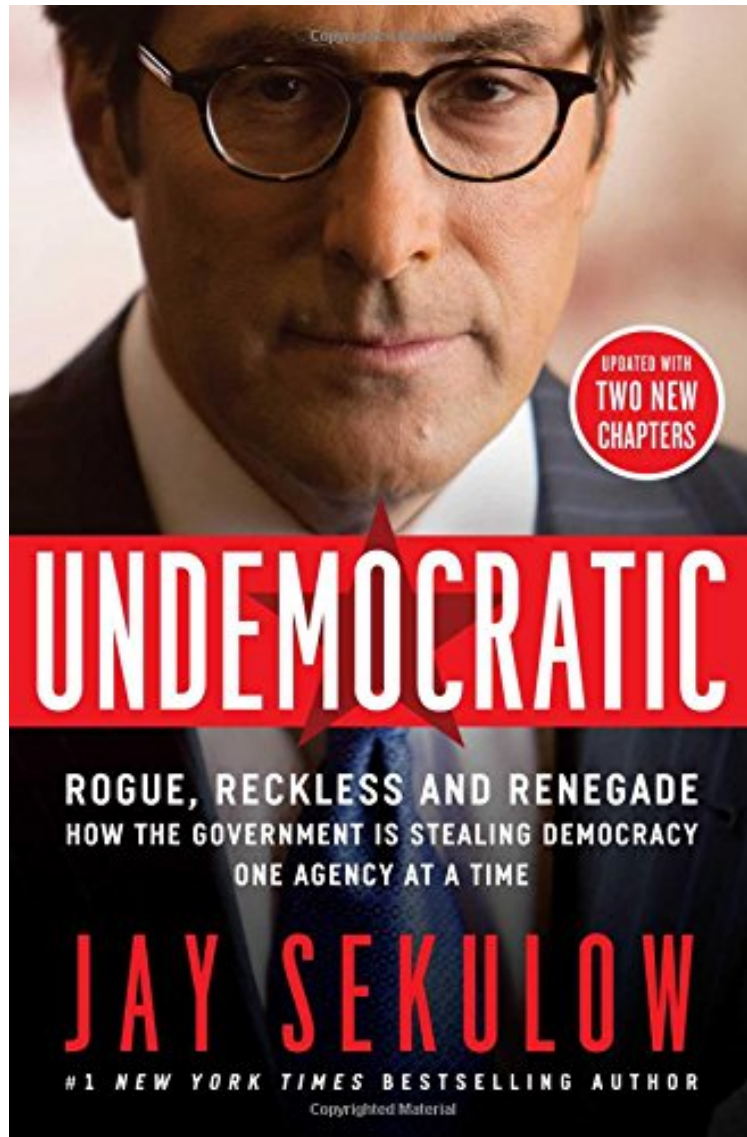


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## Undemocratic: Rogue, Reckless and Renegade: How the Government is Stealing Democracy One Agency at a Time

Jay Sekulow

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Jay Sekulowone of Americas most influential attorneyexplores a post Obama landscape where bureaucracy has taken over our government and provides a practical roadmap to help take back our personal liberties.Jay Sekulow is on a mission to defend Americans freedom. The fact is that freedom is under attack like never before. The threat comes from the fourth branch of governmentthe biggest branchand the only branch not in the Constitution: the federal bureaucracy. The bureaucracy imposes thousands of new laws every year, without a single vote from Congress. The bureaucracy violates the rights of Americans without accountabilitypersecuting adoptive parents, denying veterans quality healthcare, discriminating against conservatives and Christians for partisan purposes, and damaging our economy with job-killing rules. Americans are bullied by the very institutions established to protect their right to life, liberty, and the pursuit of happiness. Our nations bureaucrats are on an undemocratic power trip. But Sekulow has a plan to fight back. We can resist illegal abuse, we can reform a broken system, and we can restore American democracy. This book wont just tell you how to win, it will show you real victories achieved by Sekulow and the American Center for Law and Justice. Unless we can roll back the fourth branch of governmentthe most dangerous branchour elections will no longer matter. Undemocratic is a wake-up call, a call made at just the right timebefore its too late to save the democracy we love.

