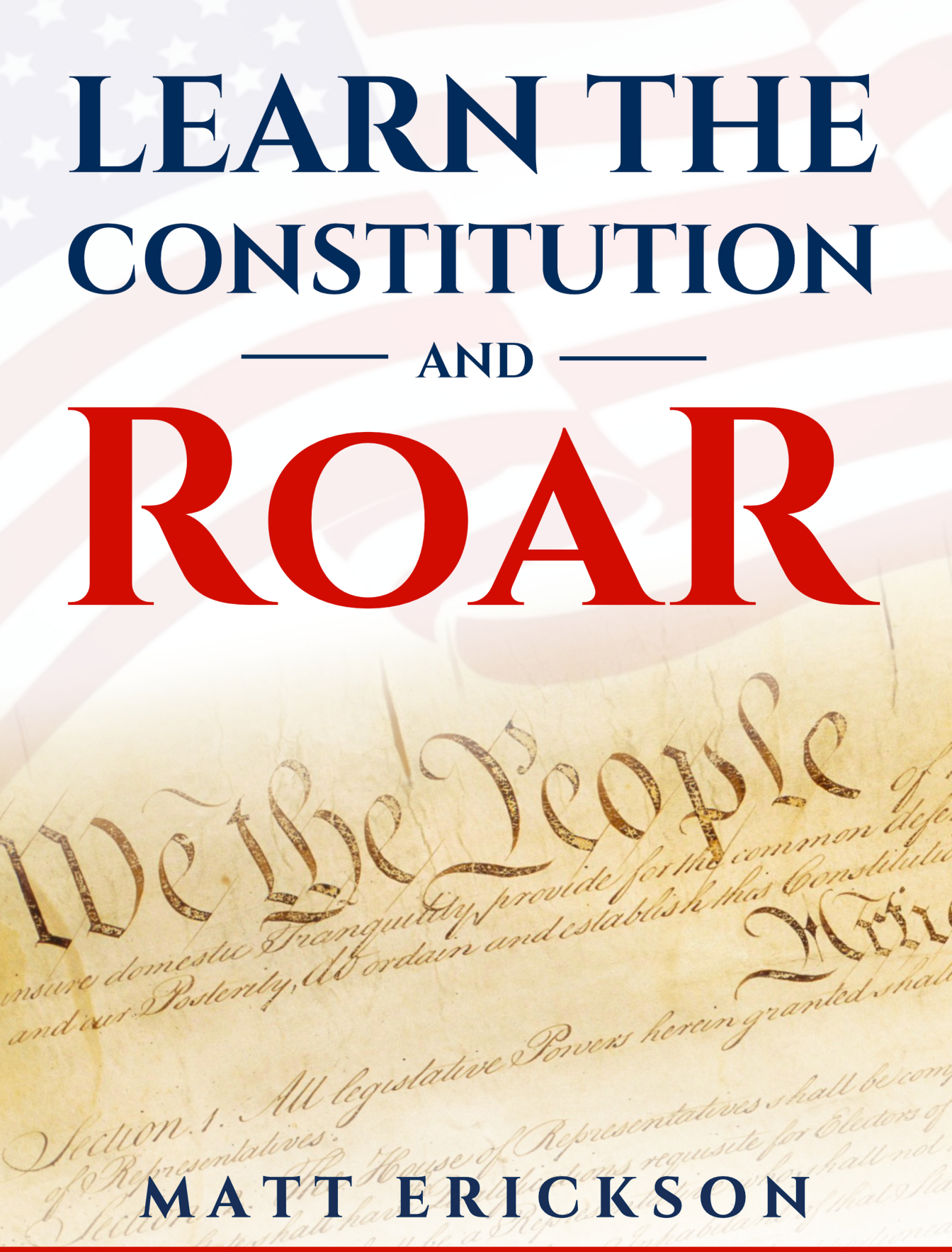
LEARN THE CONSTITUTION AND ROAR



MATT ERICKSON

RESTORE OUR AMERICAN REPUBLIC

LEARN THE CONSTITUTION AND ROAR

By:

Matt Erickson

LEARN THE CONSTITUTION AND ROAR

www.PatriotCorps.org

www.LearnTheConstitutionAndROAR.com

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To my loving wife, Pam; for all her love and support

www.FoundationForLiberty.org

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Preface

Learn The Constitution And ROAR leads readers on a journey through the *originally-ratified* U.S. Constitution, from the Framers' and Ratifiers' perspectives, from the Preamble through Article VII.

Please note that the amendments are NOT covered herein, except in passing (they'll be covered in a separate, later-planned study).

Why do conservative-minded or libertarian-leaning Patriots allow election-winners and appointed federal officials to do as they please, even when their actions violate our founding principles and the spirit of the Constitution?

Evidently, it's because we haven't yet put in sufficient effort, to discover how clever scoundrels have effectively bypassed what the Framers and Ratifiers gave us, that hasn't changed, beyond the 27 ratified amendments.

It's imperative to realize that members of Congress, American Presidents and Supreme Court justices (individually, or together) may *never* change the Constitution, nor the allowed federal powers that they may everywhere in the Union directly exercise.

Thankfully, members of Congress—the *delegates* of the individual States who meet together to carry out their delegated duty as a group—and federal officers of the executive and judicial branches—the *agents*—may *never* override or overrule the *principals*—the States—except by the latter's default.

While members of Congress may of course *propose* amendments, only the States get to *ratify* them.

The inviolable truth of the matter is that everything we face today that is beyond the spirit of the Constitution is but clever fraud, that we may permanently cast off, outside the election process, if we but take the time to discover the hidden source and root cause of *The Make-Believe Rule of Paper Tyrants*, who absurdly proclaim to be our Political Masters.

Americans face but one political problem federally, even as it has a thousand irrelevant symptoms, which is how federal servants may ignore or bypass their normal constitutional parameters, with impunity. The individual topics of transgressions don't much matter.

Thankfully, we may cure what we are able to correctly diagnose, but we cannot diagnose what we don't know.

LearnTheConstitution And ROAR teaches the *normal* case of allowable federal action, so readers know well what is allowed federally, to realize when they are facing abnormal actions.

Readers are also given a glimpse of the *abnormal* case—explaining (using strict construction of the Constitution) how federal servants were ever able to ignore or bypass their normal constitutional parameters with impunity.

LearnTheConstitution And ROAR lastly provides readers a foretaste of how we may *Restore Our American Republic, Once and For All* or even *Happily-Ever-After*.

Get ready to discover your American birthright (or your right as a naturalized citizen), if you're willing to live up to that promise and potential.

Author's Note

Learn The Constitution And ROAR contains the bound Lessons from the Patriot Corps' *Learn The Constitution In One Year* Program Course, that is available in video, audio, or pdf formats.

While the *Learn The Constitution In One Year* Program Course sends out emailed notification every two weeks for a year that a new Lesson has become available (to keep Lessons consistently in front of viewers, without overwhelming them), separately-available for immediate-intake is the Patriot Corps' *Learn The Constitution At Your Own Pace* Program Course.

Please realize that the content is the same for all three delivery options (the book, the year-long online course, or the immediately-available online course), just laid out and packaged for different consumption preferences.

The Patriot Corps' *Learn The Constitution* Program Course—no matter how delivered—teaches the originally-ratified U.S. Constitution, from a strict-constructionist viewpoint, covering the Preamble through Article VII (the amendments will be covered in a *separate* Program Course).

A word on Lesson format…

While the *Learn The Constitution* Program Course (Lessons 01-28 [with Lessons 29 and 30 as bonus Lessons]) has a paywall, Lesson 00 (Lesson Zero) covering the Preamble was originally created as a free Lesson, outside the paid course, yet requiring a formal opt-in sign-up to view it.

Later, however, I decided to offer another free Lesson (the Introductory Lesson 000) that described the Program Course, that the public could watch—or listen to, or read—without even opting in or signing up.

The content of those two Lessons overlapped to a degree, as I wanted some of the information found in the Preamble Lesson to be available in the Introductory Lesson.

Later, I decided to offer the Patriot Corps *SNIFF* Premium Course—originally a paid program—also available to the general public, without cost, so they could catch a glimpse of abnormal federal actions.

I then created a separate Overview Lesson (for an introduction to the *SNIFF* Premium Course), which overview is found at the landing page:

https://www.LearnTheConstitutionInOneYear.com

Step #2 at that website address now contains the four-lesson *SNIFF* Premium Course, to *Seek New Information First & Foremost.*

The direct link to the *SNIFF* Premium Course is:

https://www.LearnTheConstitutionInOneYear.com/SNIFF2

While the Patriot Corps' *Program Courses* cover the *normal case* of allowable federal authority, the Patriot Corps' *Premium Courses* cover the *abnormal cases* involving invalid federal actions.

Due to the *LearnTheConstitutionInOneYear* Program Course (also called *Constitution-101)* originally being a work-in-progress effort, the Overview Lesson, the Lesson 000 Introduction, and Lesson 00 on the Preamble have ended up containing some overlapping content, but they're all nevertheless individually-included within this book.

For those wanting to avoid needless repetition, I recommend reading through the *Overview* and all four Lessons of the *SNIFF* Premium Course, and then skimming quickly through Lesson 00 on the Preamble (perhaps skipping the Introductory Lesson 000 altogether).

Please realize however that a little repetition on misunderstood principles goes a long way towards blasting through prior roadblocks and building the proper foundation needed to add additional information later.

The *SNIFF* Premium Course, incidentally, is offered as the Patriot Corps' shortest explanation of *abnormal* federal actions, to give Patriots a "jig-saw puzzle box-top" view of how all the separate pieces of the federal puzzle fit together (where everyday federal actions, which *appear* to violate founding principles supported by the supreme Law of the Land, yet survive [ineffective] court challenge).

While the ***Learn The Constitution And ROAR*** book of course contains both the *Free Program Course Content* and the *Paid Program Course Content*, a free pdf of the free content portion of the book is readily available for Patriots to read free of charge, to better assess the content of the book prior to purchase. See www.LearnAndROAR.com for the link.

Later-available Premium Courses (created as demand requires and time & budget allow) will look into the *abnormal* case to a greater extent, to prove true some of the general assumptions provided in the Program Courses.

In the meantime, feel free to read some of the public-domain Patriot Corps books, especially *Two Hundred Years of Tyranny, Understanding Federal Tyranny, The Patriot Quest to Restore Our American Republic, Dollars and nonCents,* and *Monetary Laws of the United States*, readily available electronically free-of-charge at www.PatriotCorps.org/books.

In liberty,

Matt Erickson

Learn The Constitution Program Course Overview

Hello, I'm the digital twin of Patriot Corps Founder and President Matt Erickson, here to speak his written words on the lost principles of our American Republic.

Our U.S. Constitution may be viewed symbolically as a State-approved map that directs the construction of federal train tracks and authorizes federal trains to stop at approved train stations and permitted railway yards that are otherwise found in the States.

The States designed and approved the map which laid out this fictional train system, to accomplish named tasks, while avoiding interference with State and local traffic yet reserved to State highways and local roadways.

However, it merely took a strong magnet cleverly applied to the side of the compass that was used to layout and build that railway system, to illegitimately enable railway lines to be built to destinations the States never authorized or intended.

To restore the lost principles of our American Republic, we need only learn to read the lawfully-approved map and discover how to identify and remove improperly-applied magnets and recalibrate our compass, so we may return those routes to the States where they belong.

Please realize that with train tracks already laid to unauthorized destinations, it matters little who operates or conducts the train, other than changing the time of arriving at destinations never intended by the principals.

Which explains the Patriot Corps' *LearnTheConstitutionInOneYear* Program Course, to teach the normal case of allowable federal action, by looking through the Founders' lens, in two 10-to-15-minute Lessons per month, for a year, to learn the originally-ratified U.S. Constitution, from the Preamble through Article VII.

This *LearnTheConstitutionInOneYear* Program Course concentrates on map-reading, but also speaks to compass use, so we may learn to again trust our map *and* compass.

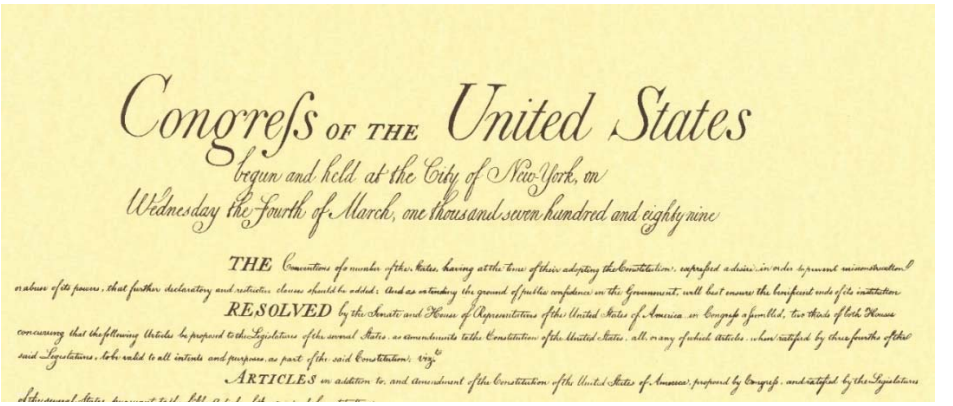
By the way, the Patriot Corps *SNIFF* Premium Course, available at Step #2 after this video, jumps right in to explain how to identify magnets for removal, as it teaches Patriots to *Seek New Information First & Foremost*, to get to the heart of the matter, of federal servants ingeniously being able to act like our political masters.

A simple test to check the proper understanding of our map and compass may be found by examining the unassuming phrase "Congress of the United States."

The definition you've heard your whole life—Congress being the legislative branch of the federal government which enacts U.S. law—rests upon the false assertion that Congress is, in its most basic form, an entity.

While that response may sound sufficient, it isn't—not at all—which a quick look to the Preamble *to the Bill of Rights* helps prove, as it begins:

> "Congress of the United States, *begun and held* at the City of New-York, on Wednesday the Fourth of March, one thousand seven hundred and eighty-nine."



Congress of the United States

begun and held at the City of New-York, on

Wednesday the Fourth of March, one thousand seven hundred and eighty nine

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.

ARTICLES in addition to, and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures

Please notice the first eight words, which are: "Congress of the United States, *begun and* held."

If "Congress" were a "branch" of the U.S. government—an "entity"—as Americans the country-over falsely presume, then those terms should be able to be substituted and yet have the altered sentence make sense.

"Branch of the United States, *begun and held,"* however, doesn't make sense. Neither does *"Entity* of the United States, *begun and held,"* for neither *entities* nor *branches* may ever be *"held,"* even if they may be created and thereby "begin."

If the way you personally describe "Congress" doesn't coincide with its explicit use in the Bill of Rights—or the U.S. Constitution and the Declaration of Independence, for that matter—perhaps this explains how federal train tracks were ever laid to improper destinations, since these errors have long been with us.

Please don't summarily ignore evidence that shows that faulty understanding of our founding principles lies at the heart of our worsening political condition, simply because it means that we must share some of the blame.

Before delving into "Congress," it helps to investigate the meaning of the phrase—"of the United States"—since the Preamble of the Bill of Rights speaks to the Congress *"of the United States*."

Pronouns have increasingly been in the public eye, but not for the right political reason, which is to realize that the Framers of the Constitution used plural pronouns to substitute both for "Congress" and "the United States," despite invalid substitutions later with singular pronouns.

For example, Article III, Section 3 lists the constitutional definition for *"Treason against the United States,"* as consisting "only in levying War against *them*, or in adhering to *their* Enemies," giving those enemies "Aid and Comfort."

That the Constitution uses the plural pronoun "them" and the possessive plural pronoun "their," in the passage to refer back to "the United

States"—rather than "it" and "its"—shows "the United States" to be a *plural* term, referring to the group of individual States who united together for mutual benefit, rather than a singular entity of its own volition and will.

The Eleventh Amendment goes even further, when it limits the federal judiciary from being used against "*one* of *the United States*" by Citizens of other States or foreign States.

That even *after* ratification of the Constitution, an amendment later concedes to a *multitude* of "United States"—now 50, just like the Declaration of Independence in its opening line spoke of the "*thirteen* united States of America," *before* the Constitution was ratified—shows that Americans must question their faulty understanding of even basic terms that yet rest upon founding principles.

The Thirteenth Amendment also points to the plural understanding of "the United States" as it prohibits slavery and involuntary servitude, except as judicial punishment, "within *the United States*, or any place subject to *their* jurisdiction."

Article I likewise speaks to a plural understanding of "the United States" when Section 9, Clause 8 says that "No Title of Nobility shall be granted by *the United States:* And no Person holding any Office of Profit or Trust under *them*…" shall accept any present, emolument, office or title from any King, Prince or foreign State without the consent of Congress. The separate prohibition found in Section 10 that keeps the States from also granting Titles of Nobility in their individual capacities shows that the term "*the United States"* points to the united capacity of those same States when they act together through their delegates.

And, Article II details in Section 1, Clause 7, that "The President…shall not receive within that Period any other Emolument from *the United States*, or any of *them*."

These passages show the correct plural meaning of "the United States" to be all the States of the American Union who united together under the

express terms of the U.S. Constitution, for mutual benefit and common concern.

Strictly speaking, "Congress of the United States" therefore points to the Congress of the States whose individual delegates assemble together in a joint legislative meeting, to carry out their joint business at hand, according to their agreed-upon joint powers.

Article I of the Constitution directly refers to "Congress" as a "meeting," in the words of Section 4, Clause 2, which detail:

> "The *Congress* shall assemble at least once in every Year, and *such Meeting* shall be on the first Monday in December, unless they shall by Law appoint a different Day."

When the Framers of the Constitution substituted the phrase "*such* Meeting" for "Congress" in this clause, they confirmed the terms to be equivalent.

Article I verifies "Congress" to be a "Meeting," when Section 2, Clause 3 declares:

> "The actual Enumeration shall be made within three Years after *the first Meeting of the Congress of the United States."*

So let's substitute the word "Meeting" for "Congress" in the Preamble of the Bill of Rights so we may test if the substitution makes sense.

Since "Meetings" may "begin" and may also be "held," then "Meeting of the United States" is therefore an acceptable substitute for "Congress of the United States."

From the passage found in Article I, Section 4 cited a moment ago, we saw that "Congress *shall assemble* at least once in every Year." Here we learn that members of Congress *assemble*-together in a "Meeting," which may be reciprocally stated as *members* meet together in an "Assembly," which is a common term for a legislative meeting.

"Assembly of the United States, *begun and held"* also makes sense, for assemblies and legislative-assemblies may begin and assemblies and legislative-assemblies may be held.

The Constitution also shows three times that members assemble together in a legislative or congressional session, in Article I, Sections 5 & 6, and also in Article II, Section 2.

Like "Meeting" and "Assembly," so too does "Session of the United States, begun and held" make perfect sense, as does "Congressional Session of the United States" and "Legislative Session of the United States."

This brief exercise shows us in three different ways, that "Congress…begun and held" makes sense, only when we understand *Congress* to be a *meeting or assembling of the States together in a joint legislative session of Congress* through their delegates. It reciprocally also shows us that "Congress" never makes sense when viewed as an *entity* or *branch*.

Why does this matter, you may ask. It matters because it is difficult to cure what we cannot accurately diagnose.

It also matters because if Congress and the United States are not actually entities *separate from* and *superior to* the States as Americans dangerously believe—but merely collective terms referencing individual States acting together for common benefit through delegates—*then there can never be an "us-verses-them" political battle between an all-powerful United States and the impotent and separate several States*.

The fact is that there is no "United States" without the several States themselves, *just as there is no "family" without individual people.*

When you finally realize that "the United States" *are* just the States united together in common Union acting through elected delegates, you won't again be misled into thinking delegates and agents may ever be superior to the principals.

Just as no separate "family" entity exists—instead only a grouping of individual people—neither do the terms "The United States" or "United States of America" formally describe an entity with its own separate existence.

There is, however, the Government of the United States, which consists of the executive and judicial branches, with its employed federal officers, who never represent any State of the Union, but who instead are merely the lowly hired guns who carry out the expressed will of Congress acting within members' delegated powers as described in the U.S. Constitution as ratified by the several States.

The idea that federal officers of *The Government of the United States*—who are but inferior agents to the States as the States necessarily remain the decision-making principals of the compact—may yet dictate to and overrule the States, is *The Biggest Lie* that Patriots have ever believed to their detriment.

Digging deeper, we find that the Constitution doesn't refer to "Congress" with the singular pronoun "it" as if it were an "entity" or "branch," either—but instead uses *plural* pronouns here also.

From Article I, Section 4 (Clause 2) earlier cited, recall the passage:

> "*Congress* shall assemble…on the first Monday in December, unless *they* shall by Law appoint a different Day."

By the Framers using the *plural* pronoun "they"—instead of the singular pronoun "it"— they confirmed the plural nature of "Congress" as the body of delegates of the individual States who meet together under the Constitution.

Article I likewise says—in Section 7, Clause 2—that if the President does not return a proposed bill within ten Days, the same shall be a law, "unless the Congress, by *their* Adjournment prevent its Return."

Article II, Section 2—in Clause 2—says that *"Congress* may by Law vest the Appointment of such inferior Officers, as *they* think proper," in one of three areas.

Lastly, Article II, Section 3 details that the President shall "give to the *Congress* Information of the State of the Union, and recommend to *their* Consideration such Measures as he shall judge necessary and expedient."

A deeper look to the Bill of Rights further confirms this *plural* nature of Congress.

Please realize that the Bill of Rights began its life as a *joint resolution* of Congress. The second paragraph of the Preamble to the Bill of Rights—after its heading—begins—as does every joint resolution—with the following phrase:

> *"Resolved*, by the Senate and House of Representatives of the United States of America, *in Congress assembled*…"

The phrase is similar to the wording used to begin every legislative Act, which says;

> *"Be it enacted* by the Senate and House of Representatives of the United States of America, *in Congress assembled*…"

These recitals found in every legislative resolution and every enactment of American law all confirm that the Senators and Representatives of the several States *assemble* together in a joint *meeting* of Congress—they *meet* together in a legislative assembly*;* they *congregate* together in a legislative *session* of Congress; they *convene* together in a congressional session—to conduct the business at hand for the *Union of States;* who united together under the express terms of the U.S. Constitution, for common benefit and mutual advantage.

These passages found in the supreme Law of the Land show Congress to be but the federal arm of the American States, operating with and through their elected delegates, as the States remain the principals who drive forward the overarching organizational structure, if they remain up to the task.

Neither the delegates of the States themselves, nor the hired federal officers of the executive or judicial branches, may ever overrule or override the expressed will of their principals, except by the latter's default, whenever the principals—like unfit parents— abdicate their responsibilities and let their delegates and agents run wild, without adequate adult supervision.

Thankfully, what matters most isn't "*who* happens to be chosen as individual delegates or agents"—that is, *who* may become train engineers or conductors. Instead, it's the delegated federal powers—or *where* federal train tracks may be laid.

The critical point is *how* federal servants may *ever* ignore or bypass those directives and seemingly act as our political masters—*how* federal train tracks were ever laid to unapproved destinations.

Since the authorization map hasn't changed beyond 27 ratified amendments, with many of those amendments not adding new destinations, but simply clarifying where new stations *could not* be added, we may yet shut down invalid federal train stations.

The Article V amendment process proves that only *States* get to change the map and authorize new federal train stations—never federal servants, no matter their intentions.

Thankfully, *nothing* any federal servant has *ever* done, has *ever* changed the Constitution, or their allowed powers that they may everywhere in the Union exercise.

Since no train operator or conductor ever gets to change the authorization map, then we can remove unauthorized magnets from the compass and recalibrate it, and verify the allowed train stations by learning the map, and pull up improperly-laid rails or transfer their operation to the States, where non-delegated traffic belongs.

In other words, we need only cast off a false rule inappropriately extended over us, which doesn't take elections or appointments, attempting to choose angels who may exercise unlimited power benevolently. Instead, we need only individually change our mistaken perceptions and false presumptions, which again brings up the Patriot Corps' *Learn The Constitution In One Year* Program Course.

In a 10-to-15-minute Lesson twice per month—for as little as $5 per month—the Patriot Corps' *Learn The Constitution In One Year* Program Course teaches the originally-ratified Constitution within one year, to teach the normal case of allowed federal action, and introduces Patriots to

the clever bypass-mechanism used by federal servants to support *The Make-Believe Rule of Paper Tyrants*.

For more information, please go to www.LearnTheConstitutionInOneYear.com.

To make sure you realize it, the important thing isn't that you understood everything you heard today on your first hearing of it, but only to keep at it, until you do.

Patriot CORPS

SNIFF Premium Course

Seek New Information First & Foremost

SNIFF Lesson I

Nearly 250 years ago, our fore-fathers mutually pledged their lives, their fortunes, and their sacred honor, to establish individual liberty and limited government in these United States of America.

Tragically, our original course was soon altered by devious men seeking dishonorable gain. But, Patriots today may study the trail of evidence left behind by Paper Tyrants so we may learn to end their *Make-Believe Rule*.

Here's a serious question. If your individual efforts—outside the election process—could make the difference in restoring the Founders' original vision within your lifetime, how much time, energy and money would you be willing to commit to the worthy effort?

Perhaps you won't even consider the question, though, because you think the premise that underlies the question is absurd. After all, who would have the gall to think that we could ever win the political battle we face, outside the election process, no less.

By the end of this brief video course, however, the Patriot Corps is hoping at least a few viewers will rethink that fatalistic perspective, because looking at old problems in a bold new light holds the realistic promise of a spectacular future.

Hello, I am the digital twin of Patriot Corps Founder and President Matt Erickson, here to speak his written words, as we welcome you to this video course known as *SNIFF*, as we *Seek New Information First &*

Foremost.

The Patriot Corps argues first and foremost that Americans need a new way forward, because the actions we have implemented based upon our mistaken premises aren't working.

And, that new way forward for us is actually a very old way, for our country—which is to ensure that only named powers are exercised, *no matter who wins federal election*s *or who gets appointed to federal offices.*

In other words, instead of concentrating upon voting and elections—Democracy—we focus on our Constitutional Republic, where only named powers may be directly exercised throughout the country, using necessary and proper means.

Therefore, we learn to confine all election winners—and all appointed federal officers—to their sworn oaths to support the Constitution, *just like the Constitution says!*

We start that process by ending the free pass that we have unintentionally given to those who corrupt our country's founding principles. Next, we challenge the clever lies that were told to us a million times to induce us to give in and give up.

Although paper tyrants brazenly declare that we must obey them without question and that they may rule over us without challenge, they are neither all-powerful wizards nor magical genies.

Instead, they are frauds who have distorted the founding principles of American government in order to steal our birthright. As you can imagine, they'll stop at nothing, in order to win.

But, we Patriots aren't powerless. If we reframe our internal thoughts, we may learn to see through our opponents' deceit, discovering that lies can no longer bind us, *once we investigate things from the proper perspective and finally respond accordingly.*

When Americans look at federal actions today, we typically see hundreds of unconnected problems, widespread chaos, and rampant uncertainty. We don't know where to begin.

Therefore, the appropriate next step is to make a *molehill* out of what falsely appears to be an unscalable *mountain*. The Patriot Corps concentrates on the common denominator—the underlying cause—that is necessarily found at the root of all inappropriate federal actions.

Americans ultimately face but *one* fundamental political problem, at the federal level.

And, that single political problem federally is how government servants who swear an oath to support the Constitution—which oath necessarily binds them to the Constitution's terms—have nevertheless been able to ignore or bypass their normal constitutional parameters, with impunity. Everything contrary to the spirit of the Constitution necessarily rests upon that false base.

Therefore, we concentrate upon the clever means federal servants use to bypass their normal constitutional parameters without consequence, and then end the charade.

As the U.S. Constitution clearly details, changes to it may only be made by the American States, when three-fourths of them ratify formal amendment proposals.

Only the States working together may change the U.S. Constitution and only the States working together may change the allowed federal powers that members of Congress and federal officials may directly exercise throughout the country. The necessary consequence of these two central parameters is that *nothing* federal servants have themselves *ever* done that is outside the spirit of the Constitution, has actually ever *changed* anything. Instead, we face only a convincing illusion, that we may learn to see beyond and through, to get back to reality.

The required oaths that all federal servants must take so they may exercise delegated federal power proves their subservience to the Constitution *and therefore an utter inability to change it*.

It is therefore entirely possible to cast off a false rule that has been inappropriately extended over us and we start that noble effort by learning about and then exposing the devious mechanism used to bypass normal

constitutional parameters to the purifying light of day.

Our first step is to examine the highly-unusual exception to all the normal rules of the U.S. Constitution, *where the Constitution curiously allows itself to be ignored.*

It is not at all uncommon, whenever rules are given, that they apply to a normal case. There is often an odd exception or two, when and where the normal rules simply do not apply.

Well, the U.S. Constitution is no different in this regard, not only in having normal rules, *but also having a* highly-unusual exception.

The success of federal servants doing as they please rests entirely upon their use of the highly-unusual exception, *outside of allowable places,* instead of the normal rules, that are everywhere valid.

Of course, they also hide what they are doing, so we don't easily stop them, because we may cure what we are able to accurately diagnose.

Before looking at the highly-unusual exception to all the normal rules, it is important to realize that 98% of the U.S. Constitution speaks to the normal case.

The normal case involves the *division* of allowable governing powers, into the named federal powers and reserved State powers.

The prescribed federal authority in the *normal* case may be broadly described as the *Little Powers* that may be implemented within the *Big Implementation Area.*

This wording doesn't mean to infer that the delineated federal powers are inconsequential; *Little Powers* instead refers to the named powers *that are few in number* and specifically written down, as the enumerated federal powers found listed within the U.S. Constitution.

The *Big Implementation Area* of course refers to the 50 States of the Union—one hundred percent of all American lands.

But, American lands are not all the same kind, even as the *Little Powers* reach all of them, no matter their type.

One percent of the Constitution speaks to the highly-unusual exception to all the normal rules.

This unusual exception involves unique parcels of land known as the *exclusive legislative lands* of Congress, *where an alternate source of allowable governing authority exists.*

The first category of special lands is the District of Columbia.

The second category of special lands includes the many forts, magazines, arsenals, dockyards and other needful buildings, scattered throughout the Union, that were often long ago ceded or transferred by particular States, to Congress and the U.S. Government.

Particular States not only transferred to Congress individual parcels of land for special federal purposes, *but the ceding State also voluntarily gave up all its remaining State governing authority over each transferred parcel*. This was to meet the specific constitutional command, for Congress to be able to exercise "exclusive" legislation "in all Cases whatsoever" over these soon-to-be-created special federal areas.

What is most important to realize involving this *special* case, is whatever is governed *exclusively* by Congress, *isn't shared* with any American State.

The critical factor to realize here with this highly-unusual and exceptional case, involving one percent of the Constitution, is that governing powers on special lands *aren't* divided into enumerated federal powers and reserved State powers, *like everywhere else.*

Instead, within exclusive legislation areas, all governing powers have been *united* or *consolidated* in Congress.

We may reference the exclusive legislation parcels of Congress as "Little Implementation Areas"—small enclaves governed exclusively by federal authority. These *Little Implementation Areas* will be covered more fully in the next video, in Lesson II of this *SNIFF* Premium Course.

The powers available to Congress in these *Little Implementation Areas* may be generally described as *Big Powers.* We'll address the *Big Powers* in Lesson III.

Finally, Lesson IV will show how devious men cleverly extended the allowable *Big Powers* that federal servants may directly exercise in *Little Implementation Areas*, instead, indirectly throughout the *Big Implementation Area,* making it falsely appear that they have magical powers to do as they please, *everywhere*.

Two hundred years of escalating federal tyranny rests solely upon the false extension of special *Big Powers* that are readily allowable for the *Little Implementation Areas,* instead, into the *Big Implementation Area.*

But, because the U.S. Constitution *never* authorizes the *direct* exercise of special *Big Powers* into the *Big Implementation Area*, we Patriots may ultimately end this false extension of an allowed special authority beyond its authorized and allowable boundaries.

It is appropriate to mention, however, that the Constitution as it is currently worded does not automatically prohibit the *indirect* extension of special *Big Powers* into the *Big Implementation Area.* Instead, Americans must either consciously stop it in the single case whenever confronted by it or change the Constitution to make it automatic in all cases.

Please join me next for Lesson II, where we'll investigate the *Little Implementation Areas*, themselves.

Patriot CORPS

SNIFF Premium Course

Seek New Information First & Foremost

SNIFF Lesson II

In Lesson I of the Patriot Corps *Premier Course* known as *SNIFF*—which again is short for *Seek New Information First & Foremost*—I relayed that allowable governing powers in the United States were in the normal case *divided* by ratification of the U.S. Constitution, into enumerated federal powers and reserved State authority.

The enumerated federal powers in this normal case may be generally described as the *Little Powers* that may be directly implemented in the *Big Implementation Area*—throughout the whole Union.

However, in the abnormal case—described by one percent of the Constitution—*Big Powers* may be directly implemented in special *Little Implementation Areas*, which areas include the District of Columbia and exclusive legislation area forts, magazines, arsenals, dockyards and other needful buildings.

The Great Deception—where it falsely appears that federal servants may become our political masters—may be simply understood as these servants cleverly extending their special Big Powers *beyond* the appropriate *Little Implementation Areas*, instead, indirectly into the inappropriate *Big Implementation Area*.

This behind-the-scenes and under-the-radar false extension of allowed special powers beyond directly-allowable boundaries shows us the path forward, *because what is indirectly extended by deception cannot withstand a direct challenge fully brought out into the open.*

Americans are being bound in chains by paper tyrants who deviously proclaim the miraculous power to transform their enumerated *Little Powers* into all-encompassing *Big Powers,* as if by magic, so they may exercise *Big Powers* in a *Big Implementation Area*.

But the U.S. Constitution *never* authorizes this false extension, even as it is currently worded doesn't automatically prevent it from happening, *indirectly*.

As the Constitution is currently worded, citizens must stand up and intentionally do the work ourselves, in each case.

The good news is that we may amend the Constitution to directly prohibit the indirect extension of special *Big Powers* beyond *Little Implementation Areas.*

The great news is that we don't actually have to amend the Constitution, to *contain* those special powers to named boundaries. But, *without an amendment* doing it automatically in every case, we will have to be intentional about enforcing it, individually, in each case.

The fantastic news is that we may contain or cast off *all inappropriate federal activity* that is beyond the spirit of the Constitution, by ending this false charade of deviously extending allowed special powers beyond allowable special, exclusive-legislation area boundaries.

No person who exercises delegated federal authority has ever *changed* the Constitution. No person who exercises delegated federal authority has ever *changed* the allowed powers that they may directly exercise everywhere in the Union.

Therefore, members of Congress, American Presidents and Supreme Court justices, *may never change anything that matters*. Nothing they have ever done that is outside the spirit of the Constitution may ever directly bind Americans or the States outside of the *Little Implementation Areas.*

Remember, *only* the American States may change the Constitution or the allowed powers that federal servants may directly exercise throughout the

country.

Therefore, other than in exclusive legislation areas—right now—all federal actions *beyond* the spirit of the Constitution may be stopped, discontinued, ceased, halted, withdrawn, ended, axed, and terminated, *without* an election and *without* enacting any specific piece of legislation.

We must merely stop allowing the special powers allowable only for exclusive legislation areas to be exercised in the general area, which means that we must stop the false extension of *Big Powers* beyond the *Little Implementation Areas*. Or stated more directly, we must stop the indirect exercise of *Big Powers* into the *Big Implementation Area.*

Let's dive into the *Little Implementation Areas*, to get a better understanding of them, to learn how to proceed.

The exclusive legislation lands of Congress include first the District of Columbia, which may not, by express constitutional command, exceed an area ten-miles-square in size. Ten-miles-square is 100 square miles, or some 64,000 acres, in maximum size.

Also, within the heading of exclusive legislation lands, one will find individual post offices, federal courthouses, old lighthouses, and other older, historic-use structures, but they do not include the federal "public lands" found in the western States.

Only about one-third of military forts and army bases are found on exclusive legislation lands—most military installations are yet located on lands otherwise governed by the States.

It is true that the States largely take a hands-off policy towards all federally-owned parcels, even those not found within exclusive legislative authority, but that doesn't mean State authority doesn't extend over these federally-owned lands that the particular States never ceded to Congress in the individual case.

As the seventeenth clause of the eighth section of the first article of the U.S. Constitution tells us, these special federal areas were created only by "cessions" of "particular States" and the "acceptance" of Congress.

Particular States ceded or willingly transferred particular parcels of ground to Congress for special uses. Once Congress accepted the individual parcels, governing authority over these ceded tracts of land passed to Congress, *exclusively*. Think of the transfer process as a formal treaty between two sovereigns, transferring the ability to govern the area, from one authority to another.

Whereas *every* State of the Union ratified the U.S. Constitution, and at least *three-fourths* of the American States ratified all the approved amendments, it only takes *one* State—the *particular* States in which a particular parcel of land happens to be located—to give Congress exclusive legislation authority over the ceded tract of land for special federal purposes.

While exclusive legislation powers *shouldn't* be relevant *outside* exclusive legislation boundaries, as long as devious men may indirectly exercise this unfathomable power without challenge means that they will keep using it improperly, until they are stopped.

Lesson IV will cover how clever crooks ever tapped into this source of unlimited power illegitimately, but only because Americans weren't paying sufficient attention to the only thing that matters.

The future of American freedom rests entirely upon our individual willingness to look behind this particular curtain, so Patriots may discover the spectacular source of a wizard-like power that defies comprehension.

So how does this discussion about *Little Powers* in the *Big Implementation Area* and *Big Powers* in the *Little Implementation Areas* fit into our present horrid political condition, where federal servants act like our political masters?

The Make-Believe Rule of Paper Tyrants rests entirely upon the devious substitution of the latter *Big Powers* into the former *Big Implementation Area,* when no one was looking.

A simple legal sleight of hand falsely appears to transform—within the *Big Implementation Area*—the allowed *Little Powers*, ostensibly into *Big Powers*, as if by magic.

Of course, federal servants can never actually change their *Little Powers* into *Big Powers*, not in reality, nor by non-existent magic. Because nowhere does the U.S. Constitution ever allow the *direct* exercise of *Big Powers* in the *Big Implementation Area.*

Federal servants merely bluff their way, using an allowed special power, beyond special area boundaries, improperly. Of course, they also create confusion, to cover up what they are doing behind the curtain.

Therefore, our first and foremost objective as Patriots must be to understand what is going on behind the curtain and then work to bring it out into the open, to end the charade. We *sniff* around until we discover the curtain that is covering it up, pull back the curtain, and then *bark* like crazy to draw attention to the only thing that matters.

In the 1939 movie classic *The Wizard of Oz,* a devious charlatan created an elaborate illusion to convince people that he had magical powers. But after sniffing about and finding the source of the stench, Toto pulled back the curtain and exposed the wizard's so-called magic as nothing but hot air and a fancy sound and light show.

Our self-professed political masters are equally full of hot air, on all matters exercised throughout the Union, that are beyond the spirit of the Constitution.

Two centuries of escalating federal illusions are all about creating sufficient confusion to perpetuate a lie, that we may expose, to regain our freedom.

Of course, the crux of the matter is how do federal servants ever exercise the *Big Powers* even indirectly, in the *Big Implementation Area?*

This fundamental question will be discussed and answered in Lesson IV. But, first, please join me for Lesson III, where I investigate the *Big Powers* themselves, that are allowed in the *Little Implementation Areas*.

Patriot CORPS

SNIFF Premium Course

Seek New Information First & Foremost

SNIFF Lesson III

Welcome to Lesson III of the Patriot Corps *SNIFF* course, where we *Seek New Information First and Foremost*, as we examine the special *Big Powers* that may be directly exercised in the *Little Implementation Areas* that were covered in Lesson II.

Every once and a while, Hollywood gets it right, like *The Wizard of Oz*. The magnificent story lets Americans know that we cannot be bound by lies that we adequately expose.

And the lie most-told to Americans that we must expose is the centuries-old doozy, that boldly proclaims that federal servants may increase their own powers, by changing the meaning of words found in the U.S. Constitution.

Upon that absurd lie, rests all other lies.

Patriots would do well to follow Toto's lead, and actively *sniff* out the source of the growing political stench. In that way, we too may pull back the curtain and then *bark* like crazy to draw appropriate attention to *The Greatest Political Lie Ever Told.*

Which is why the Patriot Corps has named our premium video courses in the various actions dogs implement, especially when danger exists—to give credit to the little pooch with a small brain who nevertheless trusted his faithful nose to expose the fraud.

All federal actions *beyond* the spirit of the supreme Law of the Land

necessarily rest upon the absurd premise that members of Congress and federal officials may *reinterpret* words and phrases found in the U.S. Constitution to change their own powers. This, of course, is the *same* Constitution that they have already sworn an oath to support, which oath necessarily signifies their *subservience* to it, and therefore their utter inability to change it.

These make-believe wizards tirelessly promote the lie that the oath that they are required to take isn't simultaneously binding upon them. But, if it isn't binding, why don't they ever refuse to take it, so they don't live by a double standard that they boldly assert is impotent?

Their oath is required, precisely because it is binding. Therefore, they may ignore or bypass the Constitution *only as it already allows*.

And, the Constitution only allows itself to be bypassed when actions aren't meant "for" the whole country, but instead, when special actions are really only meant "for" special *Little Implementation Areas.*

Indeed, the U.S. Constitution was never meant to limit members of Congress acting within their exclusive legislation capacity within exclusive legislation areas.

The Constitution explicitly details that members of Congress may act exclusively and "in all Cases whatsoever" in the District Seat, even performing actions that far exceed the enumerated powers that members may directly exercise throughout the whole Union.

Besides helping us understand false wizards, Hollywood also helps us understand fictionally-magical genies.

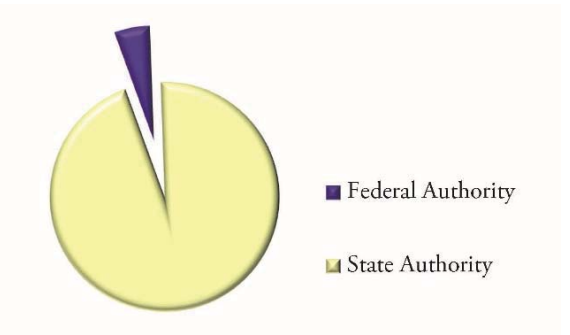
The 1992 animated Disney movie *Aladdin* said it well, that "part and parcel of the whole genie gig" is "PHENOMENAL COSMIC POWER," but it only comes with an "itty bitty living space."

The parallel here to real-life is that American "genies" also have "phenomenal cosmic power," but also necessarily that this special ability only resides within an *itty bitty living space*. I am speaking of their "bottle," where they are largely free to do as they please—the District of

Columbia and other exclusive legislation parcels—their *Little Implementation Areas.*

To understand the differences between implementation areas, it will be helpful to step back for a moment. Let's begin by dividing government authority into a pie chart. We can start with the normal case—what we may picture as the government "clock" for the *Big Implementation Area*, with some "minutes" federal, but most are yet allotted to the States, individually.

The pie chart for the normal government authority for the *Big Implementation Area divides* American governing power into its two components—enumerated federal powers and reserved State powers. This division occurred by and with States' ratifications of the U.S. Constitution.



Five "minutes" or so of allowable governing powers are those enumerated within the U.S. Constitution, that members of Congress and federal officials may directly implement throughout the Union—throughout their *Big Implementation Area*.

This leaves some 55 "minutes" of the "government hour"—a rough estimate more than adequate for our purposes—as the governing power *reserved to the American States*.

Now the federal allotment of minutes may be changed, to six or seven minutes, for example, or even back to three or four minutes, within and under the amendment procedure outlined within Article V. The 27 ratified amendments speak to this principle.

As the U.S. Constitution clearly details in the formal amendment process,

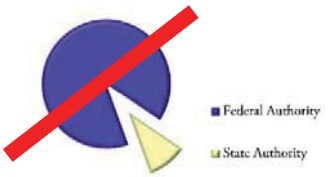
only the States of the Union are empowered to ratify amendments, just as the American States ratified the U.S. Constitution into existence in the first place.

Federal servants—hired to implement the named federal powers the States allowed members of Congress and federal officials to everywhere exercise—*never* get to make the decision to ratify changes to the U.S. Constitution.

While members of Congress may *propose* changes, American Presidents and Supreme Court justices don't ever get the opportunity to propose amendments, let alone ratify them.

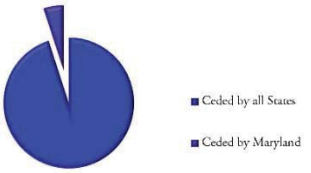
Patriots are cleverly led to falsely believe that federal servants found a way to increase their own powers for the whole Union, like a federal *Pac-Man* devouring State "minutes," to change the five federal "minutes" on the normal government clock, to 20, 30, or even 40 "minutes" or more of federal time.

This theoretical process of a federal—or even "feral"—Pac-Man which devours State authority, is wholly impossible, as both the servants' required oaths and the amendment process readily prove.



Although few Americans realize it, the U.S. Constitution also specifies *a whole other* time-clock—a distinct, exclusive legislation time-clock—that "tells time" in and for the District Seat.

And the U.S. Constitution specifies that in the District Seat, *all 60 "minutes" of every hour* are all federally-allotted minutes, at all times, "exclusively," and "in all Cases whatsoever."



Which means that in exclusive legislation areas, *members of Congress set the time!* And, not only that, but *in the District of Columbia*, NEVER do the *States* get to set the time. The States in D.C. are *powerless* to do *anything*—just like they falsely appear to be, now, in so many situations, throughout the Union.

Well, that inability of the States to impact various federal affairs is itself compelling evidence that all those nefarious actions necessarily involve only exclusive legislation parcels, *if we just knew to restrict them*.

Please realize that the 55-"minute" allotment of normal State governing authority in the normal case is guided and directed in each State by its own State Constitution.

The States also must abide by the express prohibitions levied against "States" found in the U.S. Constitution, such as "No State shall emit Bills of Credit" or "make any Thing but gold and silver Coin a Tender in Payment of Debts."

But nowhere is there a State, State-like or District Constitution guiding and directing members of Congress *in the exercise of their exclusive legislation authority in the District Seat*, for the first 55 minutes of the exclusive-legislation time-clock.

Without any express parameters anywhere existing in D.C. for the exercise of exclusive legislation—like State Constitutions guide and direct the States—means that in D.C. *members of Congress MUST MAKE UP THEIR OWN RULES, as they go along.*

And, since there's no type of copyright restriction on the words found in the U.S. Constitution that are otherwise meant for direct exercise throughout the Union, then nothing prevents members or the courts from giving *these same words* a *different meaning,* in D.C.!

The supposedly-magical power of federal servants, to reinterpret various words of the Constitution, necessarily limits those new meanings only to *Little Implementation Areas*—the only *places* where judges, members of Congress, or Presidents may ever influence matters in such a grand and majestic manner.

All exclusive legislation rules are made up within and for the *Little Implementation Areas*, along the way, without any constitutional guidance, like elsewhere State Constitutions provide. But with so much to do, that is elsewhere performed by States, members of Congress needn't do everything themselves. They may in D.C. ask for help.

While the enumerated *Little Powers* that Congress may directly exercise throughout the *Big Implementation Area* are vested only with legislative members—because of the requirement for legislative representation—members of Congress may nevertheless in the *Little Implementation Areas* ask for *exclusive* legislation help, with their *Big Powers.*

Please realize that only "States" of the Union send U.S. Representatives and U.S. Senators to meet in Congress. District residents aren't represented in Congress, even as *legislative representation* is the fundamental building block of the Union.

Without legislative representation existing in D.C., then members may freely ask for *exclusive* legislation help from alphabet agency bureaucrats of the executive branch, who may in D.C. write regulations held as law.

Members may in D.C. also allow *judges* to legislate from the bench. Or, members may create "administrative law judges," combining the available powers legislative, executive, and judicial in one person.

There isn't even any direct prohibition against seeking *outside* help—like from United Nations delegates—in the exercise of *exclusive* legislation concerns. As long as Congress approves the delegation of exclusive legislation authority within members' inherent discretion—except as they are expressly prohibited—then members may get help, from executive or judicial officers, or even foreign diplomats!

