

Land-Mine Legislation

By Claire Wolfe (Guest Commentator)

Let me run by you a brief list of items that are "the law" in America today. As you read, consider what all these have in common.

1. A national database of employed people.
2. 100 pages of new "health care crimes," for which the penalty is (among other things) seizure of assets from both doctors and patients.
3. Confiscation of assets from any American who establishes foreign citizenship.
4. The largest gun confiscation act in U.S. history --- which is also an unconstitutional ex post facto law and the first law ever to remove people's constitutional rights for committing a misdemeanor.
5. A law banning guns in ill-defined school zones; random road-blocks may be used for enforcement; gun-bearing residents could become federal criminals just by stepping outside their doors or getting into vehicles.
6. Increased funding for the Bureau of Alcohol, Tobacco and Firearms, an agency infamous for its brutality, dishonesty and ineptitude.
7. A law enabling the executive branch to declare various groups "Terrorists" --- without stating any reason and without the possibility of appeal. Once a group has been so declared, its mailing and membership lists must be turned over to the government.
8. A law authorizing secret trials with secret evidence for certain classes of people.
9. A law requiring that all states begin issuing drivers licenses carrying Social Security numbers and "security features" (such as magnetically coded fingerprints and personal records) by October 1, 2000. By October 1, 2006, "Neither the Social Security Administration or the Passport Office or any other Federal agency or any State or local government agency may accept for any evidentiary purpose a State driver's license or identification document in a form other than [one issued with a verified Social Security number and 'security features']."
10. And my personal favorite - a national database, now being constructed, that will contain every exchange and observation that takes place in your doctor's office. This includes records of your prescriptions, your hemorrhoids and your mental illness. It also includes --- by law --- any statements you make ("Doc, I'm worried my kid may be on drugs . . . Doc, I've been so stressed out lately I feel about ready to go postal.") and any observations your doctor makes about your mental or physical condition, whether accurate or not, whether made with your knowledge or not.

For the time being, there will be zero (count 'em, zero) privacy safeguards on this data. But don't worry, your government will protect you with some undefined "privacy standards" in a few years.

All of the above items are the law of the land. Federal law. What else do they have in common?

Well, when I ask this question to audiences, I usually get the answer, "They're all unconstitutional." True.

My favorite answer came from an eloquent college student who blurted, "They all SUUUUCK!" Also true.

But the saddest and most telling answer is: They were all the product of the 104th Congress. Every one of the horrors above was imposed upon you by the Congress of the Republican Revolution the Congress that pledged to "get government off your back."

Burying Time Bombs

All of the above became law by being buried in larger bills. In many cases, they are hidden sneak attacks upon individual liberties that were neither debated on the floor of Congress nor reported in the media. For instance, three of the most horrific items (the health care database, asset confiscation for foreign residency and the 100 pages of health care crimes) were hidden in the Kennedy-Kassebaum Health Insurance Portability and Accountability Act of 1996 (HR 3103). You didn't hear about them at the time because the media were too busy celebrating this moderate, compromise bill that "simply" ensured that no American would ever lose insurance coverage due to a job change or a Pre-existing condition.

Your legislator may not have heard about them, either. Because he or she didn't care enough to do so. The fact is, most legislators don't even read the laws they inflict upon the public. They read the title of the bill (which may be something like "The Save the Sweet Widdle Babies from Gun Violence by Drooling Drug Fiends Act of 1984") poses. They read summaries, which are often prepared by the very agencies or groups pushing the bill. Any they vote according to various deals or pressures.

It also sometimes happens that the most horrible provisions are sneaked into bills during conference committee negotiations, after both House and Senate have voted on their separate versions of the bills. The conference committee process is supposed simply to reconcile differences between two versions of a bill. But power brokers use it for purposes of their own, adding what they wish. Then members of the House and Senate vote on the final, unified version of the bill, often in a great rush, and often without even having the amended text available for review.

I have even heard (though I cannot verify) that stealth provisions were written into some bills after all the voting has taken place. Someone with a hidden agenda simply edits them in to suit his or her own purposes. So these time bombs become "law" without ever having been voted on by anybody. And who's to know? If congress people don't even read legislation before they vote on it, why would they bother reading it afterward? Are power brokers capable of such chicanery? Do we even need to ask? Is the computer system in which bills are stored vulnerable to tampering by people within or outside of Congress? We certainly should ask. Whether your legislators were ignorant of the infamy they were perpetrating, or whether they knew, one thing is absolutely certain: The Constitution, your legislator's oath to it, and your inalienable rights (which precede the Constitution) never entered into anyone's consideration. Ironically, you may recall that one of the early pledges of Newt Gingrich and Company was to stop these stealth attacks.

Very early in the 104th Congress, the Republican leadership declared that, henceforth, all bills would deal only with the subject matter named in the title of the bill. When, at the beginning of the first session of the 104th, pro-gun Republicans attempted to attach a repeal of the "assault

weapons" ban to another bill, House leaders dismissed their amendment as not being "germane." After that self-righteous and successful attempt to prevent pro-freedom stealth legislation, Congress people turned right around and got back to the dirty old business of practicing all the anti-freedom stealth they were capable of. Stealth Attacks in Broad Daylight

Three other items on my list (ATF funding, gun confiscation and school zone roadblocks) were also buried in a big bill HR 3610, the budget appropriation passed near the end of the second session of the 104th Congress. No legislator can claim to have been unaware of these three because they were brought to public attention by gun-rights groups and hotly debated in both Congress and the media. Yet some 90 percent of all congress people voted for them including many who claim to be ardent protectors of the rights guaranteed by the Second Amendment. Why?