Jay Sekulows alarming and inspiring Undemocratic is a must-read for anyone who wants to restore American greatness. (Sean Hannity)"If you read just one book this year, read Undemocraticand prepare to have your eyes opened to the true crisis facing our republic." (John Ashcroft, former United States Attorney General)"Jay Sekulow is one of the top lawyers for religious freedom in the United States." (Townhall Magazine)"The American Center for Law and Justice is the leading advocacy group for religious freedom." (Bloomberg Businessweek)About the AuthorJay Sekulowis widely regarded as one of the foremost free speech and religious liberties litigators in the United States, having argued twelve times before the US Supreme Court in some of the most groundbreaking First Amendment cases of the past quarter century. As chief counsel of the American Center for Law and Justice (ACLJ), he is a renowned constitutional attorney, an international expert on religious liberty, and an acclaimed and distinguished broadcaster. Jay is a passionate advocate for protecting religious and constitutional freedoms with an impressive track record of success. His steadfast determination and commitment to protecting these freedoms is expansive with his work resulting in a lasting impact across America and around the world. He is a member of President Donald Trumps legal team, and he is also a popular talk radio host andregularly appears on major media, including Fox News, CNN, ABC, NBC, CBS, and other outlets.Excerpt. Reprinted by permission. All rights reserved.Undemocratic 1 ONE DAY IN MAY I have a unique vantage point from my office in Washington, D.C. My building, in the heart of Capitol Hill, is directly across the street from the Supreme Court of the United States. The Justices literally drive by my office each day that the court is in session. From my window I can see the chambers where the Justices and law clerks spend their days crafting legal opinions that impact all of us. There have been many nights when I have seen the glow of the lights emanating from those chambers as the final touches are put in place. It is an awe-inspiring location. From the white marble columns on the exterior to the expansive courtroom where the oral arguments take place, the building represents power and stability. One of the most impressive aspects of the building is the depiction of great lawgivers carved into the marble. Each time I enter the courtroom, I glance up at those lawgivers, including Moses holding the Ten Commandments written in Hebrew. For three decades I have had the privilege of arguing cases before the Supreme Court representing a wide range of legal issues including: religious liberty, prayer and Bible clubs in public schools, free speech, and defending the unborns fundamental right to life, and campaign finance reform. I even argued a case before the Supreme Court involving the Ten Commandments Monument in Utah. My team and I won 90. Admittedly, it is one of my favorite cases, as I was able to reference the Supreme Court buildings own depiction of Moses holding the Ten Commandments. The judiciary, our third branch of government, is powerful. After all, the Supreme Court interprets the Constitution and that impacts each of us. It is not, however, the most powerful branch.