Are you beginning to understand just how extensive is this special Big

Power that is allowed in the *Little Implementation Areas?*

If not, consider this. Since members of Congress and federal officials may directly exercise State-like powers exclusively in D.C.—because of a *particular* State's earlier cession—then the Tenth Amendment has no effect in the District Seat! Indeed, after cession of State authority and land, there *aren't any powers yet reserved to any State* in D.C. for the Tenth Amendment to there in D.C. secure!

Please realize that the Tenth Amendment reserves unto the American States the powers the States reserved following their ratification of the U.S. Constitution, *except as the State or States later formally give up.*

Realize that the Tenth Amendment doesn't prevent the States from later ratifying new amendments under the Article V amendment process, to give members of Congress or federal officials more powers in a direct and formal fashion, everywhere.

Well, neither does the Tenth Amendment foreclose *particular* States from ceding *all of their remaining governing authority over specific tracts of land* given to Congress and the U.S. Government for exclusive legislation purposes, under the Article I cession clause.

After all, how could the Tenth Amendment apply within the District of Columbia, when Maryland ceded not only its parcel of land to Congress in 1791, but also entirely gave up the ability to govern that transferred parcel after Congress accepted it in 1800?

And since only one State ever governs any particular parcel of land, then no other State has any claim over that ceded parcel, either, for any other State to claim a Tenth Amendment reservation of powers, in D.C., either.

Are you beginning to understand just how extensive is this exclusive legislation power, where no State has any governing authority, and where there isn't even legislative representation, and the Tenth Amendment doesn't apply?

The *Big Powers* for the *Little Implementation Areas* are so extensive, they reach to everything but the few things expressly prohibited.

And doesn't that sound exactly like the kind of power that federal servants have been wielding, increasingly, over the decades and centuries?

The *Big Powers* members of Congress may exercise in the *Little Implementation Areas* are at the opposite end of the political spectrum as the *Little Powers* that they may directly exercise in the *Big Implementation Area*.

The *Little Powers* that Congress may exercise in the *Big Implementation Area* are the most-*limited* governing powers on the planet, being only the named powers, implemented using necessary and proper means.

The *Big Powers* that they may exercise in the *Little Implementation Areas* are the most-*powerful* on the planet, *reaching to everything beyond those few things expressly prohibited.*

Which powers would you expect power-hungry tyrants to exercise, if no one ever calls them out on the false extension of allowed special powers, to stop them?

When Patriots make the wrong arguments, don't expect tyrants to stop on their own accord and don't expect the court to argue for Patriots who don't have a clue what is going on.

Are you starting to understand why Patriots' inaccurate claims of something being "unconstitutional"—often allegedly for violating the Tenth Amendment itself—are wrong, and that inaccuracy explains why Patriots always fail?

Something cannot be facially unconstitutional—on its face—*if one clause allows it*, even if that one clause is the special exception to all the normal rules.

It is true that these special actions would be unconstitutional "as applied" beyond the *Little Implementation Areas*, *but that correct challenge is never made*. We must learn to change our strategy and narrow our claims, so we may finally win our legal arguments.

So, how did clever scoundrels ever extend their *Big Powers* to the *Big Implementation Area,* that the Constitution nowhere specifies?

Far easier than one would imagine—unfortunately.

We'll answer that important question in the final lesson.

Patriot CORPS

SNIFF Premium Course

Seek New Information First & Foremost

SNIFF Lesson IV

Welcome to the final lesson in the Patriot Corps video course *SNIFF*, short for *Seek New Information First & Foremost.*

In Lesson I, I introduced the strategy of looking to our country's founding principles for guidance, which in the normal case only allow the named *Little Powers* to be directly exercised in the *Big Implementation Area.*

In Lesson II, I discussed the highly-unusual exception to all the normal rules, for the District of Columbia and other exclusive legislation lands, where *Big Powers* may be exercised in *Little Implementation Areas* that we examined, in greater depth.

In Lesson III, I showed how far these *Big Powers* actually reached, which go so far that they defy comprehension.

In this final lesson, I will show how easy it was for Alexander Hamilton and his main partner-in-crime—U.S. Supreme Court Chief Justice John Marshall—to deviously extend the special *Big Powers* available for the *Little Implementation Areas, indirectly, beyond allowable boundaries*, into the *Big Implementation Area.*

These two devious men and their political heirs only had to use the remaining one percent of the Constitution not-yet-referenced, to throw everyone off-track.

Remember, 98% of the originally-ratified U.S. Constitution speaks to the

normal case, of allowable governing powers, good for all American lands.

And, 1% of the Constitution speaks to the *special* case, of exclusive legislation powers, for exclusive legislation parcels.

Which leaves the remaining 1% of the Constitution not yet referenced, which is Article VI, Clause 2. This clause not only says that "This Constitution…shall be the supreme Law of the Land," *but it also extends that same supremacy* designation—pointing to federal laws that bind the States—*to all laws enacted "in pursuance" of the Constitution.*

Well, Article I, Section 8, Clause 17 for the District Seat is also *necessarily* *part* of "This Constitution."

Therefore, since no words of the Constitution ever expressly exempt this clause from being **part* of "This Constitution"* that is *the "supreme Law of the Land,"* then, by the *strictest* letter of Article VI, even laws enacted "in pursuance" of Clause 17 *therefore also form *part* of the "supreme Law of the Land" that may bind the States through their judges!*

At least that is what the Supreme Court held in 1821 *Cohens v. Virginia*, when defendants didn't know what was going on, to oppose it properly, to hope to influence the Court's holding or the States to overturn it, like the Eleventh Amendment did, to the 1793 *Chisholm v. Georgia* case.

The *spirit* of the Constitution would naturally exempt Clause 17 from being part of "the supreme Law of the Land," to allow States the unhindered exercise of their reserved powers, *without* improper interference from Congress and the U.S. Government.

No laws of any State ever bind any other State, to allow each State full use of its reserved powers. Well, neither should the State-like exclusive legislation powers of Congress ever bind the States, either*, for the exact same reason*.

But, the strictest *letter* of the Constitution gives no express exemptions to any part of the Constitution to exempt that part from also constituting the supreme Law of the Land; not even Clause 17.

Therefore, Clause 17 offers devious scoundrels a false color of law—a

political safe haven—a sufficient pretext, for falsely exercising an unusual authority that is otherwise yet allowed by the same Constitution, at least whenever no one objects in a proper fashion, calling out the impropriety in an open and direct manner.

Almost by magic, Hamilton and Marshall pitted the strictest *letter* of the Constitution against its internal *spirit*, to create an inherent contradiction that has since existed between the two opposing conclusions on this particular topic.

And, Hamilton's political heirs have exploited that same bypass mechanism, to include everything being done today, that is beyond the spirit of the Constitution.

The crooks' devious bypass-mechanism does not rely upon "progressive" or "liberal" interpretations of the Constitution, as Patriots falsely claim. Instead, liberal progressives hold the Constitution so *strictly* that even strict-constructionists don't understand what is going on.

But, this doesn't preclude us from proposing and ratifying an amendment to rectify this strife, to *finally* bring the letter and spirit of the Constitution into harmony, even on this issue.

Thankfully, full and open exposure may permanently end Hamilton's devious *Government-By-Deception-Through-Redefinition-Scheme*, so we may permanently end *The Make-Believe Rule of Paper Tyrants*, without seeking to elect angels to positions of unlimited powers, who become devils in the exercise of an overabundant authority.

Voting and elections—Democracy—won't save our Constitutional Republic, of named powers, that may only be implemented using necessary and proper means. *Instead, we must limit the power of each and every person elected or appointed to positions of federal authority.*

We begin our work by refusing to listen to the incessant drivel of fraudulent wizards who seek to lead us astray, so they may extend a false jurisdiction over us. Instead, we start doing our *own* work.

In four short video lessons, the Patriot Corps introduced you to the

devious means used to short-circuit the U.S. Constitution and bend it towards evil, by using the essentially-unlimited powers allowed in the District Seat, *beyond* District boundaries.

There's almost no way for you to understand all the ramifications of this newfound information upon your first hearing of it. Therefore, I urge you to continue until you understand the important information. Simply keep putting one foot in front of the other, *along the right path*, and you'll get there, in time.

The Patriot Corps firmly believes that a directed and knowledgeable *joint effort,* working towards a common goal, will produce greater results, in a shorter period of time.

Therefore, the goal of the Patriot Corps is to build up a corps of men and women, and even children, who work together to achieve a common goal, more quickly and efficiently than one may do working all alone.

Since the hour is late and we've been losing precious ground for far too long, the Patriot Corps respectfully requests that you seriously consider becoming a Patriot Corps member so you may learn our country's founding principles.

The Patriot Corps' *LearnTheConstitutionInOneYear* Program Course will teach you the originally-ratified U.S. Constitution within a one-year time frame.

Just go to *LearnTheConstitutionInOneYear.com* and sign up today, to learn about our country's founding principles, which remain every bit as valid today as they did 200 years ago, except as perhaps modified by 27 ratified amendments.

The Patriot Corps will take every effort to teach you the information you need to become a more effective Patriot. Together we can engage in the figurative battle against false wizards and evil witches today, so we don't have to join together in a literal battle against their flying monkeys, tomorrow.

God blessed these United States of America, and the Republic upon

which they were founded, but it's up to us, to get to work to Restore Our American Republic, under His guidance.

Lesson 000: Introduction

LearnTheConstitutionInOneYear Program Course

Hello and welcome to the Introductory Lesson on the Patriot Corps *LearnTheConstitutionInOneYear* Program Course.

I'm the digital twin of Patriot Corps Founder and President Matt Erickson, here to speak his written words on learning the founding principles of our American Republic that have been all but lost to federal servants who boldly and baldly act as if they are our political masters.

But first, dare to imagine, at least for a moment, a future when members of Congress and federal officials again followed the letter and spirit of the U.S. Constitution.

Imagine an America where everyday federal actions coincided once again with our founding principles, modified only by the 27 ratified amendments.

Our federal government would be a small fraction of its current size, pursuing perhaps five percent of its current scope. The States would retain their reserved powers within their borders, without interference from the District Seat.

Congress would be fiscally responsible and we'd face deficits only in unusual circumstances. Debts would fall precipitously and prices would follow, as we returned to honest money and developed additional market efficiencies.

The federal government would once more be supported primarily by import duties, without income taxes, at least as they're known and utilized today.

Undeclared wars would be a thing of the past as the military ensured our common defense, rather than police the world. Our borders would be secure, but wouldn't resemble a prison. Foreign aid would end, helping to curtail kickbacks and graft.

The alphabet agency regulatory bureaucracies would be gone and executive departments would be trimmed considerably.

A pipe-dream, you say? What if it is instead clearly our American birthright?

And, the best part—What if these lofty goals could be restored, without even caring a great deal about who happens to win federal elections or who gets appointed to federal positions?

Even more absurd, you may perhaps counter?

But, what if the appropriate response to healthy doubts simply begins by asking the critical question: Why do you find the founding principles of our American Republic unimaginable, even as they are necessarily enshrined within our supreme Law of the Land and to which every federal servant must already swear a binding and mandatory oath, and within the clear outline of our *founding document*, the Declaration of Independence?

Is it really inconceivable that we've simply been tricked, by people who will do or say anything to further their unimaginable wealth and power, especially given that the Constitution has been changed only by 27 ratified amendments?

What if the only thing that stands between you and the America described above, is taking that critical first step in unshackling your mind and starting to question seriously, federal actions that rest upon wild claims of magical powers?

The Constitution, after all, expressly details how the Constitution and the allowable federal powers may be *changed*, and that is only by three-fourths of the American States ratifying formal amendment proposals.

We Patriots cannot let a lifetime of lies convince us that the quest for liberty is futile, certainly not when the answer may be found by rediscovering our lost principles that were so long ago deviously pushed aside and forgotten, so scoundrels could begin steering us off-course, to feather their own nests.

Sadly, a thousand inconsistencies between everyday political practices and founding principles have led generations of all-too-trusting Americans to accept the political battle as that of struggling to answer in their favor the following question:

> *"When everyday federal practices* ***clash*** *with our founding principles that are supported by the supreme Law of the Land, which side wins?"*

Tragically, even amidst escalating political losses resting but upon the magical powers of unchallengeable wizards, it never occurs to us that we must challenge this false premise, rather than continue placing our faith and effort in a rigged political game.

The question we must instead learn to ask is:

> *"How may federal practices* ***which APPEAR*** *to clash with our founding principles ever be exercised in such a way that they do not actually clash with the strictest letter of the Constitution, so they may therefore continue unabated?"*

Asking and answering the right question directs all our future work.

Thankfully, our founding principles that are supported by the supreme Law of the Land may *never* be ignored or bypassed by those who implement its named powers, *except as the Constitution allows.*

And, the Constitution only allows itself to be ignored or bypassed only when the actions in question aren't really meant "for" the Union.

Instead, all the political nonsense that we face beyond the spirit and letter of the supreme Law of the Land, that is contrary to fundamental principles of American government, is necessarily allowed *only in very special places*.

It is imperative to realize that while ratification of the U.S. Constitution *divided* allowable governing powers within the country into named federal powers and reserved State powers, one clause specifically allows all legislative powers instead to be *united* or *consolidated* in Congress.

Article I, Section 8, Clause 17 specifically allows Congress to exercise "exclusive" legislation for the District Seat and other "like-Authority" exclusive legislation parcels used for forts, magazines, arsenals, dockyards and other needful buildings, "in all Cases whatsoever."

Two centuries of ever-expanding federal nonsense rests entirely upon the exclusive-legislation authority that extends over these special federal enclaves. But that truth doesn't mean that any of the nonsense allowable therein is ever directly allowable in 999 other cases, that legally involve also the States, *at least when transgressions are effectively challenged.*

One must realize that legal arguments cannot be won with objectively-false claims, including the ever-common complaint that extreme federal actions are always unconstitutional—facially unconstitutional—every time they are exercised.

Because one may easily prove constitutional support for special-case, extraordinary actions, whenever one is transparent about it, then it necessarily follows that actions performed under that special case cannot be *facially* unconstitutional—i.e., then such actions can't *always* be unconstitutional—as far too often incorrectly alleged by well-meaning but misinformed Patriots.

As long as the exclusive legislation authority of Congress for the District of Columbia remains in existence, then Patriots must necessarily narrow their legal claims. Instead, they must learn to proclaim that special case actions are only unconstitutional *as applied* beyond the District Seat and outside of other exclusive legislation parcels.

The only thing keeping Patriots from discovering how to Restore Our American Republic, outside the election process, is their individual resistance to search for answers beyond their familiarity.

We need only learn to look behind curtains for information that we have yet to learn, to discover that it's not about *who* we elect or appoint, or even *what* is their particular political agenda.

Today we face but *one* political problem federally, even as it has a thousand irrelevant symptoms—and that is how members of Congress and federal officials have been able to bypass or ignore their normal constitutional parameters with impunity.

Like unrestrained children whose unfit parents may have told them "No" but never really meant it, our federal servants have grown accustomed to misbehaving as intolerable monsters and now seek to become our political masters.

It's time for citizens individually and the States separately to act like grownups and own up to the responsibility of learning to firmly say "No," and, resolutely, "No more."

Our federal goal cannot simply be voting for individuals who make up new rules as they please, pitifully pleading with election winners to act benevolently, but doing nothing when they don't. Instead of vainly searching for saints and begging ineffectually with sinners, we must learn to enforce the founding principles of our American Republic, *no matter who gets elected or appointed.*

If you're willing to pursue individual liberty and limited government without hesitation, the Patriot Corps offers up its *LearnTheConstitutionInOneYear* Program Course for your consideration, also called our Constitution 101 Program.

Our signature program consists of a brief, 10-to-15-minute Lesson every two weeks, to cover the originally-ratified U.S. Constitution, from the Preamble through Article VII, within a year. The Lessons are available in video, audio, or written formats, with the latter form containing references, citations and notes.

Both this and our separate Constitution 201 Program Course—which will cover the amendments separately—teach the *normal* case of allowable federal action, with Premium Courses alternatively teaching the *abnormal* case.

Emailed notification lets Patriots know when the information they need next is available, which avoids overwhelm by spacing Lessons out so Patriots may digest and ponder important information before adding more, while simultaneously ensuring the worthy goal isn't forgotten.

Our Founding Fathers mutually pledged to one-another their lives, their fortunes, and their sacred honor, to establish these United States of America—the Patriot Corps is asking you to pledge 15 minutes of your time every two weeks for a year, and as little as the equivalent of five dollars per month, to *Restore Our American Republic, Once and For All,* or even *Happily-Ever-After*.

Discover the courage it takes to make your wildest dreams of freedom in your lifetime a reality—to restore the individual liberty and limited government that our forebears paid with their lives and extensive efforts to secure.

Please don't push off this responsibility to later generations—our freedom may not last that long. Instead, do your part now, and learn to pass along a legacy of commitment to fundamental principles.

Go to www.LearnTheConstitutionInOneYear.com and sign up today, to learn to become an integral part of a bold new path forward, by learning the God-honoring principles of our past.

While we may ask God to bless again these United States of America, we can be fairly certain that He will expect us to roll up our shirt sleeves and get to work.

Lesson 00: Preamble

Union of States

Hello. I'm the digital twin of Patriot Corps Founder and President Matt Erickson, here to speak his written words on the Preamble to the U.S. Constitution.

In a time when a thousand federal practices appear to directly contradict our founding principles, who can blame Americans for feeling overwhelmed?

But, there is hope if the field of search is narrowed down to discover how federal servants do as they please, despite their sworn oaths, which of course signify their subservience to the Constitution.

Which explains the purpose of our Patriot Corps *LearnTheConstitutionInOneYear* Program Course—to learn the *normal* case, so we may make sense of *abnormal* actions and reorient our path, as soon as possible.

Without wasting a moment, let's begin.

The U.S. Constitution starts off with the Preamble, which answers the general questions of who is doing what, for whom and why.

"We the People of the United States," it begins, before detailing that the Constitution would first be ordained and established "in order to form a more-perfect Union."

If the Union became *more-perfect* by establishing the U.S. Constitution, then it necessarily follows, that the Union *pre-existed that Constitution*.

This fact challenges and ultimately refutes therefore the common misperception that Americans face a strong central power which may everywhere in the country overturn our founding principles and run rampant over allegedly-powerless States, because in that Union of States, the States yet remain the integral centerpiece in that framework.

Refuting the false premise of a federal overrun of the States also discredits all the intertwined political lies resting upon it, allowing us to cast off—even outside the election process—a false rule inappropriately extended over us.

It is proper to follow this lead then, to disprove false assumptions that misdirect our efforts and waste precious resources.

The idea that the existing Union only changed forms by adopting the Constitution is further reinforced when Article VI says that the debts contracted and engagements entered into under the Articles of Confederation, are as valid against the United States under the Constitution, as under the Confederation.

This passage confirms *the United States* to be the same Union of States, by using only one term to signify the Union, even under *two* distinct forms of government, even as the debts of the one form wouldn't otherwise constrain the other, without this section.

The Constitution confirms a continuity of the Union even further. Article VII details that the Constitution was proposed in a Convention of States on:

> "the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven *and of the Independence of the United States of America the Twelfth*."

The *twelfth* year of the independence of the United States of America—with September 17th, 1787 as the point of reference—points to an event occurring between September in 1775 and September of 1776.

All American principles, practices, and documents date the founding of these United States of America, to July 4th, 1776, with our formal declaration of independence.

With that truth—of the Union of States being the same Union since 1776, except as modified by the spirit and strictest terms of the U.S. Constitution and its 27 ratified amendments—shows the utter folly of the idea that those who bind themselves to its terms so they may exercise its named powers, could ever rule over and overrule the Constitution, that they must swear a binding oath, to support.

Americans doubt the fundamental truth of the States being in the driver's seat to their peril.

Like the Articles of Confederation and Perpetual Union, the Constitution repeatedly mentions the *Union*.

Article I requires apportionment of Representatives and direct taxes "among the several States which may be included within this *Union*."[1]

Members of Congress are given the express power "to provide for calling forth the militia to execute the laws of the *Union*."[2]

The President is directed in Article II to give to Congress "Information of the State of the *Union.*"[3]

"New States may be admitted by the Congress into this *Union*" by Article IV and the United States shall guarantee "to every State *in this Union* a Republican Form of Government."[4]

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1 Apportionment: U.S. Constitution: Article I, Section 2, Clause 3.

2 Militia: U.S. Constitution: Article I, Section 8, Clause 15.

3 State of the Union: U.S. Constitution: Article II, Section 3

4 a. State admissions: U.S. Constitution: Article IV, Section 3, Clause 2.
b. Republican Form of Government: U.S. Constitution: Article IV, Section 4.

Thinking of the *Union of States*—and its synonymous term, "the United States"—in relation to a family, helps Americans understand the underlying plural nature of both phrases.

Although the Doe family may consist of John Doe, Jane Doe, and little Johnnie and Janie, no separate family entity actually exists.

While individuals may continue independent of a family, never may a family exist *without individuals.*

The same is true of our *Union of States*—States may exist outside of the Union, but the Union as structured to this day is incapable of existing apart from the States.

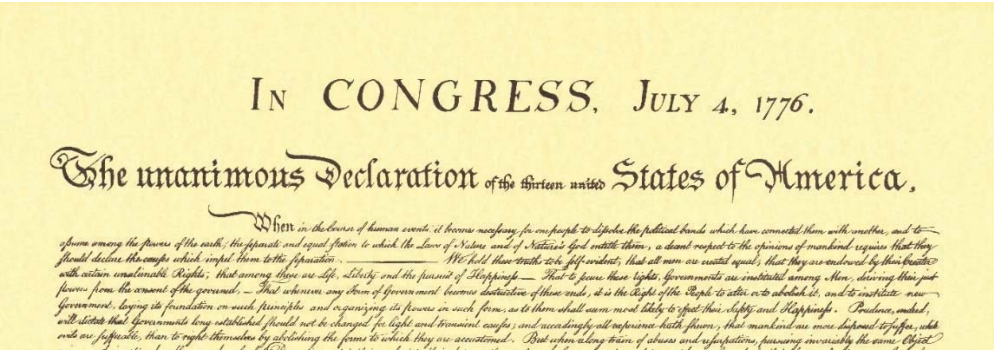
Therefore, the battle is not and cannot be between the United States in their true plural form and the several States, individually, as the next few lessons show, because the former consists entirely of the latter.

"We the People of the United States" isn't structurally any different from saying "We the People of the Doe Family"—using a plural term for a group of participating States instead of included individuals.

The opening line "We the People of the United States" isn't really any different, either, from saying, "We the People, of the Family of States," or, more strictly, "We the People, of the Union of States," or—most strictly—"We the People of the States of the Union."

Although the concept of "the United States" as a plural term doesn't come easily today, the idea of a singular entity of inherent discretion capable of freely operating throughout the Union is contrary to our founding principles.

The clearest example of "the United States" as a plural term may be found in the actual title of the Declaration of Independence—"The unanimous Declaration of the *thirteen* united States of America."



IN CONGRESS, JULY 4, 1776.

The unanimous Declaration of the thirteen united States of America.

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. ——— We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object

This reference to a multitude of United States isn't a fluke tied to the unique factors centering on the Declaration, despite likely protests otherwise.

The Articles of Confederation used the general phrase "the United States," but then more-accurately defined the term, next listing each State.[5]

When the Paris Peace Treaty—drafted under the careful eye of the victors—concluded the Revolutionary War in 1783, it likewise listed the "United States" but again went on to define the term, as all thirteen States of the American Union.[6]

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[5] Articles of Confederation:

> "Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts-bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia."
>
> https://www.archives.gov/milestone-documents/articles-of-confederation

[6] September 3, 1783 Paris Peace Treaty

Article 1st:

> "His Brittanic Majesty acknowledges the said United States, *viz.*, New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free sovereign and Independent States; that he treats with them as such, and for himself his Heirs & Successors,

Article V of the same treaty specifically allowed British subjects who hadn't borne arms to go to any parts "of the *thirteen* United States" to obtain restitution of any confiscated properties.[7] That "thirteen United States" still existed even after formalized confederation, points to the literal constituting of the United States as the individual States themselves, joined together in common Union.

Given this history, it shouldn't be surprising how the 1787 convention delegates approved the pending Preamble to the U.S. Constitution, as indicated by James Madison, in his Notes of the Constitutional Convention.

The August 6th draft of the Preamble, as approved by the delegates without opposition the next day, began "We the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia…"[8]

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relinquishes all claims to the Government, Propriety, and Territorial Rights of the same and every Part thereof."

https://www.archives.gov/milestone-documents/treaty-of-paris

7 *Ibid*. (Abbreviation for the Latin term "*ibidem*," meaning "In the same place" [same {citation} as previous]).

Article V (of the 1783 Paris Peace Treaty)

"It is agreed that Congress shall earnestly recommend it to the Legislatures of the respective States to provide for the Restitution of all Estates, Rights, and Properties, which have been confiscated belonging to real British Subjects; and also of the Estates, Rights, and Properties of Persons resident in Districts in the Possession on his Majesty's Arms and who have not borne Arms against the said United States. And that Persons of any other Description shall have free Liberty to go to any Part or Parts of any of the thirteen United States and therein to remain twelve Months unmolested in their Endeavors to obtain the Restitution of such of their Estates…"

8 James Madison in his *Notes of the Constitutional Convention:* Index, by date:

https://avalon.law.yale.edu/subject_menus/debcont.asp

The Preamble's opening line was shortened to "We the People of the United States" by the committee appointed September 8th to revise the stile and arrange all of the articles approved to date.[9]

The committee didn't change the effect of the Preamble—indeed, they had no such authority to change anything. Instead, they merely made its style more concise, while necessarily meaning the same exact thing.

The committee members and House delegates, and the State convention delegates— who were fiercely-loyal to the reserved powers of the States—all understood that no material distinction existed between the August 7th-approved version and September 12th revision.[10]

But the clearest refutation against those who misguidedly promote the Constitution as the failure necessarily-causing our current political crisis—by allowing a created entity with inherent discretion the power to roam throughout the Union and do as it pleases—is the Eleventh Amendment.

Ratified in 1795, the Eleventh Amendment to our U.S. Constitution reads, in part, "The judicial power of the United States shall not be construed to extend to any suit…against ***one of*** *the United States* by Citizens of another State."

The idea that *even after ratification* of the U.S. Constitution, there *remains* multiple *United States* may be difficult to grasp, but "the United States" simply and literally means the States who united together under

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August 6, 1787 initial version of Preamble:
https://avalon.law.yale.edu/18th_century/debates_806.asp

9 "We the People of the United States" revision the committee of stile and arrangement appointed September 8th to revise.

September 8, 1787 revision of Preamble:

https://avalon.law.yale.edu/18th_century/debates_908.asp

10 September 12, 1787 nearly final version of Preamble:

https://avalon.law.yale.edu/18th_century/debates_912.asp

the express terms of the U.S. Constitution and the principles of the Declaration of Independence. This understanding cannot be overstated, as it refutes false appearances otherwise.

Thinking in terms of "the States, united," should bring clarity to troubled minds.

The next best example of the plural nature of the term—"the United States"—is found in the constitutional definition of "Treason against the United States" consisting "only in levying war against *them*, or in adhering to *their* Enemies," giving those enemies "Aid and Comfort."[11]

The Constitution doesn't say that treason "against the United States" consists "only in levying war against *it*, or in adhering to *its* Enemies," but against *them* and *their* enemies.

Article III also details that "The judicial Power shall extend to all Cases…arising under this Constitution, the laws of *the United States*, and treaties made…under *their* Authority."[12]

Article II directs that the President "shall not receive within that period any other emolument from the United States, or any of *them*."[13]

Article I details that "No Title of Nobility shall be granted by *the United States:* and no person holding any office of profit or trust under *them"* shall, without congressional approval, accept presents.[14]

The last chronological mention of "the United States" where the plural word form was properly indicated was the 1865 Thirteenth Amendment, which declares "Neither slavery nor involuntary servitude…shall exist within *the United States*, or any place subject to *their* jurisdiction."

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11 Constitutional definition of "Treason against the United States." Article III, Section 3.

12 Article III, Section 2, Clause 1.

13 Article II, Section 1, Clause 7.

14 Article I, Section 9, Clause 8.

But note that just three years later, the Fourteenth Amendment was ratified, which begins "All persons born or naturalized in the United States, *and subject to the jurisdiction thereof*, are citizens of the United States and of the State wherein they reside."

If "the United States" mentioned in the Fourteenth Amendment still referenced their correct plural meaning, there wouldn't have been reason to avoid re-using the passage found in the Thirteenth Amendment, "and subject to *their* jurisdiction."

But, using everywhere-permissible language would have defeated the hidden purpose of the amendment, which sought to create a backdoor means of binding second-class "citizen-subjects" to a singular understanding of "the United States," as Congress, the President and the Courts began expanding this false corporate power with abandon.

Indeed, note that while the Thirteenth Amendment merely references *places* that were subject to the multiple jurisdictions of the Union of States, the Fourteenth instead holds *persons* subject to a singularly-understood, corporate "United States."

A new breed of draconian laws, regulations, executive orders, and court opinions soon began being incrementally created, that pushed forward a corporate understanding of "the United States" as "the Government of the United States," standing distinct and separate from the States it began pushing aside, so it could falsely rule over them.

Today, we ask how could we have gotten so far off our original path. Well, it took a definitive turn by 1868, when a conceptual seed foreign to the founding principles of our American Union was gingerly planted by the ratification of that Fourteenth Amendment, as it began bearing forth a vile fruit.

Nothing occurring after 1868 could have created the wayward path to tyranny evident by that date, even as later legislation certainly expanded upon it and turned that small path into a major freeway.

This short examination into the misunderstood term "the United States" saves Americans from squandering time and precious resources critically

examining the past century and a half of American history where they won't find the root, especially through so many vision-obscuring branches.

But, the Fourteenth Amendment was merely the trunk—the primary roots necessarily extend deeper and stem from a previous date.

Narrowing the search for real answers to the first 80 years under the Constitution is pretty good progress though for a 14-minute introductory lesson on the Preamble.

To see how far short, twice-monthly lessons on our founding principles may take you, please go to *LearnTheConstitutionInOneYear.com* and sign up today.

The important factor isn't whether you have understood everything said here the first time you've perhaps heard it, only that you get on the right path and keep putting one foot in front of the other, until you do.

Paid Program Course Content

Lesson 01: Article I, Section 1

Congress of the United States

Hello, I'm the digital twin of Patriot Corps Founder and President Matt Erickson, here to speak his written words on the U.S. Constitution.

Welcome to Lesson 01 of the Patriot Corps *LearnTheConstitutionInOneYear* Program Course, also called our *Constitution 101* program. The Lessons are available in video, audio, or written format, at your preference, at the website, www.LearnTheConstitutionInOneYear.com.

For references and citations, please see the written pdf.

This Lesson is the first of 28 Lessons of the program that explain the originally-ratified Constitution, from Article I through VII. While the complimentary Lesson 00 covered the Preamble, the amendments will be covered in a separate Program Course.

The two Program Courses seek to teach the *normal* case of allowable federal action, so Patriots may learn to spot more easily when something is amiss, and have the background knowledge to know where to look to investigate the *abnormal* case, which will also be covered within our *Premium Courses,* which include our *SNIFF* course, where Patriots *Seek New Information First & Foremost*.

So, let's dig in and begin to investigate some of the most basic principles of American government, that Patriots ignore, forget or never learn, to their peril.

First off, ratification of the U.S. Constitution by the several States of the Union *divided* allowable governing powers in the United States into enumerated federal powers and reserved State powers.

Those enumerated federal powers are further divided into three categories. Article III of the U.S. Constitution discusses the *judicial* power given the courts. Article II covers the *executive* power conferred on the President. And, Article I details the named *legislative* powers vested in Congress, where we begin our study.

Even more important than the specific legislative powers granted within the Constitution itself, however, is the fixed location where they are all vested or permanently lodged.

Article I of the U.S. Constitution appropriately covers that important topic right out of the gate, as Section 1 details that:

> "All legislative Powers herein granted shall be *vested* in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Since the U.S. Constitution permanently stores the named legislative powers in "a Congress of the United States," it is vital to learn what this phrase precisely refers to, because it *doesn't* mean what everyone thinks—as an *entity* apart from the individual States, of a separate and superior government.

If you've already watched the *Learn The Constitution In One Year* Program Course Overview or watched Lesson 00, the term "the United States" *doesn't* refer to a corporate entity, but instead explicitly refers to all the States of the American Union who joined together for common benefit under the explicit terms of the U.S. Constitution.

Since "the United States" doesn't refer to a corporate entity, neither can the term "*Congress of the United States.*"

Instead, "Congress of the United States" literally means a "meeting of the United States"—the reoccurring assembling together of the individual States of the American Union, who meet through their elected delegates, to work towards their general welfare and common defense.

With "Congress of the United States" literally referencing the "meeting" of the American States who assemble together, can there really be an "us-versus-them" political or philosophical battle between an all-powerful "United States" *against* the States of the Union?

Remember, a family cannot exist apart from the separate individuals who make it up, even as various family members may bicker between and amongst themselves.

The U.S. Constitution reinforces this direct understanding of "Congress" as the joint "meeting" of the several States, time and again, to anyone paying attention.

For instance, Article I, Section 2 confirms Congress to be a "Meeting," when Clause 3 declares:

> "The actual Enumeration shall be made within three Years after *the first Meeting of the Congress of the United States."*

Article I, Section 4 directly calls Congress a "Meeting" in Clause 2, which details:

> "The *Congress shall assemble* at least once in every Year, and *such Meeting* shall be on the first Monday in December, unless they shall by Law appoint a different Day."

When the Framers of the Constitution substituted the phrase "*such* Meeting" for the term "Congress" earlier-used in the sentence, they reinforced the idea that both terms have the same meaning.

It is important to keep a simple, literal understanding of "Congress" as the individual States of the American Union who assemble together through their elected delegates in a Meeting.

The directive for Congress to "assemble" at least once per year—found in Section 4 as just cited—further refutes the idea of Congress being an

entity or branch, as widely misunderstood, as "entities" do not and cannot "assemble."

And, even more importantly, neither can entities ever be "held."

The concept of Congress being *held* is found within the Preamble to the Bill of Rights, with its opening words:

> "Congress of the United States, *begun and held* at the City of New-York, on Wednesday the Fourth of March, one thousand seven hundred and eighty-nine."

Removing the non-essential words from the cited passage makes it easier to understand the critical point here being examined—"Congress of the United States, *begun and held* at the City of New-York," or "Congress of the United States, *begun and held*…" or simply, "Congress…*begun and held."*

If Congress were truly an "entity" or simply a "branch," among equal branches, then surely one could substitute those terms for "Congress" *and still have this sentence make sense.*

"Entity of the United States, *begun and held"* or *"Branch* of the United States, *begun and held,"* however, don't make sense. After all, while entities *may begin*—by being made, incorporated, or somehow created—*they certainly cannot be "held."*

But, replace "Congress" with "meeting" and the phrase yet makes perfect sense— *"Meeting* of the United States, *begun and held."*

"Assembly…begun and held" also makes perfect sense, as does "*Session…begun and held."*

*Meeting*s may begin and meetings may also be held; *assemblies* may begin and assemblies may also be held; and *sessions* may begin and sessions may also be held.

And, of course, *Congress* may begin and Congress may also be held, *as long as "Congress" is properly understood and appropriately viewed as a meeting or assembling of the States in a joint legislative session*.

Since an "entity"—as a thing in of itself—cannot be "held," *Congress* cannot mean an "entity" or simply a "branch" of the U.S. Government among other equals, as commonly thought.

The Constitution confirms "Congress" being an assembling of the States together repeatedly, rather than a singular entity of its own will and volition.

In Article I, Section 4 earlier cited, remember the phrasing:

> "*Congress* shall assemble…on the first Monday in December, unless *they* shall by Law appoint a different Day."

When the Framers of the Constitution used the *plural* pronoun "they"—rather than the *singular* pronoun "it"—the Framers confirmed again the plural nature of Congress as the body of delegates meeting together under the American Union.

The Constitution, after all, repeatedly uses plural pronouns to substitute for "Congress."

Article I, Section 7, in Clause 2, details that if the President does not return a bill within ten Days, that the same shall be a law, "unless the Congress, by *their* Adjournment prevent its Return."

Article II, Section 2, in Clause 2 provides that "*Congress* may by Law vest the Appointment of such inferior Officers, as *they* think proper," in one of three areas.

Article II, Section 3 details that the President shall:

> "give to the *Congress* Information of the State of the Union, and recommend to *their* Consideration such Measures as he shall judge necessary and expedient."

Americans overlook to their detriment these passages that point to the plural nature of the legislative governing body.

And, the idea of the States assembling in Congress through their elected delegates—their U.S. Senators and U.S. Representatives—is continuously reinforced even beyond these simple passages found within our supreme Law of the Land.

Realize that the Bill of Rights began its life as a joint resolution of Congress. Look to its Preamble, and find in the Preamble to the Bill of Rights the precise wording found beginning every joint resolution of Congress, which all begin:

> "Resolved, by the Senate and House of Representatives of the United States of America, *in Congress assembled*…"

The phrasing is similar to the wording likewise found starting out every legislative Act ever enacted, which all begin;

> "*Be it enacted* by the Senate and House of Representatives of the United States of America, *in Congress assembled*…"[15]

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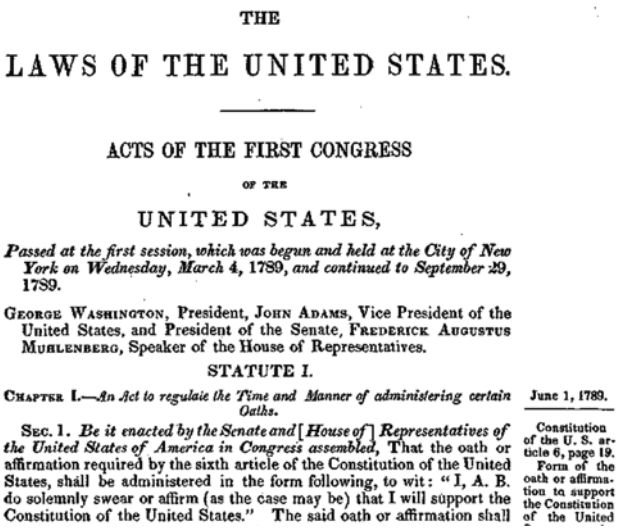
15 Every legislative Act enacted within the United States begins:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled…"



THE

LAWS OF THE UNITED STATES.

ACTS OF THE FIRST CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of New York on Wednesday, March 4, 1789, and continued to September 29, 1789.

GEORGE WASHINGTON, President, JOHN ADAMS, Vice President of the United States, and President of the Senate, FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

STATUTE I.

CHAPTER I.—*An Act to regulate the Time and Manner of administering certain Oaths.* June 1, 1789.

SEC. 1. *Be it enacted by the Senate and [House of] Representatives of the United States of America in Congress assembled,* That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." The said oath or affirmation shall

Constitution of the U. S. article 6, page 19.
Form of the oath or affirmation to support the Constitution of the United

Note that this first Act used brackets to set apart the words "[House of]," which format wasn't again repeated in any later Act (all other Acts simply said "House of Representatives," without parentheses).

Also note from the second legislative Act, through to April 18, 1814, no comma was used "United States of America" and before "in Congress assembled."

Beginning with an April 18, 1814 naval pay Act (Volume 3, *Statutes at Large,* Page 136, Chapter 84 [abbreviated 3 *Stat.* 136. Ch. 84]), a comma was added, after, "America," to read "…United States of America, in Congress assembled."

So, the *first* Act used this phrase:

> *"Be it enacted by the Senate and [House of] Representatives of the United States of America, in Congress assembled..."*

Acts from the second legislative Act, up the April 18, 1814 amendatory militia Act (3 Stat. 134. Ch. 82) used the introduction (without comma):

> *"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled..."*

And, with and after the 1814 Chapter 84 naval pay Act, the following phrase was used (with the added comma):

> *"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled..."*

These recitals found in every legislative resolution and every enactment of law verify the elected delegates of the several States of the American Union—U.S. Senators and U.S. Representatives—*assemble* together for their business at hand, and work on named topics of joint concern, within the rulebook which is the U.S. Constitution.

As these passages show, the best and only proper way to understand the U.S. Constitution is to hold its words in an ultra-strict and literal manner.

Realizing that *Congress* is not a singular *entity* that is wholly distinct from the States, superior to them, puts an entirely different spin on matters confronting Americans politically at the federal level.

Understanding the true nature of Congress as the direct arm of the American States shows clearly the reason for the fundamental Wall of Separation between Congress and the executive and judicial branches of the U.S. Government.

This truth also necessarily shows that the States of the Union clearly remain in the driver's seat, being the principals who joined together and created the legal framework for their joint cooperation in particular areas.

It also explains why *only* members of Congress may enact binding federal legislation for direct exercise throughout the whole Union, because only U.S. Representatives and U.S. Senators speak for the respective States, as they meet together for named purposes under the written Constitution which guides and directs them.

It also shows why federal officers never have any say in proposing or ratifying Amendments, why only the American States may, through their delegates or directly, ever propose formal amendments.

Understanding the true plural nature of Congress—simply being the joint meeting of the States through their designated delegates—helps also reveal the utter absurdity of Supreme Court justices supposedly being able to change federal powers everywhere-exercised in a direct manner, by changing the meaning of words found in the Constitution.

All who exercise delegated federal authority are necessarily bound to their sworn oaths to support the Constitution. Instead, they may only ignore or bypass their normal constitutional parameters with impunity only as the Constitution allows itself to be ignored or bypassed.

And, the Constitution allows itself to be ignored or bypassed only in and for the highly-unusual exception to all its normal rules—being the District constituted as the Seat of Government of the United States, and other "like-Authority" exclusive-legislation parcels.

After all, these exclusive legislation areas are not within the normal meaning of "the United States of America," where normal American governing powers were *divided* into enumerated federal powers and reserved State authority. Instead, all governing powers are, in exclusive legislation areas, united or consolidated in Congress.

Join with me in the next Lesson as we begin to examine the Article I powers of Congress.

Lesson 02: Article I, Section 1

Enumerated Powers vested in Congress

Welcome to Lesson 2 of the Patriot Corps *LearnTheConstitutionInOneYear* Program Course, as we examine the enumerated legislative powers vested in Congress.

It's important to notice the fundamental difference of wording between Article I of the U.S. Constitution and Articles II and III, regarding delegated power.

For instance, Article III declares:

> "The judicial *Power* of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

And, Article II is similarly worded, reading:

> "The executive *Power* shall be vested in a President of the United States of America."

Both cases refer to "power," worded *singularly*, without division.

All of the judicial *power* of the United States is vested in the courts and all of the executive *power* of the United States is vested in the President, without intermixing with the executive and judicial powers of the several States.

However, Article I, Section 1 details that:

> "All legislative *Powers herein granted* shall be vested in a Congress of the United States…"

Article I speaks here to *powers,* in the *plural* form, showing first and foremost that the legislative powers in the United States are here being *divided*.

Section 1 immediately informs us that it is the Congress of the United States that *receives* the granted legislative powers.

That leaves the legislative powers *which weren't being granted*, of course, which naturally remain with the parties that are otherwise granting the named powers to Congress. The formula of reserving undelegated powers, except as prohibited, was memorialized in 1791 when the Tenth Amendment was ratified.

To know where the rest of the allowable legislative powers remain, we must discover who are the *Grantors*.

A look to the end of the Constitution, in Article VII, reveals the parties who ultimately make the final decision as to approving the grant of the named powers to the named parties.

The Grantors are the *several States*, operating through their conventions.

It was through their ratification of the U.S. Constitution that the individual States of the Union granted to members of Congress their specified legislative powers, and the President his executive power and the courts their judicial power.

When first looking at Article I, Section 1, it is understandable some people may initially think every imaginable legislative power is being given to Congress, since the sentence begins "All legislative Powers…"

However, the next two words easily dispel this false assumption, as one discovers that the words "All legislative powers" are being constrained by the words "herein granted."

At that point, one must realize that the word "All" was used to *prohibit* the legislative powers from being exercised by *executive* or *judicial* officers.

Indeed, one could write "*Only* the legislative Powers herein granted, shall be vested in a Congress of the United States" and the substituted wording wouldn't extend or restrict the enumerated powers actually granted.

Substitution of *"All"* with *"Only"* would only make it less-clear that neither the President nor the Courts *may exercise legislative power*.

The individual States of the American Union individually exercise their reserved legislative powers locally within their geographic borders, and those *same* States unite together and share the exercise of the named federal legislative powers together in their meeting.

Federal officers of the executive and judicial branches of the Government of the United States never represent any State of the Union, but instead carry out their official duties.

Executive officers execute or administer the laws enacted by Congress, and judicial officers adjudicate cases or controversies through the application of pertinent law to applicable facts.

This fundamental difference between Congress and the executive and judicial branches of the Government of the United States explains why the U.S. Constitution necessarily places a firm divide—a true Wall of Separation—between members of Congress and the hired federal officers of the executive and judicial branches.

This divide is why the U.S. Constitution, in Article I, Section 1, expressly *vests* or *fixes* the enumerated legislative powers *all and only in Congress*.

Article I goes on to expressly name the specific legislative powers being given to Congress. The predominant list is found in Section 8, which individual powers include the *power* to lay and collect taxes, duties, imposts and excises, to borrow money, to regulate commerce, to coin money and regulate its value, to declare war, raise and support Armies, and a few other named powers.

Nowhere is it ever suggested or inferred in our founding documents that American *governments* ever have *rights*.

The Declaration of Independence holds it as a self-evident truth that "all *men* are created equal" and that "they are endowed *by their Creator* with certain unalienable *Rights*."

Men later formed government and gave it delegated powers, the Declaration tells us, to secure man's unalienable rights, not to become their biggest threat.[16]

That our unalienable rights precede the creation of government and ultimately stand superior to it means that American government may not infringe upon our unalienable rights without violating the very principles upon which it was instituted.

Please realize that everywhere *rights* are mentioned in our founding documents, they necessarily pertain only *to people*, never government.

Look at our Bill of Rights—every time you see the word *rights* used therein, realize those rights *belong only to created man*. In contravention, American governments have but delegated *powers*.

It is no coincidence the Tenth Amendment pointedly speaks to "The *powers* not delegated" to the United States being reserved to the States; that Article I addresses the enumerated legislative *powers* granted to Congress; that Article II discusses the executive *power* vested in the President; and that Article III covers the judicial *power* vested in the courts.

The devious separation of man's unalienable rights from him, by falsely asserting American governments also have "rights," is perhaps nowhere better showcased than by the Second Amendment as it directly speaks to the "right of the *people* to keep and bear arms."

Of course, proponents of unlimited government repeatedly assert the Second Amendment's initial pointing to "the Militia" supposedly means

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16 The Declaration of Independence tells us:

> "That to secure these rights, Governments are instituted among Men, deriving their just Powers from the consent of the governed."

only those persons serving as an official part of the State-regulated militia have the right to keep and bear arms.

Proponents of this invalid theory ignore the plain fact that members of Congress were already specifically given the express *power* for "organizing, *arming*, and disciplining, the Militia" in Article I, Section 8, Clause 16 of the Constitution.

The idea that governments be given a uniquely-human trait—of having unalienable *rights*—just to arm the militia, when members of Congress were already delegated the specific *power* to arm the militia would be comical, if it weren't so serious.

While proponents of unlimited government authority assert that the Second Amendment's specific wording of the "right of the people" to "keep and bear arms" really means "the right of the government," what of the explicit pointing to "people" or "persons" in the First, Fourth and Ninth Amendments?"

Are they really going to argue that the Ninth Amendment's reservation of non-enumerated rights *"retained by the people"* really means non-enumerated rights are retained by "government?"

What of the Tenth Amendment, which discusses first the "United States," then "the States," and then "the people," even as the "people" are clearly held here apart from "the United States" and "the States?"

Or, is it "governments" that may peaceably assemble, or be secure in their "persons" against unreasonable searches and seizures, by themselves? Or, in this supposed interchangeability between "government" and "persons" or "people," that private persons may search and seize government property at will?

But, why would some of the amendments of the Bill of Rights write "people" or "person" one moment to mean "human beings," but supposedly mean "government" in another moment?

The truth of the matter is that the Constitution and Declaration of Independence readily concede American governments have but delegated

*power*s and they both acknowledge that the American people themselves have unalienable *rights* (and reserved powers).

