

Libertarian Support for Federal Tyranny

by James Ronald Kennedy

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The idea of Federal supremacy—the Federal government is the sole and ultimate arbiter of the limits of its constitutional authority—is so well entrenched in Washington, D.C. that even some beltway libertarians have bought into the ideology of “Constitutional” Federal tyranny. Justin Logan of the Cato Institute in Washington, D.C. while doing a book review in *The American Conservative*, March 2010 wrote that Congress “founded a sovereign state with the ratification of the Constitution in 1787.” I can overlook the wrong date for ratification—what I cannot not overlook is the gross error of claiming that the Federal government created by the compact of the Constitution ratified by free, independent, and sovereign states created a sovereign Federal state—which of course implies the thirteen Sovereign States, by ratifying the Constitution, renounced their “freedom, independence and sovereignty” and became one people—a single sovereign nation/state. Even in America, there can only be one Sovereign for a county. Either “we the people” who compose the sovereign community within our respective sovereign State are sovereign or the “sovereign state” (Federal government) that was “founded” by Congress “with the ratification of the Constitution in 1787” is the American sovereign.

There exist in Washington, D.C. a strange group of “limited” government people I like to refer to as Beltway Libertarians. They claim to believe in limited federalism but it is a form of federalism limited only to the extent that it can be controlled by people such as fellow Beltway Libertarians—they ardently proclaim the verbiage of limited

federalism, yet at the same time they warmly embrace the basic artifacts of federal supremacy. Like the ancient Oracles of Delphi who inhaled the noxious vapors emanating from the bowels of the earth until they thought they could announce prophetic truth—these libertarians have shared the rarefied air of Washington, D.C. so long that they have been co-opted into America’s centralized, Federal, political status quo.

Forgive me if you think I may be too harsh on these folks, after all, their view of government would be much more preferred than that of Barney Frank, Nancy Pelosi, or Barack Obama—but that is not the point. Yes, as an Anti-Federalist I have a lot more, philosophically speaking, in common with the Beltway Libertarians than I do with Barney Frank et al. But what Anti-Federalists have in disagreement with Beltway Libertarians is just as radical as what we have in disagreement with the Barney Franks of Washington, D.C.

Beltway Libertarians believe in Federal supremacy; they believe that the Federal government is the final arbiter of its powers and authority under the Constitution; they believe that the Federal “Sovereign” is the sole source of solace for “we the people” when conflicts arise between “we the people” and the federal government; they accept Hamilton’s false theory of “implied powers” and John Marshals false claim of “judicial review” as the final authority of Constitutional rights; they agree with radical abolitionist’s claims that the Constitution must yield to “higher law” and in the end they embrace the Lincoln theory that the Federal government has the right to used the moral persuasion of bloody bayonets to compel “we the people” of the once sovereign states to submit to Federal encroachments of rights originally reserved under the Constitution.

Beltway Libertarians are in fact Federal supremacists—just like “conservative” Republicans their only disagreement with liberal Federal supremacists is who gets to control, and thereby enjoy the benefits of, the Federal government. Yes, at least temporarily “we the people” (taxpaying productive citizens) are less oppressed when “conservative” Republicans and Beltway Libertarians control the Federal empire but our choice is really a choice of which poison we are forced to consume. Regardless of which group control the political status quo in Washington, D.C. the end result for “we the people” remains the same—more taxes, more government, and less freedom.

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