From my office, I also have a great view of the Capitol dome. I have often taken guests up to the top floor of our building to view the Capitol. The lit dome in the evening sends the clear message that legislators are handling serious business. The Senate office buildings are just across the street from the front door to my building. In fact, after the terrorist attacks on September 11, 2001, the security perimeter was moved directly in front of our offices. When the anthrax attack took place days after 9/11, the surveillance devices and air monitoring equipment were placed just a few feet from our main entrance. The security in the area is still very tight, as it should be these are the buildings that house our legislature, our second branch of government. This branch represents the people, and it's where our laws are constructed. And yet, as powerful as the legislative branch of government is, it is not the most powerful branch. I can hop into a cab and after a short five-minute drive I am at the White House. I have had the incredible privilege of being in the Oval Office, discussing major issues with President Bush, ranging from judicial nominations to terrorism. It is an experience that is hard to put into words. When you are seated next to the president of the United States, the commander in chief of our armed forces, you realize quickly that what takes place in that office not only impacts each of us, the impact is felt around the globe. The executive branch of government and the president are powerful. There is no doubt about it. But I submit to you that the executive branch is not the most powerful. The most powerful branch of our government is located around the corner from the Supreme Court building, a few streets over from the Capitol, and a couple of blocks from the White House. These buildings are scattered around D.C. house agencies: the Internal Revenue Service, the Department of Justice, the Environmental Protection Agency, the Department of Health and Human Services, Veterans Affairs, the Labor Department, and many others. These agencies are run by bureaucrats. And these unelected, unaccountable bureaucrats destroy our liberty and threaten our democracy. We are in serious peril because of this: the most powerful branch of government we did not even learn about in high school civics class. The problem is, the Constitution does not provide for a fourth branch of government. Yet we have one. We have created an unconstitutional, self-sustaining monster that is swallowing our democracy. Our constitutional republic hangs in the balance. I keep a diary with me where I note significant events in my legal practice. My entry on May 10, 2013, was a game changer. The first email marked URGENT hit my inbox at 10:17 a.m., just minutes before my radio program goes live on air. The message was simple: Lois Lerner, then the head of exempt organizations at the Internal Revenue Service, had apologized to conservative and Tea Party groups for intentionally subjecting them to heightened IRS scrutiny. My first feeling was vindication. More than a year earlier, dozens of Tea Party and other conservative groups had contacted me, all telling me the same story. The IRS was delaying their tax exemption applications and requiring them to answer under penalty of perjury appallingly broad questions, questions that violated the constitutional rights of American citizens. The IRS delayed at least one pro-life group because the agency subjectively determined that the groups' presentations make substantial use of inflammatory and disparaging terms and express conclusions more on the basis of strong emotional feelings than of objective evaluations as if the liberal nonprofit organizations like Planned Parenthood or the American Civil Liberties Union don't make arguments on the basis of strong emotional feelings. We took the cases, notified the IRS of our representation, and publicly called on Congress to take action, by holding hearings to investigate IRS abuse. In response, the IRS denied all wrongdoing, and the mainstream media of course backed the Obama administration's taxing agency, with the New York Times even claiming that in scrutinizing the Tea Party, the IRS was merely doing its job.<sup>2</sup> But with Lois Lerner's apology, everything changed for a few days, anyway. Every major network carried the apology, every major newspaper wrote articles and analyses, and even President Barack Obama went to the White House podium and expressed his deep outrage. And the IRS's actions were outrageous. In fact, they were criminal. And, for a time, the Obama administration seemed to agree. Within days of the IRS's apology, Attorney General Eric Holder declared that the IRS's conduct was outrageous and unacceptable and ordered a criminal investigation.