Therefore, even the popular conservative phrase *States' Rights* is an oxymoron—a contradiction of terms.

Instead, it's better to use the phrase *"the reserved powers of the States*." Although it isn't as succinct and it doesn't flow as well, it nevertheless reflects a proper understanding of core principles that Patriots confuse to our peril.

The last topic of discussion in this Lesson is another flawed concept popular in conservative circles—that of "Co-Equal Powers," nominally between Congress, the President, and the courts.

The argument for Co-Equal Powers asserts that it serves as a prudent check and balance, preventing the improper accumulation of power. Ignored is its underlying premise that no superior force exists to keep the parties in line.

However, if the three powers may determine the extent of their own authority, what prevents this three-headed hydra from working together for its, or their, supremacy?

Does anyone find the idea of three tyrants battling one another for supremacy to be an inspiring model for individual liberty and limited government?

Perhaps the simplest way to expose the false theory of Co-Equal Powers is to compare the length of Article I of the U.S. Constitution, with the lengths of Articles II and III.

Article I, which again discusses the legislative powers granted to Congress, takes up over half of the entire Constitution, all by itself.

In contrast, Article II—which discusses the executive powers granted to the President—takes up less than a quarter of the words.

And, Article III, which discusses the judicial powers granted to the courts, makes up less than *one-tenth* of the words found in the U.S. Constitution, as first established, before any amendments were added.

To believe that *six* times fewer words in the Constitution nevertheless make the judicial branch equal in power with Congress is to believe the specific listing of allowable powers in a government of enumerated authority *is largely meaningless* and perhaps even irrelevant.

What this false concept really implies—if the court is truly co-equal in power with Congress—is that the 377 judicial words found in Article III must be *six times as powerful* as the 2,268 legislative words of Article I.

The false doctrine of Co-Equal Powers goes even so far as to assert that the *more* the Constitution details a particular power, the *less* power *the individual words* hold.

If it was true that the powers are co-equal no matter the words which describe them, then Article III could have simply stopped after its first 30 words, saying only:

> "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

And, if the enumeration of powers were ultimately meaningless, then why not simply give Congress the *legislative* power, the President the *executive* power and the courts the *judicial* power, *and then end the Constitution*, right then and there? Which, of course, is precisely the false premise undergirding this tyrannical concept.

Within the U.S. Constitution, there is a strict division of labor—a clear separation of powers—but no "co-equality," as such.

Members of Congress are given the clear and overriding concentration of power, because only they speak for the States under whom they operate, within defined and allowable parameters.

Shifting an equal amount of governing power over to the executive or judicial officers only promotes the "absolute tyranny" and "absolute despotism" complained of in the Declaration of Independence.

Which is why James Madison promoted ratification of the proposed Constitution, in *The Federalist*, #51, by saying:

> "In republican government, the legislative authority necessarily predominates."[17]

These United States guarantee to every State of the Union a *Republican Form of Government,* by Article IV, Section 4. Elected delegates representing their individual State in the meeting of the States work together to enact law within their sphere of allowable federal action, for the general welfare and common defense, leaving all other governing matters to the States, individually.

Such are the founding principles of our American Republic, found in the *supreme Law of the Land,* that no federal servant may ever stand against, due to their sworn and binding oath to support the Constitution which empowers them.

Next up: A deeper examination into members of Congress and our Republican Form of Government.

[17] https://founders.archives.gov/documents/Hamilton/01-04-02-0199

Lesson 03: Article I, Sections 2 - 4

House of Representatives & Senate

Welcome to Lesson III of the Patriot Corps *LearnTheConstitutionInOneYear* Program Course, as we examine the House of Representatives and the U.S. Senate.

Article I, Section 2 of the Constitution discusses the U.S. House of Representatives and Section 3 covers the U.S. Senate.

The States are *proportionally* represented in the House of Representatives, according to their individual State population, relative to the population of the whole Union.

In contrast, the States are *equally* represented in the Senate. Each State has two U.S. Senators, no matter the State's physical size or population count. With 50 States in the American Union, there are 100 U.S. Senators.

While the U.S. Constitution set the number of Representatives for the very first Congress, it doesn't specify a given number thereafter, but it does require that each State shall have at least one Representative and, by Clause 3, that:

> "The Number of Representatives shall not exceed one for every thirty Thousand."

The restriction "shall not exceed" pertains to "the Number of Representatives"—one—*not* "persons"—thirty thousand. Therefore, this

formula places a *maximum* restriction on the size of the House, preventing the ratio of Representatives-to-population from reaching towards *two* Representatives-per-thirty thousand persons.

Since the directive prevents the numerator from getting bigger and the denominator from getting smaller, then the ratio may go towards one Representative for every *million* people, but not towards one Representative for every *thousand*.

With 331 million people in the United States as determined by the 2020 census, and 435 Representatives, there is now on average one Representative for approximately every 760,000 people, although the actual proportion varies, especially among the least-populated States.[18]

At current population numbers, having one Representative for every 30,000 people would work out to some 11,000 Representatives—which would obviously be unworkable, not that this stops its adherents.

Within their discretion, Congress in 1911 fixed the size of the House of Representatives at 433, with a provision for an additional Representative for each of two expected territorial admissions to Statehood.[19]

Since Arizona and New Mexico were admitted to Statehood in 1912, 435 members have since served in the House of Representatives, except temporarily when Alaska and Hawaii were admitted to the Union in 1959, when they were each also allowed one Representative.[20]

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[18] 1960 Census:

https://www.census.gov/data/tables/time-series/dec/apportionment-data-text.html

[19] August 8, 1911. Volume 37, *Statutes at Large*, Page 13 (Abbrev. 37 *Stat.* 13).

[20] a. New Mexico Statehood: January 6, 1912.

b. Arizona Statehood: February 14, 1912.

Memorials for territorial secretaries praying and petitioning for Statehood:

https://www.archives.gov/legislative/features/nm-az-statehood/memorial.html

The temporary bump to 437 Representatives was brought back down to 435 when the House reallocated members following the 1960 census.[21]

The primary factor—no matter the ultimate number of Representatives Congress chooses—Section 2, Clause 3 requires their apportionment to distribute them fairly across the Union.

Apportionment starts with an accurate population count, and for that purpose a formal census is performed every ten years. Apportionment is also required of all direct taxes, but there haven't been any direct taxes levied upon the States since the Civil War.

The 36 heaviest-populated States have more Representatives, than Senators and seven States equally have two Representatives with their two Senators, while the six least-populated States currently have only one Representative.[22]

And, of course, the heaviest-populated States have far more Representatives, than Senators. Under the 2020 census, California

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House Joint Resolution 14, to admit territories of New Mexico and Arizona to Statehood (but the resolution required a vote of the territorial citizens to approve):

https://www.archives.gov/legislative/features/nm-az-statehood/hjres14.html

c. Alaska Statehood Admissions Act: January 3, 1959; 72 *Stat.* 339.

d. Hawaii Statehood Admissions Act: August 21, 1959; 73 *Stat.* 4.

21 1960 Census:

https://www.census.gov/data/tables/time-series/dec/apportionment-data-text.html

(Census Table Footnote) "1:

> "In 1959, Alaska and Hawaii became states and were each granted a seat—temporarily increasing the size of the House to 437. This size of the House for the 1960 apportionment reverted back to the fixed size of 435 seats."

22 *Ibid.* (Latin abbreviation for "ibidem," meaning the same as previous).

presently has 52 Representatives; Texas, 38; Florida, 28 and New York, 26.[23]

The House of Representatives is typically understood to represent the common man and his interests, due to the larger number of Representatives, but also their more-frequent election "every second Year," as mandated by Section 2, Clause 1.

Senators, however, serve a six-year term, by Section 3, Clause 1.

Every incumbent from either House is thrown out of his or her seat at the end of their respective term, although they may seek re-election. One third of Senators are up for election every second year as their staggered six-year term expires.

When a new Congress assembles in their first session "at noon on the third day of January" according to the terms of the Twentieth Amendment, Representatives must, in accordance with Section 2, Clause 5, choose their Speaker and "other Officers."

Clause 5 additionally details that the House of Representatives shall have the sole Power of Impeachment.

Although Section 3 originally specified that Senators were to be chosen by their respective State legislatures, ratification of the Seventeenth Amendment in 1913 changed the selection process to a direct election by the voters of each State.

Section 3 further details that each Senator has *one* vote.

Under the earlier Articles of Confederation, the States had been represented by a number of delegates as decided and supported by each State, who together cast but a single vote for the State.[24]

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23 *Ibid.*

24 Article V of the Confederation
https://www.archives.gov/milestone-documents/articles-of-confederation

While many conservatives understandably call for the repeal of the Seventeenth Amendment, due to weakened Senatorial oversight as compared with an earlier tighter rein over them by the respective legislatures, no one ever speaks to returning to a one-State, one-vote rule for the Senate, as was found in the Congress of the Confederation.

Each Senator being given his or her *own* vote dilutes the relative importance of the State, as a State, while simultaneously giving individual Senators a freer reign.

However, it is admittedly easier to maintain a quorum in the Senate, when each Senator has his or her own vote.

The difficulty of maintaining a quorum had presented itself as quite the problem in the Confederation Congress. For example, the Confederation Congress didn't meet the minimum requirement of seven States present to conduct ordinary business on 104 of the 216 attempted days of meeting in 1786—a full 48% of the time.[25]

> "Article V. For the more convenient management of the general interests of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress…
>
> "No State shall be represented in Congress by less than two, nor by more than seven Members…
>
> "Each State shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.
>
> "In determining questions in the united states, in Congress assembled, each state shall have one vote."

[25] Attendance in Congress under the Confederation
https://www.loc.gov/resource/llscdam.lljc001/?st=gallery

Of course, without a quorum, the continuation of government itself becomes increasingly threatened. As Chief Justice John Marshall noted in the 1821 U.S. Supreme Court case of *Cohens v. Virginia:*

> "States can put an end to the government by refusing to act. They have only not to elect Senators, and it expires without a struggle."[26]

The Chief Justice was speaking from a time when the State legislatures still elected Senators, of course, but the effect is still the same. Without a

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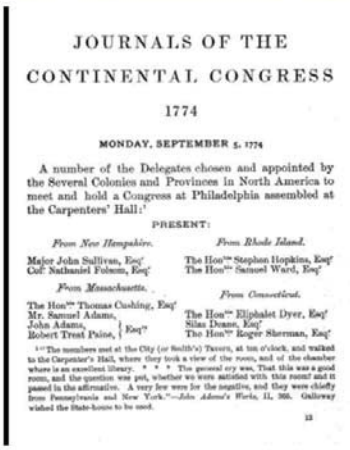
Attendance of States during the Articles of Confederation

# of States Attending on any given day	13 States in attendance	12 States	11	10	9	8	7 States in attendance	Total	6 or Less States attending (NO Quorum)	% of days without Quorum
1783-4	0	0	31	21	14	16	31	113	27	19%
1784-5	0	10	36	50	62	38	22	218	17	7%
1785-6	0	31	17	30	26	36	69	209	48	18%
1786-7	**0**	**0**	**4**	**10**	**34**	**37**	**27**	**112**	**104**	**48%**
1787-8	8	18	19	14	16	29	28	132	57	30%
	8	**59**	**107**	**125**	**152**	**156**	**177**	**784**	**253**	32.20%

1786 Data only:		
Insufficient quorum days:	total number of days:	No quorum, % of days:
104	216	48%

Chart compiled from daily notes found in the Journals of the Continental Congress
https://www.loc.gov/resource/llscdam.lljc001/?st=gallery



JOURNALS OF THE
CONTINENTAL CONGRESS

1774

MONDAY, SEPTEMBER 5, 1774

A number of the Delegates chosen and appointed by the Several Colonies and Provinces in North America to meet and hold a Congress at Philadelphia assembled at the Carpenters' Hall:

PRESENT:

From New Hampshire.
Major John Sullivan, Esq^r
Col^o Nathaniel Folsom, Esq^r

From Massachusetts.
The Hon^ble Thomas Cushing, Esq^r
Mr. Samuel Adams,
John Adams,
Robert Treat Paine, } Esq^rs

From Rhode Island.
The Hon^ble Stephen Hopkins, Esq^r
The Hon^ble Samuel Ward, Esq^r

From Connecticut.
The Hon^ble Eliphalet Dyer, Esq^r
Silas Deane, Esq^r
The Hon^ble Roger Sherman, Esq^r

[26] *Cohens v. Virginia*, Volume 19, *United States Reports*, Page 264 @ Pg. 389 (1821).

Abbreviated: 19 *U.S.* 264 @ 389. 1821.

quorum present, no governing business may be done—no laws may be enacted, budgets approved, or commissions or treaties consented to.

The Vice-President of the United States is designated an *ex-officio* role as the *President of the Senate* in Section 3, Clause 3, and empowered to direct the Senate's business, but only votes to break a tie.

For the last century, however, Vice-Presidents have found other uses for their time, and they now typically only serve as *President of the Senate* during the count of Electoral votes every four years after Presidential elections, in accordance with the command of Article II, Section 1, Clause 3.

The remainder of the time, the Senate is conducted in its normal affairs by the *President Pro Tempore*, who is directed to conduct the business of the Senate, in the absence of the Vice-President.

The Senate has by Section 3, Clause 6 "the sole Power to try all Impeachments."

Impeachment is the process that charges executive and judicial officers with "Treason, Bribery, or other high Crimes and Misdemeanors," to seek removal from office, and possible disqualification from ever again holding an executive or judicial office under the authority of the United States.[27]

Section 4 details that Congress may at any time by law make or alter State regulations that determine the "Times, Places and Manner" of holding elections for Senators and Representatives, except that members of Congress may not alter the election places for U.S. Senators.

This prohibition prevented Congress from calling for elections for U.S. Senators at places that were distant from the State legislative seat, when State legislators yet voted for U.S. Senators (when such a power could have been used to fatigue the Legislatures into compliance).

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27 *See* U.S. Constitution, Article II, Section 4.

Next up: A deeper examination into the fundamental differences between members of Congress and federal officers.

Lesson 04: Article I, Sections 5 - 6

Members of Congress v. Federal Officers

Welcome to Lesson 04 of the Patriot Corps *LearnTheConstitutionInOneYear* Program Course, as we jump right in and begin examining the additional separation between members of Congress and federal officers.

Congress set the date for federal elections within members' delegated discretion, given them by Article I, Section 4, to "the Tuesday next after the first Monday in the month of November" of pertinent election years, in 1845.[28]

Members of Congress must assemble together at least *annually*, by Section 4, Clause 2. The Twentieth Amendment designates members assemble at noon on the 3rd day of January, even as the amendment gives Congress the power and discretion to specify a different day.

By Section 5 and its repeated references to "Each House," we see that the House of Representatives and the Senate are *both* constitutionally considered "Houses."

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[28] January 23, 1845. Volume 5, *Statutes at Large*, Page 721 (abbreviated 5 *Stat.* 721).

Also, by the repeated references in Section 5 to "Each House" and *"its* members," *both* Houses actually consist of "Members," even as Section 3 directly calls its members, "Senators."

And, with Section 1 earlier telling us that "Congress" shall "consist of a Senate *and* House of Representatives," "Congressman" literally means "a man of Congress," which therefore actually points *both* to U.S. Representatives *and* U.S. Senators. However, "Congressman," and now "Congresswoman," on the streets, have come to casually mean *only* U.S. Representatives, to simultaneously *exclude* Senators.

Section 5 details that "Each House" shall "be the Judge of the Elections, Returns and Qualifications of its own Members." And, importantly, Section 5 also details that "Each House" may not only "determine the Rules of its Proceedings" but also "*punish* its Members for disorderly Behaviour" and "expel a Member."

Obviously, if only each House may punish or expel its own members, but the House is directly empowered to impeach and the Senate is to try all impeachments *then no member of either House may be impeached by the House of Representatives and then tried by the Senate*.

Of course, this understanding follows also the letter and spirit of Article II, Section 4, when it details that only 'The President, Vice-President, and all civil Officers of the United States may be impeached."

But, unlike casually meaning to only refer to members of the House of Representatives when speaking of "Congressmen," it is a grave and fundamental error to ever call members of Congress, "Officers." Indeed, if one routinely calls members "Officers," *then it helps hide the serious error when federal officers try and act like members of Congress and falsely legislate in their place*.

Even the constitutional oath required by Article VI, Clause 3 lists legislative members clearly *apart* from officers, both at the State and federal level, keeping them wholly separate, as it details:

> "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all

> executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution…"

Members of Congress are not and cannot ever be *officer*s *under or of the United States*. The Constitution, in fact, goes so far as to directly *prohibit* this practice.

Article I, Section 6 shows just how firmly is this separation of powers, as its pertinent words from Clause 2 detail that:

> "no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office."

Being an *officer* of the United States directly bars that person from simultaneously being a member of Congress. The same words, of course, would reciprocally prohibit any member of Congress *from simultaneously holding any office under the United States.*

Obviously, if legally holding a member of Congress as an officer *would thereby directly bar them from their legislative seat,* then it is wholly improper to even casually refer to members of Congress as an "Officer" or assert that they hold an "Office."

Article I, Section 2 directly declares that the House of Representatives is composed of *"Members."* Patriots shouldn't complicate matters beyond that clear designation.

While Section 3 (as covered earlier) expressly details that the Senate shall be composed of two *"Senators"* from each State, remember that Section 5 speaks to *"each* House" and its own "*Members."*

Article II, Section 3 directly declares the President shall commission *"all* the Officers of the United States." But, of course, the President never commissions members of Congress, because they aren't officers.

As seen earlier, both the Speaker of the House and the President Pro Tempore of the Senate are both considered "Officers," as are the other legislative officers who aren't also members of Congress, such as the Clerk and Sergeant-at-Arms.

However, legislative officers are not "Officers *of* the United States" or "Officers *under* the United States," or the Constitution would again bar them from their legislative seats the way Section 6 is worded.

But, being legislative officers, the Speaker and President Pro Tempore don't vote, unless they be equally divided. The other members of Congress aren't legislative officers, or neither would they be able to vote, as voting isn't what *officer*s do, it's what *members* do.

To those who assert that members of Congress are interchangeable with federal officers, ask them why Article II had to list them separately, to ensure neither Senators nor Representatives were ever appointed to be a Presidential Elector. Note, after all, that Section 1, Clause 2 says:

> "No Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."

The holding of members of Congress *apart* from federal officers in appointing Presidential Electors in Article II parallels their reciprocal treatment in Article I, when Section 3 omits naming them as Clause 7 declares that judgment in cases of impeachment shall not extend further than:

> "removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States."

Senators and Representatives had to be named in Article II, because they do not hold an *Office*. So, to reach them, they had to be named. But, members didn't have to be named in Article II, because they still don't hold an *Office* under the United States, *and thus they cannot be* impeached.

In conformance with Article VI, the very first Act, of the very first Session, of the very first Congress, in 1789, created the simple, 14-word oath to "support" the Constitution, that served the United States well, for 74 years.

However, at the most unstable and divisive time in American history, a new oath was created by Congress and signed into law on July 2nd, 1862. For the first time ever, in 1863, members of Congress oddly began

swearing to "well and faithfully discharge the *office* on which [they were] about to enter, so help [them] God," even as the new legislation nowhere specifically mentioned that it applied to members of Congress.[29]

Whatever is the *office* that members of Congress have entered since 1863, it is not, was not, and cannot be, an office *of or under the United States*.

The best way back to our founding principles is to study them intently so they may be applied consistently, making mental note of all contradictions that serve as a trail of evidence to follow at the appropriate time.

The oath taken by members of Congress over the past 160 years of steady political decline—to well and faithfully discharge their office—is a significant piece of evidence that suggests that we have been intentionally steered from our original path, but it also suggests that we may find our way back, by diligently following that trail of evidence back to its rotten source.

Next up: Legislative Bills.

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[29] 12 *Stat.* 502.

Lesson 05: Article I, Section 7

Legislative Bills

Article I, Section 7 of the U.S. Constitution discusses the process by which a proposed legislative bill becomes a law, with its first clause mandating that:

> "All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."

The requirement for all revenue bills to originate in the House that is based upon proportional-representation traces its roots back to the American Revolution, when the colonists demanded that taxation and representation be tied together.

Great Britain had severed that historical tradition in 1765, to raise revenue to help pay for the French and Indian War, where George Washington had risen to distinction.[30]

Previously, locally-elected colonial Assemblymen imposed their own laws and internal taxation within their respective colony, even as the Royal governor and his Crown-appointed council exercised colonial administration and Parliament dealt with foreign affairs.

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30 The British Stamp Act of 1765:
https://avalon.law.yale.edu/18th_century/stamp_act_1765.asp

The colonists protested the nefarious 1765 Stamp Act sufficiently that Great Britain repealed it in 1766.[31]

However, on the same day as repeal, King George III and Parliament enacted their Declaratory Act, to declare their ultimate dominion over the colonies, as they asserted the fantastic power to be able to bind the American colonies "in all cases whatsoever."[32]

In 1767, Parliament pushed forward with the Townshend Act, again placing duties upon the colonists without their consent. The colonists refused to purchase the taxed goods, even if they had to suffer deprivation without them.[33]

Due to the success of the colonial non-importation agreements, Great Britain repealed all of the Townshend duties in 1770, except on tea.[34]

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31 The March 18, 1766 British Stamp Act repeal:
https://avalon.law.yale.edu/18th_century/repeal_stamp_act_1766.asp

32 The March 18, 1766 British Declaratory Act:
https://avalon.law.yale.edu/18th_century/declaratory_act_1766.asp

33 Townshend Act of 1767:
https://avalon.law.yale.edu/18th_century/townsend_act_1767.asp

34 The 1770 British repeal of the Townshend Acts:
https://www.british-history.ac.uk/lords-jrnl/vol32/pp547-555 @ 548

> "American Duties, &c. Bill.
>
> "*Hodie* 3 *vice lecta est Billa,* intituled, ' An Act to repeal so much of an Act, made in the Seventh Year of His present Majesty's Reign, intituled, 'An Act for granting certain Duties in the *British* Colonies and Plantations in *America*; for allowing a Drawback of the Duties of Customs upon the Exportation from this Kingdom of Coffee and Cocoa Nuts, of the Produce of the said Colonies or Plantations; for discontinuing the Drawbacks payable on China Earthen Ware exported to *America;* and for more effectually preventing the clandestine Running of Goods in the said Colonies and Plantations;' as relates to the Duties upon Glass, Red-lead, White-lead, Painters

Parliament kept the tax on tea, to maintain their claimed ability to tax the colonists, but also to continue paying the royal governors and judges out of the tea taxes which proved effective in maintaining officer loyalty in increasingly-turbulent times.

The British diligently sought to find creative means to institute taxes that would take hold. In 1773, Parliament found their path. Parliament rescinded their old requirement that mandated a brokerage arrangement on all tea sold in the colonies.[35] Thereafter, the British East India Company was allowed to bypass tea middlemen and sell directly to retailers.

The East India Company tea—which was taxed but not sold through middlemen—became cheaper than its competitors' tea, that was still sold through middlemen, even if it was smuggled Dutch tea, without tax.

But, the colonists still largely refused to purchase the lower-priced, taxed tea. Instead, they began pressuring tea dealers into resigning, and unsold tea began clogging the marketplace pipeline. Soon, ship captains returned to England carrying the tea they had intended to off-load in the colonies.

Colours, Paper, Paste-bards, Mill-boards, and Scale-boards, of the Produce or Manufacture of *Great Britain,* imported into any of His Majesty's Colonies in *America;* and also to the Discontinuing the Drawbacks payable on China Earthen Ware exported *to Amenta* [sic?], and for regulating the Exportation thereof.'

"The Question was put, 'Whether this Bill shall pass?'

"It was resolved in the Affirmative."

(Note: The Journal entry starts out: "*Hodie* 3 *vice lecta est Billa," which is Latin for "Today, the bill is read for the third time" [meaning it could now be voted upon] and Parliament repealed the Townshend Acts, although leaving a tax on tea).*

[35] Parliament rescinded tax on East India Company tea sold in the American colonies on May 10, 1773:

https://statutes.org.uk/site/the-statutes/eighteenth-century/1773-13-george-3-c-44-the-tea-act/

In Massachusetts, however, Royal Governor Thomas Hutchinson refused to allow ships to leave port without paying the duty owed on the tea as if it had landed.[36]

Of course, this tea largely ended up in the Boston Harbor.

Although a small group of prominent American colonists later offered to pay for the destroyed tea, with a current value today of several million dollars, the British ministry refused to accept payment and move forward.[37]

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[36] *The life of Thomas Hutchinson, royal governor of the province of Massachusetts Bay*, by James Kendall Hosmer, 1834-1927; Pp. 302-303

https://archive.org/details/lifeofthomashutc00hosmuoft/page/302/mode/2up

> Report from Massachusetts Bay Governor Thomas Hutchinson, to Lord Dartmouth (Secretary of State for the colonies [and step-brother of Prime Minister Lord North]):
>
> > "December 17, 1773 : 'My Lord, the owner of the ship Dartmouth, which arrived with the first teas, having been repeatedly called upon by what are called the Committee of Correspondence to send the ship to sea, and refusing, a meeting of the people was called and the owner required to demand a clearance from the custom-house, which was refused, — and then a permit from the naval officer to pass the Castle, which was also refused; — after which he was required to apply to me for the permit ; and yesterday, towards evening, came to me at Milton, and I soon satisfied him that no such permit would be granted until the vessel was regularly cleared. He returned to town after dark in the evening, and reported to the meeting the answer I had given him. Immediately thereupon numbers of the people cried out, 'A Mob ! a Mob !' left the house, repaired to the wharf, where three of the vessels lay aground, having on board three hundred and forty chests of tea, and in two hours' time it was wholly destroyed."

[37] *Divided Loyalties*, Ketchum, Richard M., Henry Holt and Company, 2003. Page 262.

https://www.google.com/books/edition/Divided_Loyalties/2NZHgsedVrAC?hl=en&gbpv=1

Instead, one may read about the extensive British-caused injuries and usurpations that followed, in our own 1776 Declaration of Independence, including their single cause, which may be summed up by the passage that:

> "The…present King of Great Britain…has combined with others to subject us…to their Acts of pretended Legislation…For…declaring themselves invested with Power to legislate for us in all cases whatsoever."

At the root of every injury listed within our Declaration of Independence that the Founders submitted to a candid world, lay the horrid British claim as espoused in their 1766 Declaratory Act, of being able to "bind" the colonists "in all cases whatsoever," without their consent and against their will.

Every injury listed in the American Declaration of Independence was simply but another of a multitude of "cases" where Parliament had sought to implement an absolute power, "in all cases whatsoever."

Requiring all revenue bills originate in the House of Representatives, where Americans are proportionally represented, best reinforces *representation*.

Once a revenue bill passes the House of Representatives, it is sent to the Senate, where Senators may "propose or concur with Amendments" as on other bills. In all other cases beyond raising revenue, however, Senators may also originate bills.

But, no matter where any bill originates, Section 7, Clause 2 requires that:

> "Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States;"

"From her the earl learned that Robert Murray, a New York merchant now in London, had gone to Lord North with three other merchants trading with Boston, offering to pay the East India Company for its losses in hopes that the ringleaders of the Tea Party could be brought to justice. (North was not interested.)."

Proposed legislative bills may become law along one of three paths.

Referring to the President, Clause 2 continues with the first path, as it begins also speaking towards the second, saying:

> "if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it."

So, the first possible route is that the President signs the bill that previously passed both Houses of Congress.

Clause 2 has more to say about the second possible path:

> "If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law."

The process described here is the congressional override of a Presidential veto. To override, two-thirds of both Houses must approve the final version.

A safeguard is mandated in the case of a congressional override, which additionally requires the logging of the vote tally, as Clause 2 continues:

> "But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively."

Clause 2 ends describing the third route, as it details:

> "If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law."

For the record, Clause 3 is similarly-worded, as it discusses orders, resolutions and votes needing approval of both Houses, saying:

> "Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be

> necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill."

So, Section 7 puts into effect the principle spoken of in the Declaration of Independence, of "Governments" being "instituted among Men," to secure man's unalienable rights, where governments derive "their just Powers from the consent of the governed," who act through their elected representatives, according to their delegated powers.

Thus, the requirement for "Every Bill" passing the House of Representatives and the Senate to go through defined parameters, before it may become law.

If the President approves…he signs the bill, which becomes law according to its terms.

But, if the President vetoes the bill, it takes two-thirds of both Houses to override his veto. Failure to override the vetoed bill ends its life, and it expires without becoming law.

However, if the President doesn't formally object to a proposed legislative bill, it will in time become law *without his signature*, unless Congress adjourns before the designated time limit is reached, "in which Case it shall not be a Law."

It is important to consider the ramifications of Section 7 further, for it informs Patriots of the fundamental requirements for all laws.

A bill that passes both Houses will become law, if the President signs it.

If the President vetoes a proposed bill, *it cannot be a law* unless two-thirds of both Houses override his veto.

A bill that passes both Houses will become law *without* the President's signature, *if* Congress remains in session the ten required days, not counting Sundays.

But here's the absolutely-critical point of this Lesson—if Congress *adjourns* before the President signs a bill in his allowed time, the congressionally-approved bill without the President's signature "shall not be a Law."

Since even a bill passed by both Houses *can't* become law without the President's signature if Congress adjourns before the President's time limit is up, then obviously *nothing* which isn't approved in final fashion by both Houses of Congress may ever be a law in these United States of America.

The U.S. Constitution doesn't designate any means for enacting law which *bypasses* Congress.

Since the President cannot unilaterally create anything with law-like finality, beyond his named power to grant reprieves and pardons for offenses against the United States, certainly his inferior officers can never do so, either. That, of course, is precisely why it is called "legislation"—because duly-elected legislators are intricately involved.

So, what to make of the extensive actions taken by alphabet-agency bureaucrats of the various executive departments—such as the FDA, OSHA, or CDC—who issue regulations of their own crafting, nominally held as law?

And, what then of "government corporations" and "*independent* establishments"—the EPAs, the FCCs, FTCs, SECs, and others of this ilk?

Are all the directives which those entities implement—even if nominally under generally-worded, broad-based directions first issued by Congress—"law" in these United States of America?

The Government of the United States and the U.S. Courts have for generations certainly enforced them as such, although the June 2024 *Loper Bright Enterprises* case may have interjected a breath of fresher air. In *Loper*, the Court repealed their earlier 1984 *Chevron* decision, where judges had deferred congressional ambiguity to the alphabet agency interpretations. The Court has now indicated they'll hereafter make all

discretionary calls themselves, rather than defer to the judgement of the bureaucrats.

But, if the express words of the Constitution mean anything, bureaucratic regulations may never be law, congressional ambiguity or not.

And, of course, since the Constitution means *everything*—being the supreme Law of the Land—then nothing federal servants may ever do may ever transgress the Constitution.

Remember, the Constitution expressly vests in Congress the named legislative powers, that only members may directly exercise throughout the Union. These named powers cannot be delegated to executive or judicial branch officials for direct exercise in the Union of States, because of the guarantee of a Republican Form of Government, requiring legislative representation.

Which explains the Patriot Corps *ROAR-Path*—to first learn so well the normal case of allowable government action, that Patriots understand in a general manner, how normal things relate to one another, so we may later investigate elsewhere a few troubling abnormal cases, to understand how they are put into effect, so we may end the work-around mechanism, *Once and For All* or even *Happily-Ever-After.*

Patriots must temporarily ignore various transgressions to our founding principles, until we gain sufficient understanding of normal federal actions.

In the short term, just make mental note of transgressions, for study at a later date and different place.

In the meantime, never for a moment believe that Americans face all-powerful wizards or magical genies who are mysteriously empowered to do *whatever* they please, *wherever* they please.

After all, the Constitution is crystal clear as to the status of even a fully approved legislative bill proposed within the enumerated powers of Congress, but Congress adjourned before the President's time limit expired, and the President simply didn't sign it—"it shall not be a Law."

Certainly, therefore nothing that bypasses Congress completely, or that is modified by federal officers *after* it leaves Congress, may ever be a law, not in and for these United States of America—no, not ever.

Next up: Beginning a look at the enumerated powers of Congress.

Lesson 06: Article I, Section 8, Clause 1

Congressional Power

Other than the initial vesting of the named legislative powers in Congress by Article I, Section 1, the next most-significant passage in the Constitution is arguably Section 8 and its specific listing of members' enumerated powers.

Now there's probably a theoretical argument out there that the proffered hierarchy gets it wrong. The argument may assert that from the perspective of the people being governed, the powers nominally exercised over them should be more-important than worrying about *who* happens to exercise those powers.

But this hypothetical argument errs because it is based upon a pragmatic, modernist perspective, instead of fundamental principles.

Our founding principles only grant federal servants named powers that may be exercised by those vested with the particular type of authority, and thus only our Republican Form of Government serves as an appropriate bottleneck to drop by several orders of magnitude, the creation of new federal statutes.

The pragmatic argument cannot prevent, except perhaps by a majority vote of competent leaders with unquestioned moral integrity, what the Declaration of Independence called the creation of "a multitude of New

Offices" and the sending "hither" of "swarms of Officers to harass" the people "and eat out their substance."

The pragmatic argument can't challenge either the improper entry of the veritable army of bureaucrats into legislative affairs—from scores of executive departments, agencies, government corporations, and independent establishments—who are needed to implement extraneous federal action on every imaginable topic.

The Constitution, after all, only allows Congress to make law for the whole Union. Or, "at worst," it requires Congress to be the *last* party involved in the making of that law. Think of Congress in this case requesting the Treasury Department to first issue a report on a topic involving finance, before members decide the issue with finality, for example.

When members of Congress are the *last* party involved in creating law, suddenly the limited number of Representatives and Senators *becomes an absolute barrier to ever-expanding federal action*, because the limited number of legislative members may only get so much done, on any particular time-table.

Political fires rage today, only because members of Congress may set them by writing general, broad-based laws on a multitude of topics *and then walk away*. Members leave to executive officers the creation of a whole host of new regulations and to judges the implementation of "case law," to conform the general law Congress outlined, to the wide variety of instances found throughout the whole Union on any given topic.

The retort that the Constitution vests the executive power in the President—so it's his duty to execute the law enacted by Congress and thus do what's necessary to carry out the general will of Congress in the particular case thankfully fails in its argument.

Because, the Constitution goes so far as even to require Congress, in Article I, Section 8, Clause 18;

> "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other

> Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Members of Congress not only enact law on the "foregoing" legislative topics discussed *before* Clause 18, but this last clause of Section 8 even requires legislative members to enact all necessary and proper laws needed to execute even the executive powers the Constitution otherwise vests with the Government of the United States, the executive departments, and ultimately extending all the way down to individual federal officers.

And, there's no way on God's green earth that 435 Representatives and 100 Senators could possibly have implemented all the regulations, orders and decrees, that were issued by tens of thousands and even hundreds of thousands of bureaucrats, over so many decades on topics extending far beyond the enumerated powers.

Indeed, even if there were already the maximum number of members permissible in Congress, not even 11,000 or so Representatives could have overseen the direct implementation of laws on so many different topics as currently exist federally.[38]

Thankfully, the Constitution prohibits Congress from delegating members' enumerated legislative authority for the Union, to executive and judicial officers, even as it doesn't expressly foreclose an indirect false extension of allowed special powers, beyond allowable boundaries.

Even as it is the express duty of every federal officer to uphold the supreme Law of the Land, against anything to the contrary, no one beyond Congress may fine-tune legislation meant for the Union, other than the President with his veto.[39]

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[38] There were 331,108,434 people under the 2020 census. With the number of Representatives prevented from exceeding "one for every thirty Thousand" by Article I, Section 2, Clause 3 of the U.S. Constitution, the absolute barrier with current population would be a maximum ceiling for 11,036 Representatives (not that it would be workable).

[39] Which statement isn't meant to infer that the President has any type of line-item veto, to actually fine-tune any law, just that he has the special named ability to

Clause 1 starts off the list of enumerated legislative powers found in Section 8, saying:

> "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States…"

The power to raise revenue is obviously an important power for any organization, effort or cause, so it shouldn't surprise anyone that raising revenue is first listed.

After all, it is a safe bet, had there been no continuing financial turmoil after the end of the Revolutionary War, that there wouldn't likely have been a convention and new Constitution, at least at that time, organized in its current form.

Article VI ultimately alludes to the purpose of creating a new Constitution, with greater revenue powers, as Clause 1 says:

> "All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation."

The most-pressing need of the convention era was ensuring the debt incurred from liberating the colonists from the yoke of British tyranny could be serviced.

Article VI acknowledges that the change in Form of Government—from the Confederation to the Constitution—wouldn't void the former's debts, which would be honored by the latter.

Ignoring the different types of revenue streams for the moment helps one see that the power to lay and collect revenue is integrally tied to the paying the acknowledged debts and providing the allowed services.

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block legislation he doesn't like (nominally to preserve, protect and defend the Constitution), except as Congress overrides him.

This can be seen by examining the most important words of the first part of this clause, which read:

> "The Congress shall have Power To lay and collect Taxes…to pay the Debts and provide for the common Defense and general Welfare of the United States..."

The Power to lay and collect revenue must therefore be seen as a *qualified* power—i.e., that Congress may not simply raise revenue for any purpose members see fit.

Members of Congress, for example, are not given the independent power to lay and collect taxes, as they please, "and" then given the separate power to pay the debts and provide for the common defense and general welfare of the United States.

Instead, members are given the power to lay and collect taxes "to pay" the legitimate debts and cover the allowed expenses.

And, of course, the ability to "pay the Debts and provide the common Defence and general Welfare" are not specific grants of independent power, either.

If they were, the explicit enumeration in the remainder of clauses in Section 8 wouldn't have been necessary.

As James Madison said in *The Federalist,* #41—the "misleading" idea that Clause 1 grants Congress "an unlimited commission to exercise every power which may be alleged to be necessary for the common defence or general welfare" is a confounding "misconstruction."[40]

After all, the indecent proposal excludes "from…meaning" "the clear and precise expressions" which are "denied any signification whatsoever," while "the more doubtful and indefinite terms" are extended beyond all rational meaning.[41]

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40 https://guides.loc.gov/federalist-papers/text-41-50

41 *Ibid.* (Latin abbreviation for "ibidem" meaning the same as previous).

Madison writes "Nothing is more natural or common than first to use a general phrase, and then to explain and qualify it by a recital of particulars."[42]

Of course, proponents of unlimited federal power today go far beyond the words of Clause 1.

Advocates promoting unlimited federal action act as if the words found in Clause 1 reach not only to the "common defence" of "the United States," but reach to the "uncommon offense" throughout the whole world.

And, the idea that "the general Welfare" isn't limited to that which is indivisible between all Americans, but instead reaches to the specific welfare of particular people, even if at exaggerated cost, to the remainder of people, is equally ludicrous.

In the end, however, the explanations offered by tyrants-in-training never matter, but are offered simply to placate troubled minds sufficiently so they will in time accept any inadequate excuse offered and ultimately move on to other matters that they still consider to be winnable. Sadly, in futile attempt to remain relevant, far too many Americans first give up the very thing that could keep them relevant.

Indeed, never accept false premises of unchallengeable authority, for once accepted, no rational basis remains for disputing anything, and an ignoble end will soon be right around the proverbial corner.

Instead, make note of transgressions and revisit them once one gains sufficient knowledge and proper perspective, that finally explains—using strict construction of the Constitution—the horrid secrets of our political opponents' stupefying success.

From the broadest-based perspective, the U.S. Constitution provides the form and framework for Congress and the Government of the United States to operate.

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[42] *Ibid.*

Prior to ratification of the U.S. Constitution, the Articles of Confederation performed that job, for the Congress of States meeting during that time.

A comparison between like-worded clauses of these two founding documents is informative.

The Constitution's tying of the raising of revenue to its disbursement follows the same parameters as did Article VIII of the Confederation, which declared:

> "All charges of war, and all other expenses that shall be incurred for the common defence or general welfare...shall be defrayed out of a common treasury."

And the Preamble of the U.S. Constitution also follows Article III of the Confederation, as the earlier document therein declared that:

> "The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare."

Recall that the repeated complaint about the Articles of Confederation were their lack of command, including even the inability to lay and collect their own taxes, which inadequacy the Constitution sought to rectify.

Whatever may be said of the aim to provide sufficient government, the *same* words and phrases—"common defence" and "general welfare"—from two different documents of the same general era, couldn't cause *opposing* results; *impotency* in one, but *omnipotence* in the other.

Some other factor, or factors, necessarily exist, to cause opposing appearances.

Of course, listening to our political opponents tell it, those who swear an oath to support the Constitution may nevertheless change the meaning of its words.

This preposterous claim of unbridled power, of course, must be fully investigated, at the appropriate time and place.

But, that time is not yet, and the place is not here, even as here we will in Lessons 16 - 18 be introduced to the inherent power which serves as the false base of all improperly-extended federal authority.

In the meantime, keep focused on what is true and proper, and learn consistently the normal case.

Once one learns how all the normal pieces fit together, then at a later date and another place one may delve more fully into abnormal cases, which perhaps defy all the normal rules, but they will all necessarily conform to the allowed special exception.

Do not let false appearances cause you to doubt the founding principles of American government that are enshrined and protected in and by our supreme Law of the Land. Every federal servant is duty-bound to give his or her binding oath to support that Constitution, and they are all powerless to circumvent their fundamental duty, even as they may yet work in its allowed exception.

Next up: a deeper look into the claimed power of interpretation.

Lesson 07: Article I, Section 8, Clause 1

Common Defense and General Welfare, Commerce

The idea that those who swear an oath to support the Constitution are yet able to redefine words and reinterpret phrases found in the Constitution, so that they may exercise new federal powers directly throughout the Union, is the most ridiculous work of fiction ever told.

The fabricated boast rests upon the absurd premise that the mandatory oath isn't simultaneously binding—that those who have signified their required subservience to the Constitution may yet overrule it.

Take, for example, the 1871 Supreme Court's bragging that 52 years earlier the 1819 *McCulloch v. Maryland* Court reinterpreted the phrase "necessary and proper"—found in Article I, Section 8, Clause 18—to mean instead only "convenient."[43]

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[43] *The Legal Tender Cases*, Page 79 *United States Reports,* Page 529 @ 536 - 537. 1871. (Abbreviated: 79 *U.S.* 529 @ 536-537. 1871). Italics added (except the court case name).

> "Indeed the whole history of the government and of congressional legislation has exhibited the use of a very wide discretion…and this discretion has generally been unquestioned, or, if questioned, sanctioned by this Court…Under the power to regulate commerce…and other powers over the revenue and the currency of the country, for the *convenience* of the Treasury and internal commerce, a corporation known as the United States Bank was early created…But the corporation was a private one, doing

The 1871 Court effectively said if the earlier court could for *convenience* support the second bank of the United States, then the present court could likewise support legal tender paper currencies.

But, court opinions contrary to founding principles can never be accepted at face value. Instead, one must learn to read between the lines, to learn what is occurring underneath the contrived surface.

Take, for example, the 1871 *Legal Tender Cases* opinion, mentioned above.

Three earlier U.S. Supreme Court cases had already come to the opposing conclusion, including the 1870 *Hepburn v. Griswold* Court, which went so far as to conclude that the Constitution *prohibited* legal tender paper currencies.[44]

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business for its own profit. Its incorporation was a constitutional exercise of congressional power for no other reason than that it was deemed to be a *convenient* instrument or means for accomplishing one or more of the ends for which the government was established, or, in the language of the first article, already quoted, *"necessary and proper"* for carrying into execution some or all the powers vested in the government. Clearly this necessity, if any existed, was not a direct and obvious one. Yet this Court, in *McCulloch v. Maryland* unanimously ruled that in authorizing the bank, Congress had not transcended its powers."

[44] Supreme Court cases denying paper currency a legal tender in case before the court (applied to pre-existing debts):

a. Paper currency declared a legal tender for "debts" doesn't include "taxes." *Lane County v. Oregon*, 74 U.S. 71 @ 81 (1868).

"Upon this question, we are clear that it only intended by the terms debts, public and private, such obligations for the payment of money as are founded upon contract."

"In whatever light, therefore, we consider this question…we find ourselves brought to the same conclusion, that the clause making the United States notes a legal tender for debts has no reference to taxes imposed by state authority, but relates only to debts in the ordinary sense of the word, arising out of simple contracts or

May allowable federal powers be so easily changed, merely by retiring one judge and packing the court with two new justices predisposed to approving some bold new outcome?

Is there nothing We the People may do, beyond searching for saints to elect, in hopes they appoint angels who may exercise such awe-inspiring power, instead, in a benevolent fashion?

If there isn't anything else, then tragically the Constitution is as worthless as those who falsely proclaim it to be.

However, if there is far more—as the Patriot Corps asserts—then perhaps it is the pro-liberty faction yet opposed to the Constitution who are the gullible ones. After all, they won't even question the exaggerated claims of Paper Tyrants, simply because the scoundrels currently get away with implementing their lies.

Instead of disproving the absurd claims, however, anarcho-libertarians have resigned themselves to accepting "anything-goes-government" until they may successfully reject everything. But, is the all-or-nothing crowd

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contracts by specialty, which include judgments and recognizances.

"Whether the word 'debts,' as used in the act, includes obligations expressly made payable or adjudged to be paid in coin has been argued in another case. We express at present, no opinion on that question."

b. Bronson v. Rodes, 74 U.S. 229 @ 254 (1869).

"express contracts to pay coined dollars can only be satisfied by the payment of coined dollars. They are not 'debts' which may be paid by the tender of United States notes."

c. Hepburn v. Griswold , 75 U.S. 603 @ 625 (1870).

"We are obliged to conclude that an act making mere promises to pay dollars a legal tender in payment of debts previously contracted, is not a means appropriate, plainly adapted, really calculated to carry into effect any express power vested in Congress; that such an act is inconsistent with the spirit of the Constitution; and that it is prohibited by the Constitution."

wise to work towards the same goal of repealing the Constitution as those who push for unlimited power, even if, for opposing reasons?

Now it is certainly understandable why those who push for unlimited federal power want to repeal the Constitution. After all, if we close down their bypass-mechanism, their false rule terminates overnight, even without changing how Congress and the U.S. Government are currently staffed.

But, why would liberty-minded anarchists ever believe that eliminating the Constitution would promote liberty? After all, not only don't they have any structural foundation whatsoever to counter our mutual, pro-tyranny opponents who are well-organized, having successfully pushed for unlimited power for two centuries, but the former can't even explain the false base of supposedly magical powers we all currently face, when magic doesn't even exist.

The most effective tool in our arsenal against federal tyranny is the U.S. Constitution, bar none. Patriots need only learn how federal servants may ever bypass or ignore their normal constitutional parameters, with impunity, and then resolutely work to expose that devious loophole to the bright light of day, to close it forever.

Even if it were true that another long-term solution may one-day more-justly supersede the Constitution, enforcing the existing Constitution is still the most-effective and quickest way to cast off improper federal action, without risk, to contain or end inappropriate federal activity.

After all, the Constitution is already the supreme Law of the Land and all who exercise its delegated powers must already swear a binding oath to support it.

Which of the following is the more rational approach?

The first option, the Patriot Corps answers, which is to correct the errant circumvention of the current constitutional order by exposing its devious work-around process, to get, say, 90% of the way towards liberty, without risk, worrying about the final 10% later.

The second option, proposed by anarchists, puts everything on the line and up for grabs, while shooting for an all or nothing response in one fell swoop, without an adequate foundation, seeking a whole new order, which, with history as our guide, would likely make things horribly worse, for another few centuries.

Unfortunately, explaining how our political opponents pull off their spectacular political coup gets complicated rather quickly, even though it only rests on an allowed special power deviously-extended beyond allowable boundaries.

Which is why a guided tour best helps Patriots discover quickly what is being done under the radar and behind the scenes.

And that tour starts with learning well the normal case so abnormal practices don't too early get in the way and confuse those not yet firmly grounded in founding principles.

Indeed, the gravest political mistake is to believe *The Grand Lie* that everyday federal practices may ever override our founding principles that are secured by our supreme Law of the Land, that is in turn supported by binding oaths of all who exercise its delegated powers.

Even as the Patriot Corps *LearnTheConstitutionInOneYear* Program Course covers the *normal* case of allowable federal actions, Lessons 16-18 will nevertheless cover the fundamental basis for all abnormal federal actions which appear to violate the founding principles of our American Republic.

