

We have a duty to resist regulations that are abusive

by Randy Bright <http://www.tulsabeacon.com/?p=5390>

Back during our last gubernatorial election, a lobbyist (who happened to be a democrat) told me that no one wanted to support Senator Randy Brogdon because he was “against everything.” Of course, Brogdon was not against everything, he simply looked at regulations from a Constitutional perspective.

However, if that lobbyist had taken an objective look at Brogdon’s position, and could set political prejudices aside, he might have come to a different conclusion. Brogdon believed that government had grown too large and that it used laws and regulations to pick winners and losers, usually at taxpayer expense.

Most people who read my columns might conclude that I am anti-regulation, that I am “against everything” that the government does, because in most cases I see more government regulations as a negative. In fact, I believe that laws and regulations are necessary and can be beneficial to society, just as the Founders did.

As an architect, I deal with regulations every day. When I design a church, I use current building codes, and I agree that their use is a good thing. Most states have laws that require that architects be used on certain projects, while they are not required on others, even though they typically require that all buildings be designed to meet the building code. In Oklahoma, as well as in most other states, architects are required for churches and other building types where there is a potential for multiple loss of life in an emergency, especially a fire. I see that requirement as a good thing given the number of churches I have seen that don’t meet code and were potential death traps. There is nothing political about building codes.

On the other hand, zoning codes, have the potential for violating personal property rights, and have little to nothing to do with safety. As such, I find things in zoning codes that I believe are potentially objectionable.

Regulations should always be viewed with suspicion, no matter how good they look on the surface, because their benefit to society is entirely dependent upon who administers the regulations. However, we should not be too eager to dismiss all regulations out of hand. We simply need to ask some questions. Is this regulation absolutely necessary? Does it have real potential for doing good without violating the Constitution, and if so, could that same set of regulations be used by someone else to cause harm and violate Constitutional rights?

For example, President George Bush created the Office of Faith-Based and Community Initiatives by Executive Order with the concept that faith-based organizations were well qualified to assist the government with certain social services. Obama changed the name of the office to the Office of Faith-Based and Neighborhood Partnerships, which sought to do the same thing,

only with restrictions on religious freedoms. I was against Bush's creation because I felt that if it fell into the wrong hands, it could lead to religious abuse. That turned out to be true.

Another example is gun control. I believe that the Second Amendment guarantees rights of individuals to own firearms and to use them for self-defense. But I don't believe that those rights extend to children or criminals, nor did the Founders. I believe that a certain amount of gun regulation is necessary at the state (but not federal) level in order to prevent accidents or misuse of firearms.

The health care bill is another example. Who could be against a bill that is going to give everyone access to health care? But the health care bill is full of Constitutional problems, and has the potential for picking, literally, winners and losers of life.

Finally, regulations often come with a name that means one thing to one group, and another to another group. To most architects, sustainability means designing buildings to standards that are intended to reduce waste, save energy, and enhance human efficiency. But to others, sustainability means the ability to force people to adhere to a system that is designed to redistribute wealth under the guise of protecting the environment. When the latter group wants a regulation passed, it needs only to sell it using the more benign definition with the intent of enforcing the regulation according to its own definition later.

To preserve our freedoms, it is necessary to scrutinize and sometimes object to regulations that have the ability to be abused once passed, even at the risk of being accused of being "against everything".

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