<sup>3</sup> The conduct of the IRS was, in fact, outrageous. Over a period of years, the IRS singled out conservative and pro-life individuals and organizations for extraordinary audits, unconstitutional questioning, years-long delays in processing applications, and selective leaks of private information. Ultimately, we discovered the IRS went so far as to try to collude with the Department of Justice to prosecute conservatives, to attempt to piece together (to borrow a term from an actual IRS email<sup>4</sup>) prosecutions of American citizens without a single shred of evidence or a single specific complaint of illegal activity. On May 10, we knew only part of the story, but we knew enough to know the IRS was out of control. Our work on several IRS cases revealed that before approving conservative groups for the same nonprofit status long granted to large liberal organizations like Planned Parenthood, MoveOn.org, and the ACLU, the IRS was not only delaying applications for years, it was asking questions that were themselves unconstitutional. It wanted to know the names of children tutored by a constitutional education nonprofit. The IRS wanted log-in information and passwords for conservative websites. It wanted to know the identity of donors, even when the law allowed donors to remain anonymous. It demanded to know the details of all communications between conservative nonprofits and any elected official, demanding even details of indirect communications (whatever those were). It demanded an accounting of all the nonprofit work of even family members of Tea Party leaders, including their membership on church boards.<sup>5</sup> It attacked pro-life speech as propaganda, and it demanded to know the content even of pro-life prayers. And that was just the tip of the iceberg. My first job out of law school was in the Office of Chief Counsel, Internal Revenue Service. My experience taught me that the IRS's attacks

on the conservative movement went straight to the top of the agency. In her apology,<sup>6</sup> Lois Lerner claimed that the misdeeds were the fault of line workers in Cincinnati low-level employees. But we had in our possession letters from IRS offices in California and in Washington, D.C. Some of these letters were signed by Lois Lerner herself. Lerner also implied that the IRS's wrongdoing had stopped, that when the agency learned what the low-level workers were doing, it called a halt to all improper activity. Nothing could be further from the truth. In fact, even as Lois Lerner spoke, multiple conservative groups were still waiting for IRS approvals and continued to receive intrusive questions. Some are still waiting for approval years after the apology. For others, it took filing litigation in federal court to get the IRS to do the right thing. Even worse, the very day before she spoke, emails revealed that Lois Lerner was plotting with the Department of Justice and chief of staff of the IRS commissioner to criminally prosecute conservatives for violating tax laws even without any evidence that the laws had been violated. This misconduct was not some minor annoyance for conservatives. It was so widespread affecting every single conservative group that applied for nonprofit status and so egregious that scholars from the American Enterprise Institute argued it may have had a material impact on the 2012 election.<sup>7</sup> Writing for the AEI's online journal, Stan Veuger explained: The bottom line is that the Tea Party movement, when properly activated, can generate a huge number of votes more votes in 2010, in fact, than the vote advantage Obama held over Romney in 2012. The data show that had the Tea Party groups continued to grow at the pace seen in 2009 and 2010, and had their effect on the 2012 vote been similar to that seen in 2010, they would have brought the Republican Party as many as 58.5 million votes compared to Obama's victory margin of 5 million. President Obama's margin of victory in some of the key swing states was fairly small: a mere 75,000 votes separated the two contenders in Florida, for example. That is less than 25% of our estimate of what the Tea Party's impact in Florida was in 2010. Looking forward to 2012 in 2010 undermining the Tea Party's efforts there must have seemed quite appealing indeed.<sup>8</sup> In other words, had the Tea Party continued its proportionate impact on Republican voting, it could have well made up the difference in key states. Instead it found itself under sustained assault from the IRS, an assault that had a real impact. Veuger goes on to explain how the IRS targeting choked off funds that would have gone to Republican candidates: As a consequence [of IRS targeting], the founders, members, and donors of new Tea Party groups found themselves incapable of exercising their constitutional rights, and the Tea Party's impact was muted in the 2012 election cycle. As Toby Marie Walker, who runs the Waco Tea Party, which filed for tax-exempt status in 2010 but didn't receive approval until two months ago, recounted recently: Our donors dried up. It was intimidating and time-consuming. The Richmond Tea Party went through a similar ordeal, and was only granted tax-exempt status in December, right after the election three years after its initial request. Its chairman explained the consequences: the episode cost the Richmond Tea Party \$17,000 in legal fees and swallowed time the all-volunteer network would have devoted to voter turnout, outreach in black and Latino neighborhoods and other events to highlight the constitution and the concept of liberty.