After all, these abnormal actions are again necessarily-based upon an allowed special power, simply extended in a deceitful manner, beyond allowable boundaries.

The best, shortest explanation of how federal servants ever became our political masters is detailed in the Patriot Corps *SNIFF* Premium Course, available now.[45]

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45 https://www.learntheconstitutioninoneyear.com/SNIFF2

The longer explanation, which will go into greater detail and showcase a specific example, to prove true the general concept discussed in our *Seek New Information First & Foremost Course*, is scheduled to be released in 2025, as our *GROWL* Premium Course, which will examine the devious monetary conversion from gold and silver coin to paper currency.

Or, see Matt Erickson's public domain books on this topic, including *Two Hundred Years of Tyranny, Understanding Federal Tyranny*, *Patriot Quest*, *Dollars and non-Cents* and *Monetary Laws of the United States*, freely-available electronically at the www.PatriotCorps.org website.[46]

Another favored phrase of judicial interpretation is found in the Article I, Section 8, Clause 3 power of Congress "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

The idea that Congress, or the courts, may continuously bring more and more things under the Interstate Commerce umbrella, to federalize even intra-State activity—including the production of goods and supply of services—is another preposterous claim, nominally founded on the supposed power of judicial interpretation.

"Commerce" is a noun that references an exchange or trade, which involves the movement of things from place to place—and its related functions, including the scheduling and coordination of activities affecting the exchange of goods.

"Regulate" is a verb, meaning to make something regular, consistent, and uniform, as also found in Clause 5, where members of Congress are there given the express power to regulate the value of money they coin, to make that value regular, consistent and uniform.

Making "commerce" regular, consistent and uniform doesn't extend to directly regulating businesses engaged in commerce, let alone regulating businesses merely engaged in the production of things.

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46 https://www.patriotcorps.org/nonfiction

From the earliest of precedent-setting court cases, one must realize that the explanations given by the court in support of omnipotent federal powers never admit what they are doing.

Because, if federal justices ever admitted what they were really doing, they would give away their false base of action, which would end their fictitious rule.

Precedent-setting court opinions are indecipherable, not because federal servants are all-powerful, *but precisely because they're not*.

Rest assured, if they truly had the legal authority to everywhere do as they claim, their words would be brief, crystal clear and there'd never be any question as to their true authority.

Since they continuously push for ever-expanding authority, precedent-setting cases twist, turn, and convolute those opinions to make opposite situations appear true.

That's why it's up to us to learn to see through their false claims, because their make-believe reign is so fragile that we could end it almost overnight, if we fully understood and finally responded accordingly.

Thankfully, it is within our individual power to learn what we are missing, to work towards casting off all false authority built up over two centuries, without even needing to change any particular person in power or directly repealing any particular law.

We need only seek to make sense of 200 years of utter political nonsense, being able to explain how federal servants may ever ignore or bypass their normal constitutional parameters with impunity. We may then cast off all invalid law all at once, because it is not actually "for" the Union of States (instead, all invalid law, is only valid for D.C. and other special, exclusive-legislation parcels).

The most effective means to reveal absurd political reasoning to the bright light of day involves extending false claims to their illogical conclusion, as Matt Erickson has shown in "*Trapped by Political Desire: The Novel.*"[47]

The protagonist of the story, unable to reach his fellow conservatives even after thirty years of trying, decides to take an alternate approach. He thus nominally seeks to "help" his political adversaries advance *their* cause, but only as a trap, to expose their devious tactics to the purifying light of day.

The bait? The promise of extended political terms, achieved by redefining the word "Year" as found in the Constitution, as it relates to political term lengths and election intervals.

If federal authorities may reinterpret "necessary and proper" to mean "convenient," then surely they could redefine a "Year" to mean a "Decade" or a "Century," right, and then stay in power for a lifetime?

It's not like Alexander Hamilton—the chief architect of the omnipotent central government we now face—didn't expressly call for *life terms* for U.S. Senators and American Presidents at the 1787 convention, after all.[48]

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47 https://www.patriotcorps.org/Fiction

48 *Farrand's Records of the Convention* (Madison's Notes), Volume I, Printed Pages 282 @ 287-291 https://www.loc.gov/resource/llscdam.llfr001/?sp=1&st=image (images 312 @ 317-321).

a. Hamilton recommending to *extinguish* the States and substitute a (consolidated) general government. Page 287. Italics added.

> "Two Sovereignties can not co-exist within the same limits. Giving powers to Congs. must eventuate in a bad Govt. or in no Govt. The plan of N. Jersey therefore will not do. What then is to be done? Here he was embarrassed. The extent of the Country to be governed, discouraged him. The expence of a general Govt. was also formidable; unless there were such a diminution of expence on the side of the State Govts. as the case would admit. *If they were extinguished*, he was persuaded that great œconomy might be obtained by substitution a general Govt. He did not mean to however to shock the public opinion

Under the express constitutional provisions to make or alter the regulations pertaining to the elections of Senators or Representatives, and determining the Time of choosing Presidential Electors, Congress in 1845 designated "the Tuesday next after the first Monday in the month of November" of election years as the day for holding elections.[49]

By the same expressly-named powers, members could within their discretion choose another day or date for federal elections.

The protagonist of the story writes his *Political Year Strategy*, to recommend Congress choose Leap Year Day as the new date for federal elections.

Members need only thereafter define a new "Political Year" to be "the length of time until the date designated for federal elections again shows up on the calendar."

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by proposing such a measure. On the other (hand) he saw no *other* necessity for declining it."

b. Hamilton recommending life terms for U.S. Senators and U.S. Presidents. Volume I, Page 289 - 290.

> "What is the inference from all these observations? That we ought to go as far in order to attain stability and permanency, as republican principles will admit. Let one branch of the Legislature hold their places for life or at least during good-behavior. Let the Executive also be for life…An Executive for life has not this motive for forgetting his fidelity, and will therefore be a safer depositary of power.

c. Hamilton recommending giving Congress unlimited powers, except things expressly prohibited (which is the exact opposite of instituted [only named powers, using necessary and proper means, with all else prohibited]). Page 291.

> "The Supreme Legislative power of the United States of America to be vested in two different bodies of men…who together shall form the Legislature of the United States with power to pass all laws whatsoever subject to the Negative hereafter mentioned."

[49] January 23, 1845. Volume 5, *Statutes at Large*, Page 721 (5 *Stat.* 721).

With February 29th designated as the date for federal elections, by members' claimed magic, this would seemingly turn the four-calendar year timespan between one Leap Year Day and the next, magically into one "Political Year."

U.S. Representatives—who serve a two-year term—could by this bold new standard theoretically serve two "Political Years," or eight calendar years, with federal elections coinciding with this same schedule. U.S. Presidents would likewise by their claimed magic serve four "Political Years" or 16 calendar years, and U.S. Senators, their six "Political Year" term, or 24 calendar years.

But remember, the protagonist's *Political Year Strategy* was only a trap, to expose all of Hamilton's *Government-by-Deception-through-Redefinition* scheme to the bright light of day, to cast off *The Make-Believe Rule of Paper Tyrants*, ending 230 years of false political rule.

Because, if federal servants *can't* reinterpret "Year" as it relates to term lengths and election intervals, *then neither can they redefine other terms found in the Constitution*, for direct exercise throughout the Union.

It is imperative to see through the false claims of unbridled power exercised directly throughout the Union. This means searching for curtains to pull back, to reveal the vile source of the incessant political stench that emanates from D.C., to learn what we are missing, to address it directly, and cast off the false rule inappropriately extended over us.

Next up: the power of Congress to lay and collect taxes, duties, imposts and excises.

Lesson 08: Article I, Section 8, Clause 1

Taxes, Duties, Imposts and Excises

The *second* requirement for raising federal revenue is found in Article I, Section 8, Clause 1 of the U.S. Constitution, which details:

> "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

The first requirement was mentioned a few Lessons earlier, which again is the requirement of the *apportionment* of Direct Taxes, which is first found in Article I, when Section 2, Clause 3 which declares:

> "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers..."

The requirement for the apportionment of Direct Taxes is so important that the Constitution even took the unusual step of repeating it, as Article I, Section 9 details, in Clause 4:

> "No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken."

So, the *primary* rule for raising federal revenue is that Direct Taxes must be *apportioned*.

And, the *second* rule is that all Duties, Imposts and Excises must be *uniform* throughout the United States.

Besides these two primary *qualifications*, there is also an express *prohibition*, as Article I, Section 9, Clause 5 details that:

> "No Tax or Duty shall be laid on Articles exported from any State."

And, there are also some secondary or minority parameters involved.

By Article I, Section 9, Clause 6 provides that:

> "No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another."

Indians weren't initially taxed or counted for purposes of apportionment, by Article I, Section 2, Clause 3, and "all other Persons"— slaves—only counted as "three-fifths" of a person for apportionment purposes.

Taxes or Duties were allowed upon the importation of slaves to $10 each, although all further slave importation was prohibited after 1807.[50]

And, by Article I, Section 7, remember, all bills for raising revenue must originate in the House of Representatives.

Lastly, by Article I, Section 10, there are a few restrictions applicable to the States.

The first is that no State, without the consent of Congress, may "lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's [sic] inspection Laws," even as "the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States."

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[50] a. $10 Duties: Article I, Section 9, Clause 1

b. Slave trade prohibited: March 2, 1807; Volume 2, *Statutes at Large*, Page 426 (2 *Stat.* 426).

Nor was any State, without congressional consent, allowed to "lay any Duty of Tonnage."

As the Constitution originally viewed the term, "Taxes" were understood as Direct Taxes levied upon the States, in proportion to their population, in relation to the population of the whole Union.

Duties, Imposts and Excises were forms of revenue indirectly laid, that needed only to be uniform, or consistent in their application, from place to place.

There have only been three periods of apportioned Direct Taxation in the United States. The first Direct Tax, of two million dollars, was laid in 1798, "upon the United States, and apportioned to the states respectively," to prepare for a pending war with France that never occurred.[51]

New Hampshire was allotted its proportionate share of the two million dollars of assessed taxes—being "seventy-seven thousand seven hundred and five dollars, thirty-six cents and two mills..."—and the other 15 States at that time in the Union were next allotted their respective proportionate shares.[52]

There were also three Direct Taxes laid during the War of 1812, totaling $12 million, and an annual $20 million Direct Tax laid in 1861, at the start of the Civil War.[53]

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[51] Direct Tax of July 14, 1798. 1 *Stat.* 597, Sect. 1.

[52] *Ibid.* (Latin for "*ibidem*," meaning the "same as previous").

[53] Direct Taxes of the War of 1812 and Civil War:

a. Direct Tax of August 2, 1813. 3 *Stat.* 53.

b. Direct Tax of January 9, 1815. 3 *Stat.* 164.

c. Direct Tax of March 5, 1816. 3 *Stat.* 255.

d. Direct Tax of August 5, 1861. 12 *Stat.* 292, @ Section 8 (and following).

The express power of Direct Taxation was seen as a necessary ace up the Legislator's sleeve, essentially to provide sufficient revenue during war or pending war. It was used as intended, providing revenue only during three different war-time eras.

Although Direct Taxes were laid upon the several States according to their population, the Direct Tax of 1798 was actually *assessed* "upon dwelling-houses, lands and slaves, according to the valuations and enumerations…"[54]

The three Direct Taxes laid during the War of 1812 also assessed lands, slaves and dwelling houses, but the 1861 Direct Tax was laid only upon land and dwelling houses.[55]

Only dwelling-houses *over* the value of $100 were assessed in Section 2 of the 1798 Tax, from 0.2% up to 1%, depending upon their value.[56]

The assessment per slave was fifty cents, but infirmed slaves, and slaves over 50 or under 13 years of age, were exempted from assessment.[57]

Taxes laid on the count or quantity, of persons or property, require only tracking their number. Property assessed according to its valuation

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[54] 1 *Stat.* 597, Section 2 @ 598. 1798

[55] Direct Taxes of the War of 1812 and Civil War:

a. Direct Tax Assessment Act of July 22, 1813 (3 Stat. 22, Sect. 5 @ pg. 26), assessment directives for the Direct Tax of August 2, 1813. 3 *Stat.* 53;

b. Direct Tax of January 9, 1815. 3 *Stat.* 164, Sect. 5 @ 166;

c. Direct Tax of March 5, 1816. 3 *Stat.* 255, Sect. 2.

d. Direct Tax of August 5, 1861. 12 *Stat.* 292, Section 13 @ pg. 297.

[56] 1 *Stat.* 597, Section 2 @ 598. 1798

[57] $.50 Rate per slave: Direct Tax Act of July 14, 1798; 1 Stat. 597, Sect. 2 @ 598. Exemptions for slaves under 13 or over 50, per the Valuation and Enumeration Act of July 9, 1798, 1 Stat. 580, Sect. 8, @ pg. 585.

required much more information to be tracked, to provide for some objective determination of subjective value.

Due to apportionment, States with a large population base but a small amount of assessed property paid a higher taxation rate, on land.

The varying impact of this form of taxation was often resented by those heavily impacted, as it was plainly visible to all paying it. Congressmen and Senators seeking re-election did not enjoy being confronted by wealthier constituents who understood what was being done to them, and who was doing the harm. Without surprise, Direct Taxation wasn't a very popular method of raising revenue with members of Congress who tend to seek re-election.

The federal government was expected to be funded in normal day-to-day operations in time of peace by the misnamed indirect "taxation" power of Article I, Section 8, Clause 1, which again refers actually to Duties, Imposts, and Excises.

Duties were the chief form of revenue for the early government, from ratification of the Constitution until the Civil War.

The large majority of the Duties imposed in the first era of government were imposed as *Imposts*. *Imposts* are Duties laid on the importation or exportation of goods. Since the Constitution forbids Duties upon exported products, the constitutional meaning of Imposts in the United States are fees laid upon imported goods. *Imposts* are synonymous with the term *Customs* or, more fully, *Customs Duties*.

While all Imposts are Duties, not all Duties are Imposts, as Duties may be laid upon domestic goods.

When Duties are laid on items according to their *value*, they are referred to as *ad valorem Duties*.

When Duties are laid on an item according to its weight, number, or measure, they are *specific Duties*.

As hereinbefore detailed, the *first* legislative Act of the first Session of the first Congress prescribed the required *oath*, as mandated by Article VI of the Constitution.[58]

The *second* enactment of law was "An Act for laying a Duty on Goods, Wares, and Merchandises imported into the United States" from any foreign port or place, for "the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures."[59]

The list of imported goods being assessed with Customs Duties was extensive, including distilled spirits, molasses, wine and beer. To name a few more items, sugar, coffee, cocoa, candles, cheese, and soap were also assessed. Even boots, shoes, slippers, twine, steel, and nails were included, as was salt, tobacco, snuff, wool, cotton, coal, fish, and tea, but this list is but a fraction of the items reached.[60]

The third Act of the First Congress imposed Duties of Tonnage, which are Duties paid on the hauling capacity of ships.[61]

American-built, American-owned "coasting trade" vessels paid Tonnage Duties but once per year, while all other vessels were subject to Tonnage Duties upon every entry into the ports of the United States.[62]

On March 3, 1791 Congress imposed the first domestically-oriented Duties, upon distilled spirits.[63]

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[58] June 1, 1789. 1 *Stat.* 23.

[59] July 4, 1789. 1 *Stat.* 24.

[60] *Ibid.*, Section 1, @ pp. 25-26.

[61] July 20, 1789. 1 *Stat.* 27.

[62] *Ibid.*, Section 1.

[63] 1 Stat. 199.

In 1794, Congress enacted four additional domestic Duties, including upon carriages used in the conveyance of persons, on licenses for selling wines, on snuff and refined sugar, and items sold at auction.[64]

Resentment towards the domestic Duties escalated quickly, from tar and feathering of tax collectors and burning of their residences, to even the shooting deaths of a few "rebels."

The 1794 Whiskey Rebellion wasn't quelled until President Washington personally led nearly 13,000-militiamen into the heart of the resistance, in Western Pennsylvania.[65]

Animosity grew again, though, with the Adams administration, especially with its 1797 Stamp Duties and then its infamous 1798 Alien and Sedition Acts.[66]

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[64] 1794 Duties:

a. Carriages—1 *Stat.* 373;

b. Licenses for selling wines—1 *Stat.* 376;

c. Snuff & Snuff mills—June 5, 1794. 1 *Stat.* 384; and

d. Items sold at Auction—1 *Stat.* 397.

[65] https://founders.archives.gov/documents/Washington/05-16-02-0494
https://founders.archives.gov/documents/Washington/05-16-02-0488
https://guides.loc.gov/this-month-in-business-history/august/whiskey-rebellion

[66] a. Stamp Duties: 1 *Stat.* 527.

b. Alien and Sedition Acts;

1. Naturalization Act: June 18, 1798. I *Stat.* 566;
2. Alien Act. June 25, 1798. 1 *Stat.* 570;
3. Alien Enemy Act. July 6, 1798. 1 *Stat.* 577;
4. Sedition Act. July 14, 1798. 1 *Stat.* 596.

The Duties on snuff and snuff mills were the first to go. They were first modified, and then suspended in their operation three times, before they were finally abolished in the year 1800.[67]

President Jefferson steered the American government in a new direction with a liberty-minded Congress, who together abolished all domestic Duties effective June of 1802.[68]

However, with the War of 1812 came new pressures for raising revenue, as the internal revenue Acts of old were effectively resurrected, along with a few new methods, besides.

Twelve million dollars of Direct Taxes were laid by three different war-time legislative Acts, and a wide number of domestic Duties were again laid.[69]

Besides the familiar Duties laid upon refined sugar, carriages, licenses for distillers and retailers of wines and liquors, and items sold at auction, new Duties reached household furniture and gold and silver watches, and

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[67] Snuff Acts:

a. March 3, 1795. 1 *Stat.* 426 (ceased and not collected);

b. May 28, 1796. 1 *Stat.* 478 (ceased);

c. June 1, 1796. 1 *Stat.* 495 (suspended);

d. March 3, 1797. 1 *Stat.* 509 (suspended);

e. July 16, 1798. 1 *Stat.* 608 (suspended);

f. April 24, 1800. 2 *Stat.* 54 (repealed).

[68] Domestic Duties repeal. April 6, 1802. 2 *Stat.* 148.

[69] War of 1812-era Direct Taxes:

a. Direct Tax Assessment Act of July 22, 1813 (3 Stat. 22, Sect. 5 @ pg. 26)—Direct Tax of August 2, 1813. 3 *Stat.* 53;

b. Direct Tax of January 9, 1815. 3 *Stat.* 164, Sect. 5 @ 166;

c. Direct Tax of March 5, 1816. 3 *Stat.* 255, Sect. 2.

d. Direct Tax of August 5, 1861. 12 *Stat.* 292, Section 13 @ pg. 297.

various goods, wares, and merchandise manufactured in the United States.[70]

But in 1817, President James Monroe and Congress abolished all internal Duties, effective January first, 1818, repealing them within three years of the end of the war.[71]

For the next two generations, no more internal revenue Acts were enacted. No domestically-oriented Duties or Excises were laid, nor were any more apportioned Taxes levied.

From 1818 until 1861, Congress relied upon *external* revenue—Imposts—for the vast bulk of the government's limited needs.

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[70] War of 1812-era Domestic Duties:

a. Sugar. July 24, 1813. 3 *Stat.* 35;

b. Carriages. July 24, 1813. 3 *Stat.* 40;

c. Distillers. July 24, 1813. 3 *Stat.* 42;

d. Auction. July 24, 1813. 3 *Stat.* 44;

e. Stamps. December 10, 1814. 3 *Stat.* 148;

f. Carriages. December 15, 1814. 3 *Stat.* 148;

g. Distilled Spirits. December 21, 1814. 3 *Stat.* 152;

h. *Surcharges*—Auctions/Distillers/Retailers, etc. December 23, 1814. 3 *Stat.* 159;

i. Furniture & gold/silver watches. January 18, 1815. 3 *Stat.* 186;

j. License *exemptions*. February 8, 1815. 3 *Stat.* 205;

k. Gold/silver plate. February 27, 1815. 3 *Stat.* 217;

l. Gold/silver plate Duties *repealed*, February 22, 1816. 3 *Stat.* 254;

m. Furniture & watches Duties *repealed*. April 9, 1816. 3 *Stat.* 264;

n. Licenses for Distillers *ended* (cease and determined)—April 19, 1816. 3 *Stat.* 291; and

o. Auction/Wine & Spirit Retailers *surcharge ended* (cease and determined)—April 29, 1816. 3 *Stat.* 320.

[71] (Remaining) Domestic Duties repealed December 23, 1817. 3 *Stat.* 401.

Eighty-four percent of all needed federal revenue ultimately came from Imposts, from 1797 to 1857.[72]

Public land sales brought in 10% of the total revenue through 1857, even as it reached 49% of all federal revenue in the year 1836 alone.[73]

Internal Duties and Direct Taxes were but temporary footnotes in the early days of the Republic, as internal domestic Duties between 1791 and 1857 amounted to only 1.35% of total federal revenue.[74]

Direct Taxes during this same period did not even hit 1% percent—they came in at just 0.77% of overall federal revenue during this first era of American government.[75]

Postal revenues and miscellaneous receipts rounded out government collections.

The federal government was limited in scope and largely followed the commands of the Constitution during this time.

Then, of course, the Civil War erupted, and the United States haven't been the same since.

And the next big hit on the taxpayer pocketbook was the dreadful Sixteenth Amendment of 1913, which allowed the imposition of a uniform, indirect tax—that once upon a time, was more properly called an "Excise"—on all income which had been separated from its "source."

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[72] For the cited federal revenue statistics, please see attached chart: "U.S. Government Collections 1791-1857."

[73] For the cited federal revenue statistics, please see attached chart: "U.S. Government Collections 1791-1857."

[74] *Ibid.*

[75] *Ibid.*

Only income "derived" from its source—income that has been *separated* from its origin—may be and is no longer a tax "upon" the source, however.

If a Tax gets laid "on" income, even today, it would still be a Tax upon its source, and thus would still require apportionment. The Sixteenth Amendment did not remove from the apportionment requirement Direct Taxes actually laid "on" income, it only allows a tax on income without apportionment when that income has been duly-separated from its source.

Next up: Naturalization and Bankruptcies.

U. S. Government *Collections* 1791 - 1857

	External Revenue	Internal Revenue		Other Income			
Year	Customs/ Tonnage Duties	Internal Duties	Direct Taxes	Public Land Sales	Dividends/ Bank Stock	Misc.	Yearly Totals
1791	$4,399,473.09		$0.00	$0.00		$19,440.10	$4,418,913.19
1792	$3,443,070.85	$208,942.81	$0.00	$0.00	$8,028.00	$9,918.65	$3,669,960.31
1793	$4,255,306.56	$337,705.70	$0.00	$0.00	$38,500.00	$21,410.88	$4,652,923.14
1794	$4,801,065.28	$274,089.62	$0.00	$0.00	$303,472.00	$53,277.97	$5,431,904.87
1795	$5,588,461.26	$337,755.36	$0.00	$0.00	$160,000.00	$28,317.97	$6,114,534.59
1796	$6,567,987.94	$475,289.60	$0.00	$4,836.13	$1,240,000.00	$89,415.98	$8,377,529.65
1797	$7,549,649.65	$575,491.45	$0.00	$83,540.60	$385,220.00	$94,879.29	$8,688,780.99
1798	$7,106,061.93	$644,357.95	$0.00	$11,963.11	$79,920.00	$58,192.81	$7,900,495.80
1799	$6,610,449.31	$779,136.44	$0.00	$0.00	$71,040.00	$86,187.56	$7,546,813.31
1800	$9,080,932.73	$809,396.55	$734,223.97	$443.75	$71,040.00	$152,712.10	$10,848,749.10
1801	$10,750,778.93	$1,048,033.43	$534,343.38	$167,726.06	$88,800.00	$345,649.15	$12,935,330.95
1802	$12,438,235.74	$621,898.89	$206,565.44	$188,628.02	$1,327,560.00	$212,905.86	$14,995,793.95
1803	$10,479,417.61	$215,179.69	$71,879.20	$165,675.69	$0.00	$131,945.44	$11,064,097.63
1804	$11,098,565.33	$50,941.29	$50,198.44	$487,526.79	$0.00	$139,075.53	$11,826,307.38
1805	$12,936,487.04	$21,747.15	$21,882.91	$540,193.80	$0.00	$40,382.30	$13,560,693.20
1806	$14,667,698.17	$20,101.45	$55,763.86	$765,245.73	$0.00	$51,121.86	$15,559,931.07
1807	$15,845,521.61	$13,051.40	$34,732.56	$466,163.27	$0.00	$38,550.42	$16,398,019.26
1808	$16,363,550.58	$8,210.73	$19,159.21	$647,939.06	$0.00	$21,802.35	$17,060,661.93
1809	$7,296,020.58	$4,044.39	$7,517.31	$442,252.33	$0.00	$23,638.51	$7,773,473.12
1810	$8,583,309.31	$7,430.63	$12,448.68	$696,548.82	$0.00	$84,476.84	$9,384,214.28
1811	$13,313,222.73	$2,295.95	$7,666.66	$1,040,237.53	$0.00	$60,106.22	$14,423,529.09
1812	$8,958,777.53	$4,903.06	$859.22	$710,427.78	$0.00	$126,165.17	$9,801,132.76
1813	$13,224,623.25	$4,755.04	$3,805.52	$835,655.14	$0.00	$271,571.00	$14,340,409.95
1814	$5,998,772.08	$1,662,984.82	$2,219,497.36	$1,135,971.09	$0.00	$164,399.81	$11,181,625.16
1815	$7,282,942.22	$4,678,059.07	$2,162,673.41	$1,287,959.28	$0.00	$285,282.84	$15,696,916.82
1816	$36,306,874.88	$5,124,708.31	$4,253,635.09	$1,717,985.03	$0.00	$273,782.35	$47,676,985.66
1817	$26,283,348.49	$2,678,100.77	$1,834,187.04	$1,991,226.06	$202,426.30	$109,761.08	$33,099,049.74
1818	$17,176,385.00	$955,270.20	$264,333.36	$2,606,564.77	$525,000.00	$57,617.71	$21,585,171.04
1819	$20,283,608.76	$229,593.63	$83,650.78	$3,274,422.78	$675,000.00	$57,098.42	$24,603,374.37
1820	$15,005,612.15	$106,260.53	$31,586.82	$1,635,871.61	$1,000,000.00	$61,338.44	$17,840,669.55
1821	$13,004,447.15	$69,027.63	$29,349.05	$1,212,966.46	$105,000.00	$152,589.43	$14,573,379.72
1822	$17,589,761.94	$67,665.71	$20,961.56	$1,803,581.54	$297,500.00	$452,957.19	$20,232,427.94
1823	$19,088,433.44	$34,242.17	$10,337.71	$916,523.10	$350,000.00	$141,129.84	$20,540,666.26
1824	$17,878,325.71	$34,663.37	$6,201.96	$984,418.15	$350,000.00	$127,603.60	$19,381,212.79
1825	$20,098,713.45	$25,771.35	$2,330.85	$1,216,090.56	$367,500.00	$130,451.81	$21,840,858.02
1826	$23,341,331.77	$21,589.93	$6,638.76	$1,393,785.09	$402,500.00	$94,588.66	$25,260,434.21
1827	$19,712,283.29	$19,885.68	$2,626.90	$1,495,845.26	$420,000.00	$1,315,722.83	$22,966,363.96
1828	$23,205,523.64	$17,451.54	$2,218.81	$1,018,308.75	$455,000.00	$65,126.49	$24,763,629.23
1829	$22,681,965.91	$14,502.74	$11,335.05	$1,517,175.13	$490,000.00	$112,648.55	$24,827,627.38
1830	$21,922,391.39	$12,160.62	$16,980.59	$2,329,356.14	$490,000.00	$73,227.77	$24,844,116.51
1831	$24,224,441.77	$6,933.51	$10,506.01	$3,210,815.48	$490,000.00	$584,124.05	$28,526,820.82
1832	$28,465,237.24	$11,630.65	$6,791.13	$2,623,381.03	$659,000.00	$99,521.11	$31,865,561.16
1833	$29,032,508.91	$2,759.00	$394.12	$3,967,682.55	$610,285.00	$334,796.67	$33,948,426.25
1834	$16,214,957.15	$4,196.09	$19.80	$4,857,600.69	$586,649.50	$128,512.32	$21,791,935.55
1835	$19,391,310.59	$10,459.48	$4,263.33	$14,757,600.75	$569,280.82	$697,172.13	$35,430,087.10
1836	$23,409,940.53	$370.00	$728.79	$24,877,179.86	$328,674.67	$2,209,902.23	$50,826,796.08
1837	$11,169,290.39	$5,493.84	$1,687.70	$6,776,236.52	$1,375,965.44	$5,562,190.80	$24,890,864.69
1838	$16,158,800.36	$2,467.27	$0.00	$3,081,939.47	$4,542,102.22	$2,517,252.42	$26,302,561.74
1839	$23,137,924.81	$2,553.32	$755.22	$7,076,447.35	$0.00	$1,265,068.91	$31,482,749.61
1840	$13,499,502.17	$1,682.25	$0.00	$3,292,285.58	$1,774,513.80	$874,662.28	$19,442,646.08
1841	$14,487,216.74	$3,261.36	$0.00	$1,365,627.42	$672,769.38	$331,285.37	$16,860,160.27
1842	$18,187,908.76	$495.00	$0.00	$1,335,797.52	$56,912.53	$383,895.44	$19,965,009.25
June. 1843	$7,046,843.91	$103.25	$0.00	$897,818.11	$0.00	$286,235.99	$8,231,001.26
1844	$26,183,570.94	$1,777.34	$0.00	$2,059,939.80	$0.00	$1,075,419.70	$29,320,707.78
1845	$27,528,112.70	$3,517.12	$0.00	$2,077,022.30	$5,000.00	$328,201.78	$29,941,853.90
1846	$26,712,667.87	$2,897.26	$0.00	$2,694,452.48	$0.00	$289,950.13	$29,699,967.74
1847	$23,747,864.66	$375.00	$0.00	$2,498,355.20	$4,340.39	$186,467.91	$26,437,403.16
1848	$31,757,070.96	$375.00	$0.00	$3,328,642.56	$34,834.70	$577,775.99	$35,698,699.21
1849	$28,346,738.82	$0.00	$0.00	$1,688,959.55	$8,955.00	$676,424.13	$30,721,077.50
1850	$39,668,686.42	$0.00	$0.00	$1,859,894.25	$0.00	$2,064,308.21	$43,592,888.88
1851	$49,017,567.92	$0.00	$0.00	$2,352,305.30	$260,243.51	$924,922.60	$52,555,039.33
1852	$47,339,326.62	$0.00	$0.00	$2,043,239.58	$1,021.34	$463,228.06	$49,846,815.60
1853	$58,931,865.52	$0.00	$0.00	$1,667,084.99	$31,466.78	$853,313.02	$61,483,730.31
1854	$64,224,190.27	$0.00	$0.00	$8,470,798.39	$0.00	$1,105,352.74	$73,800,341.40
1855	$53,025,794.21	$0.00	$0.00	$11,497,049.07	$0.00	$827,731.40	$65,350,574.68
1856	$64,022,863.50	$0.00	$0.00	$8,917,644.93	$0.00	$1,116,190.81	$74,056,699.24
1857	$63,875,905.05	$0.00	$0.00	$3,829,486.64	$0.00	$1,259,920.88	$68,965,312.57
Totals	$1,391,027,497.07	$22,278,043.39	$12,744,737.56	$167,898,341.78	$21,915,521.38	$32,860,297.86	$1,648,724,439.04

Source: United States Serial Set, 35th Congress, 1st Session, House Executive Doc. # 60. "Receipts, Expenditures, and Appropriations from 1789-1857", 955, Pg. 1 @ 4-5, February 9, 1858.

Pre-Civil War Era *Internal Revenue* (by Year, when Amounts became *Payable*)

	Internal Duties												
Year	Domestic Distilled Spirits and Stills	Carriages	Spirit/ Retailer's Licenses	Snuff & Snuff Mills	Refined Sugar	Sales at Auction	Stamp Duties	Manufacturing	Household Furniture/ Gold & Silver Watches	Interest	Fines & Penalties	Direct Tax (laid upon the States)	Yearly Total
1791		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	
1792		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	
1793		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	
1794		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A	
1795	$357,539.31	$41,421.17	$54,731.54	$9,511.09	$33,928.28	$31,289.92	N/A	N/A	N/A			N/A	$528,481.31
1796	$339,045.88	$43,858.67	$58,683.83	$15,549.85	$43,742.10	$36,285.00	N/A	N/A	N/A			N/A	$537,165.33
1797	$502,123.76	$72,335.93	$63,861.98	N/A	$53,921.40	$37,936.10	N/A	N/A	N/A			N/A	$735,239.17
1798	$520,100.55	$74,290.07	$64,823.33	N/A	$54,650.88	$30,514.50	$260,449.45	N/A	N/A			$2,000,000.00	$3,004,828.79
1799	$506,552.51	$79,482.52	$66,436.16	N/A	$55,272.63	$46,135.55	$241,123.48	N/A	N/A			N/A	$995,100.65
1800	$512,400.45	$77,871.42	$65,159.44	N/A	$65,240.88	$51,690.42	$221,339.25	N/A	N/A			N/A	$993,661.86
1801	$485,728.24	$73,926.21	$69,173.74	N/A	$75,539.65	$66,122.84	$268,041.61	N/A	N/A			N/A	$988,532.29
Sub-Totals for the first period which imposed Internal Revenue													
	$3,173,590.70	$463,185.99	$442,868.02	$25,061	$388,355.62	$299,994.33	$990,953.78	N/A	N/A			$2,000,000.00	$7,784,009.38
1813	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$0	$0	$3,000,000.00	$3,000,000.00
1815	$3,048,907.70	$165,717.31	$927,444.47	N/A	$72,807.92	$825,132.83	$418,631.80	$793,625.53	$93,034.50	$14,827.85	$9,142.99	$6,000,000.00	$12,369,272.90
1816	$2,002,763.79	$130,476.62	$812,647.17	N/A	$141,334.94	$729,109.00	$161,985.69	$196,301.59	$128,655.75	$33,446.38	$9,748.86	$3,000,000.00	$7,646,469.29
1817	$859,370.92	$128,467.58	$530,125.81	N/A	$159,905.78	$602,094.65	$512,551.88	$979.19	$1,053.50	$24,296.72	$15,055.56	N/A	$2,925,502.99
1818	$12,043.21	$1,031.25	$5,336.84	N/A	$12,998.46	$60,317.10	$102,141.23	$133.03	N/A	$17,479.67	$5,382.15	N/A	$216,862.94
Sub-Totals for the second period which imposed Internal Revenue													
	$5,923,685.62	$425,692.76	$2,375,555.29	N/A	$378,047.10	$2,215,652.58	$1,195,310.60	$991,038.34	$222,743.75	$90,050.62	$29,339.06	$12,000,000.00	$26,158,108.12
Totals	$9,097,276.32	$888,878.75	$2,818,423.31	$25,061	$765,402.72	$2,515,647.31	$2,486,264.38	$991,038.34	$222,743.75	$90,050.62	$29,339.06	$14,000,000.00	$33,942,117.50

Sources:

1795 American State Papers, Finance Series, Vol. I, 4th Congress, 1st Session, House Doc. #93, "Internal Revenue", Pg. 386 @403, February 25, 1796

1796 American State Papers, Finance Series, Vol. I, 5th Congress, 2nd Session, House Doc. #129, "Internal Revenues", Pg. 557 @ 575, November 28, 1797.

1797 American State Papers, Finance Series, Vol. I, 5th Congress, 3rd Session, House Doc. #137, "Duties Received..", Pg. 592 @ 596, December 7, 1798.

1798 American State Papers, Finance Series, Vol. I, 6th Congress, 1st Session, House Doc. #145, "Internal Revenues", Pg. 616 @ 621-2, February 4, 1800/1 Stat. 597.

1799 American State Papers, Finance Series, Vol. I, 6th Congress, 2nd Session, House Doc. # 154, "Internal Revenues", Pg. 681 @ 687, December 16, 1800.

1800 American State Papers, Finance Series, Vol. I, 7th Congress, 1st Session, House Doc. # 166, "Internal Revenues", Pg. 718 @ 726, December 21, 1801

1801 American State Papers, Finance Series, Vol. II, 7th Congress, 2nd session, House Doc. # 190, "Internal Revenues", Pg. 12 @ 17, December 29, 1802.

1813 II. Stat. 53

1815 American State Papers, Finance Series, Vol. III, 14th Congress, 2nd Session, Senate Doc. # 503, "Direct Taxes and Internal Duties", Pg. 185 @ 207-8, December 31, 1816/ III Stat. 164.

1816 American State Papers, Finance Series, Vol. III, 15th Congress, 1st Session, Senate Doc. # 509, "Direct Taxes and Internal Duties", Pg. 215 @ 216-7, December 5, 1817/ III Stat. 255.

1817 American State Papers, Finance Series, Vol. III, 15th Congress, 2nd Session, Senate Doc. # 541, "Direct Taxes and Internal Duties", Pg. 297 @ 298-9, December 18, 1818.

1818 American State Papers, Finance Series, Vol. III, 16th Congress, 1st Session, House Doc. # 559, "Direct Taxes and Internal Duties", Pg. 437 @ 438, December 16, 1815.

Lesson 09: Article I, Section 8, Clause 4

Naturalization & Bankruptcies

Article I, Section 8 of the U.S. Constitution empowers Congress, in Clause 4:

> "To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States."

When members of Congress are given the express power to establish uniform rules on named topics, this is done so that multiple parties—States—may consistently carry them out.

When members are intended to carry out the named power alone, the Constitution simply delegates members the named power, such as "Congress shall have Power…To declare War," for example.

Let's examine the less-controversial topic first, of the two powers listed in Clause 4.

Members of Congress enacted the first federal bankruptcy law in the year 1800, but repealed it in 1803.[76] They enacted the next bankruptcy law in

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[76] First Bankruptcy Law:

a. Enacted: 1800, April 4. 2 *Stat.* 19;

b. Repealed: 1803, November 25. 2 *Stat.* 248.

1841, but repealed it in 1843, and they repealed their 1867 law in 1878.[77, 78]

The first permanent bankruptcy Act wasn't enacted until 1898, so the scarcity of federal bankruptcy laws in the 19th century largely left matters to the States.[79] But, because the States cannot impair the obligation of contracts—by the express prohibition found in Article I, Section 10 of the U.S. Constitution—State laws can't release debtors from their contractual obligations and extinguish debts.

But, early federal bankruptcy laws didn't reach voluntary bankruptcies anyway, like they do now. Instead, they were involuntarily brought against debtors by creditors seeking access to debtor assets.

And, in that case, State-based insolvency laws could still protect debtors not only by declaring particular assets off-limits to creditors, but also by keeping debtors out of debtor prisons.

An example of unique State-based exemptions enforceable yet today is Florida's 100% personal equity exemption in a homestead.[80]

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77 Second Bankruptcy Law:

a. Enacted: 1841, August 16. 5 *Stat.* 440;

b. Repealed: 1843, March 3. 5 *Stat.* 614.

78 Third Bankruptcy Law:

a. Enacted: 1867, March 2. 15 *Stat.* 517;

b. Amended: 1874, June 22. 18 *Stat.* 178;

c. Repealed: 1878, June 7. 20 *Stat.* 99.

79 Permanent Bankruptcy Law:

a. Enacted: 1898, July 1. 30 *Stat.* 544 (but since amended [multiple times]).

80 http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0222/0222.html

Unlike bankruptcy, where viewpoints and perspectives are primarily divided into two camps—debtors and creditors—the more-controversial topic of naturalization allows a variety of positions, although perhaps not as much as the related topic of foreign immigration.

Unlike virtually non-existent 19th-century bankruptcy law, federal naturalization laws had extensive impact from the onset.

Section 1 of the March 26th, 1790 Naturalization Act, for instance, allowed:

> "That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States, for the term of two years, may be admitted to become a citizen thereof, on application of any common law court of record, in any one of the states wherein he shall have resided..."[81]

From the express words of the Act, one sees that State courts were intricately involved in the naturalization process, as State judges followed the uniform guidelines established by Congress.

The Act required judges to be satisfied that applicants were "of good character" and successful applicants had to take an oath or affirmation to support the Constitution of the United States.[82]

The 1790 Act was the only Naturalization Act to mention "natural born citizens," applying the term found in the constitutional qualification for Presidents to specifically include "the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States."[83]

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81 1790, March 26. 1 Stat. 103.
(Enumeration Act: 1790, March 1. 1 *Stat.* 101).

82 *Ibid.*, Section 1.

83 *Ibid.*, Pg. 104. (as the term is found in Article II, Section 1, Clause 5).

This allowed children born perhaps unintentionally outside of the U.S. to American parents to be considered legally equivalent to children born within the United States.

Children under the age of 21 at the time of their parent's naturalization also became citizens, as long as they lived in the U.S.[84]

The 1790 Act listed a proviso in relation to children, however, expressly declaring:

> "That the right of citizenship shall not descend to persons whose fathers have never been resident of the United States…"[85]

The 1795 Naturalization Act lengthened the residency term to *five* years, and also required a formal renunciation of both allegiance and fidelity to former sovereigns, who would be named in the individual renunciation, by title and name.[86]

The 1795 Act further required judges be satisfied that the applicant:"

> "has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same."[87]

The express mention of applicants behaving "*as a man"* didn't deprive women from naturalization, although an 1855 Act brought added clarity to the issue, saying that:

> "any woman who might lawfully be naturalized under the existing laws, married, or who shall be married to a citizen of the United States, shall be deemed and taken to be a citizen."[88]

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84 *Ibid*.

85 *Ibid*.

86 1795, January 29. 1 *Stat*. 414., Section 1.

87 *Ibid*.

88 1855, February 10. 10 *Stat*. 604. Section 2.

The same 1855 Act further clarified:

> "That persons heretofore born, or hereafter to be born, out of the limits and jurisdiction of the United States, whose fathers were or shall be at the time of their birth citizens of the United States, shall be deemed and considered and are hereby declared to be citizens of the United States."[89]

The 1855 Act again included the proviso:

> "That the rights of citizenship shall not descend to persons whose fathers never resided in the United States."[90]

The 1934 Naturalization Act however extended rights of citizenship to children born *outside* the United States to U.S. citizen-mothers, even if the father wasn't a citizen.[91]

The 1934 Act required the citizen-mother, or citizen-father, to have resided in the U.S. previous to the child's birth and that the child had continuously lived in the U.S. for at least five years immediately prior to his or her 18th birthday, and, within six months of reaching the age of 21, that he or she take an oath of allegiance to the United States of America.[92]

The 1868 Fourteenth Amendment speaks to naturalization and citizenship, saying:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the States wherein they reside."

Although two classifications of people appear here to be combined into a common term, this doesn't otherwise change the eligibility requirements expressly-detailed by Article II, Section 1 for American Presidents, which details in Clause 5 that:

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89 *Ibid.*, Section 1.

90 *Ibid.*

91 1934, May 24. 48 *Stat.* 797.

92 *Ibid.*

> "No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President..."

The only naturalized Americans who met the qualifications for President were those early Patriots who became citizens before the Constitution was adopted. Foreign-born naturalized citizens were then allowed the opportunity to seek the highest office, in recognition of any risk of life and limb they faced to help secure independence.

While naturalization is a federal topic, immigration of foreigners was historically a State matter.

Article I alludes to this, when Section 9 lists specific limitations on some powers earlier given—which powers, of course, were primarily given in Section 8. The Section 9 restrictions prevent the reach of a few named powers, as far as the earlier-expressed wording may have otherwise reached, had it not been for the added restriction.

Clause 1, for example, temporarily limited the power of Congress to regulate the commerce of imported slaves, even as it here also mentions migration, saying:

> "The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed upon such Importation, not to exceed ten Dollars for each Person."

By preventing Congress from acting on the topic before 1808, the status quo was allowed to remain—of States deciding the issue—as acknowledged by the phrase, "as any of the *States* now existing *shall think proper to admit*…"

Even into the mid-19th century, it was yet quite common for immigrants to pledge themselves as indentured servants, to repay their substantial costs of being transported to America. The immigrants would enter a private "indenture" for a term of years—typically three to five—to work only for room and board, after which time their immigration costs would be considered repaid, and they'd be free from any continued obligation.

Of course, young boys—even natural-born—were also often pledged as apprentices, to master craftsmen, to learn a trade, and young maidens, as household servants.

In February of 1862, Congress prohibited the so-called "Coolie Trade," but it wasn't an Act of immigration.

Instead, the Act was a regulation of commerce, not unlike the 1807 Act which prohibited the slave trade, effective January 1, 1808.[93]

The 1862 Act prohibited entry of Chinese laborers who were otherwise being brought into the U.S.:

> "to be disposed of, or sold, or transferred, for any term of years or for any time whatsoever, as servants or apprentices, or to be held to service or labor."[94]

Fines and imprisonment were imposed upon ship owners, masters, and crew, who broke the law, and were citizens of the United States, aboard U.S. registered ships. The Act even authorized the seizure and confiscation of any "vessel, tackle, apparel, furniture and other appurtenances" involved in the prohibited trade.[95]

Of course, just three years later, the 1865 Thirteenth Amendment was ratified, which prohibited all slavery and involuntary servitude, except as punishment of persons duly-convicted of an established crime.

The first congressional Act involving immigration was enacted in 1864, but it *encouraged* immigration. The Act established an Emigrant Office and a Commissioner of Immigration, who was authorized to establish a contract process so immigrants could contract to pay their transportation

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93 1807, March 2. 2 *Stat.* 426.

94 1862, February 19. 12 *Stat.* 340. Sect. 1.

95 *Ibid.* Fines and Imprisonment by Sect. 2; Seizure by Sect. 1.

and immigration costs out of future earnings, not to exceed 12 months, with contracts overseen by either federal or State courts.[96]

Immigrants entering the U.S. were specifically authorized by the 1864 Act to enroll for military service "during the existing insurrection" as long as they voluntarily renounced their allegiance to their country of birth and declared an intention to become a citizen of the United States.[97]

An 1875 Congressional Act restricted entry of women from "any Oriental country" who had "entered into a contract or agreement for a term of service within the United States, for lewd and immoral purposes."[98]

The Act made the importation of Oriental women intended for prostitution illegal, and all related contracts were declared void.[99]

The first substantial immigration Act was the Chinese Exclusion Act of 1882, which not only suspended all Chinese laborers from coming to the United States for a 10-year period, but also prohibited State and federal courts from admitting "Chinese to citizenship."[100]

The Act provided exemptions to the barred entry or forced removal of Chinese diplomats and their staff, and also laborers who were already in the U.S.[101]

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96 1864, July 4. 12 *Stat.* 385 @ 386. Sect. 4 (Emigrant Office) and Sect. 1 (Commissioner of Immigration).

97 *Ibid.*, Sect. 4.

98 1875, March 3. 12 Stat. 477. Sect. 1.

99 *Ibid.*, Prohibition to importation: Sect. 2. Contracts void: Sect. 3.

100 1882, May 6. 22 *Stat.* 58.

a. 10-year Suspension: Sect. 1 @ Pg. 59;
b. Prevention of Citizenship: Sect. 14 @ Pg. 61;

101 *Ibid.*

a. Exemptions Diplomats and staff: Sect. 13 @ Pg. 61;
b. Exemptions for Laborers: Sect. 3 @ Pg. 59;

An 1884 Act added an exemption for Chinese passengers who travelled "for curiosity."[102]

And an 1891 Act brusquely excluded from admission:

> "All idiots, insane persons, paupers or persons likely to become a public charge, persons suffering from some loathsome or a dangerous contagious disease, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, polygamists, and also any person whose ticket or passage is paid for with the money of another…unless it is positively and satisfactorily shown on special inquiry that such person does not belong to one of the foregoing excluded classes."[103]

However, the 1891 Act expressly exempted politically-based crimes from the list of prohibitions, allowing the United States to be a refuge for foreign political dissidents.[104]

Next up: Coining money.

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[102] Exemptions for Travelers: 1884, July 5. 23 *Stat.* 115 @ Pg. 117. Sect. 6.

