

**what they
say now:**

**AMERICAN
GOVERNMENT**

*IN CHRISTIAN
PERSPECTIVE*

A Beka Book
(1997)

Very little on the interstate commerce clause as an pretext for centralization; neither stresses original intent to reserve police powers to the states, nor contrasts recent federal exercise of police powers to this

**AMERICAN
GOVERNMENT
FOR CHRISTIAN SCHOOLS**

Bob Jones
University Press
(2005)

Does not mention departure from original intent to reserve police powers to the states; presents minimal info on growth of federal control through the interstate commerce clause; fails to relate these changes to intellectual history and Biblical principles

how these Christian Government texts might improve:

link departures from **original intent**
to "progressive" views of **human nature**

The **deity of Christ** implies the **depravity of man**. Christ had to be divine to atone for man's sin because man cannot self-redeem.

The Constitution established **SEPARATION OF POWERS** in government, with checks and balances, to restrain corrupt human nature.

Degradation of the separation of powers **rejects** the pessimistic view of human nature and therefore questions the deity of Christ.

The 1890 Sherman Antitrust Act **breached** the separation of powers. Its vagueness empowered courts to legislate on the subject.

The "rule of reason" in antitrust cases has been inconsistent, contradictory, and contrary to the uniform and predictable rule of law:

For two decades or more before its 1911 break-up, Standard Oil had lost market share while expanding production and sometimes cutting prices. *Despite* this, the Supreme Court in 1910 ordered Standard Oil dissolved, on the ground that as a holding company it prevented competition among its member firms. The 1911 American Tobacco break-up occurred under similar circumstances and reasoning.

From 1901 to 1911, U.S. Steel lost market share while increasing output and lowering prices. *Because of* this, the Supreme Court in 1920 held that U.S. Steel had not restrained trade and did not order its dissolution, even though the companies that had combined to form it no longer competed among themselves. This was just the opposite of the 1910 Standard Oil and 1911 American Tobacco rulings.

Between 1888 and 1937, Alcoa greatly raised production and lowered the price of aluminum. A federal court in 1945 found Alcoa had monopolized a very narrowly defined U.S. virgin ingot aluminum market, but did not punish it for restraining trade because government-owned aluminum plants built during WWII would be sold to private companies (Reynolds and Kaiser), creating competition in the industry.

The 1914 Clayton Antitrust Act itself restrained trade. By barring volume discounts to chain stores that sold for less, it protected higher-cost small businesses from competing with their more-efficient rivals. Antitrust often helps the few and hurts the many by preferring more firms in an industry over lower prices, thereby favoring corporate welfare over consumer welfare and restraining trade by raising prices.

Without antitrust law, firms allegedly cut prices to eliminate competitors, then cut production and raise prices. But this is rare in free markets.

By economies of scale, firms maximize profits by selling more for less. Selling less for more after eliminating competitors would lower profits.

Antitrust activism began in the Progressive Era, which **also overrode** constitutional constraints on federal power in **FEDERALISM**:

Champion v. Ames
(1903)

The 10th Amendment reserved police powers to the states, but the Supreme Court found implied in the commerce clause a federal police power to prohibit as well as regulate interstate commerce.

Muller v. Oregon
(1908)

Supreme Court upheld an Oregon law limiting women's workday to 10 hours. States' right to exercise their police power hinged on gender (i.e., women, being physically weaker than men, had less freedom of contract than *Lochner v. New York* [1905] gave men). Supreme Court could decide when to follow the Constitution's original intent to reserve the police power to the states. This was "sociological jurisprudence."

17th Amendment
(1913)

State legislators no longer elected U.S. Senators, losing a check on federal power.

18th Amendment
(1919)

In prohibition the federal government exercised the police power.