<sup>9</sup> The bottom line? A rogue IRS may well have helped keep Barack Obama in the White House. In fact, Lois Lerner in an infamous email said she had hoped to get a job with President Obama's reelection campaign. There is much more to say about this scandal later, but I raise it now to explain a deeply troubling reality, a reality that is shaking our American democracy to its foundations, a reality that could mean the end of American exceptionalism, an end to the concept of American self-government intended by our Founders and lived through our citizens for almost 240 years. When the IRS scandal broke, my phone seemed to ring for days straight. I don't think I've ever gotten as much email before or since. And there was one question that was on everyone's lips: What did the president know and when did he know it? In other words, the scandal was viewed through the prism of Watergate, the legendary scandal that ended the Nixon presidency, with the assumption that it was only truly real, only truly important, if it could bring down the president of the United States. But I was more disturbed by a different thought, a concern that transcends the current occupant of the White House: What if the IRS arguably the nation's most powerful domestic agency didn't actually need a presidential directive to engage in its nationwide persecution of conservatives? What if the IRS acted largely on its own initiative to target Americans, harass them, audit them, humiliate them, and try to prosecute them merely because the IRS disagreed with their political beliefs? That is a much larger problem than the corruption of a single agency. That is the corruption of an entire system of government. And that is the theme of this book. While Americans have been robustly engaged in political debates and participating in vast numbers in elections a new branch of government has been growing in the shadows. A branch that is elected by no one, ignored by the media, protected by the courts and by a complex web of laws and regulations: with job security so great that some federal employees are more likely to die on the job than they are to be fired. This new branch of government personified not just by the IRS but by the entire array of federal agencies, like the Department of Justice, the Environmental Protection Agency, the National Labor Relations Board, the Federal Communications Commission, and many others is the federal bureaucracy; it possesses a staggering amount of power, and it is not only increasingly partisan, it is increasingly corrupt and incompetent. Imagine if Congress wrote and enacted far more laws than it does now, but you could never vote the lawmakers out of office. You don't have to imagine it. It's happening. Imagine if congressmen were systematically corrupt, abused their power, and demonstrated rank incompetence, but by law they never had to face the voters. That's our bureaucracy. Imagine if a congressman, once in office, was allowed to hold power until death or retirement, whichever came first. That's our bureaucracy. Imagine if elections mattered less and less because there

existed a permanent, partisan political class that continually pushed the nation to the Left regardless of who occupied the White House or who held the House and Senate. That's our bureaucracy. We are at a constitutional tipping point. If we wait much longer to introduce democratic accountability to the encroaching, vast federal bureaucracy we will lose the America we know, and our electoral politics will become a sideshow, a meaningless spectacle that entertains the masses while the anonymous but powerful bureaucrats do the real work governing the United States of America. In short, unless the American people take action, even the president of the United States will matter less and less. He'll become a figurehead, someone not unlike the queen of England, a ceremonial leader presiding over a government that has no concern for the beliefs and opinions of the titular head of state. Think that's too dramatic? Too alarmist? Hardly. A primary goal of this book is quite simply to educate, to teach you how the United States is actually governed and how that government can impact every aspect of your life. You need to learn how America is actually governed, how your freedom is threatened, and how your tax dollars are wasted or misused by a bureaucracy that is increasingly corrupt and partisan. You are paying for the permanent political class that is disrupting and endangering our constitutional republic. But to understand why a growing bureaucracy represents such a clear and present danger to our Constitution, we must first recognize three critical truths about our government: there is no real gridlock, there is no real accountability, and there is nowhere to hide. Truth 1: There Is No Real Gridlock We've all heard the complaint. Our government does nothing. It's gridlocked. When one party holds all or part of Congress, and the other party holds the White House, the cries of gridlock are especially loud. In fact, in May 2014, President Obama's frustration with this apparent gridlock boiled over into critiques of the Founders' structural design of our government.