Regulating School Lunch Oversteps Government’s Authority

Should the Government Regulate What People Eat?, 2014

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Recently, students have begun protesting changes in school lunch programs. At the root of the problem is new policy enacted by the federal government. The federal government began influencing the school lunch program during the 1930s, clearly overstepping its constitutional boundaries. Because the federal government has no constitutional role in school lunches, students should continue to protest these policies.

Students around the nation are protesting reduced-calorie lunch menus mandated by new, restrictive federal regulations. First championed by First Lady Michelle Obama, these regulations were designed to improve lunch nutrition standards but instead have left students starving for more food. Students everywhere have begun speaking out against the new mandates on websites and blogs. One Kansas high school even created a video parody titled "We are Hungry" ... to object to the new regulations—the students' recommendation: "Set the policy on fire!"

These protests certainly draw attention to this draconian bureaucratic policy. But they also ought to serve as a wakeup call to every American that our federal government has been slowly stealing our liberty and growing its power over time.

Usurping the School Lunch Program

Just look at how the federal government has taken control of school lunch menus. To begin with, the Constitution, which establishes the federal government's limited authority, says nothing about a federal power to regulate school lunch menus—this power is actually reserved to the States under the Tenth Amendment. In fact, for almost 150 years under the Constitution, the federal government had nothing to do with school lunches. (And I'm aware of no student malnutrition epidemic in America during this time.) And then came FDR [Franklin Delano Roosevelt].

Our Founding Fathers recognized that the path toward tyranny is often paved by progressive assaults on individual liberty.

In the 1930s, President Franklin Delano Roosevelt instituted a number of radical economic policies (labeled "fascist" by Italian Fascist leader Benito Mussolini) that transformed the federal government into a domineering national force—into what FDR described as an "economic autocracy." FDR played on the people's shaken confidence in free markets during the Great Depression to consolidate power in the executive branch, which had become so powerful by 1936 that he acknowledged it could "provide shackles for the liberties of the people." Among the economic powers assumed by FDR was a power to set quotas on farm production to prop up food prices. The federal government also purchased farm surpluses to maintain higher prices, and it began distributing these surpluses as
direct welfare and to support school lunch programs. (Prior to this, the Supreme Court struck down similar federal redistributive programs, but it soon changed its tune during FDR's reign.) The federal government has involved itself in school lunch programs ever since, expanding its influence along the way.

The federal government soon enlarged the school lunch program with the National School Lunch Act of 1946. The program grew again with the Child Nutrition Act of 1966. Amendments to this act in 1968 provided more funding for meals during summer programs. Amendments in 2004 promoted healthy food choices, but specified that they be designed and implemented at the local level. And most recently, the Healthy Hunger-Free Kids Act of 2010 authorized the federal government to set nutrition standards throughout the country, including ridiculous calorie limits that have outraged hungry students all across the nation.

It is clear that the Constitution grants the federal government no authority to regulate school lunches.

The Limits of Federal Authority

Long ago, our Founding Fathers recognized that the path toward tyranny is often paved by progressive assaults on individual liberty. (I wrote about this in my new book, The American Ideology: Taking Back our Country with the Philosophy of our Founding Fathers.) For example, James Madison once observed that, throughout world history, "there have been more instances of the abridgment of the freedom of the people by the gradual and silent encroachments of those in power than by violent and sudden usurpations." He therefore advised the American people to watch out for the government's minute advancements against their liberty—encroachments that may be tolerable alone, but become intolerable when compounded in time. Madison wrote:

The people of the United States owe their independence and their liberty to the wisdom of descrying in the minute tax of 3 pence on tea, the magnitude of the evil comprised in the precedent. Let them exert the same wisdom in watching against every evil lurking under plausible disguises and growing up from small beginnings.

The federal government's regulatory control over school lunch menus clearly grew up from small beginnings and has gradually expanded in time. And many Americans have become ever more conditioned to the government's exercise of this illegitimate authority, given the force of its precedent. As Thomas Paine once wrote, "[A] long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom."

We must not fall into this trap. It is clear that the Constitution grants the federal government no authority to regulate school lunches (and so many other facets of the American economy). So we should not stand for a policy that claims the power to do so. What we need is a president who will uphold the Constitution and act on the hungry pleas of students everywhere in America. We need a president who will "set the policy on fire!" And if the fire happens to consume the other 34,000 pages of federal regulations, then so be it.

Further Readings
Books

Periodicals and Internet Sources
- Julie Gunlock "Big Brother at Your Table," *National Review*, May 20, 2013.

• Adam Leyland "'Our Industry Is Suffering from Health Regulation Fatigue,'" Grocer, March 30, 2013.


• Self "Sure Looks Like Feel-Good Food," August 2012.


• Connie Tipton "Shed the Programs that Impede Innovations and Growth," Dairy Foods, November 2012.

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