[103] 1891, March 3. 26 *Stat.* 1084. Section 1.

[104] *Ibid.*, Sect. 1. "*Provided*, That nothing in this act shall be construed to apply to or exclude persons convicted of a political offense, notwithstanding said political offense may be designated as a "felony, crime, infamous crime, or misdemeanor, involving moral turpitude " by the laws of the land whence he came or by the court convicting.

Lesson 10: Article I, Section 8, Clauses 2 & 5

Borrowing and Coining Money

A lie told often and long enough will be accepted as truth by most people, when it's easier to accept than see through it. Take, for instance, the bald-faced lie told since 1862—that paper currency is legal tender in these United States.

Despite 162 years of longevity, what does paper's wholesale absence during the first 73 years under the Constitution tell us, which was the period during which the Framers and their immediate successors were alive?[105]

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[105] The first paper currency nominally under the Constitution was enacted on February 25, 1862. Volume I, *Statutes at Large*, Page 345. Section 1. (12 *Stat.* 345).

> "the Secretary of the Treasury is hereby authorized to issue, on the credit of the United States, one hundred and fifty millions of dollars of United States notes, not bearing interest, payable to the bearer…and such notes…shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States, except duties on imports, and of all claims and demands against the United States of every kind whatsoever, except for interest upon bonds and notes, which shall be paid in coin, and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid."

After all, it's not like the Constitution was amended to begin allowing what James Madison called the "pestilent effects of paper money."[106]

To this day, the Constitution as amended only mentions paper currencies—formally referred to as *bills of credit*—to expressly prohibit the States from emitting them.

The Constitution never grants Congress the express power to emit bills of credit, like the *earlier* Articles of Confederation did, even as the Articles were otherwise considered *weak* and *ineffectual*, as Article IX detailed that:

> "The United States in Congress assembled shall have authority…to…*emit bills on the credit of the United States…"*

This passage came after the same Article had earlier specified:

> "The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of respective states …

By this well-conceived passage, the States were individually allowed to coin money according to any uniform standard Congress instituted, not that the Confederation Congress or any of the States ever struck coin, established a mint, or issued resolutions or legislation sufficient to address any needed particulars.

The Articles of Confederation required a supermajority of delegates on these topics, rather than a simple majority of seven States, as Article IX said:

> "The United States in Congress assembled shall never…coin money, nor regulate the value thereof…nor emit bills…nor borrow money on the credit of the United States…unless nine states assent to the same…"

And, lastly, from Article XII of the Confederation:

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[106] *The Federalist* #33. https://founders.archives.gov/documents/Madison/01-10-02-0251

> "All bills of credit emitted…shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged."

By these passages, the Articles allowed the Confederation Congress not only to strike coin and regulate its value, but also emit "bills of credit."

Note that the Confederation didn't refer to paper currency as "money"—which is an asset known also as the most-liquid store of value—but its opposite, a *charge*, a *liability*.

Article I, Section 10 of the U.S. Constitution speaks also to bills of credit, but here mentions them only to prohibit their emission by the several States, saying in Clause 1 that:

> "No State shall…coin Money; emit Bills of Credit; [or] make any Thing but gold and silver Coin a Tender in Payment of Debts."

Article I, Section 8 of the Constitution—in Clause 2—first expressly authorizes Congress to borrow money and then Clause 5 empowers Congress:

> "To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures."

And, Clause 6 continues:

> "The Congress shall have Power…To provide for the Punishment of counterfeiting the Securities and current Coin of the United States."

At first blush, it may seem reasonable to think that the "Money" mentioned in Clause 5 would *include* paper currency, given that the Articles of Confederation instead spoke to "coin" struck with an "alloy."

This would seem to tie with the Constitution's restriction of empowering Congress only to regulate the American value of foreign "Coin," but not "foreign Money," which could then seem to reach foreign paper currency.

Because, if members of Congress ever gave foreign paper currency an American monetary value, we'd import other countries' monetary debasement practices here, to our ruin.

Thus, it's reasonable that members of Congress would never be empowered to make foreign paper currency "current" as American "Money," even as making foreign gold or silver coin "current" as "Money" is safe.

And, lastly, it may also seem reasonable, that without an express prohibition keeping Congress from emitting bills of credit—like the Constitution expressly forbids the States—that this would perhaps indicate that the Constitution allows Congress to emit paper currency for the Union.

Thankfully, however, these false presumptions may be refuted by a full and open investigation, because the Constitution doesn't allow Congress to debase the "Money" of the Union, even as it doesn't prohibit debasement, outside of the Union.

Further, as far as both the Constitution and the Articles of Confederation are concerned, not only are "Money" and "Coin" interchangeable terms, but both terms *exclude* paper currency.

Given these conclusions—supported below and in the next few Lessons—perhaps it isn't surprising that the 1870 Supreme Court case which *prevented* paper currency from being held as a legal tender for debts incurred before paper currency was emitted, didn't refer to paper currency as money, but instead as "a mere promise to pay dollars."[107]

What is perhaps downright shocking, however, is the fact that the 1871 Supreme Court case which was the precedent-setting case to *uphold* paper currency as legal tender, curiously referred to it as "the government's promises to pay money," saying:

> "What we do assert is that Congress has power to enact that *the government's promises to pay money* shall be, for the time being,

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[107] *Hepburn v. Griswold*, Volume 75, *United States Reports*, Page 603 @ 625 (75 *U.S.* 603) (1870).

> "We are obliged to conclude that an act making *mere promises to pay dollars* a legal tender…is inconsistent with the spirit of the Constitution; and that it is prohibited by the Constitution."

equivalent in value to the representative value determined by the coinage acts, or to multiples thereof."[108]

Obviously a *promise* of a thing, isn't the thing itself, any more than a picture, is either. While a jug full of water, for example, will help keep a person alive in the desert, a promise or picture of one certainly won't. And that explains why the Constitution places a fundamental difference upon *money* and *the promise of money*.

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[108] *Legal Tender Cases*, 70 *U.S.* 457 @ 552-553 (1871).

"Here we might stop, but we will notice briefly an argument presented in support of the position that the unit of money value must possess intrinsic value. The argument is derived from assimilating the constitutional provision respecting a standard of weights and measures to that conferring the power to coin money and regulate its value. It is said there can be no uniform standard of weights without weight, or of measure without length or space, and we are asked how anything can be made a uniform standard of value which has itself no value? This is a question foreign to the subject before us. The legal tender acts do not attempt to make paper a standard of value. We do not rest their validity upon the assertion that their emission is coinage, or any regulation of the value of money; nor do we assert that Congress may make anything which has no value money. What we do assert is that Congress has power to enact that ***the government's promises to pay money*** shall be, for the time being, equivalent in value to the representative of value determined by the coinage acts, or to multiples thereof. It is hardly correct to speak of a standard of value. The Constitution does not speak of it. It contemplates a standard for that which has gravity or extension; but value is an ideal thing. The coinage acts fix its unit as a dollar; but the gold or silver thing we call a dollar is, in no sense, a standard of a dollar. It is a representative of it. There might never have been a piece of money of the denomination of a dollar. There never was a pound sterling coined until 1815, if we except a few coins struck in the reign of Henry VIII, almost immediately debased, yet it has been the unit of British currency for many generations. It is, then, a mistake to regard the legal tender acts as either fixing a standard of value or regulating money values, or making that money which has no intrinsic value."

Besides not ever referring to paper currency as "Money," the first Supreme Court case to uphold paper currency as legal tender went so far as to say:

> "The legal tender acts do not attempt to make paper a standard of value. We do not rest their validity upon the assertion that their emission is coinage, or any regulation of the value of money; *nor do we assert that Congress may make anything which has no value, money*."[109]

In other words, the Court admitted that their "magic" wasn't so magical after all, since it couldn't make something without value, be "Money."

But, if one thinks about it, that almost seems to make their magic even more powerful. Because, if a Congressional decree and Court pronouncement couldn't magically turn paper *into* money and give it inherent value, then how could the Court still hold paper to be "equivalent in value" with the "representative value" as "determined by the coinage Acts?"[110]

But, don't yet try and decipher their ridiculous explanations, without first learning how to read between the lines. Instead, make mental note of proffered nonsense and make sense of it later, once one gains sufficient perspective.

But one can almost always take the Court's explicit denials of power to the bank.

So, listen carefully when the precedent-setting Court which upheld paper currency as legal tender denies that their actions had anything to do with the Article I, Section 8, Clause 5 power of Congress to coin money or regulate its value, which topics the Court went so far as to expressly declare were "foreign to the subject before us."[111]

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109 *Ibid*.

110 *Ibid*.

111 *Ibid*.

In other words, people who assert paper currency is "money" aren't even on the right page, for the two matters are irreconcilable and mutually exclusive of one another.

The Court which first upheld paper currency rejected the false claim that currency had anything to do with the express power of Congress to coin money and regulate its value, when the justices said:

> "We do not, however, rest our assertion of the power of Congress to enact legal tender laws upon this grant."[112]

And, anyone still having difficulty realizing that paper currency isn't "Money" in these United States of America must listen to the Court's final comment herein cited, which said:

> "It is, then, a mistake to regard the legal tender acts as either fixing a standard of value or regulating money values, or making that money which has no intrinsic value."[113]

The very first U.S. Supreme Court to uphold paper currency overtly declared that it was a mistake to assert legal tender paper currencies are "coinage;" are "Money;" are a regulation of monetary "Value;" or that they have intrinsic value.

Obviously, a deeper dig into paper currency is warranted, to learn what lies beneath.

A great place to start is realizing that the ninth Article of the Confederation authorized the Confederation Congress to regulate "the *alloy* and value of *coin struck,"* even as members also couldn't *"coin money"* unless nine states assented to the same.

Seeing that the Articles spoke about *alloyed coin* one moment, only to mention *coining money* in the next, shows that the Articles of Confederation held the terms "coin" and "money" to be synonymous terms.

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112 *Ibid.*, Pp 546-547.

113 *Ibid.*, Pg. 553.

But since the Articles of Confederation specifically detailed that Congress also couldn't issue bills of credit unless nine states also consented to the same, shows that the terms "money" and "coin" both *exclude* bills of credit, because obviously there wouldn't be any reason to repeat the point again that it took nine States to assent to emitting bills of credit, if paper currency was included in the terms "money" or "coin."

Like the Articles of Confederation, the U.S. Constitution also holds the terms "Coin" and "Money" interchangeably, while both terms again exclude "Bills of Credit."

While Article I, Section 8 of the Constitution empowers Congress "To coin Money" by Clause 5, Clause 6 next empowers Congress to provide for the punishment for counterfeiting the "Securities and current Coin."

The "Coin" named in Clause 6 necessarily refers back to the "Money" coined in Clause 5.

The difference between the Articles of Confederation which *allowed* the emission of paper currency and the Constitution which never granted *it necessarily stems from the direct listing in the former and omission of any named authority in the latter.*

Please realize that in a Form of Government where only named powers may be directly exercised throughout the Union using necessary and proper means, the omission of an express grant of permissible federal authority *is sufficient to prohibit it from being performed*.

And that is why for the first 73 years of government under the Constitution—before 1862—no paper currency was ever emitted and none tried.

Which is also why the 1870 *Hepburn v. Griswold* Court could pointedly declare that the Constitution prohibited legal tender paper currencies for debts incurred prior to the passage of the 1862 Legal Tender Act, when the justices wrote:

> "We are obliged to conclude that an act making mere promises to pay dollars a legal tender…is inconsistent with

> the spirit of the Constitution; and that it is *prohibited* by the Constitution."[114]

The U.S. Constitution had to expressly prohibit the several States from emitting Bills of Credit, because that had been a State-derived power, which remained with them, until they gave it up. And, by ratifying the U.S. Constitution which includes the named prohibition against the States, the States voluntarily gave up that power by their individual ratification.

But, that fact doesn't similarly mean that the Constitution likewise needs to expressly prohibit Congress from also emitting Bills of Credit for direct exercise throughout the Union, because that would falsely imply that members of Congress somehow have mystical or magical sources of inherent powers, beyond those found in the Constitution.

And that is a very dangerous road to traverse, which is why the U.S. Constitution as originally ratified never travels it.

Now, Article I, Section 9 does provide a brief listing of express limitations on a few Section 8 powers—so they wouldn't reach as far as their initial grant of authority would have otherwise allowed, without the added restrictions—but that isn't the same as prohibiting powers *never* granted.

Not until the Bill of Rights was ratified in 1791, were there ever any express prohibitions on federal powers never granted.

However, because those declaratory and restrictive clauses were added in 1791—to prevent misconstruction or abuse of federal powers—people not well-versed in constitutional principles may jump to the false conclusion that to keep federal servants contained to the exercise of their named powers using necessary and proper means, express prohibitions must be added, which is false.

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114 *Hepburn v. Griswold*, 75 *U.S.* 603 @ 625 (1870).

Because, it would quickly prove impossible to keep up with each twisted transgression of federal servants modifying their efforts to bypass their expressly-named prohibitions.

But some Patriots may want to argue that this is no different than history already shows.

However, false appearances *aren't* truth, even as they may well be initially convincing.

Thankfully, devious actions implemented under false standards may be cast off when appropriately challenged, even as under the altered standard, all actions are authorized until positively shown that they are instead expressly prohibited.

Just as it would be foolish to give up the standard of remaining "innocent until proven guilty" and accept "guilty until proven innocent," so too is it utterly foolish to accept "inherent powers except as prohibited" over "named powers implemented using only necessary and proper means."

Of course, Alexander Hamilton sought to implement "inherent powers except as prohibited" at the 1787 Constitutional Convention, though thankfully he didn't get it, at least for the whole Union.[115]

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[115] On June 18, 1787, Alexander Hamilton outlined his preferred constitutional model, which sought:

> a. to establish the express power for members of Congress to be able "to pass all laws whatsoever," subject only "to the Negative hereafter mentioned" (to be able to pass all laws within members' inherent discretion, except as expressly prohibited);
>
> b. to "extinguish" or "abolish" the States, or at most leave them in a "subordinate jurisdiction," wholly under the thumb of the national government;
>
> c. to give U.S. Senators and American Presidents their respective positions "for life" (or, failing that, "at least during good-behaviour").
>
> https://consource.org/document/james-madisons-notes-of-the-constitutional-convention-1787-6-18

But, all of our federal political issues stem from Hamilton getting his totalitarian foot in the proverbial door, as his preferential standard of "inherent powers except as prohibited" was made the working standard *for the District Seat*.

Hamilton simply began deviously extending the allowed exclusive legislation authority of Congress for the District Seat "in all Cases whatsoever" throughout the Union, beyond allowable borders, by deception and trickery, when no one was paying sufficient attention.

But, because that standard isn't applicable throughout the whole Union, Patriots may pull back the curtain and face *The Make-Believe Rule of Paper Tyrants*, to cast off allowed special powers, falsely implemented beyond allowable boundaries.[116]

Next up: Coining Money and Regulating Its Value.

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[116] Article I, Section 8, Clause 17 of the U.S. Constitution:

> "Congress shall have Power…To exercise exclusive Legislation, in all Cases whatsoever, over such District, not exceeding ten Miles square, which, by Cession of particular States, and acceptance by Congress, shall become the Seat of Government of the United States, and to exercise like Authority, over all Places purchased by the Consent of the State in which the same shall be, for the erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings."

Lesson 11: Article I, Section 8, Clause 5

Coining Money

When the U.S. Constitution allowed Congress in Article I, Section 9, to lay a tax or duty to ten "Dollars" upon the importation of each slave brought into the United States, there weren't any American coins in existence, by that name or any other.

This reference actually points to the Spanish milled dollar, a foreign coin at the time which didn't have direct legal sanction anywhere in the Union.[117]

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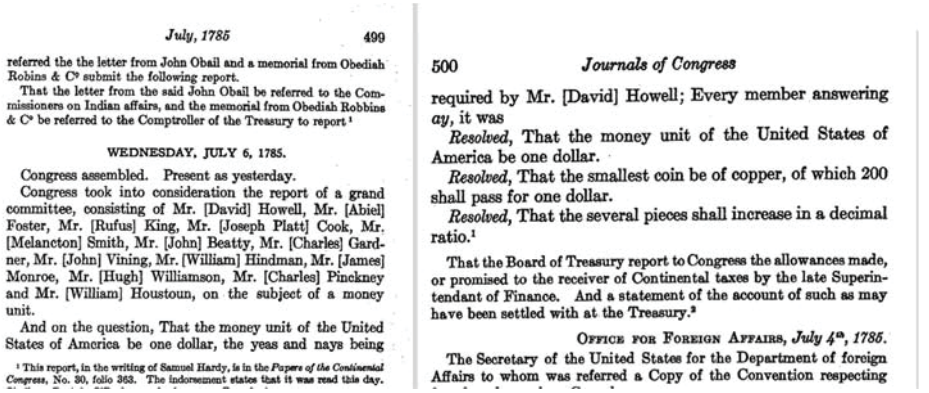
[117] a. On July 6, 1785, Congress under the Confederation resolved the money unit of the United States be a "dollar," but it didn't even define the term, let alone coin money, let alone even establish a mint.

Vol. 29, *Journals of Congress*, Pp. 499-500. July 6, 1785.



July, 1785 499

referred the the letter from John Obail and a memorial from Obediah Robins & C° submit the following report.

That the letter from the said John Obail be referred to the Commissioners on Indian affairs, and the memorial from Obediah Robbins & C° be referred to the Comptroller of the Treasury to report.[1]

WEDNESDAY, JULY 6, 1785.

Congress assembled. Present as yesterday.

Congress took into consideration the report of a grand committee, consisting of Mr. [David] Howell, Mr. [Abiel] Foster, Mr. [Rufus] King, Mr. [Joseph Platt] Cook, Mr. [Melancton] Smith, Mr. [John] Beatty, Mr. [Charles] Gardner, Mr. [John] Vining, Mr. [William] Hindman, Mr. [James] Monroe, Mr. [Hugh] Williamson, Mr. [Charles] Pinckney and Mr. [William] Houstoun, on the subject of a money unit.

And on the question, That the money unit of the United States of America be one dollar, the yeas and nays being

[1] This report, in the writing of Samuel Hardy, is in the *Papers of the Continental Congress*, No. 30, folio 363. The indorsement states that it was read this day.

500 *Journals of Congress*

required by Mr. [David] Howell; Every member answering *ay*, it was

Resolved, That the money unit of the United States of America be one dollar.

Resolved, That the smallest coin be of copper, of which 200 shall pass for one dollar.

Resolved, That the several pieces shall increase in a decimal ratio.[1]

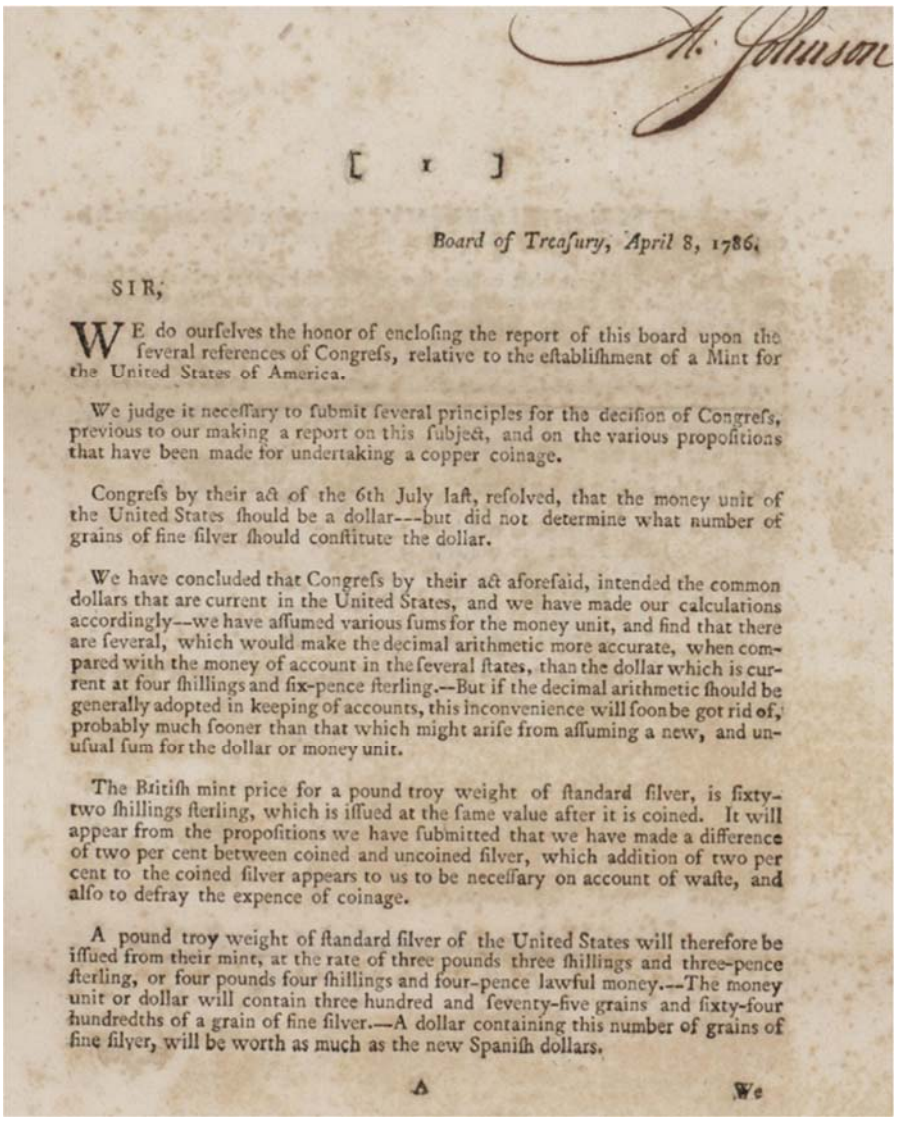
That the Board of Treasury report to Congress the allowances made, or promised to the receiver of Continental taxes by the late Superintendant of Finance. And a statement of the account of such as may have been settled with at the Treasury.[2]

OFFICE FOR FOREIGN AFFAIRS, *July 4th, 1785.*

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Copy of the Convention respecting

b. An April 8, 1786 report to the Congress under the Confederation issued by the Board of Treasury submitted a proposed ordinance to

establish a mint, proposing Congress make "the money unit of the United States—a *dollar*, by earlier resolve"—be a coin containing "three hundred and seventy-five grains, and sixty-four hundredths of a grain" of "fine silver."



H. Johnson

[1]

Board of Treaſury, April 8, 1786.

SIR,

WE do ourſelves the honor of encloſing the report of this board upon the ſeveral references of Congreſs, relative to the eſtabliſhment of a Mint for the United States of America.

We judge it neceſſary to ſubmit ſeveral principles for the deciſion of Congreſs, previous to our making a report on this ſubject, and on the various propoſitions that have been made for undertaking a copper coinage.

Congreſs by their act of the 6th July laſt, reſolved, that the money unit of the United States ſhould be a dollar---but did not determine what number of grains of fine ſilver ſhould conſtitute the dollar.

We have concluded that Congreſs by their act aforeſaid, intended the common dollars that are current in the United States, and we have made our calculations accordingly---we have aſſumed various ſums for the money unit, and find that there are ſeveral, which would make the decimal arithmetic more accurate, when compared with the money of account in the ſeveral ſtates, than the dollar which is current at four ſhillings and ſix-pence ſterling.---But if the decimal arithmetic ſhould be generally adopted in keeping of accounts, this inconvenience will ſoon be got rid of, probably much ſooner than that which might ariſe from aſſuming a new, and unuſual ſum for the dollar or money unit.

The Britiſh mint price for a pound troy weight of ſtandard ſilver, is ſixty-two ſhillings ſterling, which is iſſued at the ſame value after it is coined. It will appear from the propoſitions we have ſubmitted that we have made a difference of two per cent between coined and uncoined ſilver, which addition of two per cent to the coined ſilver appears to us to be neceſſary on account of waſte, and alſo to defray the expence of coinage.

A pound troy weight of ſtandard ſilver of the United States will therefore be iſſued from their mint, at the rate of three pounds three ſhillings and three-pence ſterling, or four pounds four ſhillings and four-pence lawful money.---The money unit or dollar will contain three hundred and ſeventy-five grains and ſixty-four hundredths of a grain of fine ſilver.---A dollar containing this number of grains of fine ſilver, will be worth as much as the new Spaniſh dollars.

A We

https://www.loc.gov/item/90898244/

The first American coins weren't authorized until the Coinage Act of 1792, but weren't even struck in silver until October of 1794 and in gold not until July of 1795.[118]

Prior to enactment of the 1792 Coinage Act, each of the 13 American States had their legal money of account yet denominated in *pounds*, *shillings*, and *pence*—leftover from their British colonial days, in one of

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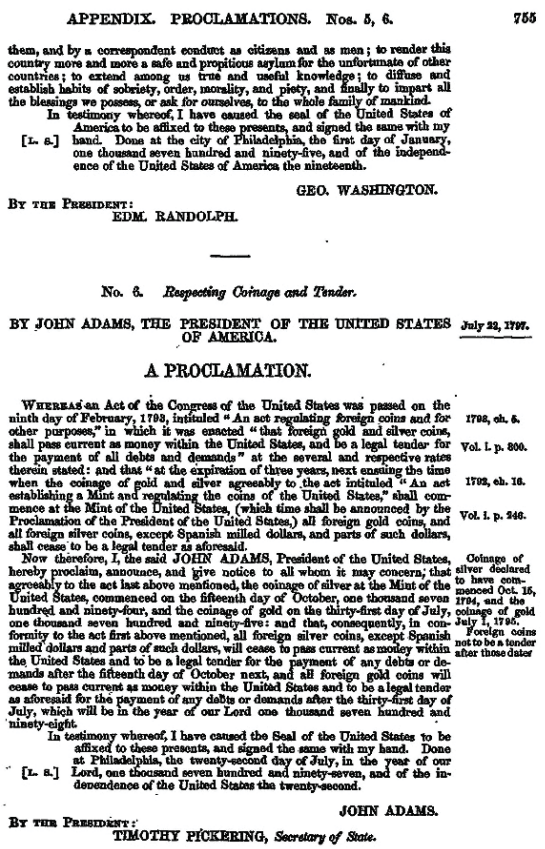
[118] President John Adams proclaimed in his July 22, 1797 Presidential Proclamation No. 6 that silver coinage under the 1792 Coinage Act began on October 15, 1794 and gold coinage on July 31, 1795.

Volume 11, *Statutes at Large*, Page 755 (11 *Stat.* 755).



APPENDIX. PROCLAMATIONS. Nos. 5, 6. 755

them, and by a correspondent conduct as citizens and as men; to render this country more and more a safe and propitious asylum for the unfortunate of other countries; to extend among us true and useful knowledge; to diffuse and establish habits of sobriety, order, morality, and piety, and finally to impart all the blessings we possess, or ask for ourselves, to the whole family of mankind.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. [L. S.] Done at the city of Philadelphia, the first day of January, one thousand seven hundred and ninety-five, and of the independence of the United States of America the nineteenth.

GEO. WASHINGTON.

BY THE PRESIDENT:
EDM. RANDOLPH.

No. 6. *Respecting Coinage and Tender.*

BY JOHN ADAMS, THE PRESIDENT OF THE UNITED STATES OF AMERICA. July 22, 1797.

A PROCLAMATION.

WHEREAS an Act of the Congress of the United States was passed on the ninth day of February, 1793, intituled "An act regulating foreign coins and for other purposes," in which it was enacted "that foreign gold and silver coins, shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands" at the several and respective rates therein stated: and that "at the expiration of three years, next ensuing the time when the coinage of gold and silver agreeably to the act intituled "An act establishing a Mint and regulating the coins of the United States," shall commence at the Mint of the United States, (which time shall be announced by the Proclamation of the President of the United States,) all foreign gold coins, and all foreign silver coins, except Spanish milled dollars, and parts of such dollars, shall cease to be a legal tender as aforesaid. 1793, ch. 5. Vol. I. p. 300. 1793, ch. 16. Vol. I. p. 246.

Now therefore, I, the said JOHN ADAMS, President of the United States, hereby proclaim, announce, and give notice to all whom it may concern, that agreeably to the act last above mentioned, the coinage of silver at the Mint of the United States, commenced on the fifteenth day of October, one thousand seven hundred and ninety-four, and the coinage of gold on the thirty-first day of July, one thousand seven hundred and ninety-five: and that, consequently, in conformity to the act first above mentioned, all foreign silver coins, except Spanish milled dollars and parts of such dollars, will cease to pass current as money within the United States and to be a legal tender for the payment of any debts or demands after the fifteenth day of October next, and all foreign gold coins will cease to pass current as money within the United States and to be a legal tender as aforesaid for the payment of any debts or demands after the thirty-first day of July, which will be in the year of our Lord one thousand seven hundred and ninety-eight. Coinage of silver declared to have commenced Oct. 15, 1794, and the coinage of gold July 1, 1795. Foreign coins not to be a tender after those dates

In testimony whereof, I have caused the Seal of the United States to be affixed to these presents, and signed the same with my hand. Done at Philadelphia, the twenty-second day of July, in the year of our [L. S.] Lord, one thousand seven hundred and ninety-seven, and of the independence of the United States the twenty-second.

JOHN ADAMS.

BY THE PRESIDENT:
TIMOTHY PICKERING, *Secretary of State.*

five standards, with each standard referencing a differing amount of silver.[119]

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[119] a. Superintendent of Finance (to the Confederation Congress) Robert Morris' January 15, 1782 Report:

> "The various coins which have circulated in America, have undergone different changes in their value, so that there is hardly any which can be considered as a general standard, unless it be Spanish dollars. These pass in Georgia at five shillings; in North Carolina and New York at eight shillings; in Virginia and four Eastern States at six shillings; in all other States, except South Carolina, at seven shillings and six pence; and in South Carolina at thirty-two shillings and six pence."
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> https://founders.archives.gov/documents/Jefferson/01-07-02-0151-0002

b. The five differing monetary standards, before 1792, were:

1. Georgia;
2. North Carolina and New York;
3. Virginia and the "four Eastern States"—Connecticut, Rhode Island, Massachusetts, and New Hampshire.
4. "All other States, except South Carolina" consisted of the fourth standard, of Maryland, Delaware, Pennsylvania and New Jersey; and
5. South Carolina.

c. Thomas Jefferson, in his report on the mint in 1791, showed how the differing standards all referred to differing amounts of silver:

> "The unit, or dollar, is a known coin, and the most familiar of all to the minds of the people. It is already adopted from south to north; has identified our currency, and therefore happily offers itself as an unit already introduced. Our public debt, our requisitions, and their apportionments, have given it actual and long possession of the place of unit. The course of our commerce, too, will bring us more of this, than of any other foreign coin, and, therefore, renders it more worthy of attention. I know of no unit which can be proposed in competition with the dollar, but the pound. But what is the pound? 1,547 grains of fine silver in Georgia, 1,289 grains in Virginia, Connecticut, Rhode Island, Massachusetts, and New Hampshire, 1,031 ¼ grains in

Trade between States on differing standards necessitated formal exchange rates, made all the more confusing because each of the five standards otherwise all used the same name-designations.

The Spanish dollar's growing popularity during the pre-Constitution era didn't rest on its legal sanction—for it had none. Instead, its unique measure of value drove it forward to become not only the most common market coin in American circulation, but also to serve as the model for our own monetary unit.

While the Spanish pillar dollar achieved a unique status in the United States, it was hardly the only foreign coin later made *current* as American legal tender money, because of the express constitutional authority of Article I, Section 8, Clause 5 and its secondary power of Congress "To…regulate the Value…of foreign Coin."

The practice begun in 1793 of giving foreign gold and silver coin a formal American legal tender value lasted until 1857, which lessened the impact of having an insufficient number of American-made coins in circulation.[120]

Maryland, Delaware, Pennsylvania, and New Jersey, 966 ¾ grains in North Carolina and New York."

https://founders.archives.gov/documents/Jefferson/01-07-02-0151-0005

[120] a. Volume 1, *Statutes at Large,* Page 300 (1 *Stat.* 300) Section 1. February 9, 1793.

b. 11 *Stat.* 163. Section 3. February 21, 1857.

Foreign gold and silver coins were able to be made *current* as American money because the critical factor with honest money is a determinable amount of pure silver or pure gold, rather than the nationality of the mint which struck them.

The February 9th, 1793 Congressional Act to regulate the American value of foreign coin provided that:

> "foreign gold and silver coins shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise…"[121]

The 1793 foreign Coinage Act went on to specify that:

> "The gold coins of Great Britain and Portugal, of the present standard, at the rate of one hundred cents for every twenty-seven grains of the actual weight thereof."[122]

American monetary value was determined by giving gold and silver coins of differing standards of purity a monetary value strictly proportional to their measured overall weight, of determinable purity, whether the coins were struck domestically or elsewhere.

"Grains," of course, refers to the smallest unit of weight, including found in the troy weight system that is used for weighing precious metals, where 480 grains are found in a troy ounce and 12 troy ounces make a troy pound.

America's premier Coinage Act of April 2nd, 1792 established the ten-dollar American gold Eagle coin with 270 grains of standard gold. Since its rate was one dollar of value for every 27 grains of standard gold, one sees that the United States initially followed the British gold purity standard, even as monetary value is ultimately tied strictly to pure gold.[123]

The 1792 Coinage Act specified the first American purity standard for gold to be 11/12ths-fine—meaning 11/12ths of the mixture was pure gold and

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[121] I *Stat*. 300. Section 1. February 9, 1793.

[122] *Ibid.*

[123] I *Stat*. 246 @ 248. Section 9. April 2, 1792.

one part was alloy (in this case, an alloy of silver and copper). Eleven-twelfths-fine gold is the same as saying 22/24^{ths}-pure—which by definition is 22-carat gold—which is decimally-equivalent to 0.9166-fine gold.[124]

Alloys are used to harden the relatively soft precious metals so they hold up better to abrasion during circulation, so they could last many decades with little wear. But, the higher proportion of alloy, the more overall weight the coin would need to reach its American dollar-rate that is based only upon pure gold in the gold coins and pure silver in the silver coins.

The 1793 Foreign Coinage Act also declared that "the gold coins of France, Spain, and the dominions of Spain, of their present standard" were valued "at the rate of one hundred cents for every twenty-seven grains and two fifths of a grain, of the actual weight thereof."[125]

With French gold equating to one dollar for every 27.4 grains of its weight—it took slightly-more of the slightly-less-pure French gold to equate to the same American dollar value.

The 1792 Coinage Act established the mint and named the "dollar" as our Monetary Unit and Standard of Value.[126]

It is no coincidence that the clause of the Constitution which empowers Congress to establish our monetary standard is found within the same clause which empowers Congress to establish or "fix the Standard of Weights and Measures."

Short measures always cause harm—whether found in a "gallon" of gas, a "pound" of butter, a "foot" of rope, or an "hour" of work. But, even greater

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[124] a. *Ibid.*, Section 11.

b. *Ibid.*, Section 12 @ Page 249 (also calculable by dividing 247.5/270 [which is the pure gold weight-to- standard gold weight, in the ten-dollar gold eagle]).

[125] I *Stat.* 300, Section 1.

[126] I *Stat.* 246. Sections 1 and 9. April 2, 1792.

harm necessarily occurs when the monetary standard used for trade in all those measures comes up short.

Which is why, of course, the 1870 Supreme Court held that the Constitution *prohibited* legal tender paper currencies.[127]

The 1792 Coinage Act established the dollar as a coin of silver with 416 grains of standard silver, with the term "standard silver," of course, referencing the silver-alloy mixture at its defined purity standard.[128]

The purity standard established for silver coins in 1792 was at the ultra-precise rate of 1,485 parts silver to 179 parts copper, for 1,664 parts in total.[129]

Congress designated this exacting standard—no matter how difficult it was for mint officers to achieve—to follow Section 11 of the 1792 Coinage Act literally, where every part of pure gold was made monetarily equivalent with every 15 parts of pure silver.[130]

With the ten-dollar gold eagle defined to contain 247.5 grains of pure gold, there were 24.75 grains of pure gold found in a dollar's worth of coined gold struck under the 1792 Coinage Act .[131]

Since the 1792 Act required every 15 parts of pure silver to equal every part of pure gold, multiplying 24.75 grains of pure gold found in the equivalent of one gold dollar by 15, equates to 1,485, which were the exact number of parts of pure silver separately specified for each silver dollar.[132]

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[127] *Hepburn v. Griswold*, 75 *U.S.* 603 @ 625 (1870).

[128] I *Stat.* 246. Section 13 @ Pg. 249. April 2, 1792. See Section 9, Pg. 248, for reference to the dollar being the "unit" coin.

[129] *Ibid.*, Section 13.

[130] *Ibid.*, Section 11.

[131] *Ibid.*, Section 9.

[132] *Ibid.*, Sections 11 & 13.

No matter how gold or silver coins would be divided, chopped up, or melted, every part of each of them by weight—even at their differing purities—would always be at that required 15-to-1 ratio between gold and silver.

With the silver coin of 371.25 grains of pure silver named as the "Dollar" and gold coins denominated in "Eagles" but given a dollar-equivalent monetary value, Congress literally established the United States on a *silver coin standard*, along with a *gold coin equivalency*, effectively creating a bi-metallic coinage standard.

Although conservative and libertarian-minded Americans yearn for a return of and to the gold standard—by which most of them typically mean gold *certificates*—America was actually established on a silver and gold *coin* standard.

Gold certificates redeemable in gold are not coin, and thus cannot ever be a true tender in these United States, even as they were intended to be redeemable warehouse receipts for a store of gold coin or bullion.

Gold certificates weren't even issued before 1862, which was the same year as "greenback" paper currencies without tie to gold or silver were first emitted.

There was never even a 1-to-1 gold-to-certificate equivalency. Instead, gold certificates were allowed to be leveraged, so that 100% of physical gold holdings allowed 120% in gold certificates.[133]

Silver certificates weren't even authorized until the year 1878.[134]

Purity tolerances for gold and silver coins were established in 1792, but not tolerances for weight, even as Section 17 ordered the respective mint officers:

> "carefully and faithfully to use their best endeavours that all the gold and silver coins which shall be struck at the said mint shall

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133 12 *Stat.* 709 @ 711. Section 5. March 3, 1863 (Revenue Bill).

134 20 *Stat.* 25 @ 26. Section 3. February 28, 1878 Bland-Allison Act.

be, as nearly as may be, conformable to the several standards and weights aforesaid."[135]

Section 18 required annual assays from every separate mass of standard gold or silver which had been made into coins throughout the year. If the standards for purity were found to be less than one part in every 144 parts, the officers responsible were disqualified from holding their respective offices.[136]

Each coin struck at the early mint was mostly a work of art and its precise weight fluctuated slightly. Although coin blanks struck heavy could be filed down to weight prior to striking and overly-light coins could be melted and restruck, their weights were less uniform as compared with decades later, when technological advance made striking coins more of a science and less of an art.

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[135] I *Stat.* 246. Sections 17. April 2, 1792 .

[136] *Ibid.*, Section 18.

"there shall be taken, set apart by the treasurer and reserved in his custody a certain number of pieces, not less than three, and that once in every year the pieces so set apart and reserved, shall be assayed under the inspection of the Chief Justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary for the department of State, and the Attorney General of the United States, (who are hereby required to attend for that purpose at the said mint, on the last Monday in July in each year,) or under the inspection of any three of them, in such manner as they or a majority of them shall direct, and in the presence of the director, assayer and chief coiner of the said mint ; and if it shall be found that the gold and silver so assayed, shall not be inferior to their respective standards herein before declared more than one part in one hundred and forty-four parts, the officer or officers of the said mint whom it may concern shall be held excusable ; but if any greater inferiority shall appear, it shall be certified to the President of the United States, and the said officer or officers shall be deemed disqualified to hold their respective offices."

Since purity was difficult to field-measure in the struck coins, Congress required the mint officers to go to great pains to ensure it.

Congress was far less strict regarding weight, since weight could at any time be accurately determined with use of accurate balances and precise counter-weights. Measuring the weight of coins of known purity allowed monetary value to be calculated by weight at any time.

The first U.S. silver and gold coins weren't struck with any face value on them, because their intended face value didn't necessarily represent the coin's actual lawful tender value.

The original intent for U.S. coins was that they would pass at their actual weight in their standard of fineness, rather than by "tale"—by their piece count, at their declared value.

Full-weight coins would pass at their stated value, but worn, clipped or improperly-struck coins would legally pass only at their measured weight and calculated value.

The legal value of a dollar coin that was only 99% of its proper weight would be 99 cents; not a dollar.

It wasn't until mint practices sufficiently advanced that American gold coins had tolerances prescribed for weight in 1834 and silver coins in 1837.[137]

Thereafter, light-weight coins would be pulled from circulation by the treasury and re-struck into full-weight coins by the mint, meaning all coins in circulation were soon of full and accurate weight.

Section 14 of the 1792 Coinage Act allowed for the free coinage of money, for private depositors who brought their own gold or silver to the mint, provided they waited for mint officers to assay their deposit and strike their coins.

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[137] a. For the weight tolerances for gold coins, see the Coinage Act of 1834 4 Stat. 699 @ 700. Section 4.

b. For silver, see the Act of 1837, January 18. 5 Stat. 136 @ 140. Section 25.

Once the mint had sufficient coinage on hand for redemption, the 1792 Coinage Act allowed the mint to offer an immediate exchange of standard bullion at its pure-gold or pure-silver content, for coin of like metal, less a half-percent for the mint.

Section 16 of the 1792 Coinage Act specified:

> "That all the gold and silver coins which shall have been struck at, and issued from the said mint, shall be a lawful tender in all payments whatsoever, those of full weight according to the respective values herein before declared, and those of less than full weight at values proportional to their respective weights."[138]

Nothing was lawful tender money in these United States but coins at their measured weights of standard gold or standard silver, which standard weight had been earlier multiplied by its known purity, to find monetary value. Nothing was legal tender, but gold and silver coins, at their respective pure-gold content or pure-silver content.

Section 19 prescribed the death penalty to any mint officer who with fraudulent intent sought to make worse the purity or weight of the gold or silver coins, or embezzle any metal.[139]

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[138] Coinage Act of 1792. Section 16.

[139] Coinage Act of 1792. Section 19.

> "That if any of the gold or silver coins which shall be struck or coined at the said mint shall be debased or made worse as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be pursuant to the directions of this act, through the default or with the connivance of any of the officers or persons who shall be employed at the said mint, for the purpose of profit or gain, or otherwise with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall at any time be committed to their charge for the purpose of being coined, or any of the coins which shall be struck or coined at the said mint, every such officer or person who shall commit any or either of the said offences, shall be deemed guilty of felony, and shall suffer death."

If mint officers had done then what they have done now for 60 years—striking base-metal coins but giving them an unlimited legal tender value as if they were full-weight coins of silver—they would have upon conviction been hanged by the neck until dead.

Lastly, Section 20 established the official "money of account of the United States…to be expressed in dollars or units, dimes or tenths, Cents or hundredths, and milles or thousandths" with "all accounts in the public offices and all proceedings in the courts of the United States…kept and had in conformity to this regulation."[140]

Next up: Regulating Monetary Value.

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140 *"And be it further enacted,* That the money of account of the United States shall be expressed in dollars or units, dismes or tenths, Cents or hundredths, and milles or thousandths, a disme being the tenth part of a dollar, a cent the hundredth part of a dollar, a mille the thousandth part of a dollar, and that all accounts in the public offices and all proceedings in the courts of the United States shall be kept and had in conformity to this regulation."

Lesson 12: Article I, Section 8, Clause 5

Regulating Monetary Value

The 1834 Coinage Act helps Americans understand the full meaning of the power of Congress to "regulate the Value" of coined money.

The bi-metallic monetary standard effectively established in 1792 had a pitfall, though, being the date when the fixed legal-rate (between the two metals) changed.

A fixed legal parity different from its market rate ultimately proves worse in at least one aspect, as compared with a single-metal standard, because without a fixed legal equivalence, *both* metals remain readily available for use, anytime a willing buyer and willing seller come to agreement on the dollar-value of coins struck in the secondary metal.

But, whenever the market price of the two metals of the bi-metallic system varies too far from their fixed legal rate, the circulation of the undervalued metal is hampered, because too few people will accept it at a rate higher than its declared legal value.

Before the Constitution was proposed and ratified, Confederation Finance-Superintendent Robert Morris in 1782 recommended a single-metal monetary standard, because if the standard is "affixed to both the precious

metals" it "will not give this certain scale," so "it is better to make use of one only."[141]

Nearly a decade later, Alexander Hamilton—as U.S. Treasury Secretary objected, saying it was unwise to destroy "the office and character of one of them as money, and reducing it to the situation of a mere merchandize" and equally as damaging to abridge "the quantity of circulating medium" that would occur with a single-metal standard.[142]

Hamilton asserted that both metals could be safely used, as long as inevitable monetary metal imbalances were regulated "with an eye to their average commercial value."[143]

By keeping the gold-to-silver equivalent-rate regulated to their average commercial ratio, Hamilton argued that the United States could avoid the problems of bi-metallism, while best ensuring an adequate supply of money.

The fixed legal ratio of 15-to-1 instituted in 1792 began to change in the 1820s. As silver production increased worldwide—relative to more stable gold supplies—the value of gold soon rose in relation to silver some six or seven percent.

Unsure what to do next, Congress failed to act for many years. The supply of circulating gold dwindled precipitously, as gold was increasingly shipped overseas, where it was appropriately valued, which in turn shifted the American economy toward a unilateral silver coin standard.

When Congress finally acted, the 1834 Coinage Act did two things.

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[141] Superintendent of Finance (to the Confederation Congress) Robert Morris' January 15, 1782 Report:

https://founders.archives.gov/documents/Jefferson/01-07-02-0151-0002

[142] Alexander Hamilton's January 28, 1791 Report #24 to the House of Representatives on the Establishment of a Mint.

https://founders.archives.gov/documents/Hamilton/01-07-02-0334-0004

[143] *Ibid.*

First, it made the 1792-era gold coins of given purity and weight "obsolete," removing their "current" monetary status—meaning they were no longer "current money."

Instead, the 1792-era gold coins in 1834 were treated much like foreign coins. Congress however gave foreign coins of given purity a specified weight per dollar-equivalent—like one dollar for every 27.4 grains of French gold. In 1834 Congress instead declared the 1792-era gold coins to be worth a precise legal value per rounded unit of weight—here, 94.8 cents per *pennyweight*. A *pennyweight* is the term describing 24 grains, which is one-twentieth of a troy ounce.

That rate of 94.8 cents per pennyweight meant a full-weight, 270-grain eagle would be worth $10.665 in 1834, at a time when we yet had half-cents.[144]

Declaring the 1792-era gold coins in 1834 to be worth 94.8 cents per pennyweight equates with 1792 *standard*-gold at $18.96 per ounce and *pure* gold at $20.68 per ounce, *in 1834 dollars*.

While the value of pure gold rose in 1834 from its 1792-rate of $19.39 per ounce, that was the explicit and legitimate purpose of the 1834 Act—to re-orient the legal price of gold to its true market rate, relative to silver.

The 1834 Coinage Act left alone silver, which was appropriate, since the silver dollar was the Standard of Value—the unit measure in and for the measurement of value—with everything else of value regulated or adjusted to it.

The second thing the 1834 Act did was to designate a new, lighter-weight $10 eagle, to contain 232 grains of fine gold and weigh 258 grains overall,

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[144] 1834, June 18. Section 3. Volume 4, *Statutes at Large*, Page 699 (4 *Stat*. 699). Section 3 of the 1834 Act provided the new, higher-valuation-rate of the old 1792-era gold eagles (and half- and quarter-eagles), in dollars (cents, strictly):

"That all gold coins of the United States, minted anterior to the thirty-first day of July next shall be receivable in all payments at the rate of ninety-four and eight-tenths of a cent per pennyweight."

to continue to offer gold coins at rounded dollar-values for sake of convenience.[145]

Dividing 232 grains of fine gold by the 258 grains of standard gold gives the 1834 gold coins' purity to be 0.89224.

The differing legal values between 1792 and 1834 eagles—$10.665 dollars and $10, respectively—was due solely to the differing amount of pure gold in each—247.5 grains of pure gold in the former versus 232 grains of pure gold in the latter.