<sup>10</sup> The claim has a certain surface appeal. After all, in a divided government, it's much more difficult to pass new bills, and public fights like the government shutdown battles of the past five years occupy the headlines. But that's deceptive. Let me be clear: if someone tells you our government is gridlocked, they typically mean that they can't get everything they want. Because our government is anything but gridlocked. Consider this fact: from 2009 to the end of 2012, the federal government's bureaucracy created more than 13,000 new regulations each with the binding force of law.<sup>11</sup> Even in 2012, one of the lowest rulemaking years of the last twenty (and the peak of the alleged gridlock in Washington, as President Obama battled a Republican House during a hotly contested election), the federal bureaucracy finalized 2,482 rules.<sup>12</sup> That's a staggering number of new laws. And not one American voted for any of the regulators who drafted, evaluated, and approved those new laws. Unelected regulators are now so powerful that Congress will often write laws that contain intentional gaps, allowing for regulators to come in and fill in the relevant details. Case in point: the Department of Health and Human Services (HHS) abortion-pill mandate. The two most egregious aspects of ObamaCare, the most contentious bill in modern American history, were the individual mandate which required individuals to purchase health insurance and the abortion-pill mandate, which required even religious employers to violate their religious conscience and purchase certain abortifacients (pills that can cause abortions) for their employees. The abortion-pill mandate constituted the most grave threat to religious liberty in modern American history and represented the government's effort to draft its Christian citizens into its radical pro-abortion agenda. Under the mandate, Christian business owners were forced to buy so-called contraceptives that were actually abortifacients, drugs or devices that kill children.<sup>13</sup> Yet the HHS mandate wasn't actually in ObamaCare. Our elected representatives didn't vote for it or against it. Instead, it was the creation of unelected bureaucrats in the Department of Health and Human Services handed down with the full force of law. In 2010, Nancy Pelosi, then Speaker of the House, famously declared<sup>14</sup> about ObamaCare that we have to pass the bill so that you can find out what is in it. She was relentlessly mocked for the comment and deservedly so. Every legislator should carefully read a bill especially one that purports to overhaul approximately one-sixth of our national economy<sup>15</sup> and 100 percent of our health care. At the same time, however, she was right. There was no way to tell what the bill truly meant until after it was passed and after the regulators had issued hundreds and hundreds of new rules like the abortion-pill mandate. In fact, given the length and complexity of this process, it's entirely possible that Americans will still be confused about what ObamaCare truly means for several more years, as HHS writes and rewrites its rules and as doctors struggle to keep up. ObamaCare as passed was more like a skeleton, providing the framework for the flesh and bones constructed by the regulators far away from public debate and public accountability. But our bureaucrats don't need to pass rules to impact our lives. Sometimes they do so through a combination of incompetence and corruption. In the spring and summer of 2013, Washington was rocked by a series of revelations that employees of the Department of Veterans Affairs were manipulating patient wait lists to conceal their own failure and inefficiency from the public. Even as the VA was touting allegedly decreased wait times, in reality even gravely ill veterans were put on much longer wait lists that were off the books, and several of these veterans died without receiving the care they needed. Bureaucrats were taking action, but the actions they were taking were designed to hide their incompetence. Rather than thinking creatively to shorten wait times and improve patient care, a number of VA employees dedicated their time to gaming the reporting system so that they could receive bonuses even as veterans suffered. Incompetence (unnecessarily long wait times) led to corruption (manipulating wait lists), and veterans paid the price. Another example: the Department of Justice. Did you know that we can blame rogue federal prosecutors for ObamaCare? Less than two weeks before election day in 2008, federal prosecutors secured a conviction on public corruption charges against Senator Ted Stevens, an Alaska

Republican. 16 Stevens who had been popular in Alaska prior to the prosecution lost a close race to Democrat Mark Begich. Begich went on to vote for ObamaCare, casting one of the sixty Senate votes that gave President Obama the filibuster-proof majority he needed to pass his signature health-care law. There is, however, one problem with this story. Ted Stevens was innocent. Prosecutors, intent on bringing down Stevens, failed to disclose evidence that vindicated Stevens. This failure to provide what's called exculpatory evidence violated Senator Stevens's constitutional rights, influenced the outcome of his trial, and thus strongly influenced the outcome of his election. While a federal court corrected the individual injustice and exonerated Stevens, it could not undo the results of the election, and it certainly couldn't undo the national consequences of the Democrats