

There's a saying that many Americans have used routinely in the past—especially when training their children—a saying that has kinda fallen out of common use recently. But that one-liner...when used astutely...has the potential to offer a lot of wisdom, humor, and effectiveness. So, here's a rendition.

When a child was taking an incident and blowing it way out of proportion regarding its importance, the parent might quickly say, "Well, don't make a federal case out of it." Get it? A small child typically has little to no big-picture-frame-of-reference and often—self-referentially and perhaps even self-righteously—falls into making a case that the situation was a really big deal that needed big-time attention and fixin'. That's when the savvy parent would say, "*Don't make a federal case out of it.*" And, properly used, that would immediately disarm the situation by providing real, effective perspective with wisdom.

But here's the deal. Turns out, for the past four decades, there has been a relentless movement in America encompassing countless decisions and actions where yes, indeed, lots of human behavior in America has been categorized as wrong or immoral...with that categorization being done by none other than official federal agencies of the U.S. Yes, indeed, government employees of powerful Federal agencies of the most powerful government in the history of humanity are indeed "*making a Federal case out of it*"—yeah, deeming all sorts of very local human behavior as worthy of Federal analysis, tracking, oversight, and action! Question is, where did this authority to actually "make a Federal case" out of pretty normal things arise and how is it manifested? Let's take a current, real-life example to get a start on understanding that.

A three-generation farming family in South Dakota—the Fosters—planted a row of trees on their land in 1936 to stop soil erosion. This was commonly done in the Dust Bowl era where rich topsoil was being literally blown away by giant, ferocious windstorms...thereby diminishing countless acres of arable land in America. In fact, the U.S. Government *then* was a big proponent of the practice of planting rows of trees. So, of course, for decades on the Foster farm, snowdrifts have accumulated in the wintertime at those trees and, come springtime, the snow melts. 'Course, a puddle forms on their land, then ultimately goes away. But in 2011, the U.S. Department of Agriculture declared *that puddle* a "wetland," which means that farming that area of land is illegal! Yeah...when it came to the Foster-family, snow-melt water puddle, Washington "made a Federal case out of it." So, in due time, the Foster family had to file a lawsuit (*Foster v. U.S. Department of Agriculture*)...just to be able to farm their own private property! So, what's up here?

Well, the backstory is that the floodgates were opened for this type of U.S. federal agency activity in 1984. A U.S. Supreme Court ruling established what came to be known as the "Chevron doctrine." Officially, that means judicial deference is given to administrative agencies. In more clear language, the Chevron doctrine gave unelected government officials across the entire U.S. government a tremendous expansion of power over the Fosters and many other citizens...yes, Federal officials wanted to correct their behavior! But governments in America have historically had an appetite for correcting virtues—from the wrong religious views to the wrong sexual behavior between consenting adults...and many points in between.

Perhaps you learned in your history classes that Congress makes laws? But the reality is, for forty years, Federal agencies that are part of the executive branch have been making a whole lot of what's called "administrative law." So, unelected folks who are pretty much ensconced permanently in their jobs are substantially creating regulations that they control as to interpretation, consequences, and appeals!

Now, to be sure, public policy hawks who focus on such Federal Government overreach are very aware of this reality. And many small businesspeople are painfully aware of it, too. And many attorneys are aware as well—some are fighting it while others are earning a handsome living working all the juicy angles. What's less clear to the average American consumer is the huge nuisance and high cost of this activity.

But let's back up a minute. All this is not an anti-Federal-government rant...far from it! All Americans need a strong military for defense. Americans need emergency-preparedness across states coordinated at the Federal level. Americans need coordinated and effective border control. Americans need security agencies focused on real enemies—foreign and domestic. Yes, rightly focused Federal agencies are important!

Regardless of that, Americans *really* need Washington to honor the U.S. Constitution. Yes, Americans need Congress to make the laws and the executive branch to execute those laws without bias and corruption and ideological agendas. That was one of the key geniuses of the Founders of the United States—the rightly-praised separation of powers of the three branches of government. Surely Americans should be able to agree that having the force and power of a U.S. Government department stop an isolated farming family from farming its own land is, well...stunning! And similar stories are legion. But, you might say, we do need government to control big business. Yes, you know that rhetoric against business is relentless.