It is important to understand the 1834 Coinage Act because the 1871 Supreme Court intentionally misled Americans about what Congress did in 1834, so that the Court could back an insupportable legal tender paper currency in 1871.

Recall that Alexander Hamilton had argued that using only one monetary metal would destroy the "office and character" of the other as money, reducing the metal not chosen to a commodity (or as he put it, the "situation of a mere merchandize").

While that may well be true, the U.S. Supreme Court later sought to intentionally deprive Americans of *both* metals and usher in a fiat paper currency *without* value.

Obviously, to destroy the "office and character" of only *one* precious metal is far better than destroying the office and character of *both* precious metals.

Please do not misunderstand that in 1834 Congress subsidized owners of gold at the expense of owners of silver, as the Court falsely implied but never expressly asserted. If anything, the 1834 Coinage Act simply removed the prior-subsidy that owners of silver had been indirectly and unintentionally receiving for their silver that Congress allowed to be valued too-highly for too long, by not acting soon enough.

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[145] *Ibid.* Section 1.
https://founders.archives.gov/documents/Madison/01-10-02-0251

The Framers and Ratifiers of the Constitution never intended that Congress should artificially support either metal at the expense of the other, so it was proper for Congress to bring the legal monetary ratio back to its market parity.

Neither did the 1834 Act ever short creditors their legal due, in gold, as the Supreme Court also falsely inferred in 1871. After all, it was the debtors themselves who had the legal option to pay their monetary debts due *in "dollars" in either metal*, since *both* metals were a full legal tender.

Creditors who weren't actually due repayment in "money," but instead due gold by weight and purity, weren't affected by the 1834 Act (but gold clauses didn't become popular until *after* the 1862 Legal Tender Act was enacted, when creditors began to protect themselves from the "pestilent effects" of paper currency, by inserting clauses in their original contracts which required repayment of debts in gold).[146]

The workings of the 1834 Act changed the gold-to-silver ratio from exactly 1 ounce of gold to 15 ounces of silver, to approximately 1-to-16, even as the 1834 Act did not directly specify a legal ratio, as did the 1792 Act.

Three years later, in 1837, Congress changed the *purity* of both gold and silver coins to nine-tenths-pure, which provided pure gold at its longest-held historical valuation rate of $20.67 per ounce.[147]

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[146] James Madison's full quote, in *The Federalist* #44

> "The extension of the prohibition to bills of credit must give pleasure to every citizen in proportion to his love of justice, and his knowledge of the true springs of public prosperity. The loss which America has sustained since the peace, from the pestilent effects of paper money…constitutes an enormous debt against the states chargeable with this unadvised measure…"
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> https://founders.archives.gov/documents/Madison/01-10-02-0251

[147] 1837, January 18. *5 Stat.* 136. Section 8.

Although Congress in 1837 directed that an extra two-tenths of a grain of pure gold were to be put into the ten-dollar eagle—and proportional amounts in the half-eagle and quarter-eagle—no exchange rate was needed in 1837, because Congress simply tightened the allowable weight and purity tolerances established in 1834 while shifting the target weight slightly towards the higher end of the permitted spectrum.

When the silver standard changed to nine-tenths fineness—900 parts pure silver to 100 parts copper as the alloy in 1837—the number of grains of pure silver in the dollar remained unchanged at 371.25 grains. Less added-copper dropped the overall weight of the silver dollar from 416 grains in 1792 to 412.5 grains in 1837.

Since the amount of pure silver in the coins struck remained unchanged, no revaluation regulations were needed or established in 1837.

As gold production escalated following the discovery of gold at Sutter's Mill in California in 1848, the gold-to-silver 16-to-1 market ratio of 1834 began reverting back toward the 15-to-1 legal ratio initially set in 1792.

One perspective of the 1834-change led some people in 1853 to propose again taking out some of the metal undervalued at law, to establish new lighter-weight coins of the same face value.

Except, in 1853, the metal undervalued at law was silver. But, silver coins were established as the Standard of Value, especially that coin denominated as the primary "unit"—the "dollar."

Standards, of course, aren't supposed to change. When value ratios changed, members of Congress were supposed to leave alone the silver coins, and modify the gold coins.

But what person would want to bring into the mint, $100 in face value of 1834 gold coins, just to get back individually-heavier 1853 gold coins, worth only $93.50 in face value, or bring in $106.95 in 1834-standard gold, to get $100 back in 1853-standard gold?

It is important to realize that silver was coming back into its own in 1853. The value of silver was *rising*, in relation to a relative glut of newly-discovered gold, that was dropping the value of gold, relative to silver.

The 1853 Coinage Act ultimately proved to be the beginning of the end for monetary silver, as Congress committed the equivalent of *The Original Sin*, monetarily speaking, when members removed some 7% of silver from the small silver coins (the half-dollar, quarter, dime and half-dime), but destructively left alone the silver dollar.[148]

While perhaps counterintuitive, leaving alone the silver dollar effectively killed silver as legal tender money, because no longer were all silver coins proportional in weight and value.

For the first time in American history, the 1853 values of silver coins were no longer strictly dependent upon proportional weights and proportional values. Some 7% of the silver was removed from the subsidiary coins, as their values remained as before, but the silver dollar remained at its 1837 weight, purity, and value.

Silver could not remain our Standard of Value, even at a time when its value was climbing, relative to gold, when coins in silver directly violated the inviolable requisite of a "Standard"—strict and fixed proportionality.

Destroying one standard drives people to alternate standards, every bit as much as if other common measures were ruined, like 14 cups or 7 pints to a gallon instead of 16 cups and 8 pints, respectively. Destroying silver monetarily drove commerce towards gold.

Now, if members had removed the same proportion of silver from the dollar coin, as they had removed from small silver coins, then all silver coins would have remained proportional in weight and value. But, that would have set the bad precedent of always lightening the undervalued metal, which would create other problems.

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[148] 1853, February 21. 10 *Stat.* 160. Section 1.

Members didn't realize or care that if they had left alone both silver and gold coins at their 1837 weights and purities, but simply given the 1837 gold coins a new regulated monetary value in 1853, they could have kept both metals in circulation, changing the legal value of gold as needed.

Congress only needed to give up having gold coins with rounded dollar values.

Instead of melting and restriking decades'-worth of gold or silver coins every time their ratio changed, Congress could have fully instituted the silver standard, along with a floating gold exchange rate, with the exchange rate changed as often as was necessary, to keep the two monetary metals in legal proportion to their market rates.

It became obvious in 1853 that it had been far easier politically to remove gold content from new gold coins when the value of gold rose, than to put more in, when its relative value fell in relation to silver.

To lessen their transgressions, Congress in 1853 limited the legal tender status of member's new, light-weight subsidiary silver coinage, to single transactions to $5.00.[149]

But this shift away from a silver standard, towards gold, wasn't necessarily detrimental to the financial future of the U.S., if Congress had simply stayed away from paper currency.

Indeed, as large silver deposits were brought online from the Comstock Lode and other strikes in the next few decades, one could even argue that the steps taken in 1853 towards an otherwise more-stable gold standard monetary base was the best thing members could have fortuitously done.

Depending upon the measuring stick used, the United States switched over to the gold standard as early as 1853, although some would peg it in 1873 when the venerable silver dollar of 371.25-grains of pure-silver was discontinued—even as it was brought back in 1878.

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[149] *Ibid.*, Section 2.

But, in the year 1900, Congress officially made the gold dollar "twenty-five and eight-tenths grains of gold nine-tenths fine" our "standard unit of value," even as Congress made it the duty of the Secretary of the Treasury to hold "all forms of money issued or coined by the United States" at "the parity of value with this standard."[150]

Next up: Federal Criminal Jurisdiction.

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[150] a. 1873, February 12. 17 *Stat.* 424. Sect. 15.

b. 1878, February 28. 20 *Stat.* 25. Sect. 1.

c. 1900, March 14. 31 *Stat.* 45. Sect. 1.

Lesson 13: Article I, Section 8, Clauses 6 & 10

and

Article III, Section 3

Criminal Jurisdiction: Counterfeiting, Piracy and Treason

When the States of the American Union ratified the U.S. Constitution into existence, they delegated to members of Congress and federal officials the named governing powers listed therein, while reserving to the States individually, the remainder of the allowable governing powers.

The Tenth Amendment was later proposed and ratified, which placed this fundamental principle within the express wording of the supreme Law of the Land, while also reserving to the people themselves, all powers not ultimately delegated either to federal or State authorities.

Within the named federal powers, the U.S. Constitution designated three federal crimes that remain federal issues no matter where the particular offenses take place; even if they otherwise occur within one of the States of the American Union, even as they would otherwise be—without the named citation—crimes punishable by a State.

The three named federal crimes expressly listed in the U.S. Constitution are Counterfeiting, Piracy and Treason, which are covered by Article I, Section 8, Clauses 6 and 10 in the first and second instances, and Article III, Section 3 in the third instance.

Article III, Section 2 acknowledges a fourth possible federal crime—Impeachment—which may be criminal in nature, as admitted when Clause 3 says that "The Trial of all Crimes, *except in Cases of Impeachment*, shall be by Jury."

However, since impeachments involve only *political* punishment—removal from office and possible disqualification from holding future executive and judicial offices (as opposed to judicially-imposed fines and/or imprisonment)—this potential federal crime needs an asterisk attached to it if or whenever it is included as one of the named federal crimes.

Looking to the first federal Crime Act—enacted into law by Congress and signed into effect by President Washington on April 30, 1790—one sees the federal crimes listed within, which follow this named division.

However, one also finds therein a large class of crimes besides the primary three, such as found in Section 3, which stated:

> "That if any person or persons shall, *within any fort, arsenal, dock-yard, magazine, or in any other place or district of the country, under the sole and exclusive jurisdiction of the United States,* commit the crime of wilful murder, such person or persons on being thereof convicted shall suffer death."[151]

And, Section 8 noted with differing wording:

> "That if any person or persons shall commit upon the high seas, or in any river, haven, basin or bay, *out of the jurisdiction of any particular state*, murder or robbery, or any other offence which if committed within the body of a county, would by the laws of the United States be punishable with death…every such offender shall be deemed, taken and adjudged to be a pirate and felon, and being thereof convicted, shall suffer death."[152]

Obviously, Sections 3 and 8—and their like-worded counterparts—speak to otherwise State-like crimes, such as murder and robbery, but here only

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[151] I *Stat.* 112. Section 3. Page 112. Italics added.

[152] *Ibid.*, Pp. 113-114. Italics added.

those committed "under the sole and exclusive jurisdiction of the United States," which are "out of the jurisdiction of any particular state."

But—and this is important—these highly-unusual special cases *yet follow the strictest letter of the U.S. Constitution.*

Remember, in the *normal* case, ratification of the U.S. Constitution by the several States of the Union DIVIDED allowable governing powers into named federal powers for Congress and reserved State powers.

But, in the highly unusual case—which we'll cover in this Constitution 101 Program Course, shortly—governing authority is by Article I, Section 8, Clause 17 otherwise UNITED or CONSOLIDATED in Congress and not shared with any State of the Union.

Since no State has *any* governing authority within exclusive legislation parcels, then obviously there is no available State governing-apparatus to punish crimes therein committed, including willful murder or robbery, which elsewhere the States would individually punish.

Since no State of the Union has governing authority in D.C. or on other exclusive legislation parcels, then to make such actions criminal matters, *someone* must there enact legislation as elsewhere would a State.

And, it is the Constitution itself that details that with cessions by particular States and acceptance by Congress, then members of Congress may thereafter govern these special parcels *exclusively*, even if and when the actions may otherwise be *outside* their normally-delegated powers, that they may directly and routinely exercise throughout the whole Union.

It is fully appropriate that on exclusive legislation lands, that members of Congress enact criminal legislation even on topics where State legislatures elsewhere enact them.

This "large class of crimes" which wasn't "mentioned" or "directly referenced" in the Constitution, where the *criminal* jurisdiction wasn't "expressly conferred" in an overt, named fashion—but which were yet discussed within the 1790 Crime Act—were those crimes occurring

"within any fort, arsenal, dock-yard, magazine, or other place or district of country*, under the sole and exclusive jurisdiction of the United States*" or crimes committed "upon the high seas, or in any river, haven, basin or bay, *out of the jurisdiction of any particular state."*[153]

Any theoretical struggle which first appears inevitable is fully resolved without constitutional conflict, by realizing that while the U.S. Constitution expressly *lists* those three named federal crimes, Article I, Section 8, Clause 17 also speaks to the "exclusive" legislation authority of Congress, where members may act "in all Cases whatsoever."

And, all these other "Cases" also mentioned in the 1790 Crime Act may be covered therein, because the "Cases" mentioned in Clause 17 are not only civil cases, *but also those criminal in nature!*

Therefore, even while not specifically "mentioned," "directly referenced" or "expressly conferred," the U.S. Constitution nonetheless *does* provide full and sufficient authority to reach special federal criminal jurisdiction on all matters pertaining to exclusive legislation authority of exclusive legislation parcels, because the "all Cases whatsoever" wording inherently includes *criminal* cases.

However, the 1790 Crime Act perhaps appears to speak to even another type of crime, since nowhere in Section 15 does it use the wording earlier found, which directly points to crimes occurring "within any fort, arsenal, dock-yard, magazine, or other place or district of country*, under the sole and exclusive jurisdiction of the United States*" or crimes committed "upon the high seas, or in any river, haven, basin or bay, *out of the jurisdiction of any particular state."*

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[153] The quoted words and phrases are from the 1871 *Legal Tender Cases* decision, where Supreme Court justices cleverly intended to deceive Americans into falsely thinking that federal servants may be our political masters (everywhere).

Please see the Patriot Corps' *BARK* premium course *(Building Awareness of Republican Knowledge)* for elaboration.

The Legal Tender Cases, 79 *U.S.* 457 @ 535 – 536, 545 (1871).

For example, Section 15 of the 1790 Crime Act provides for the punishment of people convicted for attempting to:

> *"feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceedings in any of the courts of, the United States,* by means whereof any judgment shall be reversed, made void, or not take effect."[154]

This apparent dilemma is also easily resolved, however, by realizing that federal courthouses are found on Article I, Section 8, Clause 17 exclusive legislation parcels.

While federal servants may perhaps initially appear to be all-powerful political masters, their extensive discretion necessarily stops at exclusive legislation boundaries, at least when people *outside* federal enclaves know enough to remain free.

No member of Congress, American President, or Supreme Court justice—or all of them united together—may ever change the Constitution, or the allowed federal powers, that they may directly exercise throughout the Union, period.

Only ratified amendments change the Constitution and only ratified amendments change the allowed powers federal servants may everywhere exercise, and only States ratify amendments.

Therefore, *everything* maliciously done by members of Congress and federal officials in apparent excess of the spirit of the Constitution over the past two centuries may be contained to exclusive legislation lands, by exposing the devious means of constitutional bypass, that all of those false actions beyond exclusive legislation boundaries necessarily rely upon.

Nothing surreptitiously done beyond the spirit of the Constitution since 1789 by members of Congress, American Presidents and their bureaucratic minions, or Supreme Court justices, can withstand full exposure and the inevitable ramifications of what follows next, which is

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[154] *Ibid.*, Pg 115. Section 15.

the complete restoration of limited government and the welcome return of individual liberty and fiscal sanity.

Rational federal behavior may again be at hand, if you individually keep at it, to gain a fuller understanding, and then "bark" like crazy, to draw attention to the only thing that matters—which is how federal servants were ever able to falsely appear to be our political masters, despite their sworn oaths.

Next up: Post Offices, copyrights, and tribunals inferior to the Supreme Court.

Lesson 14: Article I, Section 8, Clauses 7 - 9

Post Offices and Post Roads, Copyrights and Tribunals

Article I, Section 8, Clause 7 of the Constitution for the United States of America empowers Congress to "establish Post Offices and post Roads."

In a personal letter to James Madison dated March 6th, 1796, Thomas Jefferson asks rhetorically:

> "Does the power to *establish* post roads…mean that you shall *make* the roads, or only *select* from those already made…on which there shall be a post?"[155]

Early American history reveals a widespread perspective that the Framers and Ratifiers of the Constitution intended to convey a more extensive postal power than Jefferson preferred—far more.

In the passage that follows, Jefferson not only parenthetically admitted that the meaning *wasn't* equivocal, but he also all but acknowledged that his view wouldn't carry the day as he next wrote:

> "If the term be equivocal, (and I really do not think it so) which is the safest construction? That which permits a majority of Congress to go to cutting down mountains and bridging of rivers, or the other which if too restricted may refer it to the states for amendment…?"[156]

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155 https://founders.archives.gov/documents/Jefferson/01-29-02-0004

156 *Ibid.*

Indeed, Jefferson admitted that restricting the power too much would simply push the States to amend the Constitution to reach their intended greater purpose (but at least then it would be more-clearly defined).

Jefferson preferred restricting the postal road power for the same reason that so many people would later complain of public works projects, as they serve as:

> "a source of boundless patronage to the executive, jobbing to members of Congress and their friends, and a bottomless abyss of public money."[157]

But one may catch a glimpse of just how widely-favored was expanding the postal system in an era when travel and transportation were slow and tedious, by realizing that it was two anti-federalists—who later opposed ratification of the Constitution itself—who moved and seconded the adding of the phrase "and post Roads" to the draft Constitution at the 1787 Convention, rather than having only the original proposed wording "To establish Post Offices."[158]

While Congress in 1789 established the first three executive departments under the Constitution—the Departments of State, War and Treasury—

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[157] *Ibid*.

[158] a. James Madison noted in his Notes of the Convention (referencing Elbridge Gerry of Massachusetts and John Francis Mercer of Maryland):

> "'To establish post-offices.' Mr. GERRY moved to add, 'and post-roads.' Mr. MERCER 2ded."

https://avalon.law.yale.edu/18th_century/debates_816.asp. 1787, August 16th

b. To confirm their eventual opposition to the Constitution: *See* Elbridge Gerry's letter dated October 18, 1787, to the Massachusetts State legislature.

https://teachingamericanhistory.org/document/elbridge-gerrys-objections-letter-to-massachusetts-legislature/

c. John Francis Mercer:

https://archive.csac.history.wisc.edu/md_address_to_members.pdf

members simply provided "for the temporary establishment of the Post Office" by creating the federal position of Postmaster General and then continued his salary and powers as before "under the resolutions and ordinance of the late Congress." [159]

While the temporary nature of the Act was set to expire at the end of the next congressional session, this sunset provision was later pushed back several times, until Congress enacted a more-complete postal Act in 1792.[160]

Looking to the earlier-established postal powers under the 1781 Articles of Confederation, Article IX had formalized the congressional power for:

> "establishing and regulating post offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office…"

Under the Postal Act of October 18th, 1782, the delegates of the Confederation Congress ordained that a "continued communication of posts throughout these United States, shall be established and maintained

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[159] a. The Department of Foreign Affairs was established as the first executive department on July 27, 1789, and renamed the Department of State, two months later. I *Stat.* 28; I *Stat.* 68. 1789, September 15.

b. The Department of War was the second executive department established, on August 7th. I *Stat.* 49.

c. And, the following month Congress established the Department of Treasury. I *Stat.* 65. Section 1. 1789, September 2.

d. On September 22, 1789, Congress created the office of Postmaster General, and authorized him to exercise the postal powers established under the Articles of Confederation. I *Stat.* 70.

[160] a. On August 4, 1790, Congress "continued in force" the 1789 postal Act until the end of the next session of Congress. I *Stat.* 178

b. On March 3, 1791, Congress again extended the temporary Act, for another session, but also extended the Post Master's powers to Bennington, Vermont, from Albany, New York, with Vermont's admission into the Union, that was effective the following day. I *Stat.* 218.

by and under the direction of the Postmaster General of these United States."[161]

This *continued communication* and *maintenance* of the "due and regular transportation and exchange of mails" extended "to and from the State of New Hampshire and the State of Georgia inclusive"—some 2,000-plus miles of a main postal artery north-to-south—shows that the Confederation Postal System was itself but a continuation of the previously-established Continental Post, from 1775 through to 1781.[162]

This earlier Post traced back to July 26th, 1775, when the Second Continental Congress resolved to appoint a Postmaster General, over the "line of posts…from Falmouth in New England to Savannah in Georgia," with a "weekly post to South Carolina."[163]

With the "line of posts" already extending from north-to-south, obviously this line itself also continued the earlier routes between posts, tying back to the British post.

Benjamin Franklin was in 1775 unanimously chosen as Postmaster General, a position he had jointly-held under the British Postal system, from 1753 to 1774, after serving since 1737 as the postmaster of Philadelphia.[164]

Like many postmasters, Franklin simultaneously printed a newspaper, a tradition evident by many newspapers even today having "Post" in their name.

But newspapers weren't the only business that the early postmasters concurrently operated; many also operated inns and stables, supplying

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[161] Volume 23, *Journals of Congress*, Page 670. (23 *Journals* 670). 1782, Oct. 18.

[162] *Ibid*.

[163] 2 *Journals*, 208-209. 1775, July 26.

[164] *Ibid*. 209

travelers with places not only to stay and food to eat, but also resupplying horses and even offering carriage services.

And, many of these early services held monopoly privileges, prohibiting competition.

Such was the history of the British postal system in North America, that formally stretched back to 1710, when Queen Ann revised the British postal system and established a formal colonial post in New York, and to the 1600s, less formally.[165]

Members of Congress under the U.S. Constitution enacted their first "real" Postal Act on February 20th, 1792, with Section 3 designating:

> "That there shall be established, at the seat of the government of the United States, a general post-office. And there shall be one Postmaster General, who shall have authority to appoint an assistant, and deputy postmasters, at all places where such shall be found necessary. And he shall provide for the carrying the mail of the United States, by stage carriages or horses, as he may judge most expedient…and to superintend the business of the department, in all the duties that are, or may be assigned to it, and also to direct the route or road, where there are more than one, between the places above established, which route or road shall be considered as the post road."[166]

The 1792 Postal Act empowered the Postmaster General to reinvest postal profits into the building of post roads, by entering into contracts for up to eight years, "for extending the lines of posts, and to authorize the persons…so contracting, to receive…according to the rates by this act

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[165] a. https://www.gbps.org.uk/information/sources/acts/1710-11-25_Act-9-Anne-cap-10.php

b. *See* also: Natelson, Robert A. *Founding Era Socialism: The Original Meaning of the Constitution's Postal Clause*. 2018, February 28. Independence Institute. *British Journal of American Legal Studies*, Vol. 7, No. 1, Spring 2018.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2916948

[166] I *Stat.* 232 @ Page 234, Section 3. 1792, February 20.

established, all the postage which shall arise on letters, newspapers and packets, conveyed by any such post; and the roads, therein designated, shall, during the…contract, be deemed and considered as post roads."[167]

Section 1 designated "as post roads"—"From Wiscassett in the district of Maine, to Savannah in Georgia, by the following route…" as it next named some fifty cities north-to-south in the line of posts, before naming three times as many cities in various cross-posts or branch routes along the path.[168]

Section 4 also authorized private contractors and their agents "for carrying the mail."[169]

The postage on letters ranged from six to 25 cents, depending upon the distance carried, with an additional premium if carried by sea. Double or triple rates were allowed for double and triple weights—while packets were rated as if they were four letters, for each ounce of packet weight.[170]

Newspapers by Section 22 received subsidized delivery rates of one cent, or one and a half cents, depending if they were carried up to 100 miles, or over.[171]

Section 17 covered postal theft by any person who "shall rob the mail" or steal "out of any post-office," who upon conviction, could suffer death.[172]

Section 16 also prescribed the death penalty upon conviction for any postal agent who shall "secrete, embezzle or destroy any letter, packet, bag, or mail of letters, with which he shall be entrusted, or which shall

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167 *Ibid.*, Page 233, Section 2.

168 *Ibid.,* Page 232, Section 1.

169 *Ibid.*, Page 234, Section 4.

170 *Ibid.*, Page 235, Sections 9 and 10.

171 *Ibid.*, Page 238, Section 22.

172 *Ibid.*, Page 237, Section 17.

have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post bill, bill of exchange, warrant of the treasury of the United States…"[173]

Recall that the Constitution names only three federal crimes—Counterfeiting, Piracy, and Treason.

But in the 1792 Postal Act, one discovers that the death penalty was imposed for various *postal* crimes, like the 1792 Coinage Act, which prescribed the death penalty for debasing with fraudulent intent the current coins of the United States.[174]

Of course, Article I, Section 8, Clause 6 of the Constitution specifically prescribes the named criminal authority for punishing the counterfeiting of current coin. The same clause however mentions counterfeiting the securities of the United States, to which the 1792 Postal Act indirectly spoke, involving letters containing federal securities.

The counterfeiting clause can't reach robbing the mail beyond those letters and packets containing securities, however, even as robbery of a Post Office or the mail within Post Offices could easily be covered by Article I, Section 8, Clause 17.

Post Offices were and continue to be found on exclusive legislation grounds that were ceded by a particular State to Congress as part of the "other needful Buildings" category of lands, where members of Congress are expressly given "exclusive" legislation authority "in all Cases whatsoever," which "Cases" include criminal cases.

There seems in the instance of unceded post roads to be a significant gap in named criminal authority, since no clause appears to cover postal crimes occurring outside of Post Offices not involving securities.

But, this is where the unique postal power itself comes into play. Early American history supports holding the enumerated power of Congress to

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173 *Ibid.*, Page 236, Section 16.

174 I *Stat.* 246 @ 250. Section 19. 1792, April 2.

"establish Post Offices and post Roads" as reaching further than strict constructionists would expect.

The 1710 British law which formalized the British post covered postal crimes, even though it too merely "established" the Post Office.

In 1767, Great Britain extended the post to the Isle of Man, using the specific and readily-familiar wording "to establish Post Offices and Post Roads," which likewise included extensive enforcement of postal crimes.[175]

After the Second Continental Congress appointed Ben Franklin Postmaster General on July 26th, 1775, Franklin appointed William Goddard as surveyor, whose appointment marks the beginning of the American postal crime division.[176]

When the 1787 convention delegates proposed the power of Congress to "establish Post Offices and post Roads," they understood that this power reached the activities carried from the British system, as practiced under the Continental and Confederation Postal Systems of 1775 and 1782, which included punishment of postal crimes.

There was essentially no debate at the State ratification conventions over the power of Congress to establish post offices and post roads, including the continuing punishment of postal crimes, at least as the confederation government last pursued.

In other words, the constitutionally-expressed power "To establish Post Offices and post Roads" doesn't need the "necessary and proper" wording of Article I, Section 8, Clause 18 to fill in by supposed implication the power to punish postal crimes.

In fact, if anything, that the power of Congress to "establish Post Offices and post Roads" reached so far helps explain why so many States

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[175] www.gbps.org.uk/information/sources/acts/1767-01-01_Act-7-George-III-cap-50.php

[176] https://www.uspis.gov/history-spotlight-2023/first-postal-surveyors

preconditioned their ratification of the U.S. Constitution upon the understanding that Congress would soon propose a Bill of Rights, to provide some express and general protections against the reach of government with extensive postal powers.

In other words, the Bill of Rights isn't necessarily a set of blanket prohibitions against powers *never* granted within the Constitution, as Alexander Hamilton proposed in *The Federalist* #84, but it includes named limitations on powers that were elsewhere delegated, much like the Article I, Section 9 limitations on Congress itself.[177]

Especially relevant would be the First and Fourth Amendments—with freedom of speech and secure papers (including those transported by mail), barred from examination except by court order.

And, the Fifth Amendment's protections against being compelled to witness against oneself, against the taking of property without due process, and eminent domain requiring "just compensation," including any property taken for post roads, also vital.

The Sixth Amendment's criminal protections and the Eighth's protections from excessive fines, bail, and cruel & unusual punishments, all come into play with the postal powers and the investigation of postal crimes. Indeed, postal crimes are much more likely to affect every-day Americans than the other named federal crimes which would be so uncommon they wouldn't have likely impacted the ratification debates.

Article I, Section 8, Clause 8 of the Constitution separately empowers Congress to secure for limited Times to authors and inventors "the exclusive Right to their respective Writings and Discoveries."

Under this power, Congress authorizes the issuance of copyrights and patents.

Copyright law today automatically protects works made for hire—such as movies that involve many paid participants, including actors, writers,

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177 https://press-pubs.uchicago.edu/founders/documents/bill_of_rightss7.html

directors and producers—for 95 years after initial publication. This means that copyrighted works made in 1928 didn't enter the public domain until 2024.

Works made by single individuals are protected for the life of the author, *plus* 70 years. When multiple authors or inventors are partners without any of them being hired, the copyright protects their work to the last survivor, *plus* 70 years.

While the Constitution itself created the Supreme Court of the United States, Article I, Section 8, Clause 9 specifically empowers Congress "To constitute Tribunals inferior to the supreme Court."

The inferior court judges likewise hold their office "during good Behaviour," just like their Supreme Court counterparts, as acknowledged by Article III, Section 1.

Next up: Declaring War, the Land and Naval Forces and the Militia

Lesson 15: Article I, Section 8, Clauses 11 - 16

Declaring War, Land and Naval Forces, and the Militia

If not for the fact that the United States has for generations fought wars never formally declared—from the Korean and Vietnam Wars to Iraq and Afghanistan and other skirmishes less involved—the express power of Congress to declare "War" should be a simple power, even with its grave implications.

The simplicity may be seen in resolutions declaring war, such as against the Imperial Government of Japan in 1941, for example, which consisted of only 133 words.[178]

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[178] The Joint Resolution Declaring War on the Imperial Government of Japan:

> "Whereas the Imperial Government of Japan has committed unprovoked acts of war against the Government and the people of the United States of America:
>
> "Therefore be it
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> *"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the state of war between the United States and the Imperial Government of Japan which has thus been thrust upon the United States is hereby declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial Government of Japan; and, to bring the conflict to a

In his 1796 Farewell Address, President George Washington admonished the United States "to steer clear of permanent Alliances," warned us "against the mischiefs of foreign Intriegue," and recommended we guard "against the Impostures of pretended Patriotism."[179]

In his 1801 inaugural address, incoming President Thomas Jefferson similarly spoke about "honest friendship with all nations," but "entangling alliances with none."[180]

Unfortunately, American Presidents and members of Congress for a very long time now have ignored the earlier sage advice.

As the Declaration of Independence acknowledges, these United States of America hold mankind "Enemies in War, in Peace Friends."

Absent declared war, our fore-fathers sought to be friendly with other nations, even as we always defended ourselves against individual acts of foreign aggression, without needing to wait upon Congress to authorize our appropriate defense.

Article I, Section 10, Clause 3 of the U.S. Constitution readily acknowledges this principle of self-defense even for individual States—whenever they are "actually invaded" or "in such imminent Danger as will not admit of delay"—even as the individual States are otherwise by this same clause expressly prohibited from engaging in war on their own accord.

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successful termination, all of the resources of the country are hereby pledged by the Congress of the United States."

Volume 55, *Statutes at Large*, Page 795 (55 *Stat.* 795). December 8, 1941

179 https://founders.archives.gov/documents/Washington/05-20-02-0440-0002 1796, September 19th.

180 https://founders.archives.gov/documents/Jefferson/01-33-02-0116-0004

1801, March 4th.

Except for self-defense, the States delegated their individual power to engage in war to all of the States of the Union assembled together in Congress.

One-third of the legislative powers found enumerated in Article I, Section 8 cover the war-related powers of Congress, in Clauses 11 through 16.

Whenever members declare war, the President as Commander-in-Chief is given authority to wage war to its intended successful conclusion.

With the war powers arguably involving the weightiest and most fearsome tools in the Constitutional toolbox, one would expect the prescribed constitutional process to be strictly followed, without fail, every time, to best-ensure all hands work together toward the same approved goals.

Any other course of action invites discord, as two or more sides on the same team begin to develop and oppose one another politically, thwarting attempts of remaining united to fight only our enemies.

As divisiveness grows, proper constitutional process succumbs to the slow, merciless death of political expediency, miring the country in escalating political confusion, which translates into chaos and uncertainty.

Although it may first appear that the President is given extraordinary discretion whenever members of Congress don't overtly declare war but otherwise condone his prolonged unilateral military actions, the lack of a formal declaration long-term *also ties the President's hands*, because he never receives the full measure of constitutional authority to conduct war successfully to make peace on the most-favorable terms.

Instead of pursuing a unified military strategy under a single commanding voice, meddling influences accumulate in non-declared wars, with too many cooks in the kitchen otherwise destroying even sound recipes.

It wasn't then without expectation to see the fall of Saigon after the ignoble end of the Vietnam War, for example, or the hasty last-minute pull-out in Afghanistan after a generation of shifting results, leaving allies behind in-country, directly in harm's way.

That the Afghan debacle left some 80 billion dollars' worth of advanced weaponry behind was made worse only by the same American government working tirelessly to disarm Americans at home.

When federal officials arm our enemies abroad but work to disarm *We the People* at home, Patriots must realize that those holding the reins remain our biggest threat.

When federal servants subvert their purpose—which the Declaration of Independence informs us, is to secure man's unalienable rights—and instead pursue their own devious ends to obliterate citizens' rights, Patriots must wake up from their slumber.

While Article I, Section 8, Clause 11 of the U.S. Constitution empowers Congress "To declare War," it also provides members with the express power to "grant Letters of Marque and Reprisal" and to "make Rules concerning Captures on Land and Water."

Letters Marque grant to captains of private armed ships—typically on a voyage-by-voyage basis—to conduct war on the high seas on behalf of the country, while protecting any captured privateers by having them treated and held as prisoners of war, rather than hanged as common pirates.[181]

Reprisals offer the captain and crew their "prizes"—known also as "bounty" or "booty"—in the form of captured vessels, furnishings, tackle, and freight, which require approval in admiralty prize courts, under formal rules.[182, 183]

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[181] https://allthingsliberty.com/wp-content/uploads/2019/09/Letter-of-Marque.jpg

[182] Resolution of January 6, 1776. Volume 4, *Journals of the Continental Congress*, Page 36-37).

[183] Disbursement of captured prizes of enemy ships and cargo were detailed in a March 2nd, 1799 legislative Act, in Sections 5 and 6, which stated:

Sec. 5. *And be it further enacted,* That all captured national ships or vessels of war shall be the property of the United States—all other ships or vessels, being of superior force to the vessel making the capture, in men or in guns,

Members of Congress are by Clause 13 empowered to "provide and maintain a Navy," and, under Clause 14, to "make Rules for the Government and Regulation of the land and naval Forces."

The States—fearful of standing armies—limited the appropriation of money for raising and supporting armies in Clause 12 to two years, to restrict man's harmful tendencies toward military conquest, from having too ready of a hammer, thus always looking for a nail.

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shall be the sole property of the captors—and all ships or vessels of inferior force shall be divided equally between the United States and the officers and men of the vessel making the capture.

Sec. 6. *And be it further enacted,* That the produce of prizes taken by the ships of the United States, and bounty for taking the ships of the enemy, be proportioned and distributed in the manner following, to wit:-

1 . To the captain actually on board at the time of taking any prize, being other than a public or national vessel, or ship of war, three twentieths of that proportion of the proceeds belonging to the captors.

2. If such captain or captains be under the immediate command of a commander in chief, or commander of a squadron, having a captain on board, such commander in chief, or commander of a squadron, to have one of the said twentieth parts, and the captain taking the prize, the other two twentieth parts.

3 . To the sea lieutenants and sailing-master, two twentieths.

4 . To marine officers, the surgeon, purser, boatswain, gunner, carpenter, master's mate and chaplain, two twentieths.

5. To midshipmen, surgeon's mates, captain's clerk, clergyman or schoolmaster, boatswain's mates, gunner's mates, carpenter's mates, ship's steward, sail-maker, master at arms, armorer, and cockswain, three twentieths.

6. Gunner's yeoman, boatswain's yeoman, quartermasters, quarter-gunners, cooper, sail-maker's mates, sergeant of marines, corporal of marines, drummer and fifer and extra petty officers, three twentieths.

7. To seamen, ordinary seamen, marines and boys, seven twentieths…

An Act for the Government of the Navy of the United States, March 2, 1799. 1 *Stat.* 709, Sections 5 & 6

While the regular army and navy fall under Clauses 11-14, the citizen-soldiers of the militia stand apart, in Clauses 15 and 16.

Article I, Section 8, Clause 15 of the Constitution empowers Congress:

> "To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions."

Clause 16 continues on the topic and empowers Congress:

> "To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress."

Under these two clauses Congress on May 8th, 1792, enacted the Militia Act, which stated that:

> "Each and every free able-bodied white male…of the age of eighteen years, and under the age of forty-five years…shall severally and respectively be enrolled in the militia. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball..."[184]

By this law, Congress *mandated* private gun ownership for "every citizen so enrolled and notified," for a gun of sufficient bore and capability to wage war and defend the country.

Please note that with Clause 16 expressly empowering Congress "to provide for…*arming…*the militia," the militia as an armed body of men does not rely upon or need the Second Amendment for their arming, since the amendment also speaks only to "*rights*."

"We hold these truths to be self-evident" the Declaration of Independence tells us, that "all *men* are created equal, that they are

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[184] I *Stat*. 271. Section 1. 1792, May 8.

endowed by their Creator with certain *unalienable* Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these *rights*, Governments are instituted among Men, deriving their just *Powers* from the consent of the governed…"

The Declaration by this passage informs anyone paying attention that American governments only ever have delegated *powers* and, further, only American people ever have *rights*. Thus, whenever "rights" are discussed in the Declaration of Independence or the U.S. Constitution, they *always* pertain to *individual people*.

It's no coincidence, after all, that Article I speaks to the legislative *powers* granted to Congress, Article II speaks to the executive *power* given the President, and Article III the judicial *power* vested in the courts.

Whenever federal servants intentionally violate government's fundamental purpose—which purpose is to *secure* man's unalienable rights—they contravene the reason for government's existence and thus break their delegated trust, which in turn removes any source of legitimacy they may ever have for the Union.

By Article I, Section 1 and by Article I, Section 8, Clause 11, the Constitution specifically "vests" the power "To declare War" with Congress, fixing it therein.

With such delegation resolutely placed in their hands by the principals of the compact (the States) members of Congress therefore cannot redelegate this named power elsewhere. Members cannot redelegate a power delegated to them, to American Presidents, for example, and certainly never to foreign nationals who cannot even begin to meet the qualifications required of federal servants, including required oaths.

So, just how was the U.S. Senate ever able to ratify the United Nations Charter in 1945 in the first place, that President Harry S. Truman could later cite to unilaterally commit U.S. air and sea forces to Korea?[185, 186]

And, likewise, how did Congress in the 1964 Gulf of Tonkin Resolution effectively delegate to President Lyndon Baines Johnson the ability to

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[185] Eighty-nine Senators voted in favor of the U.N. Charter on July 28th, 1945, with only two Senators opposed.

Volume 91, Part 6, *Congressional Record*, 79th Congress, 1st Session, Page 8190. July 28, 1945.

https://archive.org/details/dli.ernet.74527/page/8189/mode/2up

On October 31st, President Truman proclaimed the U.N. Charter was in effect.

https://avalon.law.yale.edu/20th_century/decad029.asp

Especially significant is **Article 43** of the **U.N. Charter**, which reads:

> "1. All Members of the United Nations…undertake to make available to the Security Council, *on its call* and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

https://legal.un.org/repertory/art43.shtml

[186] "The Security Council of the United Nations called upon the invading troops to cease hostilities and to withdraw to the 38th parallel. This they have not done, but on the contrary have pressed the attack. The Security Council called upon all members of the United Nations to render every assistance to the United Nations in the execution of this resolution. *In these circumstances I have ordered United States air and sea forces to give the Korean Government troops cover and support."*

Public Papers of Harry S. Truman, June 27, 1945. Italics added (showing the President's unilateral order of American troops into battle).

https://www.trumanlibrary.gov/library/public-papers/173/statement-president-situation-korea

decide matters of war in Vietnam, without a congressional declaration of war?[187, 188]

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[187] Gulf of Tonkin Resolution:

Joint Resolution

To promote the maintenance of international peace and security in southeast Asia.

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated early by concurrent resolution of the Congress.

Approved August 10, 1964.

78 *Stat*. 384.

[188] The United States, under the Constitution, have declared "war" during five different war-time eras:

1. In the War of 1812, Congress declared war on the United Kingdom of Great Britain and Ireland, and the dependencies thereof, on June 18, 1812 (2 *Stat*. 755);

   As an example of the declaration of war, here is the 1812 declaration (in toto):

   > *"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That war be and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof."
   >
   > "APPROVED, June 18, 1812."

2. In the Mexican-American War, Congress enacted legislation to prosecute the existing war initiated by an act of the Republic of Mexico, on May 13, 1846 (9 *Stat*. 9);
3. In the Spanish-American War, Congress declared war on the Kingdom of Spain, on April 25, 1898 (30 *Stat*. 364);
4. In World War I, Congress declared war:
   a. on the Imperial German Government, on April 6, 1917 (40 *Stat*. 1); and
   b. on the Imperial and Royal Austro-Hungarian government, on December 7, 1917 (40 *Stat*. 429);
5. In World War II, Congress declared war:
   a. on the Imperial Government of Japan, on December 8, 1941 (55 *Stat*. 795);

Like all other instances of constitutional bypass, far easier than one would think, unfortunately. Thankfully, what is easily bypassed may be easily rectified, because it only requires Patriots to awaken from their stupor and then stand and be counted.

As the Declaration of Independence openly declares and readily affirms, the free and independent States in 1776 had "full power to levy War" and "conclude Peace," otherwise, we'd still be British subjects.

Only by their ratification of the U.S. Constitution—which contains Article I, Section 10, Clause 3—was that war power removed from the individual States, except for their immediate and pressing self-defense. And—by the express delegation in Section 8, Clause 11—was the power to declare war given over to the Union of States meeting in Congress.

However, one must realize that the express prohibitions against "States" in Section 10 do not apply to the *District of Columbia*, because the "District" is not a "State."

Therefore, besides having their delegated Clause 11-named power to declare "War" for the Union of States (which cannot be redelegated [because that named power is by the Constitution *vested* wholly with Congress])—members also curiously have a *separate* ability to declare and engage in war *on the District's behalf*, because by Article I, Section 8, Clause 17, members have all the powers available to the States that the States originally had, *before* those States ratified the Constitution, where

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b. on the Government of Germany, on December 11, 1941 (55 *Stat.* 796); and

c. on the Government of Italy, also on December 11, 1941 (55 *Stat.* 797);

d. on the Government of Bulgaria, on June 5, 1942, (56 *Stat.* 307 [Chapter 323]);

e. on the Government of Hungary, also on June 5, 1942 (56 *Stat.* 307 [Chapter 324]); and

f. on the Government of Romania, also on June 5, 1942 (56 *Stat.* 307 [Chapter 325]).

and when those States delegated some named powers and gave up other named powers.

Article I, Section 10, Clause 3 also prevents "States" from entering into agreements with foreign powers.

But, express prohibitions applicable to "States" again do not similarly bind the "District" Seat. Members of Congress may therefore—under their exclusive legislation authority—enter into agreements with foreign powers on their own behalf (at least when the States don't object properly).

And, since only "States" elect members of Congress, please realize that there isn't even *legislative representation* in the District of Columbia, and, neither is the "District" guaranteed a Republican Form of Government, under Article IV, Section 4 (since again, the "District" is not a "State").

Which means that there can be no real crime nor foul if, in D.C., members of Congress delegate their *exclusive* legislation authority for the District Seat (which includes its own war-making powers), elsewhere—like with the American President.

Without an express prohibition keeping members of Congress from ever delegating their *exclusive* legislation power to declare war or from ever delegating exclusive legislation power to enter into agreements with foreign powers, then members may— under their power to act "in all Cases whatsoever"—enter into treaties with foreign powers, and delegate exclusive legislation powers to foreign delegates, including members' *exclusive*-legislation war-making power, to the U.N. Security Council.

Given the shocking extent of raw power readily available to members of Congress in the highly-unusual exception to all the normal rules of the U.S. Constitution that is found under the seventeenth clause of the eighth section of the first article for the Seat of Government of the United States, it is high-time for an extended examination into the most-powerful of all clauses of the U.S. Constitution, bar none.

Next up: The exclusive legislative powers of Congress, under Article I, Section 8, Clause 17 of the Constitution for the United States of America, the source of all evil befalling this worthy country which has long been on a tragic course of decline.[189]

[189] For further information on the war powers of Congress, *please see* Erickson, Matt. *Waging War without Congress First Declaring It*, Patriot Corps. 2018. https://www.patriotcorps.org/nonfiction

Lesson 16: Article I, Section 8, Clause 17

Exclusive Legislation Authority I

Article I, Section 8, Clause 17 of the U.S. Constitution discusses the highly-unusual exclusive-legislation power of Congress, for the District Seat, and "like-Authority" exclusive-legislation parcels scattered throughout the Union, and used for forts, magazines, arsenals, dockyards and other needful buildings.

Clause 17 reads:

> "The Congress shall have Power…To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings."

Given the fundamental importance of this clause, which clause and importance are overlooked entirely—even in an age when nothing else explains the tyranny we face at the hands of those who swear an oath to support the Constitution—it is appropriate to start with the underlying reason the Framers sought to create an exclusive-legislation-jurisdiction federal seat in the first place.

Following the successful conclusion of the Revolutionary War, the States were free but largely broke, as the war debts loomed heavy over the new States.

Vendors who had supplied the war effort went unpaid. The foreign loans taken out by Congress were delinquent. And, while the Revolutionary War soldiers had been sent home, their backpay was long overdue.

In June of 1783, a small group of roughly 70 ex-soldiers from Lancaster, Pennsylvania marched on the Confederation Congress whose delegates were meeting at the Pennsylvania State House—later known as Independence Hall—in Philadelphia.

By the time the men reached the City of Brotherly Love, their number had swollen to approximately 400.

The so-called Pennsylvania Mutiny had a lasting effect on Congress, even as none of the men ever initiated any violence.

The intimidated delegates applied to the Supreme Executive Council of the State of Pennsylvania for protection, but the council refused aid, perhaps fearing that if they called-out the militia, they'd likely only amplify the number of protestors, as the pool of men who could be called out would simply be other ex-soldiers who were also owed backpay.

Growing increasingly nervous, the helpless and humiliated delegates soon fled to Princeton, New Jersey, but they would not soon forget the humbling circumstances they had faced.

When many of those same men returned to Philadelphia in May of 1787—to attend the Constitutional Convention—the events four years earlier were still plenty vivid, not even dwelling on the more-recent 1786 Shay's Rebellion, which was even fresher in their minds.

During the Convention which composed the draft of the proposed Constitution, James Madison on August 11th formally proposed "a central place for the seat of Government."[190]

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[190] The full citation on James Madison's comment being:

Seven days later, on August 18th, Madison submitted nine powers to the Committee of Detail, for additional consideration for being integrated into the named powers of Congress, the fourth proposed power being:

> "To exercise exclusively Legislative authority at the Seat of the General Government, and over a district around the same, not exceeding "a number of" square miles (to be determined); the Consent of the Legislature of the State or States comprising the same, being first obtained."[191]

Charles Pinckney, of South Carolina, next proposed eleven additional points, including his first:

> "To fix and permanently establish the seat of Government of the U. S. in which they shall possess the exclusive right of soil & jurisdiction."[192]

"Mr. MADISON supposed that a central place for the seat of Govt. was so just and wd. be so must insisted on by the H. of Representatives, that though a law should be made requisite for the purpose, it could & would be obtained. The necessity of a central residence of the Govt. wd. be much greater under the new than old Govt. The members of the new Govt. wd. be more numerous. They would be taken more from the interior parts of the States; they wd. not like members of ye. present Congs. come so often from the distant States by water. As the powers & objects of the new Govt. would be far greater yn. heretofore, more private individuals wd. have business calling them to the seat of it, and it was more necessary that the Govt. should be in that position from which it could contemplate with the most equal eye, and sympathize most equally with, every part of the nation. These considerations he supposed would extort a removal even if a law were made necessary. But in order to quiet suspicions both within & without doors, it might not be amiss to authorize the 2 Houses by a concurrent vote to adjourn at their first meeting to the most proper place, and to require thereafter, the sanction of a law to their removal."

https://avalon.law.yale.edu/18th_century/debates_811.asp

191 https://avalon.law.yale.edu/18th_century/debates_818.asp

192 *Ibid.*

On Wednesday, September 5, the first part of Clause 17—relating to the District Seat—made its way to the floor, and the proposal was by the whole convention agreeably inserted into the proposed draft of the Constitution, "*Nem Con,*"—which is short for the Latin phrase "*Nemine contradicente;"* which means "without any man being contrary to the proposal."