unjustly gained sixty-seat majority in the Senate. And that's just one example of prosecutorial misconduct and Department of Justice partisanship. There are many others that will be discussed later in the book, including instances where the Department of Justice made up crimes out of whole cloth, imprisoned Americans for crimes that did not exist, and circumvented Congress entirely to enrich its leftist activist friends and enact new laws without even the slightest pretense of a democratic process. And that brings us to the next key truth: Truth 2: There Is No Real Accountability In 2011, USA Today published a review of federal agency disciplinary practices and came to a startling conclusion: Federal employees' job security is so great that workers in many agencies are more likely to die of natural causes than get laid off or fired. 17 This is true even when the poor performance includes gross abuse of power and reckless indifference to human life. As of the writing of this book, here is the complete tally of IRS officials terminated in response to its systematic targeting of Tea Party and pro-life conservatives, targeting that included efforts to manufacture criminal convictions, targeted audits, and selective disclosures of confidential taxpayer information: Zero. That's right. Nobody. Not one person. No one fired. As of the writing of this book, here is the complete list of VA officials terminated in response to the systematic and fraudulent manipulation of wait lists, manipulation that led to veterans waiting for weeks for life-sustaining treatment and sometimes cost American heroes their very lives: Zero. 18 Again. Nobody. Not one person. I will outline scandal after scandal, and you will not only find that no one lost their jobs, but you'll sometimes find that wrongdoers are promoted (especially if their misconduct advanced the Left's ideological agenda), or the worst job action is a brief period of administrative leave, which is bureaucrat language for paid vacation. In the private sector, an employee has two clear incentives to do their job well: First, if their employer can't succeed financially, then the business will close its doors, and the employee will be out of a job. Second, even if the company is doing well, if the individual employee doesn't do their job well, they can be replaced relatively easily—the law protects them from discrimination, not incompetence. In other words, private sector employees strive to do well because they want their employer to succeed and because they want successful employers to retain and promote them. People don't always respond the way they should, of course, so not all private sector employees work hard, but this incentive structure helps preserve our economy as still the most dynamic and innovative in the world. These incentives simply do not exist in the federal government. As I'll show in my chapters regarding the IRS, an agency can engage in mass-scale incompetence and systematic corruption not only without suffering a threat to existence (ask Enron how easily private corporations can survive similar levels of corruption) but also without any real employee turnover. Immune from market forces, the IRS exists regardless of its performance, and its employees' jobs are safe despite their own misconduct. Even the most incompetent employees are shielded from termination by a poorly named merit system that makes it extraordinarily difficult to fire the worst workers. An agency can spend hundreds of thousands of man-hours and still lose its case for termination on a technicality, a process so frustrating that federal managers often don't even bother to try. And that brings us to the next truth. Our government refuses to be contained. Truth 3: There Is Nowhere to Hide If you think the explosive growth of government doesn't impact you, you're wrong. Virtually every significant religious liberty challenge of the last thirty years has originated from unelected government officials. Every single significant environmental regulation in response to climate change has originated not from Congress but from unelected government officials. From the car you drive to the HVAC attached to your house to the Big Mac you eat, its cost, construction, or composition is impacted by unelected government officials. Each visit to the doctor is deeply impacted by government regulations, even when you pay through private insurance or out of your own pocket. It is one thing for America to vote for this level of government intrusion. If that is truly what the people want, then barring constitutional violations it is what they will have. It is another thing entirely, however, for Americans to simply drift into the hyperpartisan hyperregulation of every aspect of their lives. And we've been drifting for decades. Partisan Bias Entrenched bureaucracy is bad enough. It's worse when it is corrupt and incompetent. It's a threat to democracy when it is also thoroughly partisan, using its considerable power to advance the Left and punish conservatives. During the now-notorious 2013 government shutdown, the National Park Service demonstrated bias in action, shutting the parks for the general public (including even World War II vets visiting the World War II Memorial, until a national outcry forced the Park Service to reverse course) while opening the National Mall for an amnesty rally, protecting the rights of a favored constituency—immigration activists—to peacefully assemble. 19 Amnesty rallies are protected by the Constitution, but so is peaceful assembly at a war memorial. Yet the National Park Service played favorites. Kevin Williamson, a National editor, has described this phenomenon as the party of government (the Democrats) merging with the government itself. 20 As Democrats take care of the government, the government takes care of Democrats. And in these

