Armies," President Obama has been conducting a no-win war in Syria for many months without Congressional authorization. And let's not forget the catastrophic results of Hillary Clinton's 2011 war against Libya, which also was never authorized by Congress.

The power to "make Rules concerning Captures on Land and Water" justifies Congress' decision to hold terror suspects at Guantanamo, yet Obama just let it be known that the remaining detainees will soon be transferred to Colorado.

Congress never passed any law giving transgender people the right to force everyone else to recognize their new "gender identity," but Obama's education

department is threatening public schools that resist this fad. The defeat of the transgender referendum last week in Houston by the overwhelming vote of 61 to 39 percent should stiffen the spine of the Republican Congress to put a stop to that foolishness.

Congress has the power “to constitute tribunals inferior to the Supreme Court,” which means to regulate and limit the types of cases they can hear, yet Congress has done nothing as liberal federal judges continue their assault on traditional values. Let’s remember what President George W. Bush said in a 2004 speech: “We will not stand for judges who ... try to remake the culture of America by court order.”

Phyllis Schlafly is a lawyer, conservative political analyst and author of two new books just published this year: "Who Killed the American Family" (WND) and the 50th Anniversary edition of "A Choice Not An Echo" (Regnery) available at eagleforum.org, amazon, and usual sources. She can be contacted by e-mail at phyllis@eagleforum.org. To find out more about Phyllis Schlafly and read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate Website at www.creators.com.