But businesses only thrive when they serve their customers well...otherwise, consumers will quickly switch to their competitors. Hey, if you're an American, you very likely turn some of your money over to Amazon, and some over to the Federal Government. So, just who handles your money better? And, if you don't like Amazon, go to Walmart or Target or countless others! But, if you don't like government...well, good luck!

Are businesspeople angels? 'Course not! But in free markets, citizens can switch to other sellers! That is, unless you're buying airplanes and the U.S. government long ago approved Boeing to be a monopoly for big planes in the U.S. This lack of competition leads to a lack of checks and balances...and, surprise, then we have a Boeing door that falls off while an airplane is in flight! So, free markets are a helpful tool of accountability—it's the unchecked power of government-approved monopolies and sometimes the government itself that are the issue. Sadly, many with government power on both sides of the aisle—whether elected or appointed or just hired—well, *they* often believe the vital part of their job is to ensure that every citizen *must be virtuous as to what their camp has determined the definition of "virtue" to be!*

Like Prohibition—such an obvious mistake that it was repealed nationally by Constitutional amendment! Like six feet of social distancing—Dr. Fauci later revealed under oath that rule was casually contrived, not scientific! Like environmental regulations focused on saving the planet by reducing the carbon footprint of the masses...but not by grounding the big jets of the elite making rules for the masses in DC and Davos.

Such virtues are in the eye of the beholder: "*yes, our actions are virtuous and our opponents' actions are deplorable, so we must enforce our virtues*" ...yes, the virtues that "science"...or the latest political party platform...or even God supposedly tells us we must do. In my book *Freedom Nationally, Virtue Locally*, I call these political approaches "virtue cram-downs." That's the practice that *you* must be virtuous even as *we* newly decide what the very definition of "virtue" is. Whether legislating from Congress or legislating from powerful U.S. bureaucracies, *we in government know your behavior must change for the good that we designate!* Maybe the good is positioned as a vague environmental issue or conveniently unmeasurable social goal. Look, it's sad but true: government officials often have trouble distinguishing between real crimes like murder and theft as compared to contested virtue issues properly handled *locally* by, say, parents. *For too many who are in power, everything requires making a federal case out of it!*

In the Bible, each person "owns" their own virtues and will be held to account and judged by Jesus Christ—thankfully not by the Feds. Everyone's meeting with Jesus *will be* very local, don't you know? Now. Here's what happened in June 2024: after 40 years of many virtue cram-downs from unelected officials—in a case called *Loper Bright*—the U.S. Supreme Court overturned the Chevron doctrine! So...what were Initial responses? From wailing and gnashing of teeth to rejoicing! But most everyone ultimately defaults to this: *freedom for me but not for thee!* But Christians should default to *freedom in Christ, not condemnation!*

Now we know this Court decision doesn't stop virtue cram-downs from coming from Congress. But it might mean that people with the God-given freedom to fail might more often be allowed to fail for the sake of pointing to their need for Christ and the Gospel! And maybe the Fosters can now fire their tractor up again. And those high costs embedded into American life due to much over-regulation by gaggles of government "unelecteds" in Washington...well, those costs might modulate quite a bit. And, yes, maybe a lot of minor behaviors can simply happen because the unelecteds in DC are stopped from the relatively unchecked power to make a federal case out of most anything. *Hey! A fresh measure of freedom has rung!*

A&A: Application & Action

1. Do you observe that America is much better off behaviorally due to the last forty years of regulations promulgated by the Cabinet-level departments and sub-departments of the executive branch of the U.S. government? Discuss.
2. Do you believe that unelected government employees in the executive branch should be empowered to work to identify, regulate and penalize behaviors that are ungodly? Why or why not?
3. Then how about unelected government employees in the executive branch empowered to work to identify, regulate and penalize behavior that are godly, *even though Christians themselves don't fully agree on the definition of "godly" behavior*? Discuss.