increasingly polarized times, the result is a government that is not only openly hostile to conservative and Christian ideas and beliefs, it is increasingly isolated from the beliefs and values of millions of Americans. This uniformity and isolation creates its own social reality. Harvard Law School professor Cass Sunstein calls it the law of group polarization, and describes it like this: In a striking empirical regularity, deliberation tends to move groups, and the individuals who compose them, toward a more extreme point in the direction indicated by their own predeliberation judgments.<sup>21</sup> In plain English this means that when like-minded people gather together, they tend to grow more extreme over time. In other words, if everyone advocates for gun control, the group will tend to grow more committed to gun control. If everyone advocates for abortion, the group will grow more committed to abortion. Within the bureaucracy, a more extreme government becomes a more activist government, driven by its own beliefs not only to advance what it believes to be true and good but to defeat those who disagree. The stakes are high, the bias is obvious, and the drift away from democracy is real, but there is hope. Even as I describe in detail the threats to our democracy, as a Supreme Court lawyer I also think in terms of relief of ways we can stop the drift, restore our democracy, and return the most important questions to the people. As a lawyer who's served inside the federal bureaucracy I started my career in the chief counsel's office of the IRS. I saw government work from the inside. As a lawyer who's argued a dozen times at the Supreme Court, I also know what it's like to challenge the government from the outside. In short, I know what it takes to fight and win against a government intent on expanding its power and bringing ever more of your life and your work under its control. The solution will be easy to remember and easy to conceptualize, but challenging to execute. The other side will not relinquish power easily, and the Left knows it now controls key levers of national power even if it loses the presidency and both houses of Congress. The solution begins with three Rs. First, resist. Americans cannot consent to unlawful overreach. We must challenge federal lawlessness in courts of law and in the court of public opinion. And when you challenge, you can win. In this book I will describe how even the most unaccountable bureaucracies can back down in the face of public outcry, and I'll describe court victories against seemingly overwhelming odds. Sometimes, you can tell the government, No. Next, reform. Court battles and public resistance won't be enough to reform the system, to prevent abuse before it escalates to a court battle or public petition. Congress must reform our civil service to introduce real accountability, limit agencies' rulemaking authority, and strip public officials of their effective immunity from liability when they violate citizens' constitutional rights. Public officials will think twice before engaging in partisan witch hunts if they have to write personal checks for violating your First Amendment rights. Finally, restore. We must engage in a long-term effort to teach Americans the virtues of constitutional democracy. We are not a great nation because we always make the correct policy choices (indeed, we make many mistakes) but because a great people live under a great system of government. The by any means necessary system of the bureaucratic Left is ripping America from its foundations and transforming us into something different, something far more European than American. Ultimately, this book is about empowering you, about teaching you exactly how our government is drifting, how it's upending America's exceptional place in this world, and then giving you the tools to fight back and protect your freedom. In his legendary Gettysburg Address, President Abraham Lincoln famously declared our nation had a government of the people, by the people, for the people. Yet a government divorced from electoral accountability is no longer of the people or by the people. And a bureaucratic government that is dedicated not to serving impartially and fairly but to ruthlessly advancing a single ideology can no longer be for the people. Those are the stakes. The questions are profound. Do we still have a meaningful constitutional democracy? How much will presidents matter? How much will Congress matter? And, critically, is America still exceptional? As I answer these questions, let's first go back to the history of my family and the lessons of one family's journey as we ponder the nation we've been, the nation we are, and the nation we will be.