

## States' rights crowd pushes the Conservative Devolution

by Nancy Spannaus

"Sovereignty of the People and Devolution" was the title of the National Leadership Summit of the American Legislative Exchange Council, a bipartisan association of state legislators, held in Richmond, Virginia on the weekend of May 20. Approximately 200 lawmakers, about half the number which had been expected, showed up to discuss how to dismantle the powers of the federal government.

The ALEC group has recently suffered a setback in its efforts to bring about a Conference of the States, a convention of state legislators and governors that was seen as a launching pad for a new Constitutional Convention. The Conference of States itself, however, has now been postponed for at least two years, due to opposition (see *EIR*, May 26, p. 55). But their rhetoric remains undimmed, and the philosophy of government which they are espousing, is unfortunately typical of a broad swath of national politicians who are being directed and funded by British-dominated oligarchical think-tanks, such as the Mont Pelerin Society and its offshoots.

While phrasing their objectives in terms of a "return to the fundamental principle of limited government," the state sovereignty movement in fact aims to undermine the federal Constitution as it was enforced under the United States' best Presidents—George Washington, Abraham Lincoln, and Franklin Delano Roosevelt, in particular. Coming as it does in the midst of a financial disintegration that is sucking the bottom out of the real economy, this effort is a mortal threat to the existence of the United States.

### Local control and devolution

"Local control is what is important. Local control is what should govern," said Arizona Gov. Fife Symington, one of the leaders of the state sovereignty movement, in his speech to the conference. Symington was one of four governors who

addressed the meeting, including host Virginia Gov. George Allen, Utah Gov. Michael Leavitt, and Nebraska Gov. Ben Nelson. The only major national political figure was Richard Thornburgh, a former U.S. Attorney General in the Bush administration.

The overall rubric for this discussion was the Tenth Amendment to the U.S. Constitution, which reads: "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." The conference organizers claim that this amendment means that the federal government's role in regulating commerce and industry, in providing for the general and social welfare through entitlements and infrastructure, and in guaranteeing certain rights to all citizens, no matter in what state they live, amount to "tyranny."

This local control argument not only ignores the current economic and financial situation of the country—which requires the application of strong federal government action in the area of credit and infrastructure spending—but also misreads the intent of the Founding Fathers. Although there was always a Jeffersonian minority which began threatening to dissolve the federal government as early as 1798, the Founders themselves deliberately went to the *people*, not the entrenched powers running the states, in order to form the new government. This is so crystal clear in the *Federalist Papers*, that one can only assume that anti-federalists, such as House Speaker Newt Gingrich (R-Ga.), are deliberately lying.

In addition to local control, the ALEC convention also raised a new slogan—"devolution." As reflected in the conference panel titles, the objective is to "devolve," or roll down, the powers of the federal government in the areas of welfare, education, and health care to the states. Devolution, of course, like the term disintegration, used to have a pejora-

tive connotation, meaning the *decline* of conditions. This apparently doesn't bother the ALEC organizers, who believe that by destroying current support programs, they will free all individuals from dependency, and let them fight for their own future. The fact that this will mean that many will be free to starve or go uneducated, is blithely ignored.

The elevation of the goal of "devolution," itself a virtual antonym to progress, is reminiscent of two parallel processes which are equally destructive in other areas. The first is the school of "deconstructionism" of Jacques Derrida and other existentialist experts in language, who break down language in such a way as to prevent the formation of concepts and literacy. The second is the call by former Federal Reserve Chairman Paul A. Volcker back in the late 1970s for "controlled disintegration" of the world economy—a concept which assumed the acceptance of the inevitability, or desirability, of disintegration, rather than its reversal.

### **Toehold in Congress**

The state officials who attended the ALEC convention are the very same ideologues who are attempting to push the program of devolution through the U.S. Congress. They represent a well-funded lobby, which relies on the same think-tanks and foundations which carry out the training and brainwashing of the so-called conservative congressional freshmen. They take their inspiration directly from the circles around former British Prime Minister Margaret Thatcher, who has been an increasingly frequent presence in the United States, including in Virginia, where she is the honorary chancellor of the College of William and Mary.

The legislative program which goes along with the state sovereignty agenda has had its ups and downs in Congress so far. Constitutional amendments for term limits and the balanced budget, both key symbols of the movement, were both defeated. But the "unfunded mandates" bill has been signed into law. More shaky is the attempt to eliminate federal entitlement programs in favor of block grants to states, which then could spend the money however they wished. This would eliminate the federal safety net, and, for that reason, President Clinton has announced that he would likely veto it.

And new proposals are proliferating. One of the most striking in its attempt to subvert the Constitution was floated by the Cato Institute, a nominally American organization headed by, and riddled with, members of the Mont Pelerin Society. According to Michael Prowse of the London *Financial Times*, who in this case should know, "the latest proposal for curbing Leviathan is known as 'reverse revenue sharing.' The idea is that the U.S. should adopt fiscal rules similar to those in the Articles of Confederation that applied during the Revolutionary War."

Under this proposal, the federal government would relinquish its taxation power, and all power to tax would be vested in the states, which would then transfer a given percentage of their revenues to the federal government. This percentage,

writes Prowse, "would be set to only cover the costs of functions that must be performed centrally, such as national defense, foreign policy, monetary policy, justice and trade relations." That proposal, which would eliminate the federal government's role in ensuring the existence of modern infrastructure, of advancing science and technology, and promoting the general welfare, would be a prescription for disaster—as it was during the Revolutionary War, when such dependence nearly resulted in the United States losing the war.

The anti-Constitutional nature of the entire State Sovereignty agenda should be obvious to any educated citizen, but very few are standing up right now against the populist tide. One notable critic has been former U.S. Sen. Eugene J. McCarthy, who wrote a commentary in *USA Today* in early May, charging that the simplest way for Gingrich to carry out his agenda would be to offer "a constitutional amendment to restore the Articles of Confederation, supplemented by a few provisions from the constitution of the Confederacy."

### **And on the state level**

ALEC, which has approximately 3,000 members after 22 years of existence, is planning to expand its activities. It will have an annual meeting in San Diego in August, and will be pushing a package of model legislation in states throughout the country. There are eight elements of this "Sovereignty of the People and Devolution Agenda."

1) ALEC Declaration of Sovereignty: This resolution reiterates the role of the federal government under the Constitution, outlines the extent to which the federal government has illegitimately assumed sovereignty, affirms the importance of fundamental law, proposes principles by which popular sovereignty should be restored, and outlines strategies by which such restoration might occur.

2) Declaration of Sovereignty in resolution form.

3) Government of the People Amendment: This resolution would be the basis for a constitutional amendment allowing the states to nullify federal laws by a two-thirds vote, when the states deem that the federal government has exceeded its constitutional authority.

4) States Initiative Amendment: This resolution would provide the basis for a constitutional amendment that makes it easier to amend the Constitution.

5) Restatement of State Sovereignty: Restating the Tenth Amendment.

6) Joint Legislative Committee on Federal Mandates Act: Reviewing Congress' compliance with federal mandates.

7) Constitutional Defense Council Act: This would establish a council to challenge—by legal action—federal mandates, court rulings, etc.

8) Federal Mandate and Encroachment on State Sovereignty Act: This would create an auditor to inventory mandates and their cost.

Talk about rearranging chairs on the deck of the *Titanic*. Under this plan, the ship of state would go down.