The second portion of Clause 17—relating to forts, magazines, arsenals, dockyards and other needful buildings—was separated from that earlier vote, because delegates were concerned with the current wording.

Once Massachusetts delegate Rufus King moved to add the phrase, "by the consent of the Legislature of the State…"—which was seconded by Gouverneur Morris of New York—the second portion of Clause 17 was also agreed to, again without dissent by any man.[193]

The outcome of Madison's recommendation for Congress to be empowered exclusively over a federal seat—rather than being at the mercy of any single State for protection—is, of course, today known as Article I, Section 8, Clause 17 of the U.S. Constitution.

A unique federal city created out of cessions by particular States wouldn't be beholden to any individual host State for protection or any other reason.

Of course, without any State authority remaining within the District Seat to enact local legislation therein needed—as the States elsewhere normally enact—obviously, this throws off the normal federal-State arrangement, entirely.

Since someone must yet provide these State-like powers if they are yet to be exercised, the U.S. Constitution vests them in Congress, but ignore as irrelevant, any delegation members may give to local government—such as a mayor and city council—because the Constitution vests these exclusive legislation powers in Congress, where the "buck" always starts and stops.

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193 https://avalon.law.yale.edu/18th_century/debates_905.asp

Please realize that the whole purpose of the District Seat was to establish a unique federal area, *free from State influence, authority and control,* so the federal government could govern and protect itself, without State influence.

But, with the primary complaint *against* Congress and the U.S. Government today being that members and federal officers act as powers unto themselves, answerable to no one, not even the States who otherwise remain the principals of the Constitutional Compact, doesn't anyone think that it is wise to examine *that place made explicitly for that purpose*, to discover how or if it serves as the base of special authority simply extended in devious fashion beyond allowable boundaries?

In other words, it is not that unusual federal powers can't *ever* be performed, as widely claimed, but it is simply that special powers aren't *supposed to be* exercised *beyond* the exclusive legislation parcel borders.

There are several major differences, that make Clause 17 unique and even opposite from all other clauses found in the Constitution.

It is imperative to understand these differences, to begin realizing just how unique is this special power, that provides members of Congress and federal officials an alternate source of awe-inspiring authority to exercise, that has nothing to do with the normal clauses of the U.S. Constitution, which apply in normal circumstances, even as normal circumstances are seldom practiced today, and exclusive legislation actions fill the federal agenda.

The first major difference in Clause 17 is that "Congress shall have Power… To exercise *exclusive* Legislation, in all Cases whatsoever."

This phrase shows that the power to exercise legislation in the District Seat is found *exclusively* in Congress, and not only in the *occasional* case, but "*in all Cases whatsoever*."

In every case that comes up (solely) within the District Seat, members of Congress may exercise legislative powers, *exclusively*.

These words clarify that following cessions by particular States and acceptance by Congress, that afterwards no State of the Union has any governing authority within the District of Columbia, ever.

It is vital to realize the necessary implications of this unique situation.

For Congress to be able to exercise *exclusive* legislation, in all Cases whatsoever, means that in the District Seat, *all governing powers have been here united or consolidated in Congress*.

This is important, because in the normal case—regarding all other clauses enumerated in the Constitution—all governing powers in that normal situation were by ratification of the U.S. Constitution *divided* into enumerated federal powers and reserved State authority.

The second major difference is the peculiar and unique way this special power was actually transferred to Congress.

Before investigating deeper this abnormal case of transferring allowable governing powers, it is appropriate to again cover the normal transfer process.

The normal powers Congress and U.S. Government available for direct exercise throughout the whole Union came from the States' individual ratifications of the U.S. Constitution, i.e., from the enumerated powers that the States explicitly gave up, to members of Congress and federal officials, that are found listed in the U.S. Constitution.

It was by and through the Article VII ratification process, after all, that *all* the States of the Union soon ratified the U.S. Constitution within their borders, on their own timetable. Article VII, of course, delineates that:

> "The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution, between the States so ratifying the Same."

While it took the ratifications of *nine* State ratifying conventions before the Constitution could take effect, the words "between the States so ratifying the Same" acknowledges that no State could ever be bound by the U.S. Constitution, but by its own accord.

By these words, each State could only be bound by its own decision, in giving up named powers, to the delegates of all the States who would meet together and enact law according to their named powers, using necessary and proper means.

New Hampshire became the ninth State to ratify the U.S. Constitution, on June 21, 1788. With that trigger, the States meeting under the earlier Articles of Confederation set aside a date in March of 1789 to begin meeting under the U.S. Constitution.

By the time the scheduled date rolled around, two more States had ratified the Constitution, bringing the ratification total to 11 States. The following March, those 11 States began meeting together and began establishing government under the U.S. Constitution.

It was not until November 21, 1789 that North Carolina became the 12th State to ratify the U.S. Constitution.

And, it wasn't until May 29, 1790 that Rhode Island became the last of the 13 original States to ratify the U.S. Constitution and soon began to meet in Congress.

These last two States—prior to their individual ratifications—were independent nation-States.

Before their ratification, none of the new laws of the United States enacted by the first 11 States had any effect in those two independent nations, and trade between these two independent States and any of the United States involved import duties as with other foreign nations.

The final two States of the original 13, that joined the Union after the other 11 had already joined, had nothing to do with the first enactments of law before their individual ratifications and arrival to Congress.

For instance, North Carolina and Rhode Island had nothing to do with choosing the first President or initially setting up the Supreme Court.

Within the originally-ratified Constitution, Article V establishes the procedure by which the States acting together may change the allowed federal powers.

Article V specifies that to change the Constitution—and thus change the allowed federal powers that members of Congress and federal officials may everywhere in the Union directly exercise—that at least *three-fourths* of the States existing at the time of ratification must ratify formal amendment proposals proposed by two-thirds of Congress or two-thirds of the States meeting in a convention called for proposing amendments.

There have only been 27 amendments ratified to date, which are binding upon all of the States of the Union, even on those States that didn't individually ratify the proposed amendment, themselves.

With the normal mechanisms for transferring powers, described by the Article VII ratification and Article V amendment processes, in the next Lesson we'll examine the unique transfer process described in Article I.

Lesson 17: Article I, Section 8, Clause 17

Exclusive Legislation Authority II

The Article I, Section 8, Clause 17 mechanism for transferring additional legislative powers—*exclusive* legislative powers—to Congress is otherwise *outside* of the normal ratification and amendment process (even as Clause 17 was part of the originally-ratified Constitution), to the extent that ratification of the Constitution and amendments did not transfer any of the unique powers actually delineated in Clause 17.

Instead, ratifying the Constitution allowed the States of the Union to buy off on the specified process that Clause 17 allows for *later transferring* special powers.

In other words, ratification of the Constitution merely *pulled back* the hammer on these special powers.

It wasn't until later that actions were specifically performed to *pull the trigger* that members of Congress actually had new powers to implement, not that Congress didn't use this unique power even before the process was first completed, by bluffing their way, without challenge, as they in effect played and began winning the highest-stakes brand of poker possible.[194]

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[194] I'm speaking of Alexander Hamilton's clever political coup, supporting the first banks of the United States in 1791, even before Maryland and Virginia ceded their respective parcels for the District Seat at the end of that year, well before

By itself, Clause 17 is therefore a *conditional* clause, properly *dormant* until intentionally activated.

It takes later, specific actions to make Clause 17 operational (once the specified conditions were met, by both parties).

And, the wording of Clause 17 which later gives members of Congress their new power describes the one-two transfer process being achieved "by Cession of particular States, and the Acceptance of Congress…"

Recall that the Article VII ratification of the whole Constitution took the action of *every* State that was brought into the Union, which *divided* allowable governing powers in those ratifying States, into delegated federal authority and reserved State authority. Any governing powers which weren't allowed to either party remained with the people thereof.

Of course, the Article V amendment process also describes the formal process for proposing and ratifying amendments, needing ratification by at least *three-fourths* of the American States, which binds all of them, in all situations, except the forced deprivation of their equal voice in the Senate.

Now, however, we come to Article I, Section 8, Clause 17 transfers of special legislative authority, which occur by the simplest of processes.

The unique process begins with the action of a *single* State—of a *"particular"* State—in its formal offer to give up or "cede" a specific parcel of land (and the governing authority over that parcel), to Congress, for a special federal use.

And, the second part of that unique process is simply "the Acceptance of Congress."

It is imperative to understand that but a *single* State transfers all of its ability to govern a parcel of ground in this case—indeed, any single tract

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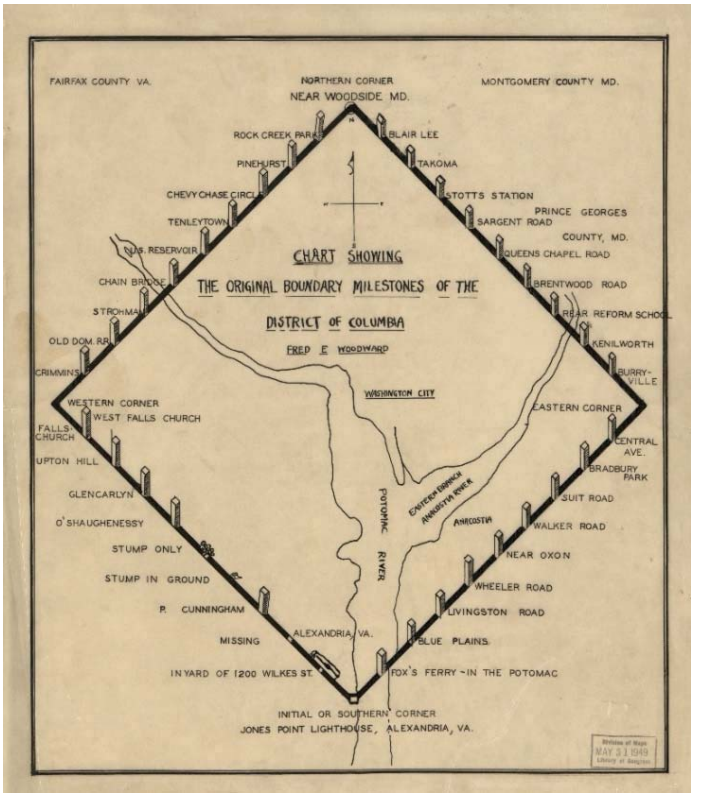
the District Seat was accepted by Congress in 1800, and of course, not even dealing with the permanent seat of government, but only the temporary seat, in Philadelphia.

of land is only ever governed but by a single State and thus no other State could possibly be directly involved.

While Clause 17 is actually worded in the plural form—"particular *States*"—please realize that this was worded so that *multiple* States could individually cede a parcel of land within their own borders, that would abut up to an adjacent parcel in a nearby State. This would allow the adjacent State to likewise give up their parcel, to create *one* contiguous special federal area that otherwise crossed State borders, such as what ended up occurring with the District of Columbia.

Maryland and Virginia were the two particular States that later ceded individual parcels of land within their respective borders, that together would make up *one* new federal District Seat, which could not by express constitutional command exceed "ten Miles square" (which is ten miles-by-ten miles, or 100 square miles [which is some 64,000 acres of land]).[195]



195 https://www.loc.gov/item/87694134

It should be noted that Virginia's parcel of land—Alexandria—as the southwest part of the originally-platted District Seat that was south and west of the Potomac River, was approved for retrocession back to that State in 1846, because it wasn't needed.[196]

Following the retrocession which was completed in the spring of 1847, the roughly 43,000 acres of ground originally ceded by Maryland remained under the exclusive legislation jurisdiction of Congress for the District Seat, north and west of the Potomac River, but the Virginia portion returned to Virginia.

The transfer of exclusive legislation power to Congress involves the particular State "throwing the ball" at Congress, so to speak—*offering* to cede a particular parcel, for a particular exclusive federal use. Once members of Congress "catch the ball," and approve of the cession, the power is transferred.

While the first portion of Clause 17 speaks to the District Seat, the second portion speaks to forts, magazines, arsenals, dockyards and other needful buildings. While the first four allowances under the second half are largely self-explanatory, the "other needful Buildings" phrase isn't as clear, but most often refers to Post Offices, federal court houses, customs houses and other historic-use examples.

It should be mentioned, that while "Forts" are clearly indicated on the list of allowable special federal uses, only about one-third of army and naval bases—typically the older, more-established bases—and about one-tenth of the Air Force bases, are found on exclusive legislation grounds.

In the remainder of military areas, the federal government is typically only the landowner, with a State yet maintaining local governing authority over the military lands, even as the States largely keep a hands-off policy even towards non-exclusive federal areas.

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196 9 *Stat.* 35. July 9, 1846.

When governing powers are ceded by a particular State to Congress for exclusive legislation purposes, *the State's entire ability to govern* a particular parcel of ground is transferred to Congress.

While there weren't any reservations of powers for the two original District Seat parcel cessions—to conform to the specific Constitutional requirement of Clause 17 that require Congress to exercise "exclusive" legislation "in all Cases whatsoever"—States sometimes reserved the express power to serve legal process on ceded lands used for forts, magazines, arsenals, dockyards and other needful buildings.

Ceding all powers but those reserved yet remains at the opposing end of the political spectrum as compared with the Articles VII and V ratification processes, though. Indeed, while transfers of governing authority under Articles VII and V involve only the named powers being transferred and all others remaining with the individual States, the Article I transfer of exclusive legislation authority cede everything but any named powers expressly reserved to the ceding State.

The cession Acts involving the District Seat are informative. For example, Maryland's cession Act for the District of Columbia—dated December 19, 1791—shows that Maryland:

> "forever ceded and relinquished to the Congress and Government of the United States [the lands of Columbia] in full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon."[197]

By these words, Maryland's cession Act transferred Maryland's land and legal jurisdiction over all persons and property therein, to Congress and the Government of the United States, subject to any claims of private property owners, settled under eminent domain, if need be, which of course yet required "just compensation."

The Maryland cession Act also detailed that:

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[197] Archives of Maryland, Volume 0204, Page 0572 - Laws of Maryland 1785-1791 (@ Chapter XLV, Section II [Page 573]).

https://founders.archives.gov/?q=stoddart%20&r=12&s=1111311113&sr=

> "the jurisdiction of the laws of this state, over the persons and property of individuals residing within the limits of the cession aforesaid, shall not cease or determine until Congress shall by law provide for the government thereof."[198]

These words confirm that Maryland's laws would not stop and terminate—end their legal effect—until Congress accepted the land as the permanent federal seat and began to govern the area.

In the 1790 Congressional Act regarding the temporary and permanent Seat of Government, Congress scheduled the date of acceptance for the lands of the District Seat for the first Monday in December in the year 1800, to give sufficient time for parcels to be transferred, lands to be platted, roads to be built and government buildings constructed, so government could thereafter begin in the District.[199]

While the study of Virginia's cession Act which was structured similarly wouldn't add anything new to our discussion, the 1846 retrocession of Virginia's originally-ceded parcel—back to the State—helps give us greater understanding of the process.

In 1846, members of Congress detailed:

> "That with the assent of the people of the county and town of Alexandria, to be ascertained as hereinafter prescribed, all of that portion of the District of Columbia ceded to the United States by the State of Virginia, and all the rights and jurisdiction therewith ceded over the same, be, and the same are hereby ceded and forever relinquished to the State of Virginia, in full and absolute right and jurisdiction, as well of soil as of persons residing or to reside thereon."[200]

Note again the critical wording: of governing power being "ceded and forever relinquished" from one governing body to another "in full and

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[198] See: Volume 1, *Statutes at Large*, Page 130. Section 6. July 16, 1790 & also see; 2 Stat. 103. February 27, 1801.

[199] Archives of Maryland, Volume 0204, Page 0572 - Laws of Maryland 1785-1791 (@ Chapter XLV, Section II [Page 573]).

[200] 9 Stat. 35 @ 36. Section 1. July 9, 1846.

absolute right and jurisdiction" not only "of soil" but as well over "persons residing or to reside thereon."

In other words, these cession documents—which transferred the ability to govern from one sovereign to another—aren't much different in effect from the 1783 Paris Peace Treaty, which formally concluded the Revolutionary War.

In the 1783 peace treaty, King George III, through his minister, explicitly:

> "relinquishes all claims to the government, propriety, and territorial rights of the same and every part thereof."[201]

Note that the British king "relinquishes all claims to the government, propriety, and territorial rights" that Great Britain once had in and over the 13 former British colonies in North America, when he formally gave them up to the United States, severally.

The peace treaty does *not* read that the king gave the governing powers that he had exercised over to the United States, but simply that he gives up his claims and ability to govern the said lands.

In the same manner that the original States today aren't bound by British-enacted laws simply enforced by a new sovereign, members of Congress are not bound by Maryland's former legislative Acts or by the Maryland State Constitution.

Article I cessions of exclusive legislation authority involve the abdication and withdrawal of the old governing authority, even as old laws would typically continue (unless contrary to the new system of government) until replaced by the new sovereign, who would enforce the new law and perhaps the old, depending upon circumstances.

While members of Congress may not directly perform actions throughout the country beyond those enumerated, using necessary and proper means, members *may nevertheless do whatever they want* in the District Seat, except those things expressly prohibited.

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201 https://avalon.law.yale.edu/18th_century/paris.asp

The differences in allowable federal action—for the Union and District Seat—stand at opposing ends of the political spectrum.

The power available for direct exercise throughout the country—using necessary and proper means to pursue enumerated ends—is the most limited form of government on the planet.

However, the ability to exercise inherent discretion and essentially unlimited government power in the District Seat, that needs only avoid express prohibitions that are elsewhere listed, is the most oppressive in the known world.

After all, only one clause of any Constitution even discusses the available special power for the District Seat and that Constitution in this case expressly details only that "Congress shall have Power…To exercise *exclusive* Legislation *in all Cases whatsoever,"* which opens things up to that essentially limitless power.

Next up: A final, deeper look into the power of Congress to exercise "exclusive" legislation "in all Cases whatsoever."

Lesson 18: Article I, Section 8, Clause 17

Exclusive Legislation Authority III

With the realization that the "District Seat" is not a "State" comes the awareness that District residents are not represented in Congress, because only "States" elect U.S. Representatives and U.S. Senators, per Article I, Sections 2 and 3.

That not even the most basic protection against tyranny—legislative representation—is secured in the District Seat, shows just how different is this exclusive legislation authority, that opposes even the fundamental nature of American government.

Indeed, the Declaration of Independence refers to *legislative representation* as "a right inestimable" to the American people—a right so important, that its true estimation or worth cannot be determined.

With the Declaration further asserting that promoting the abolition of legislative representation is "formidable to tyrants only," then obviously its absence is absolute tyranny itself.

But, the problem isn't what is legitimately occurring within the District Seat, but the illegitimate extension of its allowed special authority beyond District boundaries, which presents itself today as *The Administrative State*, which is necessarily sourced in the absence of legislative representation found within the District of Columbia.

Next, one must realize the reciprocal absence of any State involvement within the District Seat, which extends so far that the Tenth Amendment doesn't have any effect there.

Indeed, how could the Tenth Amendment have effect in the District Seat, when the only State which once exercised reserved State powers within its current boundaries expressly gave up all of its former governing authority over the parcel in 1791?

Please realize that the Tenth Amendment was never meant to limit the ability of the States to give more powers to Congress under the Article V amendment process.

Well, neither does the Tenth Amendment limit the ability of any particular State from ever ceding all of the State's governing powers over a transferred parcel—for special federal uses, under Article I.

Once members of Congress accept transferred parcels for special federal uses, the Tenth Amendment may only reserve the expressly-named powers that the State may have expressly made in its cession documents, which in forts, magazines, arsenals, dockyards and other needful buildings, perhaps reaches to the ability to serve legal process.

One must realize just how extensive is the exclusive legislation power that members of Congress may in D.C., exercise.

They *may* not only make up the rules in the District Seat as they go along, but there they *must* make-up these rules, for nowhere else may applicable rules be found, as typically found within State Constitutions, which don't and can't apply in D.C.

The U.S. Constitution, after all, only has one clause that specifically addresses the unusual powers allowed within D.C. and it specifically details that members may exercise exclusive legislation therein "in all Cases whatsoever."

Without any other constitutional clauses anywhere found, Clause 17 is therefore like a magical genie lamp, but a lamp so powerful that it grants its master or masters unlimited wishes, not just three.

To support this claim, concentrate on the four-word phrase "in all Cases whatsoever."

The most persistent and careful student of early American history should perhaps recognize this phrase, because it is found, verbatim, in our Declaration of Independence.

Now, it should strike readers as rather odd that the same phrase found in the Declaration of Independence—which is the document which pointed to the fundamental problem faced by the American colonists—is also found in the U.S. Constitution, that was ultimately crafted to rectify the problem.

Numerous paragraphs in the middle of the Declaration begin with the phrase "He has…" These paragraphs list the various injuries and usurpations of the British king, to prove his tyranny and absolute despotism.

The 13th paragraph here discusses British "Acts of pretended Legislation."

This paragraph is next broken up into nine sub-paragraphs, each beginning with the word, "*For*…" The last sub-paragraph reads:

> "For suspending our own Legislatures, and declaring themselves invested with power to legislate for us *in all cases whatsoever."*

Since all nine sub-paragraphs refer to "Acts of pretended Legislation" imposed by the British King and Parliament, it is appropriate to examine applicable British legislation.

In 1765, Great Britain imposed upon her British colonies in North America, a Stamp Tax, to help pay for the French and Indian War, where George Washington had proved his military mettle. This mild tax was imposed upon documents found in the American colonies—on property deeds, court records, business invoices, bills of lading, newspapers, pamphlets, and even on such seemingly-unrelated items such as dice and playing cards.

The imposition of this tax imposed upon the American colonists by British Parliament—where the colonists *weren't* represented—led to

colonial uproar. Recall the colonial slogan, "Taxation *without Representation,"* which helps show that *legislative representation* has always been an integral feature of American government, even from our British colonial days.

Up to 1765, the colonial legislatures—consisting of the colonists themselves—had imposed their own internal taxes for their own domestic issues, while legislation in British Parliament that affected the colonies predominantly dealt with external matters relating to war and external trade.

In response to the 1765 Stamp Tax, the American colonists wrote petitions, made remonstrances, and took part in protests, directed at and to the king and Parliament, that went summarily ignored in Great Britain.

Seeking to have their voices heard, the colonists did the only thing they figured out how to do—they agreed with one another to support non-importation agreements—agreeing to refrain from buying specified goods that had been imported from Great Britain.

As the goods exported from Great Britain in British merchant ships went unsold in the British colonies of North America, the heavily-impacted British merchants—who *were* represented in Parliament—found only unwilling buyers, so they began pressuring Parliament to back off, so that the colonists would resume their purchases.

By willingly suffering deprivation and learning to do without, the colonists found their leverage.

On March 18, 1766, Parliament formally *repealed* the dreaded Stamp Act, but not without—on the same day—making a formal and draconian declaration.

The British Declaratory Act declared:

> "That the said colonies and plantations in America have been, are, and of right ought to be, subordinate unto, and dependent upon the imperial crown and parliament of Great Britain; and that the King's majesty, by and with the advice

> and consent of…parliament… had, hath, and of right ought to have, full power and authority to make laws…of sufficient force and validity to *bind* the colonies and people of America, subjects of the crown of Great Britain, *in all cases whatsoever*."[202]

Here one finds the origin of the four-word phrase found in our Declaration of Independence and even our U.S. Constitution—"in all cases whatsoever."

The extreme reach of this phrase—having "full power and authority"—to "bind" the American colonists, "*in all cases whatsoever*," is difficult to comprehend.

South Carolina's 1776 State Constitution provides insight, as its opening line speaks to Britain's claimed power to "bind" the American colonists, "in all cases whatsoever," adding "*without the consent and against the will of the colonists*."[203]

Without the colonists' consent and even against their will, Great Britain baldly declared the overt power to *bind* the colonists, in all cases whatsoever. Britain carried out that claimed power, in every case which presented itself, over the next troublesome decade, until Americans finally made a Declaration of their own, and said, "Enough."

These four words—*in all cases whatsoever*—as found in our Declaration of Independence, ultimately summarize the *single* political problem the American colonists faced, in the trying decade between 1766 and 1776.

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202 https://avalon.law.yale.edu/18th_century/declaratory_act_1766.asp Italics added.

A.k.a., *The American Colonies Act*. www.constitution.org/bcp/decl_act.htm.

An Act for the Better Securing the Dependency of His Majesty's Dominions in America Upon the Crown and Parliament of Great Britain.
6 George III, c. 12, *The Statutes at Large*, ed. Danby Pickering (London, 1767), XXVII, 19 - 20.

203 https://avalon.law.yale.edu/18th_century/sc01.asp

If one thinks about it, all the other injuries and usurpations listed in the Declaration of Independence are but symptoms of this singular political mindset, carried out in one injurious example after another.

The American colonists faced but *one* political problem over the turbulent decade from the British Declaratory Act until the American Declaration—government officials seeking to rule over them, absolutely, in all cases whatsoever.

How this claimed dominion played out in any particular circumstance was ultimately immaterial.

The extent to which British law sought to bind the American colonists may be better understood by realizing that the 1787 U.S. Constitution uses similar terms—when it references *indentured servants* being "bound *to Service"* and *slaves* being "held to…Labour."[204]

In declaring their absolute power to "bind" the American colonies "in all cases whatsoever," Great Britain held the colonists legally equivalent to perpetual indentured servants and slaves.

On deeper examination, one discovers that Americans today face the *same* fight our forefathers did at our nation's founding. The only difference is that this same absolute power is being waged against us by our own federal servants who seek to become our political masters, by exploiting this unknown loophole without our consent and against our will, behind our backs and under the cover of darkness.

Federal servants have seized the same foul reins of absolute power, and they don't mean to let go, as long as they may hide what they are doing, so we won't be able to free ourselves from the tyrannical grip of their inherent rule improperly extended beyond allowable boundaries.

It's our job as Patriots, to tip the scales of justice and either expose or remove this alternate source of power from tyrants, for we are not powerless, just like our forebears were not without the means and ability to throw off the tyrants who sought to rule over them.

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[204] See Article I, Section 2, Clause 3 and Article IV, Section 2, Clause 3.

Thankfully though, today we do not need bullets—only truth, adequately voiced.

The overt war against this inherent power to act "in all cases whatsoever" over every square foot of American soil was already fought and won, over 240 years ago.

Americans cast off that tyrannical power by 1783, even as in 1789 the U.S. Constitution invited it back in, although only for special federal areas, where it was supposed to be duly-contained.

After all, it would have been impractical for the U.S. Constitution to have expounded upon the Clause 17 powers, in the same manner and extent that a State Constitution elsewhere details allowable State powers, that Congress may in D.C. exercise, since no State has any authority therein.

So, the Framers simply gave Congress the power to act therein "in all Cases whatsoever," which wouldn't have damaged the Republic, if the strong containment wall around the District Seat had been properly staffed and maintained, to contain allowed federal tyranny to its boundaries.

But, perhaps it's not that Americans dispassionately watched that once-firm wall, which preserved the balance of powers between federal and State governments, crumble from neglect and disinterest, so that hardly a remnant yet remains visible today.

If that were the case, though, we would only have to follow Nehemiah's biblical lead and rebuild the Wall of Separation between named federal powers and reserved State authority in a brief 52-day figurative period, such as with the Patriot Corps' *Once and For All Amendment.*

It's more that the prison-inmate federal-servants who by Article VI are themselves expressly "bound" by oath or affirmation to support the Constitution that have yet curiously taken over and turned the figurative prison guns that once faced inward, now outward, transforming their "prison" into a fortress, to extend a false dominion over the States as political masters.

In this case, therefore, we need only follow Joshua's lead at Jericho, and march around the invalidly-constructed wall daily for six days, which currently separates us from fully-occupying our Promised Land, and on the seventh day, march seven times and then sound the trumpets and shout out God's truth, to bring down the walls that currently hide Satan's lies, with the Patriot Corps' *Happily-Ever-After Amendment.*

The only thing our self-proclaimed political masters fear is the day that Americans learn what we face politically, for once we understand the disease, we may quickly apply the appropriate cure, either to contain allowed tyranny within proper boundaries or end its false reign, forevermore.

Next up: Using Necessary and Proper Means to implement the named powers.

Lesson 19: Article I, Section 8, Clause 18

Necessary and Proper Means to Allowed Ends

The primary list of enumerated powers of Congress is found in Article I, Section 8 of the U.S. Constitution, which concludes with Clause 18, which details that:

> "The Congress shall have Power…To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Three primary passages confirm that the law-making power is given to Congress, and only to Congress.

The first passage was Article I, Section 1, where the named legislative powers are *vested* in Congress, *fixing* those powers therein.

The next passage is Article I, Section 8, Clause 18, which requires that "all Laws" be enacted by Congress. Federal laws are enacted to carry into execution not only the "foregoing" legislative powers listed *before* Clause 18, but also "all other Powers vested" in *"the Government of the United States"* listed *after* Clause 18, which reach not only to the executive and judicial *departments*, but also down to individual executive or judicial *officers*.

Lastly, Article IV, Section 4 guarantees to every State of the Union a *Republican Form of Government*—mandating *legislative*

representation—which requires duly-elected members of Congress to enact laws which affect those persons being represented.

So, even though the Constitution vests the *executive* power with the President, the Constitution yet *requires* Congress make all the laws he needs to carry out his proper executive functions, as it likewise requires Congress to enact all needed laws for the courts to carry out their proper judicial functions.

The key *principle* of Clause 18 requires all laws *on any topic* be enacted *by Congress,* while the key *standard* for allowable congressional action is "*necessary and proper*" means to named ends.

If a proposed law for the Union is "necessary" but "improper," Congress cannot enact it. Neither may Congress enact "proper" but "unnecessary" laws, which explains two centuries of concerted federal effort to evade this tough and exacting standard.

Enter Alexander Hamilton, the chief architect of inherent federal discretion.

At the Constitutional Convention on June 18th, 1787, Hamilton outlined his plan, which would have given members the express power to do as they wanted, except the few things his Constitution of negative prohibitions would have expressly prohibited.[205]

In other words, Hamilton wanted but a set of "thou shall not" passages, prohibiting members from doing this or that, *but allowing everything else!*

Hamilton's second pillar at the convention was to abolish the States themselves, or at most leave them as mere geographic subdivisions of a national domain.[206]

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205 https://avalon.law.yale.edu/18th_century/debates_618.asp

206 *Ibid.*

And, Hamilton's third pillar to usher in his preferred central government of inherent power was to give American Presidents and U.S. Senators their terms for *life*, or at least allow them to continue during "good behaviour."[207]

Failing to implement his primary plan, Hamilton deviously worked behind the scenes to get indirectly over time that which he didn't directly get at the convention.

So, how did Hamilton almost immediately begin indirectly implementing two of his three strategies, despite his convention loss?[208]

Hamilton—as the first Secretary of the Treasury—was the leading proponent of the 1791 banking bill, which involved the first significant constitutional controversy—where the first claims of "unconstitutional" government behavior were asserted.

Under his expressly-named power, President George Washington commanded three of his principal officers to give their formal opinions on

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[207] *Ibid.*

[208] And, to understand how Hamilton was able to get his first two pillars indirectly implemented over time, but wholly unable to get his third pillar put into place, please see Matt Erickson's 2023 fiction work *"Trapped by Political Desire: The Novel"* (or its 2020 public domain "sister" novel *"Trapped by Political Desire: The Treatise"*).

Both books expose Hamilton's absurd *Government-By-Deception-Through-Redefinition Scheme* to the bright light of day, by applying the tactics Hamilton used to effectively implement his first two pillars, to Hamilton's third pillar.

If Hamilton—through Chief Justice John Marshall—was really able to reinterpret the phrase "necessary and proper" to mean only "convenient" for the whole Union, then there is nothing preventing them from redefining the word "Year" (found in the Constitution, applying to term lengths and election intervals), to a longer term of time—like a decade or century, for example.

But, if they cannot actually get away with the latter, then they also cannot get away with the former, either (and two hundred years of devious rule away from the spirit of the Constitution fades away).

www.PatriotCorps.org/fiction

the approved bill that lay on his desk, awaiting his signature, veto or inaction.

As President of the 1787 Constitutional Convention, George Washington heard the debate of September 14th, involving James Madison's suggested motion to add a proposed congressional power:

> "to grant charters of incorporation where the interest of the U.S. might require & the legislative provisions of individual States may be incompetent."[209]

The convention delegates debated the incorporation power, but denied its inclusion, in no small part because delegates feared it could be stretched to establish a bank.

Although the power to charter corporations fell at the convention, four years later the President received a congressionally-approved bill to charter a *banking* corporation!

Answering the President, Secretary of State Thomas Jefferson argued that the banking bill was "unconstitutional," bringing up the fact that "the very power now proposed as a *means* was rejected as an *end* by the Convention which formed the Constitution."[210]

Attorney General Edmund Randolph—who, at the convention, actually *seconded* Madison's motion to grant charters of incorporation—likewise couldn't find constitutional support for the banking bill, so, consistent with his present duty, he also called the proposed banking bill "unconstitutional."[211,212]

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209 https://avalon.law.yale.edu/18th_century/debates_914.asp

210 https://avalon.law.yale.edu/18th_century/bank-tj.asp

211 https://founders.archives.gov/documents/Washington/05-07-02-0200-0002

212 Pennsylvania delegate Gouverneur Morris, for one, understood that the exclusive legislation power for the District Seat would reach to things beyond the normal delegation of authority (as the others must have also, but Madison's *Notes of the Convention* for September 14th readily show only Morris understood).

Like all who would later follow their failed lead, these two accomplished men laid out the doomed defensive strategy of declaring things (facially) "unconstitutional" that may otherwise be exercised under Article I, Section 8, Clause 17, for the District Seat.

Failure to contain Hamilton at this early juncture ultimately led us down the errant path we find ourselves today, far, far beyond the spirit of the Constitution.

It is interesting to note that *before* he gave his Treasury Secretary's opinion in favor of the banking bill, Hamilton first *affirmed* that the power of erecting a corporation was *not* included in the enumerated powers and he specifically *conceded* that the power of incorporation was *not* expressly given to Congress.[213]

The delegates had just finished the debate on Benjamin Franklin's motion "for cutting canals where deemed necessary." This was the motion which James Madison had sought to enlarge to charter corporations.

After that motion failed, not only to include chartering all corporations, but also lost support even restricted only for cutting canals, James Madison of Virginian and Charles Pinckney of South Carolina next made a motion to add to the list of powers vested in Congress a power "to establish *an* University, in which no preferences or distinctions should be allowed on account of Religion" *(sic).*

After Mr. Wilson seconded the motion, Gouverneur Morris shut down the effort, with his sage advice that "It is not necessary. *The exclusive power at the Seat of Government, will reach the object."*

Gouveneur Morris (if no one else [which surely others must have also]) well-understood that the exclusive legislation powers of Congress for the Seat of Government would reach objects far beyond those for the Union.

It is beyond tragic that the Founders and Framers didn't stop Hamilton's use of these special powers beyond allowable boundaries, for American history would have been completely and wholly different, as federal action remained within both the spirit and letter of the Constitution.

https://avalon.law.yale.edu/18th_century/debates_914.asp

213 https://avalon.law.yale.edu/18th_century/bank-ah.asp

In a government of delegated powers, implemented using necessary and proper means, it would be difficult to make such admissions and yet recover. But, with deft precision and bold arrogance, Hamilton moved past government of defined powers and laid the groundwork for inherent discretion, stating:

> "Surely it can never be believed that Congress with exclusive powers of legislation in all cases whatsoever, cannot erect a corporation within the district which shall become the seat of government...And yet there is an unqualified denial of the power to erect corporations *in every case* on the part both of the Secretary of State and of the Attorney General."[214]

Hamilton let only the careful reader know that he wouldn't look to the *normal* rules of the Constitution to *support* his favored bill, as did his opponents, to *object* to the bill.

Hamilton merely exploited what would later prove to be conservatives' Achilles Heel—their blind inability to ever realize that Clause 17 allows Congress special powers, except as expressly denied, even if only for *special federal places.*

While at the convention Hamilton never secured inherent power for the whole Union, *he did get it, for the District Seat*.

Failure to look to Article I, Section 8, Clause 17 in 1791 proved to be an accurate foreshadowing of the next two centuries of failed conservative action, of failing to critically examine how devious men may seek warped ends through *whatever despicable means they can get away with*.

It didn't matter *where* Hamilton found his authority, *if no one ever called him out on his false extension of allowed special powers beyond allowable places.*

Hamilton continued, making his subtle point a bit clearer, yet keeping it sufficiently obscure, to avoid tipping his hand:

> "Here, then, is express power to exercise *exclusive* legislation *in all cases whatsoever* over certain places, that is, to do in

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214 *Ibid.*

> respect to those places all that any government whatsoever may do; For language does not afford a more complete designation of sovereign power than in those comprehensive terms."[215]

Whereas the Secretary of State and Attorney General didn't address the highly-unusual exception to all the normal rules of the Constitution, Hamilton correctly pointed out members of Congress could—under their exclusive authority for the government seat—do as they pleased, except as they were expressly prohibited.

And, since the Constitution never expressly prohibits Congress from chartering a bank, then Congress could charter it, *under members' exclusive powers*.

Hamilton inferred that the District's standard could be directly implemented throughout the Union, which, of course, is utter and complete nonsense. The true standard for allowable federal action everywhere-exercised is "necessary and proper" means to named ends, as clearly detailed in Article I, Section 8, Clause 18.

But Hamilton was correct—the Secretary of State and Attorney General failed to look at *every* clause of the Constitution, before they made a claim too great, that members of Congress *never* had power to enact a banking bill.

Now it is easy to understand why Jefferson and Randolph didn't look to Clause 17 in February of 1791, because it would be 10 months before Maryland and Virginia would even cede their lands to form the District Seat, and another decade before the permanent seat would become operational in D.C.

With the temporary federal seat in New York City, soon to be moved to Philadelphia, there weren't yet any "certain places" *where* Hamilton said

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215 *Ibid.*

government would be able to do "all that any government whatsoever may do."[216]

In other words, even as Hamilton admitted that the exclusive legislation powers of Congress are actually limited to special "places" ceded by "particular States" for special federal purposes, he wouldn't let even that central fact stop him from using that special power, *if no one was ever going to call him out on his false extension of allowed special powers beyond allowable boundaries that weren't even yet established!*

Playing the highest-possible-stakes poker, Hamilton bluffed his way to victory, using an allowed special authority, *because only it could reach his intended result,* given his convention loss.

And, that was enough for Hamilton to get his foot in the door, and incrementally expand exclusive powers over time, *beyond* truly-allowable places, *because no one was paying sufficient attention to stop him.*

We Americans have been fighting this same tyranny ever since, as more-fully implemented by Hamilton's philosophical heir, Chief Justice John Marshall.

While Hamilton examined the constitutionality of the *first* bank of the United States in his 1791 Treasury Secretary's opinion, Marshall's 1819 *McCulloch v. Maryland* Supreme Court opinion examined the constitutionality of the 1816 *second* bank.

Within his 1791 Treasury Secretary's opinion on the constitutionality of the first bank, Hamilton proposed as his standard of allowable federal action:

> "If the end be clearly comprehended within any of the specified powers, and if the measure have an obvious relation to that end, and is not forbidden by any particular provision of the Constitution, it may safely be deemed to come within the compass of the national authority."[217]

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216 *Ibid.*

217 https://press-pubs.uchicago.edu/founders/documents/a1_8_18s11.html

In 1819 *McCulloch*, Marshall almost quoted Hamilton verbatim, famously stating:

> "Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional."[218]

Both scoundrels inferred that federal power *is allowed except as it is (expressly) prohibited*, which of course is only the "standard" of exclusive legislation action in or on exclusive legislation parcels.[219]

Of course, 1819 *McCulloch* has long stood as precedent for so many other cases, such as the 1871 *Legal Tender Cases,* which first upheld paper currency as legal tender. In 1871, Justice Strong—writing for the majority—all but bragged that the 1819 *McCulloch* opinion *reinterpreted* "necessary and proper" to mean only "convenient."[220]

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[218] 17 U.S. 316 @ 421. 1819

https://www.law.cornell.edu/supremecourt/text/17/316 (@ 81).

[219] "If a corporation may be employed, indiscriminately with other means, to carry into execution the powers of the government, no particular reason can be assigned for *excluding* the use of a bank, if required for its fiscal operations. To use one, must be within the discretion of congress, if it be an appropriate mode of executing the powers of government. That it is a *convenient*, a useful, and essential instrument in the prosecution of its fiscal operations, is not now a subject of controversy."[11]

Ibid, Page 422.

[220] "Under the same power and other power over the revenue and the currency of the country, for the convenience of the treasury and internal commerce, a corporation known as the United States Bank was early created…Its incorporation was a constitutional exercise of congressional power for no other reason than that it was deemed to be a *convenient* instrument or means for accomplishing one or more of the ends for which the government was established, or, in the language of the first article, already quoted, *'necessary and proper'* for carrying into

Given the Courts' deviousness, it isn't surprising Justice Strong also wrote in 1871:

> "A decent respect for a co-ordinate branch of the government demands that the judiciary should presume, until the contrary is clearly shown, that there has been no transgression of power by Congress—all the members of which act under the obligation of an oath of fidelity to the Constitution."[221]

Of course, judges may only give "a decent respect" for *the presumption of lawful authority* until "the contrary is clearly shown," *only in the District of Columbia*, where members may do anything and everything except what is expressly prohibited.

For the Union, the oath to support the Constitution prevents false presumptions from being held as law until they are proven otherwise, just as it prevents Americans from having to prove their innocence.

Because 90 or 95% of all federal action today is authorized and authorizable only under the exclusive legislation authority of Congress, draconian federal actions may only stand until *We the People* finally wake up and begin to clearly show such actions aren't everywhere allowed in the Union.

There is a way back to individual liberty and limited government, but until we propose and ratify an amendment to clarify matters permanently in every case, we must individually call out, in a clear and consistent fashion, the false extension of allowed special powers beyond allowable places.

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execution some or all the powers vested in the government. Clearly this necessity, if any existed, was not a direct and obvious one. Yet this court, in *McCulloch v. Maryland*, unanimously ruled that in authorizing the bank, Congress had not transcended its powers."

The Legal Tender Cases, 79 U.S. 457 @ 537, 1871. Italics added in first two instances

221 *Ibid.*, Pg. 531.

Next up: The Article I, Section 9 limitations on the Congress of the United States and Section 10 prohibitions on the individual States.

Lesson 20: Article I, Sections 9 & 10

Congressional Power Limits and State Prohibitions

The express limitations found in Article I, Section 9 of the U.S. Constitution aren't blanket prohibitions that prevent the exercise of a class of powers *never* granted to Congress, they are particular restrictions on larger named powers that *were* granted in Section 8.

In other words, the Section 9 restrictions simply ensure that federal actions don't go as far as the wording of Section 8 would otherwise allow, if it weren't for Section 9.

Clause 1 begins the constraints found in Section 9, reading:

> The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed upon such Importation, not exceeding ten dollars for each Person.

This clause prevented Congress—before 1808—from thereafter prohibiting the further importation of foreign slaves, even though members were otherwise empowered "To regulate Commerce" by Section 8, Clause 3.

The clause also limited any tax or duty placed upon each slave imported during this continuing period of time, to ten dollars.

Once the named time restriction expired, then members of Congress could regulate or could more-heavily tax the foreign slave trade, even out of existence.

And regulate the slave trade out of existence Congress did, on March 2nd, 1807, effective January 1st, 1808—the first day the Constitution allowed—before Congress in 1820 made the foreign slave trade an act of piracy, punishable by death.[222, 223]

Section 9, Clause 2 reads:

> "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

Habeas Corpus demands production of the incarcerated person named within the written demand, before a judge, to challenge detainment. Insufficient cause demands they be set free.

Habeas Corpus may be suspended by Congress when the civil authority is temporarily overwhelmed during rebellion or invasion. Suspension allows indefinite detainment of rabble rousers without appearance, to give authorities time to restore civil authority.

Article I, Section 9, Clause 3 reads:

> "No Bill of Attainder or ex post facto Law shall be passed."

A *Bill of Attainder* is a "stain" upon an individual, placed legislatively, without the benefit of a judicial trial and conviction. *Ex post facto* laws apply to actions performed before criminal laws even made a named topic

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222 Vol. II, *Statutes at Large*, Page 426 (II Stat. 426).
https://www.govinfo.gov/content/pkg/STATUTE-2/pdf/STATUTE-2-Pg426.pdf

223 May 15, 1820, III *Stat*. 600.
https://www.govinfo.gov/content/pkg/STATUTE-3/pdf/STATUTE-3-Pg600.pdf
The rise in the number of slaves in the United State from one million in 1810 to four million in 1860 according to the census could thus only due to slave births in the U.S.

illegal. Both types of actions are considered so harmful that they are prohibited in these United States.

Section 9, Clause 4 reads:

> "No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken."

After the initial census, mandated within three years of Congress first meeting, subsequent enumerations are directed to be taken every ten years in Article I, Section 2, Clause 3. The census is taken for the apportionment of Direct Taxes and determining the distribution of Representatives among the several States, according to their individual population, as compared with the whole Union.

Apportionment of Direct Taxes is so important of a requirement that it is one of the few things ever repeated in the Constitution, which is found again in Section 9.

The originally-ratified Constitution provides two primary *qualifications* and one *exemption,* regarding taxation.

The often-called "indirect taxes"—which are actually Duties, Imposts and Excises—need only be *uniform;* which is the first qualification; found in Article I, Section 8, Clause 1.

The second qualification is that Direct Taxes must be *apportioned*, by Article I, Section 2, Clause 3 and here again in Article I, Section 9, Clause 4.

And, the express *prohibition* is that no Tax or Duty shall be laid upon any articles exported from any State, as Article I, Section 9, Clause 5 reads:

> "No Tax or Duty shall be laid on Articles exported from any State."

Clause 6 prevents Congress from steering commerce or port revenue to, through or away from any particular port, while Clause 7 requires all money drawn from the Treasury to be first formally-appropriated.

All federal receipts and expenditures are to be published from time-to-time, although Article I, Section 5, Clause 3 omits the publication

requirement for Journal proceedings for any congressionally-determined secrets.

Finally, Article I, Section 9, Clause 8 reads:

> "No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept any present, Emolument, Office or Title, of any kind whatsoever, from any King, Prince, or foreign State."

While the eighth clause of Section 9 prohibits *the United States* from granting Titles of Nobility, the first clause of Section 10 likewise prohibits *the individual States* from granting Titles of Nobility, also.

Section 9, Clause 8 also prohibits federal officers from accepting any present, emolument, office or title, from any king, prince or foreign State, without the express consent from Congress, to minimize improper foreign influence.

Note that Clause 8—in speaking to "the United States" and then restricting persons "holding any Office…under *them*"—again points to a plural understanding of "the United States," as the individual States of the American Union, who *united* together for common concerns and joint benefit, rather than as a singular entity, of its own volition and will.

The last section of Article I—Section 10—covers and contains the express list of prohibitions and limitations that the States of the American Union placed upon *themselves*, of their own design and accord. Indeed, it wasn't as if federal authorities who weren't even yet in existence had any input on these restrictions, after all.

The Article I, Section 10, Clause 1 prohibitions cover the express prohibitions that are *always applicable* to the States, whereas Clauses two and three allow bypass whenever approved by Congress (although the States may always defend themselves from invasion or imminent threat, found in Clause 3).

Article I, Section 10, Clause 1 reads:

> "No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility."

The States directly prohibited one another from entering into any foreign treaty, alliance, or confederation on their own. Nor may any State ever grant Letters of Marque and Reprisal, which otherwise authorize the arming of private vessels of war and commission them to seek prizes, of ships (furnishings, tackle and freight) registered under the foreign nations with whom the United States are in a state of declared war.

While the Articles of Confederation had theoretically allowed the several States to strike coin according to any standard issued by Congress—not that any such mints were ever established, nor that the Congress under the Confederation ever issued coinage standards sufficient for coins to be struck—the U.S. Constitution prohibits States from coining money, issuing paper currency, or making anything but gold and silver coin a legal tender, for the payment of debts.

