

# NINE CRITERIA TO EVALUATE LEGISLATION

The Locke & Smith granite plaque is awarded to the Missouri State Representative and State Senator, who by their voting record, has voted in a manner consistent with limited government, personal responsibility, and individual freedom, as the U.S. and Missouri Constitutions point out Life, Liberty, and the Pursuit of Happiness. Legislators in Missouri have to swear an oath to support both Constitutions so legislation will be reviewed accordingly when the need arises.

The basis of this award is nine questions; the following is the criteria used to determine the acceptability of changes to existing legislation or new legislation.

## 1. Is this a proper function of government?

Do I as an individual have a right to use force upon my neighbor to accomplish this goal? If I do have such a right, then I may delegate that power to my government to exercise on my behalf. If I do not have that right as an individual, then I cannot delegate it to government, and I cannot ask my government to perform the act for me.

Ezra Taft Benson — U.S. Secretary of Agriculture 1953 — 1961

## 2. Does the legislation create favoritism?

That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.  
— Virginia Declaration of Rights, Section 1, 1776

## 3. Does the legislation create a favorable or negative impact?

As Frederic Bastiat observed, and as history has proven, each class or special interest group competes with the others to throw the lever of governmental power in their favor, or at least to immunize itself against the effects of a previous thrust. Labor gets a minimum wage, so agriculture seeks a price support. Consumers demand price controls, and industry gets protective tariffs. In the end, no one is much further ahead, and everyone suffers the burdens of a gigantic bureaucracy and a loss of personal freedom. With each group out to get its share of the spoils, such governments historically have mushroomed into total welfare states. Once the process begins, once the principle of the protective function of government gives way to the aggressive or redistribute function, then forces are set in motion that drive the nation toward totalitarianism. "It is impossible," Bastiat correctly observed, "to introduce into society... a greater evil than this: the conversion of the law into an instrument of plunder." — Frederic Bastiat, *The Law*, p. 12)

#### **4. Does the legislation create a fee for service only to be provided by government?**

“My reading of history convinces me that most bad government results from too much government.” — Thomas Jefferson

“Government does not create jobs; it only creates the conditions that make jobs more or less likely.” — Mitch Daniels

Health food inspections are one example of this. Government created a means by which they are the legislator, provider and end arbiter of the food industry. The standard that allows government to institute a need for a service, charges for the service, then can issue citations based upon the findings of this inspection with no oversight is a clear case of abuse of power. Since government has NO competition and can be the only provider of said service government can set a price to limit an activity within certain areas or to benefit certain individuals or groups. Another aspect of this is licensing which requires a person to obtain permission from government to do such tasks as flower arrangements, interior design, etc.

#### **5. Does the legislation impact personal liberty or freedom?**

“Congress has not unlimited powers to provide for the general welfare but only those specifically enumerated.” — Thomas Jefferson

“Charity is no part of the legislative duty of the government.” — James Madison

“I don’t believe in a government that protects us from ourselves.” — Ronald Reagan

“The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.” — John Stuart Mill, *On Liberty* 1859

“The people cannot delegate to government the power to do anything which would be unlawful for them to do themselves.” — John Locke

When you look at government from the lens of sovereignty the answer becomes clear. We were raised with the notion that we control our own lives, liberty, and happiness as long as we don’t deny others the same and play within the rules we get to keep those natural rights by virtue of our Creator; or our humanity as you will. Government was instituted to protect and defend those God given rights; our freedom does not originate from the bill of rights, the bill of rights simply prevents the government from taking them from us.

To further protect our natural rights from government, power was divided into a compound republic; or one with many parts where each was to jealously guard its authority from the others and preserve the balance of that power so that no single part of the whole would become powerful enough to deny us those rights.

Today our compound republic is out of balance; the Federal government has almost won the sovereignty war and we are witnessing a fundamental breakdown of the checks and balances that safeguard our freedom. Ever so slowly they have eroded our rights to the point where in their arrogance they are taking over corporations and even attempting to prevent us from growing our own food in our back yard along with deciding what food our children can or cannot eat and carelessly spending our money without regard for the consequences we and our children pay for their actions. — Dan Kanna, New Hampshire's new Tenth Amendment Center Director

#### **6. Does the legislation undermine personal responsibility?**

“I find no warrant for such an appropriation in the Constitution, and I do not believe that the power and the duty of the General Government ought to be extended to the relief of individual suffering which is in no manner properly related to the public service or benefit... The friendliness and charity of our countrymen can always be relied upon to relieve their fellow citizens in misfortune. This has been repeatedly and quite lately demonstrated. Federal (AKA State) aid in such cases encourages the expectation of paternal care on the part of the Government and weakens the sturdiness of our national character, while it prevents the indulgence among our people of that kindly sentiment and conduct which strengthens the bonds of a common brotherhood.” — President Grover Cleveland

#### **7. Does the legislation create a means by which government entities or the employees of such can abuse a tax payer approved tax or amendment?**

As an example; Vehicle fuel taxes can be considered a roadway user fee (Brown 2001; Metschies 2005). In many jurisdictions these fees fail to cover total roadway costs, particularly if traffic services such as planning and policing are included (Transportation Costs). Although US fuel taxes cover most state highways and highway patrol costs, local roads and traffic services are funded mostly through general taxes. As such all motor fuel taxes need to be spent on the infrastructure of highways and bridges. Emergency services personnel, public school teachers and many governmental employees fall into this category as they can by their actions such as work slowdowns, strikes, and work performance create waste, fraud and abuse in the governmental system.

## **8. Can the legislation be currently enforced under existing laws?**

Legislation has been introduced for driving under the influence, texting, and many other distracted driving regulations when state statutes currently have a Careless and Imprudent provision.

According to state law, every person driving a motor vehicle on state roads and highways is required to exercise a reasonable amount of care and drive at a speed that will not endanger the life or property of other people. Anyone who fails to comply with this section is guilty of a class B misdemeanor. If this behavior results in an accident, it is considered a class A misdemeanor.

Reckless Driving Can Include:

Speeding - Driving faster than weather conditions permit - Driving after drinking-Even if BAC is under the limit - Weaving in and out of traffic - Carrying too many passengers - Failing to yield to other drivers - Other negligent behavior

Careless and Imprudent Driving (C and I): A careless and imprudent driving charge can carry 6 points on your license. That is close to a suspension on your license.

Penalties for reckless driving and careless and imprudent driving: There is a wide range of punishments, or potential sentences, for these offenses depending on whether there are aggravating or mitigating circumstances, whether the offender has prior convictions, whether alcohol was involved, and also whether there are additional charges being filed in conjunction with a careless and imprudent driving charge. If a fatality resulted, there is also very high potential civil liability on the party allegedly responsible for the fatal injury.

## **9. Does the legislation jeopardize in any manner the sovereignty of the state?**

Agenda 21 has never been debated or adopted by the Congress of the United States. Nevertheless, it is being vigorously implemented by the administrative agencies of the federal government, and by other nations around the world. More than 150 nations, including the United States of America, are participants in the United Nations Commission on Sustainable Development (CSD). America's participation is not the result of an international treaty, ratified by Congress. America's participation is the result of George Bush signing Agenda 21 at the 1992 United Nations Conference on Environment and Development in Rio, and the current administration's desire to implement its objectives.