

Redistributing Wealth: Stealing under the Guise of Law

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There is an inherent injustice in the government's broad authority to tax and spend, which permits politicians to redistribute private property at will. In many cases, such arbitrary power amounts to theft masqueraded as law, and it defies the very essence of our being as Americans.

We are a people who once valued certain "[self-evident](#)" truths based on the idea that government is formed by consent to secure our [natural rights](#). Samuel Adams [explained](#) that "the grand end of civil government, from the very nature of its institution, is for the support, protection, and defense of those very rights: the principal of which [] are life, liberty, and property." This primary purpose of government was unmistakable to our political pioneers. James Madison [declared](#), "It is sufficiently obvious, that persons now and property are the two great subjects on which governments are to act; and that the rights of persons, and the rights of property, are the objects, for the protection of which government was instituted."

Any popular government committed to liberty must preserve the people's property, for if it does not, then society is ruled by force, not reason. And just as individuals cannot steal without consequence, neither can government—elected representatives have no special authority to violate the immutable Laws of Nature and arbitrarily infringe upon the people's right to property.

Indeed, government must raise money through taxation to function. But to stay true to its purpose to protect private property, government must always ensure that its use of the people's

money serves its limited public functions and does not exclusively benefit select groups or individuals. James Madison [said](#) that government, being “instituted to protect property of every sort,” could not achieve this aim “where the property, which a man has in his personal safety and personal liberty, is violated by arbitrary seizures of one class of citizens for the service of the rest.”

Early Supreme Court decisions reflected this principled understanding of the role of government in the United States. In *Vanhorne’s Lessee v. Dorrance* (1795), the Court [reasoned](#), “No man would become a member of a community in which he could not enjoy the fruits of his honest labor and industry. The preservation of property, then, is a primary object of the social compact” The Court went on to defend property rights as a tenet of constitutional law, [arguing](#) that the arbitrary seizure of private property “is inconsistent with the principles of reason, justice and moral rectitude; it is incompatible with the comfort, peace and happiness of mankind; it is contrary to the principles of social alliance in every free government; and lastly, it is contrary to the letter and spirit of the Constitution.”

In 1874, the Court invalidated government wealth-redistribution schemes in defense of property rights. And it actually identified such programs as theft, not law, for they served individual or corporate interests rather than public purposes—they favored a chosen few at the expense of the many. The Court [wrote](#) in *Loan Association v. Topeka* (1874), “To lay with one hand the power of the government on the property of the citizen, and with the other to bestow it upon favored individuals . . . is none the less a robbery because it is done under the forms of law and is called taxation.”

Clearly, the Court understood that there were intrinsic limits on governmental power in the United States—or in any nation committed to liberty. Government had to respect the people’s natural rights at all times for freedom to endure, as the Court [explained](#) in *Topeka*:

It must be conceded that there are such rights in every free government beyond the control of the state. A government which recognized no such rights, which held the lives, the liberty, and the property of its citizens subject at all times to the absolute disposition and unlimited control of even the most democratic depository of power, is after all but a despotism. It is true it is a despotism of the many, of the majority, if you choose to call it so, but it is nonetheless a despotism.

[Some](#) may consider it hyperbole or alarmist to classify the U.S. government as despotic today, but in principle this is the kind of government we have. By its absolute control over tax rates, the federal government decides how much of our own money we are permitted to keep. And by its arbitrary discretion over spending, government determines who benefits from the taxes it collects.

In fact, a vast majority of the federal government’s spending today undermines the very purpose for which it was formed. In 2012, the federal government spent \$2.3 trillion on “[payments for individuals](#)” to support various social welfare programs, and it dispersed [\\$100 billion](#) to private businesses as corporate welfare.

Doling out money to private citizens and organizations is hardly consistent with the object of American government to preserve private property. But the federal government has effectively become a tool for politicians to redistribute national wealth. By our failure to uphold the Constitution and secure our inalienable rights, politicians today are free to steal private property under the guise of law.

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