

Sign In | Register Now

The Washington Post

TODAY'S NEWSPAPER
Subscribe | PostPoints

Advertisement

If you died today, who would take care of your family?

10-Yr Level Term Life Insurance \$500,000 Policy (monthly premiums)	age	male
	35	\$15.75
	40	\$20.56
	45	\$31.06
	50	\$45.06

For A Free Quote
CLICK HERE

ACCUQUOTE

- NEWS
- POLITICS
- OPINIONS
- BUSINESS
- LOCAL
- SPORTS
- ARTS & LIVING
- GOING OUT GUIDE
- JOBS
- CARS
- REAL ESTATE
- RENTALS
- CLASSIFIEDS

SEARCH: go | [Search Archives](#)

washingtonpost.com > Arts and Living > Books

Advertisement



Short STACK

Book World editors weigh in daily on breaking news, book gossip, history and publishing trends.

Has the Supreme Court Eroded Freedom?

The power of our highest court occupies center stage in "The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom" by Robert A. Levy and William Mellor, now out in paperback. Levy, chairman of the Cato Institute, and Mellor, president and general counsel of the Institute for Justice, worry that the Supreme Court has led the country away from a vision of the Constitution established by the Founding Fathers.

GUEST BLOGGER: Robert A. Levy

How did we get from the Founders' Constitution, which established strictly limited government, to our contemporary Constitution, which has expanded government and curtailed individual rights? Much of the damage can be traced to a handful of post-New Deal Supreme Court cases that changed the course of American history, with adverse effect on many of today's key policy debates.

Here are just a few of the issues:

Mandatory Health Insurance

A 1942 case, *Wickard v. Filburn*, paved the way for the noxious notion that Congress, under the guise of regulating interstate commerce, can punish the failure to purchase a product -- health insurance -- for which there is no legal interstate market. Of course, if Congress can mandate the purchase of health insurance, why not the purchase of exercise equipment or a new fuel-efficient car? The individual mandate would extend the dominion of the federal government to virtually all manner of human conduct -- including non-conduct -- by establishing a police power that is nowhere authorized in the Constitution.

Home Foreclosures

"No State shall ... pass any ... Law impairing the Obligation of Contracts," states the Constitution. Clear enough? Not in *Home Building & Loan Association v. Blaisdell* (1934). The Supreme Court upheld a Minnesota statute that -- see if this sounds familiar -- postponed mortgage payments for financially troubled homeowners. Never mind the contract. We're now seeing a replay as creditors are forced to waive foreclosure on sub-prime mortgages, even if there was no fraud in the bargaining process.

Bailouts

In a series of cases culminating with *Whitman v. American Trucking Associations* (2001), the Court ignored the Constitution's very first sentence after the preamble: "All legislative Powers ... shall be vested in a Congress." For decades, Congress has delegated more and more lawmaking power to unelected bureaucrats in 300-plus executive departments and administrative agencies. That is how Treasury Secretaries Henry Paulson and Timothy Geithner were able to bailout banks, automobile companies, and insurance companies -- making up the rules as they went along, without input from Congress or recourse by the voters.

Eminent Domain

Advertisement

If you died today, who would take care of your family?

10-Yr Level Term Life Insurance \$500,000 Policy (Monthly Premiums)	age	male
	40	\$20.56
	45	\$31.06
	50	\$45.06
	55	\$77.00

Get A FREE Quote!
Click Here

ACCUQUOTE

Sponsored Links

2 Rules To Flat Stomach

Mom Loses Her Body Fat By Following These 2 Simple Rules.
[News11Online.info](#)

A Mom's White Teeth Trick

The dentists don't want you to know about THIS teeth whitening secret!
[ConsumerNewsReporter.com/WhiteTeeth](#)

[Buy a link here](#)

SEARCHED LINKS Search go | Search Archives

- Introduction
- The Post's Best-Sellers List
- Book World Podcast

LITERARY LINKS

- Baroque in Hackney
- Anecdotal Evidence
- Arts & Letters Daily
- Beatrice
- BookDaddy
- Bookdwarf
- Bookslut
- Chekhov's Mistress
- Critical Compendium
- Critical Masse
- The Elegant Variation
- Galley Cat
- The Guardian Blog
- House of Mirth
- James Wolcott's Blog
- Kevin Allman's Blog
- Maud Newton
- Moorish Girl
- Paper Cuts
- Pen America
- Words Without Borders
- More in Books

roughshod over the most isolated and vulnerable members of society.

The list could go on. Whether it's political speech, economic liberties, property rights, or racial preferences, the Supreme Court has behaved in a manner that would have mystified and outraged our Founding Fathers. The federal government is now immersed in matters ranging from public schools, to welfare, retirement, medical care, family planning, and even aid to the arts -- none of which can be found among Congress's enumerated powers. It's time for the Court to bind the legislative and executive branches with the chains of the Constitution.

By Steven E. Levinston | January 12, 2010; 5:30 AM ET [Politics](#) , [Steven Levinston](#)
 Previous: [U.S. foes' nuclear ambitions -- past and present](#) |

Comments Please [email us](#) to report offensive comments.

Very nice article about medical insurance industry. But you could get medical insurance for your entire family at the best price from <http://bit.ly/68ShhE> if you spent few mins you can find a good plan.

Posted by: markleak12 | January 12, 2010 5:41 AM

Post a Comment

We encourage users to analyze, comment on and even challenge washingtonpost.com's articles, blogs, reviews and multimedia features.

User reviews and comments that include profanity or personal attacks or other inappropriate comments or material will be removed from the site. Additionally, entries that are unsigned or contain "signatures" by someone other than the actual author will be removed. Finally, we will take steps to block users who violate any of our posting standards, terms of use or privacy policies or any other policies governing this site. Please review the [full rules](#) governing commentaries and discussions.

You must be signed in to washingtonpost.com to comment. Please [sign in](#).

[RSS Feed](#) [Subscribe to The Post](#)

© 2010 The Washington Post Company