Well, in the case of my "wrapped in the flag," allegedly pro-gun, Republican congressperson: "Bill Clinton made me do it!" Okay, I paraphrase. What she actually said was more like, "It was part of a budget appropriations package. The public got mad at us for shutting the government down in 1994. If we hadn't voted for this budget bill, they might have elected a Democratic legislature in 1996 - and you wouldn't want that, would you?" Oh heavens, no I'd much rather be enslaved by people who spell their name with an R than people who spell their name with a D. Makes all the difference in the world!

How Sneak Attacks Are Justified

The Republicans are fond of claiming that Bill Clinton "forced" them to pass certain legislation by threatening to veto anything they sent to the White House that didn't meet his specs. In other cases (as with the Kennedy-Kassebaum bill), they proudly proclaim their mis-deeds in the name of bipartisanship -- while carefully forgetting to mention the true nature of what they're doing. In still others, they trumpet their triumph over the evil Democrats and claim the mantle of limited government while sticking it to us and to the constitution. The national database of workers was in the reform bill they "forced" Clinton to accept. The requirement for SS numbers and ominous "security" devices on drivers licenses originated in their very own Immigration Control and Financial Responsibility Act of 1996, HR 2202.

Another common trick, called to my attention by Redmon Barbry, publisher of the electronic magazine Fratricide, is to hide duplicate or near-duplicate provisions in several bills. Then, when the Supreme Court declares Section A of Law Z to be unconstitutional, its kissing cousin, Section B of Law Y. remains to rule us.

Sometimes this particular form of trickery is done even more brazenly; when the Supreme Court, in its Lopez decision, declared federal-level school zone gun bans unconstitutional because Congress demonstrated no jurisdiction, Congress brassily changed a few words. They claimed that school zones fell under the heading of "interstate commerce." Then they sneaked the provision into HR 3610, where it became "law" once again. When angry voters upbraid congress people about some Big Brotherish horror they've inflicted upon the country by stealth, they claim lack of knowledge, lack of time, party pressure, public pressure, or they justify themselves by claiming that the rest of the bill was "good."

The simple fact is that, regardless of what reasons legislators may claim, the U.S. Congress has passed more Big Brother legislation in the last two years - more laws to enable tracking, spying and controlling than any Democratic congress ever passed. And they have done it, in large part, in secret.

Redmon Barbry put it best: "We the people have the right to expect our elected representatives to read, comprehend and master the bills they vote on. If this means Congress passes only 50 bills per session instead of 5,000, so be it. As far as I am concerned, whoever subverts this process is committing treason." By whatever means the deed is done, there is no acceptable excuse for voting against the Constitution, voting for tyranny. And I would add to Redmon's comments: Those who do read tile hills, then knowingly vote to ravage our liberties, are doubly guilty. But when do the treason trials begin?

Bills as Window Dressing For An Ugly Agenda

The truth is that these tiny, buried provisions are often the real intent of the law, and that the hundreds, perhaps thousands, of pages that surround them are sometimes nothing more than elaborate window dressing. These tiny time bombs are placed there at the behest of federal police agencies or other power groups whose agenda is not clearly visible to us. And their impact is felt long after the outward intent of the bill has been forgotten.

Civil forfeiture --- now one of the plagues of the nation --- was first introduced in the 1970s as one of those buried, almost unnoticed provisions of a larger law. One wonders why on earth a "health care bill" carried a provision to confiscate the assets of people who become frightened or discouraged enough to leave the country. (In fact, the entire bill was an amendment to the Internal Revenue Code. Go figure.)

I think we all realize by now that database of employed people will still be around enabling government to track our locations (and heaven knows what else about us, as the database is enhanced and expanded) long after the touted benefits of "welfare reform" have failed to materialize.

And most grimly of all, our drivers licenses will be our de facto national ID card long after immigrants have ceased to want to come to this Land of the Once Free.

Control Reigns

It matters not one whit whether the people controlling you call themselves R's or D's, liberals or conservatives, socialists or even (I hate to admit it) libertarians. It doesn't matter whether they vote for these horrors because they're not paying attention or because they actually like such things.

What matters is that the pace of totalitarianism is increasing. And it is coming closer to our daily lives all the time. Once your state passes the enabling legislation (under threat of losing "federal welfare dollars"), it is your name and Social Security number that will be entered in that employee database the moment you go to work for a new employer. It is you who will be unable to cash a check, board an airplane, get a passport or be allowed any dealings with any government agency if you refuse to give your SS number to the drivers license bureau. It is you who will be endangered by driving "illegally" if you refuse to submit to Big Brother's procedures.

It is you whose psoriasis, manic depression or prostate troubles will soon be the reading matter of any bureaucrat with a computer. It is you who could be declared a member of a "foreign terrorist" organization just because you bought a book or concert tickets from some group the government doesn't like. It is you who could lose your home, bank account and reputation because you made a mistake on a health insurance form. Finally, when you become truly

desperate for freedom, it is you whose assets will be seized if you try to flee this increasingly insane country.

As Ayn Rand said in *Atlas Shrugged*, "There's no way to rule innocent men. The only power government has is the power to crack down on criminals. Well, when there aren't enough criminals, one makes them. One declares so many things to be a crime that it becomes impossible for men to live without breaking laws."

It's time to drop any pretense: We are no longer law-abiding citizens. We have lost our law-abiding status. There are simply too many laws to abide. And because of increasingly draconian penalties and electronic tracking mechanisms, our "lawbreaking" places us and our families in greater jeopardy every day.

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