



Charity: Not in the Constitution

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Assisting the needy in [health care](#) is a "moral imperative" – not a constitutional right. The two are as different as a squirt gun and an Uzi.

If something is not permitted under our Constitution, the federal government simply cannot do it. Period. The Founding Fathers vigorously debated the role of the federal [government](#) and defined it in Article I, Section 8 – spelling out the specific duties and obligations of the federal government. Most notably, this included providing a military for national security, coining money, establishing rules for immigration and citizenship, establishing rules for bankruptcy, setting up a postal system, establishing trademark and copyright rules, and setting up a legal system to resolve disputes, in addition to a handful of other matters.

Charity is not there.

Congress began ignoring its lack of authority for charity before the ink dried on the Constitution. When Congress appropriated \$15,000 to assist French refugees in 1792, James Madison – a Founding Father and principal author of the Constitution – wrote, "I cannot undertake to lay my finger on that article of the Constitution, which granted a right to Congress of expending, on objects of benevolence, the money of their constituents."

But what about the Constitution's general welfare clause?

Madison said: "With respect to the words general welfare, I have always regarded them as qualified by the detail of powers (enumerated in the Constitution) connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators."

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And consider government welfare's effect on people's willingness to give. During the [Great Depression](#) – before the social programs that today we accept as givens (Social Security, Medicare, Medicaid) – charitable giving increased dramatically. After FDR began signing social programs into [law](#), charitable giving continued, but not at the same rate. People felt that they had given at the office and/or that government was "handling it."

Government "charity" is simply less efficient than private charity. Every dollar extracted from taxpayers, sent to Washington, and then routed to the beneficiary "loses" about 70 cents in transfer costs – [salaries](#), rent and other expenses. The Salvation Army, by contrast, spends 2 cents in operating costs, with the remainder going to fundraising and the beneficiary. They achieve this, among other ways, by relying on volunteers to do much of the work.

Following Hurricane Katrina, private [companies](#), including The Home Depot and Wal-Mart, provided basic needs, such as [water](#) and shelter, faster than did government. What were their motives? Generosity? Positive public relations – a form of "selfishness"? Does it matter?

What about the issue of "moral hazard"? Does government welfare distort behavior and cause people to act irresponsibly? In 1964, President Lyndon Johnson launched a "War on Poverty." "Anti-poverty" workers literally went door to door to inform women of their "right" to money and services – provided the recipients were unmarried and had no men living in their houses. Out-of-wedlock births skyrocketed. In 1960, before the "War on Poverty," out-of-wedlock births accounted for 2 percent of white births and 22 percent of black births. By 1994 – just three decades after Johnson began his "War" – the rates had soared to 25 and 70 percent, respectively.

Numerous studies conclude that children of "broken homes" with absentee or nonexistent fathers are more likely to commit crimes, drop out of school, do drugs and produce out-of-wedlock children. In 1985, the Los Angeles Times asked both the poor and non-poor the following question: Do you think those on welfare have children to get on welfare? More poor people (64 percent) said "yes" to that proposition than did non-poor (44 percent).

If not taxation, how then?

In 1871, the city of Chicago burned to the ground. Contributions, with virtually no money from government, rebuilt the city. After 9/11, so many Americans gave money that the Red Cross used some contributions for non-9/11 purposes. Christianity Today wrote in January 2002: "Suddenly awash in a sea of money, relief agencies such as the Salvation Army need help. So much money – \$1.5 billion so far – has come in that charities are having a hard time spending it." And Americans donated an even greater sum to those affected by [hurricanes](#) Katrina and Rita.

Three in four families donate to charity, averaging more than 3 percent of their income, with two-thirds going to secular charities. In total, Americans give more than \$300 billion a year – more than the gross domestic product of Finland or [Ireland](#). More than half of families also donate their time.

Absent (unconstitutional) government programs, individuals and charitable organizations can, will and – in many cases – already do provide services to the needy. A limited government – one that taxes only to fulfill its permissible duties – would allow even more disposable time and money.

People-to-people charity is more efficient, less costly, more humane and compassionate, and more likely to inspire change and self-sufficiency in the beneficiary. People can and would readily satisfy society's "moral imperative."

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