Section 10, Clause 1 not only prevents the States from individually granting Titles of Nobility just like Section 9 prohibited Congress, but Clause 1 also similarly prevents the individual States from passing bills of attainder or *ex post facto* laws, too.

With Article I, Section 8, Clause 4 of the Constitution placing the subject of bankruptcy into Congressional hands, Section 10, Clause 1 seeks to avoid further State conflict or interference on the topic by specifically prohibiting the States from impairing the Obligation of Contracts.

Section 10, Clause 2 reads:

> "No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress."

This clause allows the individual States to lay Imposts or Duties on imports or exports, but only to the extent that they are "absolutely necessary" for executing the State's inspection laws.

Without surprise, the 1819 Supreme Court case which attempted to reinterpret the phrase "necessary and proper" that is found in Article I, Section 8, Clause 18—to mean only "convenient"—started their diversionary tactics by pointing out that convention delegates used the phrase "absolutely necessary" in Section 10 to obviously convey greater necessity, arguing then that "necessary and proper" must be *less necessary* than *absolutely necessary*.[224]

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[224] (Regarding the word "necessary")—"Does it always import an absolute physical necessity so strong that one thing to which another may be termed necessary cannot exist without that other? *We think it does not*. If reference be had to its use in the common affairs of the world or in approved authors, we find that it frequently imports no more than that one thing is *convenient*, or *useful*, or *essential* to another...The word "necessary" is of this description. It has not a fixed character peculiar to itself. It admits of all degrees of comparison, and is often connected with other words which increase or diminish the impression the mind receives of the urgency it imports. *A thing may be necessary, very necessary, absolutely or indispensably necessary*. To no mind would the same idea be conveyed by these several phrases. The comment on the word is well illustrated by the passage cited at the bar from the 10th section of the 1st article of the Constitution. It is, we think, impossible to compare the sentence which prohibits a State from laying "imposts, or duties on imports or exports, except what may be *absolutely necessary* for executing its inspection laws," with that which authorizes Congress "to make all laws which shall be necessary and proper for carrying into execution" the powers of the General Government without feeling a conviction that the convention understood itself to change materially the meaning of the word "necessary," by prefixing the word "absolutely." This word, then, like others, is used in various senses, and, in its construction, the subject, the context, the intention of the person using them are all to be taken into view."

McCulloch v. Maryland, Volume 17, *U.S. Reports*, Page 316 @ 413-414. (17 *U.S.* 316 @ 413-414). 1819. Italics added.

https://supreme.justia.com/cases/federal/us/17/316/

While true, that certainly doesn't mean that judges who swear an oath to support the Constitution, signifying their subservience to it, and their utter inability to change it, may ever reinterpret "necessary and proper" into meaning only "convenient," at least throughout the whole Union.

Notice that by the express words of Section 10, Clause 2—which allow the congressional revision and control of State laws that impose State Imposts and Duties upon imports and exports—members of Congress are here given the extraordinary powers that Roger Sherman of Massachusetts had directly sought at the Convention on July 17th, on all State powers, but didn't in other situations get, which was *the express ability of Congress to revise and control State laws*.[225]

Of course, at least Sherman didn't seek to abolish the States, as Alexander Hamilton had sought, as Madison noted in his Convention Notes, on June 18th and 19th.[226]

And, the last clause found in Article I on the legislative powers of Congress—Section 10, Clause 3—reads:

> "No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops or Ships of War in time of Peace, enter into Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually

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225 https://avalon.law.yale.edu/subject_menus/debcont.asp

See July 17th record. Roger Sherman's motion was to insert the following passage:

> "to make laws binding on the people of the United States in all cases which may concern the common interests of the Union; but not to interfere with the Government of the individual States in any matters of internal police which respect the Govt. of such States only, and wherein the general welfare of the U. States is not concerned."

Gunning Bedford, Jr. of Delaware, James Wilson of Pennsylvania and James Madison of Virginia otherwise supported this widespread power, while Alexander Hamilton of course first sought to abolish the States themselves.

226 *Ibid.*

> invaded, or in such imminent Danger as will not admit of delay."

Although Clause 3 provides another list of actions States are prohibited from performing without the consent of Congress, note again that States may always defend themselves from actual invasion or imminent danger—at their decision (for if the decision were yet subject to federal oversight, then no alternative would be offered and thus there wouldn't be need for the express exception).

The list in Clause 3 starts off with the prohibition that no State may lay any Duty of Tonnage on any ship's carrying capacity.

Neither may the States keep troops or ships of war in time of peace, or enter into an agreement or compact with another State, or with a foreign power, without the express consent of Congress to allow the otherwise prohibited activity.

But, remember that the States individually conceded to all of these Section 10 concessions, drafted at their own hand during the convention by their own delegates, and afterwards ratified by the States at their State ratifying conventions.

Next up: The Article II executive powers of the President.

Lesson 21: Article II

The President, as Chosen

Two theories come to mind, from the extensive number of words found in the U.S. Constitution that cover the Presidential selection process, which isn't limited to roughly forty percent of Article II, but also extends to five of the 27 amendments.

First, the extensive coverage signifies the vital importance of the elected position.

The second thought pulls back from that reasonable view, because with so many words covering the selection process, *then that much less remains to detail the President's powers.*

Therefore, unless one believes the President is given unlimited power, then there simply aren't a great many words remaining to give him the omnipotence so often attributed to him. We'll save the topic of the Presidential power, though, for the next lesson, to look first into the selection process.

The President and Vice-President are elected to four-year terms.[227]

The Twenty-Second Amendment ratified in 1951 restricts the President to *two* elected terms, although it allows any person who replaces the

[227] Article II, Section 1, Clause 1 of the U.S. Constitution.

President—or serves as *acting-President*—to finish the uncompleted term without penalty, provided *less* than two years remain.

If any remaining partial term is *greater* than two years, however, the successor may only serve *one* elected term.

The primary method for choosing the President and Vice-President is by vote of Electors who are specifically chosen by their respective State legislatures for the purpose.[228]

Each State is able to choose the number of Presidential Electors equal to their fixed number of U.S. Senators—two—*plus* the varied number of U.S. Representatives they are individually allotted through the decennial census and apportionment process.[229]

U.S. Senators and U.S. Representatives are themselves constitutionally barred from serving as Presidential Electors, by Article II, Section 1, Clause 2, as are all persons holding offices of trust or profit under the United States.

The designated selection process ensures that Presidential Electors, however chosen, are brought together for the sole purpose of electing the President and Vice-President and then disbanding, to minimize corruption, intrigue or improper influence.

Each Elector, on the date Congress designates for meeting, originally wrote down on a ballot the names of two persons, one of whom at least wasn't an inhabitant of the same State as the individual Electors casting their vote.[230] Nothing on the list originally signified the Elector's preference for President or Vice-President.[231]

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[228] Article II, Section 1, Clauses 2, 3 and 4. *See also* Amendments 12, 20, 22, 23 and 25

[229] Article II, Section 1, Clause 2. *See also* the 23rd Amendment.

[230] Article II, Section 1, Clauses 3 and 4.

[231] Article II, Section 1, Clause 3.

Electors today yet compile a list of the persons named on the ballots, and the number of votes for each, which list they sign, certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate.[232]

On the day Congress designates for counting the Electoral vote, the President of the Senate—the Vice-President of the United States—is directed by Article II, Section 1, Clause 3 to open "all the certificates" in front of a joint session of Congress, so that the votes can "then be counted."

The person with the highest number of votes is chosen President, if he obtains a majority of the Electoral votes.[233]

With two names on each ballot originally without differentiation for position, there was the possibility that two men could each have a majority but also an equal number of Electoral votes. This occurred in the 1800 Presidential election, between Thomas Jefferson and Aaron Burr.[234]

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232 *Ibid.*

233 *Ibid.*

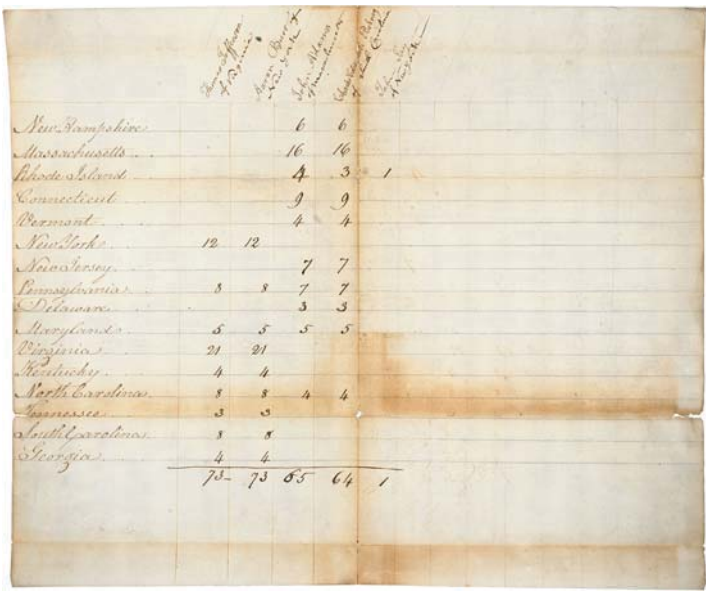
234 https://www.archives.gov/legislative/features/1800-election/1800-election.html

And there remains the possibility even today—anytime there are three or more strong candidates—that no single person would receive a majority of Electoral votes.

In each of those cases, Article II, Section 1, Clause 3 originally directed that the election would move to the House of Representatives.

If prior to the Twelfth Amendment, two persons each had a majority but also an equal number of votes, then the House was to choose by ballot between the two.[235] If no person had a majority, then the House was to choose between the five highest from the original list, although the Twelfth Amendment now directs a choice between the top *three*.[236]

But, in each case, the votes in the House of Representatives would be taken *by States*, with each State having but *one* vote, no matter its size, importance, or population.[237]



New Hampshire			6	6	
Massachusetts			16	16	
Rhode Island			4	3	1
Connecticut			9	9	
Vermont			4	4	
New York	12	12			
New Jersey			7	7	
Pennsylvania	8	8	7	7	
Delaware			3	3	
Maryland	5	5	5	5	
Virginia	21	21			
Kentucky	4	4			
North Carolina	8	8	4	4	
Tennessee	3	3			
South Carolina	8	8			
Georgia	4	4			
	73	73	65	64	1

235 Article II, Section 1, Clause 3.

236 Article II, Section 1, Clause 3. See also the 12th Amendment.

237 *Ibid.*

In cases where an Electoral tie was for second place, rather than first, then the Senate was originally to choose the Vice-President from among the tied choices, or, now, if no one gains an Electoral majority.[238]

Political parties did not develop until *after* President Washington's two terms, in 1796, when John Adams ran as a Federalist, against (Democratic-) Republican Thomas Jefferson and other candidates.[239]

On December 15th, 1800, Chief Justice Oliver Ellsworth tendered his resignation.[240]

The next day President Adams found out he lost his bid for his second term, with only 65 Electoral votes. Thomas Jefferson and Aaron Burr each received a majority of 73 Electoral votes, knocking the Federalist incumbent out of the running.[241]

The Electoral tie meant that the House of Representatives would settle the matter between Jefferson and Burr.

On January 20th, 1801, President Adams nominated his Secretary of State, John Marshall—whom the Senate confirmed, on January 27th—as the new Chief Justice of the U.S. Supreme Court, but Marshall curiously continued on as *acting Secretary*, through the end of Adams' term, evidently to carry his important plans through to their completion.[242]

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238 *Ibid*.

239 https://www.archives.gov/electoral-college/1796-0

240 https://supreme.justia.com/supreme-court-history/ellsworth-court/

Section 1 of the Judiciary Act of September 24, 1789 details there will be one Chief Justice and five associate justices (Vol. I, *Statutes at Large*, Page 73; [I *Stat*. 73, Sect. 1: 1789]).

241 https://www.archives.gov/legislative/features/1800-election/1800-election.html

242 https://supremecourthistory.org/chief-justices/john-marshall-1801-1835/

Knowing their influence would wane once a (Democratic-) Republican took office, the Federalist Congress sent a new Judiciary Act to President Adams, which he signed, on February 13th, 1801.[243]

On February 17, Thomas Jefferson won the Presidency on the 36th ballot in the House of Representatives, with second-runner-up Aaron Burr becoming Vice-President.[244]

That 35 separate votes in the House each resulted in a tie gave rise to the Twelfth Amendment, which, when ratified in 1804, required distinct ballots for the President and Vice-President, and also revised a few other Presidential election parameters.

The February 13th Judiciary Act established the first vile roots of *The Deep State*, as the Federalists knew that while elected Presidents and members of Congress would come and go, seated judges would remain.

Under that Act, President Adams nominated 16 new circuit court judges, which the Federalist Senate quickly confirmed, who were swiftly commissioned and seated, to secure Federalist influence long after the Federalist Party fell into oblivion.[245]

On February 27th, President Adams signed into law the Organic Act for the District of Columbia, which established two new federal counties—

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243 II *Stat.* 89. February 13, 1801.

244 https://www.archives.gov/legislative/features/1800-election/1800-election.html

245 https://www.fjc.gov/history/legislation/landmark-legislation-judiciary-act-1801

The February 13, 1801 Judiciary Act eliminated one Supreme Court justice position, *upon the next vacancy* (even though the Federalists had just nominated and confirmed John Marshall as the new Chief Justice [even as any one of the existing associate justices could have been called upon to serve in that role]).

Obviously, the Federalists tried to prevent the (Democratic-) Republicans from being able to choose a Supreme Court justice, to the extent possible, when it would have otherwise been available to them, to keep the Court's Federalist-influence, as long as possible.

Washington and Alexandria—and created new judicial positions therein.[246]

On March 2nd, Adams nominated 23 Justices of the Peace for Washington County and 19 for Alexandria County, which the Federalist Senate confirmed on March 3rd.[247]

President Adams got busy signing the 42 commissions and *acting Secretary* John Marshall began sealing them, also on March 3rd, as it was both men's last day in their current offices.

But, John Marshall's brother James didn't deliver most of the commissions before Jefferson took office the next day, and an undelivered commission for William Marbury served as the basis for the Supreme Court case of *Marbury v. Madison.*[248]

This is where John Marshall continued in his new position as Chief Justice of the Supreme Court from where he left off from his previous position and effectively implemented his tyrannical practice known today as "Judicial Review," in the very controversy where Marshall had perhaps been the primary driving force.

The majority of Supreme Court justices here cleverly portrayed themselves as final arbiters for the Union, on the meaning of words found in the Constitution, when they may only do so, *in and for, very special federal places*.

Indeed, without *any* State ever holding *any* governing authority whatsoever within the District Seat and other exclusive legislation areas, *someone* there must have final say, as there the States *cannot* (because

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246 II *Stat.* 103. Section 2. February 27, 1801.

247 https://www.jstor.org/stable/40066805?seq=2; *See also*, https://www.congress.gov/browse/6th-congress. 6th Congress, 2nd Session (18th Session, overall), *Senate Executive Journal*, Page 388, dated March 2, 1801.

248 *Marbury v. Madison,* 5 *Stat.* 137. 1803.

exclusive federal areas were specially-created to be free of State involvement). Everywhere else, the States have the final say on the Constitution's ultimate meaning, to which the 1795 Eleventh Amendment testifies.

Of course, judges—who have the named power to adjudicate cases and controversies according to law—don't have their ultimate constitutional duty *different* from other federal officers or members of Congress, who, at the most-basic level, are all similarly bound *to support the Constitution.*[249]

Each person exercising delegated federal powers is, by that required oath, duty-bound to support the Constitution, which would otherwise entail denying anything and everything contrary to it, which isn't a special duty, that applies only to judges.

The U.S. Constitution reserves to State legislatures the wide discretion to pick their allotment of Electors, but once that action is completed, so too is their work, as the Electors thereafter cast and tally their respective votes at the designated time and place.

If the "vote" is worthy of the term, it must be cast with discretion and judgment. After all, if the Electoral vote was truly but a "mechanical act" as inferred but never legally stated by the Supreme Court, there would have never been reason to prohibit members of Congress and federal officers from serving.

That federal servants are barred from serving as Electors, however, undermines Supreme Court insinuations that initially seem to deny Electoral discretion.[250]

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[249] The President, of course, is required by Article II, Section 1, Clause 8 to "preserve, protect and defend" the Constitution, to the best of his ability, and "faithfully execute" his office.

[250] While the Court upheld a State penalizing an elector for "breaking" his pledge oath to vote according to political party, the idea of a State *replacing* a "faithless" Elector *and his or her vote* with another is another thing entirely.

Various passages found in two major Supreme Court cases on "faithless" Electors are thus quite illuminating. Please realize that anytime anything less than the strongest support of the Constitution is evident, know that deception is afoot.

For example, ponder these four passages, from the 2020 case of *Chiafalo et al v. Washington*:

1. "States began about 60 years ago to back up their *pledge laws* with some kind of *sanction*. By now, 15 States have such a system. Almost all of them immediately remove a faithless elector from his position, *substituting an alternate whose vote the State reports* instead;"
2. "When the vote comes in, [the State of] Washington moves towards appointing the electors *chosen by the party* whose candidate won the statewide count…each elector must 'execute [a] *pledge' agreeing* to 'mark [her] ballots' for the presidential (and vice presidential) candidate *of the party nominating her*…And the elector *must comply* with that pledge, or else face a sanction;"
3. "Today, we consider whether a State may also penalize an elector for breaking his pledge and voting for someone other than the presidential candidate who won his State's popular vote. We hold that a State may do so;" and
4. "We hold Washington's penalty-backed pledge law *for reasons much like those given in Ray*. The Constitution's text and the Nation's history both support allowing a State to enforce an elector's pledge to support his party's nominee—and the state voters' choice—for President."

Chiafalo et al v. Washington, 591 U.S. ___, 2020. Italics added.

https://www.law.cornell.edu/supremecourt/text/19-465

Since the 2020 Court said that they relied upon the same reasoning in *Chiafalo* as the earlier Court used in 1952 *Ray v. Blair*, it is important to look at that case also, where that court stated:

1. "Every state executive committee is given the power to fix political or other qualifications *of its own members*. It may determine who shall be entitled and qualified to vote in the primary election or to be a candidate therein." *Ray* @ 217 (1952). Italics added;
2. *Ray* cited an Alabama case—*Lett v. Dennis*, 221 *Ala*. 432, 433, 129 So. 33, 34—where that State court held "a test *by a political organization* of party affiliation *and party fealty* is reasonable and proper to be prescribed for those participating in its primary elections

It is pertinent to note that the most-recent Supreme Court case regarding faithless Electors could only poorly-infer rather than legally declare that the Electoral vote was but a "mechanical act." What the Court actually said was:

> "Suppose a person always votes in the way his spouse, or pastor, or union tells him to. We might question his *judgment*, but we would have no problem saying that he votes or fills in a ballot. *In those cases*, the choice is in someone else's hands, but the words still apply because *they can signify* a *mechanical act*."[251]

The Court wasn't so clever as first thought, however, as their passage actually admits that voting normally entails "judgment," even if it isn't unheard of, that some voters defer to the judgment of others.

And, it may well be that the word "voting" may nevertheless apply to a "mechanical act" mindlessly cast—but that's *a long way* from holding that

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for nomination of candidates for office." *Ray* @ 218-219. Italics added;

3. "Neither the language of Art. II, Section 1, nor the Twelfth Amendment *forbids* a party to require from candidates in its primary a pledge of political conformity with the aims of the party." *Ray* @ 225;
4. "It is true that the Amendment says the electors *shall vote by ballot*. But it is also true that the Amendment does not prohibit an elector's announcing his choice beforehand, pledging himself." *Ray* @ 228. Italics added; and
5. "We conclude that the Twelfth Amendment does not bar a political party from requiring the pledge to support the nominees of the National Convention. Where a state authorizes a party to choose its nominees for elector in a party primary and to fix the qualifications for the candidates, we see no federal constitutional objection to the requirement of this pledge." *Ray* @ 231.

Both cases deviously support States placing political parties and partisan politics ahead of the established principles of the Constitution, which allow individual Electors (who are admittedly chosen within the State's discretion) to cast their votes and mark their ballots using the individual Elector's final judgment.

[251] *Chiafalo et al v. Washington*, 591 U.S. ___, 2020. Italics added.

(Electoral) "voting" *may only be a "mechanical act,"* never to be exercised with "judgment," and even further from approving a State actually replacing so-called "faithless" Electors, and giving their already-cast discretionary vote to a replacement Elector to make a different call.

What is truly un-American is the *idea of repeating a government process until federal or State officers or legislative members are satisfied with the result*.

Imagine replacing a juror in a criminal trial who voted to acquit, until the answer sought by the State could be recorded. Well, the idea of replacing Electors who cast "unauthorized" votes based upon their own final judgment is little better.

An earlier Supreme Court case likewise all but admitted that Electoral "pledge oaths" are "legally unenforceable" because of an "assumed constitutional freedom of the elector" to vote according to his or her judgment, even as the Court also held that *"it would not follow that the requirement of a pledge in the primary is unconstitutional*."[252]

In other words, it is incumbent upon Patriots to dig into government servants acting dishonorably, falsely supporting political parties while undermining our founding principles secured in the U.S. Constitution which they swear to support.

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[252] The full citation is as follows:

> "However, *even if such promises of candidates for the electoral college are legally unenforceable because violative of an assumed constitutional freedom of the elector under the Constitution,* Art. II, Section 1, to vote as he may choose in the electoral college, it would not follow that the requirement of a pledge in the primary is unconstitutional. He is not barred, discriminatorily, from participating, *but must comply with the rules of the party*…the state does offer the opportunity for the development of other strong political organizations where the need is felt for them by a sizable block of voters. Such parties may leave their electors to their own choice…"

Ray v. Blair, 343 *U.S.* 214 @ 230 (1952). Italics added.

Which brings up an equally-disturbing effort—the National Popular Vote Interstate Compact—sought since 2006. This disconcerting effort seeks to institute the National Popular Vote outside the amendment process, because promoters know full well that they'd never succeed formally, as there would easily be at least 13 States which would refuse to be silenced.

Promoters of the dreadful endeavor seek to implement the compact outside of the amendment process, by having States which control at least 270 Electoral Votes agree to award their Electoral votes to the winner of the National Popular Vote.

But the inherent weakness of the devious scheme reveals itself when proponents stipulate that the plan *will not be binding* until enough States which control at least 270 Electoral votes sign onto the plan.

That no State willingly and unilaterally implements this plan—even though it would in that case be individually permitted—shows that sacrificing the State's independent choice to a *dependency upon the whole* just isn't wildly popular, at least without the promise of *Mutually-Assured Destruction*.[253]

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[253] Let's say that the evil compact somehow gets approved. What would keep even one of those States which initially agreed to the compact from simply ignoring it the first time the National Popular Vote went against their own popular vote?

Imagine a federal lawsuit seeking to enforce the compact. Electors of the State X, as one of the States of the compact, ignore its suicidal pledge and vote in accordance with the expressed will of only its own voters at a particular election. State Y—one of the other States agreeing to the compact seeking to enforce the compact—sues in federal court.

State Y would have to claim that the Electors of State X cannot exercise their powers constitutionally-reserved to them under the U.S. Constitution—which format was agreed upon by *every* State of the Union—and instead must follow the compact agreed to by a *few* States, who had agreed to vote a certain way, under certain conditions, but didn't.

Would the Court uphold the compact and continue to sidestep the Constitution? Isn't the compact exactly the kind of thing that the Electoral College would protect the State from?

A simple compare and contrast between the constitutionally-authorized Electoral process used for electing the President (and Vice-President) and the constitutionally-authorized Amendment process used to formally change such matters, provides Patriots with needed clarity involving the deceptive National Popular Vote movement.

Between them—by the 2020 census—the 14 *least-populated States* have but 51 Electoral votes, while the most-populated State—California—all by itself, has 54 Electoral votes.[254]

Understanding that the single, most-populated State in the Union has more political pull in determining the normal outcome of the Presidential race than the 14 least-populated States actually helps show true limitations on federal authority.

Indeed, Article V clearly requires *three-fourths* of the American States to ratify proposed amendments. With 50 States in the Union, it takes at least 38 States to meet the three-fourths requirement to ratify proposed amendments.

Therefore, *any* 13 States—even the 13 *least-populated* States (which together have but five percent of the population) that may be easily outvoted in the Electoral College by only the most-populated State—*may nevertheless prohibit ratification of any proposed amendment, even if all*

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[254] https://www.census.gov/data/tables/2020/dec/2020-apportionment-data.html (see *Excel spreadsheet* for population numbers and Electoral apportionment).

While National Popular Vote promoters *dislike* the Electoral College—preferring the selection be made within malleable metropolitan centers where corruption may more easily run rampant—they absolutely *hate* the *One-State, One-Vote* rule of the House of Representatives, whenever no candidate wins a majority of Electoral votes.

Using 2020 census numbers, should the Electoral College fail to produce a 270-Electoral-vote candidate, then the State o Wyoming, for example—with 557 thousand people and three electoral votes—would have a full and equal say (one vote) with the State of California, even as California has 39 million more people, or 71 times the population.

36 other States of the Union all voted with the State of California, to ratify it![255]

The take-home message shown by a simple comparison of the Electoral College and the Amendment process is that it would be wholly absurd for the Constitution's framers to have required such a difficult amendment process (only 27 amendments have been ratified out of over 11,000 proposals) if the amendment process could be so easily defeated by those bound by oath to support that Constitution![256]

Never may devious work-around processes succeed, however, if Patriots do their real job, that of holding government servants accountable to their sworn oaths, while exposing underhanded schemes to the bright light of day.

In other words, we Americans must learn how government scoundrels effectively bypass their normal constitutional parameters with impunity and finally respond accordingly, to end their make-believe rule.

But first and foremost, we must never forget that the critical matter isn't *how* American Presidents are elected, *what* are their political or personal beliefs, or even *who* ultimately wins any election.

Instead, what matters most in this case is *what* are the powers an American President may exercise.

Next up: the executive powers delegated to the American President.

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255 *Ibid.*

256 https://www.senate.gov/legislative/MeasuresProposedToAmendTheConstitution.htm

Lesson 22: Article II

The Executive Power vested in the President

No matter *how* American Presidents are elected, or even *who* is elected, with *what* beliefs, it matters a whole lot less, *when* their powers are properly circumscribed. And that is why our country's founding principles are intentionally undermined—so election winners and appointed federal officers may carry out their wildest notions, that would otherwise violate the Constitution (if not for the exclusive-legislation powers of Congress, for the District Seat).

Out of the 1,025 words found in all of Article II, only the first 15 of Section 1 and the 223 words of Section 2 touch upon the President's named *powers*, while the 97 words of Section 3 cover his *duties*.[257]

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[257] Amendments 12, 20, 22, 23 and 25 deal with electing the President.

It should also be noted that Amendments 15, 19, 24 and 26 involve voting in general (who may vote), and the 17th involves voting for U.S. Senators.

Also, the 14th Amendment has some wording which affect the vote.

So, with 10 Amendments dealing with voting and elections, that doesn't leave many more amendments to cause any significant changes of federal power (especially when another 10 involve the Bill of Rights, and the Twenty-First Amendment repealed the 18th, crossing those two off the list of continuing federal powers).

The first 15 words covering the President's powers are found in Section 1, which begins:

- "The executive Power shall be vested in a President of the United States of America."

And the 223 words that cover his powers—as found in Section 2—specify that:

"The President—

- shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States;
- he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices;
- and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.
- He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur;
- and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law:
- but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.
- The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session."

Lastly, the 97 words of Section 3 cover his duties——specifying that:

- "He shall from time to time give to the Congress Information of the State of the Union,
- and recommend to their Consideration such Measures as he shall Judge necessary and expedient;
- he may, on extraordinary Occasions, convene both Houses, or either of them,
- and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper;
- he shall receive Ambassadors and other public Ministers;
- he shall take Care that the Laws be faithfully executed,
- and shall Commission all the Officers of the United States."

From Article I, Section 7, we also know the President may sign, veto, or ignore all legislative bills and orders, resolutions or votes, that land on his desk.

It's obvious that these 15 described powers and duties *don't* point to the extensive power normally attributed to the American President, even as some of them—especially his role as Commander in Chief—reach grave and solemn topics.

While the President may always defend the United States against overt acts of foreign aggression or its imminent threat, the Constitution gives the named power to declare war only *to Congress.* The President's role here carries those declared wars to their negotiated conclusion—via a peace treaty—which needs concurrence by two-thirds of the Senators present in a quorum to approve.

Some of the President's specified powers on his short list don't seem important enough to name, yet they are. Take, for instance, his listed power, being able to require the written opinions of his department heads, relating to the duties of their respective offices. Though perhaps

mundane, this particular power helps memorialize policy considerations, allowing those who come later, to examine strategic policy shifts.

The one thing at which government typically excels, of course, is documenting matters for posterity, *allowing those willing to investigate*, to learn how we went astray.

Let's look again at the 1791 bank legislation, discussed in Lesson 19. President George Washington required the Secretary of State, Thomas Jefferson; the Attorney General, Edmund Randolph; and the Secretary of the Treasury, Alexander Hamilton, to give written opinions on the proposed congressional bill to charter the bank of the U.S.

Both Jefferson and Randolph responded that the proposed bill was "unconstitutional," while Hamilton—the bill's greatest advocate—plied his "magic" to support the unsupportable, even as it sought to implement what had been directly discussed at the convention, but denied inclusion.[258]

In his response, Hamilton established the groundwork, to begin allowing unprincipled men to incrementally steer our country away from the *spirit* of the Constitution—and here is where his wicked genius really shines—even surprisingly while following the Constitution's strictest *letter*.

Hamilton's devious *Government-by-Deception-through-Redefinition Scheme* sought to indirectly implement over time, what Hamilton had striven towards at the 1787 Convention, but didn't get.

At the Convention, Hamilton had been a vocal proponent, of what may politely be called a "strong central government," but in reality, was totalitarian in form.

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[258] See Madison's Notes of the Convention, from September 14th, regarding Doctor Franklin's motion about "cutting canals" and James Madison's motion to enlarge the power "to grant charters of incorporation," but the delegates denied the power, fearing that the power of chartering corporations would be used to establish a bank, and even denying the ability of Congress to cut canals.

https://avalon.law.yale.edu/18th_century/debates_914.asp

Consistent with his purpose, at the Convention on June 18th, 1787, Hamilton laid out his plan. First, he sought to give Congress the named power "to pass all laws whatsoever," that would only be subject, "to the Negative hereafter mentioned."[259]

Hamilton's Constitution would thus have been but a set of "thou shalt not" passages, preventing named actions, *but allowing everything else.*

The Constitution the Framers ultimately proposed, as the States ratified, gave Congress—throughout the Union—only named federal powers, that they could implement only using necessary and proper means, *thereby prohibiting everything else.*

So, Hamilton's plan was diametrically opposed to the Constitution as ultimately drafted, proposed and ratified—at the opposite end of the political spectrum.

In furtherance of his totalitarian intentions, Hamilton's next primary pillar sought to abolish the States, or at most leave them as mere geographic subdivisions of a national domain.

And, third, he sought life terms for American Presidents and U.S. Senators, or at least allowing them to remain in office during their "good behaviour."

Not one to let an overt failure foil his plans, Hamilton simply sought to implement behind-the-scenes and under-the-radar, the two most important components of his plan.

All that he needed to do, was begin expanding the special authority of Congress, *where* he did get the power he had sought, even if it was really only for the District Seat and other special exclusive-legislation parcels.

Members of Congress were indeed given the named power for the District Seat, to exercise "exclusive" legislation "in all Cases whatsoever," which importantly *included* Hamilton's two prized pillars, to "pass all laws whatsoever," *without* State involvement.

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259 https://avalon.law.yale.edu/18th_century/debates_618.asp

Hamilton merely needed to pry that door open slowly, inch-by-precious-inch, while diverting attention away from what he was doing, because he could easily be stopped, if he again went about his pursuit openly, since he failed at the 1787 Convention, the only place where he could have legitimately achieved his goals.

The *spirit* of the Constitution would naturally hold exclusive-legislation powers to exclusive-legislation lands, to keep the special, State-like powers of Congress, from ever interfering with the several States, in the full and unfettered exercise, of their reserved powers.

No laws of one State ever bind another State, so each State may enact and enforce its *own* laws, within its own boundaries, in accordance with its State Constitution, without interference. *Well, for the same reason, neither should exclusive legislation laws of Congress bind the States.*

The dirty little secret of two centuries of ever-expanding federal overgrowth, is that only the allowed special powers of Congress for the District Seat are being cleverly-extended beyond allowable boundaries, only because no one is paying sufficient attention, to stop their false extension.

Tragically, Chief Justice John Marshall was able to carry Hamilton's devious strategy into official court lore, even after Vice-President Aaron Burr shot and killed Hamilton in their infamous 1804 duel.

Marshall's *Tyranny Trifecta* consisted of 1801 *Marbury v. Madison*, 1819 *McCulloch v. Maryland*, and 1821 *Cohens v. Virginia*, all of which necessarily and unavoidably involved the District of Columbia, and members' exclusive-legislation powers.

The inviolate truth of the matter is that members of Congress and federal officers may only *ignore* or *bypass* normal constitutional parameters, with impunity, *only as the Constitution allows itself to be ignored or bypassed*.

And, the Constitution only allows itself to be ignored or bypassed, only for exclusive-legislation matters, in and for the District of Columbia, and for "Forts, Magazines, Arsenals, dock-Yards, and other Needful Buildings," as detailed in Article I, Section 8, Clause 17 of the U.S. Constitution.

Remember, when the American States ratified the U.S. Constitution into existence, they *divided* allowable governing powers in the United States, into named federal authority and reserved State authority—except in the highly-unusual case—when and where they allowed the *unification* or *consolidation* of ALL GOVERNING POWERS in Congress, upon a particular State's cession, once Congress accepted.

Therefore, even though 98% of the U.S. Constitution deals with the *normal* case—of *divided* governing powers—1% of the Constitution yet deals with the *abnormal* case—where all governing powers are *accumulated* or *consolidated* in Congress.

Since no State of the Union may ever exercise *any* governing powers in the District Seat, members of Congress may in their place enact State-like laws in D.C., *without* constitutional infirmary and *without* violating the Tenth Amendment.

Indeed, how could the Tenth Amendment be violated in the District Seat, when this special place was purposefully created to be *free of State involvement* and no State of the Union any longer has any governing authority therein to be reserved?

Therefore, in the District Seat, members of Congress may enact State-like laws, *and that is all that federal servants have ever done,* to appear magically powerful, as false political masters.

While Federal servants appear to be mythical genies and all-powerful wizards, in the immortal words of Disney's *Genie*—of *Aladdin* fame—even though they may exercise "PHENOMENAL COSMIC POWER," genies only ever get an "itty-bitty living space."

Witness the express limitation on the District Seat not to exceed *"ten Miles square*," even as forts, magazines, arsenals, dockyards and other needful buildings, are additionally allowed.

Fake American genies and false national wizards proclaim *magical power*, but it is 99.9% restricted *to allowable boundaries*, at least when people pay appropriate attention.

With the source of seemingly-magical power properly identified, the only remaining trick is how those allowable special powers are ever falsely extended beyond allowable boundaries.

To answer that riddle, it is only necessary to bring up the remaining 1% of the Constitution not yet discussed, which is found in Article VI as the Supremacy Clause. This is where Clause 2 simply says "This Constitution, and the Laws of the United States which shall be made in pursuance thereof…shall be the supreme Law of the Land," that bind the States, through their judges.

All that Chief Justice John Marshall needed to do—to make American Presidents, Supreme Court Justices, and members of Congress appear to be all-powerful wizards and magical genies—was to hold, in 1821 *Cohens v. Virginia*—that even Article I, Section 8, Clause 17 is necessarily *part* of "This Constitution," which, of course, it is.[260]

This simple holding allowed the final nail to be driven into the limited government coffin, at least when no one was paying appropriate attention. This holding falsely implies that as congressional laws of the United States enacted in pursuance of one of the clauses of *"This Constitution,"* that even exclusive-legislation laws enacted by Congress in pursuance of Clause 17 are thus *binding* upon the American States, whenever Congress intends (which of course, is whenever members can get away with it).

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260 *"The clause which gives exclusive jurisdiction is, unquestionably, a part of the Constitution, and, as such, binds all the United States.* Those who contend that acts of Congress, made in pursuance of this power, do not, like acts made in pursuance of other powers, *bind the nation* ought to show some safe and clear rule which shall support this construction, and prove that an act of Congress, clothed in all the forms which attend other legislative acts and passed in virtue of a power conferred on, and exercised by Congress as the legislature of the Union, *is not a law of the United States and does not bind them."*

Cohens v. Virginia, 19 U.S. 264 @ 424-425 (1821). Italics added.

But 999 exclusive-legislation cases, out of a thousand, aren't actually *binding* on the States, except for the States' blind inability to see and properly defend their true authority.

Remember, the *spirit* of the Constitution would prevent exclusive-legislation congressional laws from ever binding the States, so the States could exercise their reserved powers without improper federal interference.

But, the strictest *letter* of the Constitution appears to declare otherwise, as Article VI openly declares that laws enacted by Congress in pursuance of "This Constitution" are the "supreme Law of the Land" that bind the States, at least without there yet being a named exception, which would remove Clause 17 from the supremacy equation.

But that strictest letter, without a named exception, would, in truth, only bind the States, only in matters involving extradition, when criminal suspects allegedly break congressional statutes on exclusive legislation lands, but then flee the District, into the States.

Only in this case, would the supremacy clause involvement with the exclusive legislation powers of Congress yet bind the States, to allow federal marshals to chase alleged suspects throughout the Union, rather than leaving their capture up to the States, for later extradition, returning the suspects for federal trial and upon conviction, judicial punishment.

Next up: Article III and the U.S. Supreme Court.

Lesson 23: Article III

The Judicial Power vested in the Courts

The 377 words of Article III of the U.S. Constitution begin in Section 1 with the statement that "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

Section 2 gives these judicial courts the named responsibility to hear *cases*:

- arising under the Constitution, the laws and treaties of the United States;
- reaching ambassadors, other public ministers and consuls; and
- involving admiralty and maritime jurisdiction.

Section 2 also gives the federal courts the named responsibility to hear *controversies*:

- to which the United States shall be a party;
- between two or more States;
- between a State and Citizens of another State,
- between Citizens of different States;
- between Citizens of the same State claiming Lands under grants of different States; and

- between States or State Citizens, and foreign States, Citizens or Subjects.

Given those named judicial powers, it is important to realize, that nowhere does the Constitution ever declare, infer, or conclude, that "It is…the duty of the Judicial Department *to say what the law is,"* as Chief Justice John Marshall and the majority of the *Marbury v. Madison* Court "emphatically" proclaimed in 1803.[261]

That the ostensibly-venerable Supreme Court had the audacity to decree that they had the magical power to "say what the law is," is all the more fantastical, given two irrefutable facts.

First, even Supreme Court justices must—before they exercise any judicial power—give the required oath to support the Constitution, which oath necessarily signifies their bound subservience to it, and therefore an utter inability, to ever stand superior to the Constitution, and have final say over it.

And, second, is the proof of that conclusion—the 1795 Eleventh Amendment, which *overturned* the 1793 U.S. Supreme Court case of *Chisholm v. Georgia*, where the Supreme Court had ruled that States could be sued in federal court against their will, by citizens of other States.

Now, it is even understandable why the 1793 Court ruled as it did, given the Constitution's words—in Article III, Section 2, Clause 1—which originally spoke to federal judicial power reaching "to Controversies…between a State and Citizens of another State…"

Chisholm was an executor for a South Carolina merchant, who in 1777 had sold supplies to Georgia, for the war effort. At the time of his death in 1784, the merchant hadn't been paid the nearly one hundred and seventy thousand dollars yet owed him, even as Georgia had distributed

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[261] *Marbury v. Madison,* 5 U.S. 137 @ 177 (1803). https://supreme.justia.com/cases/federal/us/5/137/

the funds, to the commissioners which the State had empowered to negotiate and settle the purchase.

So, the simplest facts of the case—Georgia being sued in federal court by a plaintiff from another State—certainly appear to reach a controversy between "a State and a citizen of another State."

But the States of the Union which ratified the U.S. Constitution never intended those words to mean that they consented to be sued in federal court against their will.

So, even if that is what the words of Article III appear to directly declare, that's not what the principals to the compact would allow to continue. Witness therefore, the States' ratification of the Eleventh Amendment, with its declaration, that the passage found in Article III, "shall not be construed" to mean, what the 1793 Court said.

Given that the Eleventh Amendment overturned the 1793 Supreme Court, there's no way that an 1803 Court could baldly declare just eight years later that "It is emphatically the duty of the Judicial Department *to say what the law is,"* at least if that *law* was ever meant to include the supreme Law of the Land—the U.S. Constitution.

The Eleventh Amendment provides the inconvertible proof that the U.S. Constitution *is what the sovereign States say it is*, as only the States are the principals of the Constitutional Compact. Members of Congress and federal officials are but the States' agents, delegates and hired guns, who necessarily have the obligation and required duty to follow the rules set out for them, as their oaths require.

Agents may overrule principals only upon the latter's default, and even then, only in a false appearance—i.e., only as the Constitution allows in the highly-unusual case.

So, just how could Chief Justice John Marshall declare, infer, or conclude—just eight years after ratification of the Eleventh Amendment—that "It is emphatically the duty of the Judicial Department *to say what the law is?"*

Here's the simple answer: only when "the law" means something other than the Constitution and the laws enacted in pursuance thereof, for direct exercise, throughout the whole Union!

Or, putting the infamous words of the U.S. Supreme Court into their correct full legal meaning, to make them fully-true:

> "It is emphatically the duty of the Judicial Department to say what the law is—*in the District of Columbia, where the States of the Union have no say!.*"

That's the thing about false bravado, lies, deceit and corruption—the longer they last, the more unstable they become, until their spectacular collapse, even if it's difficult to forecast when or even how the collapse will occur.

Whenever a foundation is built not upon truth, but upon lies, the whole structure thereupon will inevitably fail, when that foundation is finally stressed at its greatest point of vulnerability.

So, let's begin to apply the appropriate stress, to the injudicious lies that were told so very long ago, to steer our country off-course.

First off, please realize that the Constitution for the United States of America never expressly mentions a Judicial "Department," although it repeatedly mentions executive departments.

Second, realize that the Constitution directly and literally vests the judicial power of the United States in "one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

So, why would the Chief Justice of the United States—knowing full well *where* the Constitution vests the judicial power—ever assert that the "judicial *Department"* has the power to "say what the law is?"

But, even then, his spectacular statement all but begs the question, "which law?"

And the answer, to the question of "which law," is, the law *only for the District of Columbia* (and other exclusive-legislation parcels).

This most infamous of Supreme Court cases—which is covered in law schools across the country on or about the first day of classes, ever since—involved William Marbury's quest to obtain his signed and sealed but undelivered commission, for a Justice of the Peace, for the District of Columbia.

The Chief Justice in *Marbury* readily and openly admits that the plaintiff's claim actually rested upon the 1801 Organic Act for the District of Columbia, when Marshall wrote—within his first 300 words—

> "The first object of inquiry is:
>
> "One. Has the applicant a right to the commission he demands?
>
> "His right originates in *an act* of Congress passed in February, 1801, *concerning the District of Columbia.*
>
> "After dividing the district into two counties, the eleventh section of this law enacts,
>
> > "'that there shall be appointed in and for each of the said counties such number of discreet persons to be justices of the peace as the President of the United States shall, from time to time, think expedient, to continue in office for five years.'"[262]

Within this passage, Marshall even names the specific Act of Congress under which Marbury has a claim—*"An Act…concerning the District of Columbia*," before he quotes from its eleventh section.

A look to Section 11 of the February 27th, 1801 Organic Act for the District of Columbia readily confirms that the quoted words are found therein.

By these conclusive facts, Patriots have just found the type of "law" under which the devious Chief Justice could emphatically declare the judicial

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[262] *Ibid.,* Pg. 154.

department was empowered to "say what the law is"—*the exclusive-legislation laws of Congress for the District of Columbia!*[263]

In other words, it is no coincidence whatsoever, that the case where Chief Justice John Marshall could boldly declare the Judicial *Department* had the power "to declare what the law is," was one of the exclusive-legislation laws of Congress, this one being the February 27th, 1801 Organic Act for the District of Columbia.

Judicial Review—the bold claim that "the Judicial Department" has the emphatic duty to "*say what the law is*"—necessarily lies upon the exclusive-legislation jurisdiction for *the District of Columbia*, *where the States of the Union have no say whatsoever.*

Remember, the States—by their ratification of the U.S. Constitution—bought off on the creation of an alternate political universe, where those States *wouldn't have any say whatsoever*.

When "particular States" later willingly ceded the land and governing authority for exclusive legislation parcels (including for the District Seat), once Congress accepted the cessions, then all governing powers in those areas were *united* in Congress, whose members could share their exclusive-legislation powers at will, with federal officers.

With the States of the Union having no say in the District Seat, then determinations of law therein obviously cannot come from the States!

Perhaps it is an appropriate check on the inherent legislative discretion of Congress, that the U.S. Supreme Court asserts itself in-between exclusive federal action and D.C. residents.

But just because the Supreme Court may interpose itself in D.C. between Congress and District residents—as a check against the inherent power of Congress to legislate "exclusively" and "in all Cases whatsoever," under Article I, Section 8, Clause 17—doesn't however mean that the Court has

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[263] Volume II, *Statutes at Large*, Page 103, @ 107. (II *Stat.* 103 @ 107). 1801, February 27th. https://archive.org/details/usstat/001_statutes_at_large/ (Volume II—images 138 and 142 [Pages 103 & 107]).

like-power for the whole Union, under the remainder of the Constitution.

Regarding the extensive steps federal servants often take, to make it falsely appear that they are our political masters, recount John Marshall's steps of 1801.

Recall from Lesson 21, John Marshall's unbecoming effort, to rule over the case where he was, at best, the most-involved unsuspecting player. But if Marshall didn't intentionally set the whole thing up from the onset, surely he would have recused himself—at least if he had an ounce of integrity—if the facts involved in the case had simply worked out the way that they did.

Remember, John Marshall was President John Adams' Secretary of State, who Adams nominated to be Chief Justice of the Supreme Court on January 20th, 1801. Even after the Senate confirmed Marshall as Chief Justice on January 27th and even after Marshall took his judicial oath on February 4th, 1801 in acceptance of his lofty new position, Marshall curiously continued on as *acting Secretary*, through to the end of Adams' term on March 3rd.[264]

On February 27th, President Adams signed into law the Organic Act for the District of Columbia.[265]

On March 2nd, under that February 27th D.C. Organic Act, Adams nominated 23 Justices of the Peace for Washington County and 19 for Alexandria County, which the Federalist Senate all confirmed, on March 3rd.[266]

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264 https://www.supremecourt.gov/about/members_text.aspx#:~:text=February,4%2C%201801

265 II *Stat.* 103., Section 2. 1801, February 27th.

266 https://www.jstor.org/stable/40066805?seq=2; *See also*, https://www.congress.gov/browse/6th-congress. 6th Congress, 2nd Session

Federalist President Adams signed the 42 commissions and *acting Secretary* John Marshall sealed them, also on March 3rd—both men's last day in their current offices.

John Marshall recruited his brother James to deliver—or perhaps not deliver—the commissions before Thomas Jefferson took office as President the next day. Of course, one of those undelivered commissions—the commission for William Marbury—served as the basis for the Supreme Court case of *Marbury v. Madison,* with James Madison being Thomas Jefferson's new Secretary of State.[267]

Again, if it was simply how things worked out in their last-minute rush to secure the crude beginnings of *The Deep State*—of perpetual bureaucrats who didn't come and go with elections, John Marshall as Chief Justice should have simply recused himself when that case got to the Supreme Court.

But Marshall had history to make and a government to steer off-course, as he continued working behind the scenes and under the radar, to indirectly implement two of Alexander Hamilton's three pillars which Hamilton had directly sought at the 1787 Constitutional Convention, but didn't get.

Soon, Congress increasingly began doing anything and everything members pleased, except as they were expressly prohibited, just like Hamilton's first pillar he had detailed on June 18th, at the 1787 Convention.[268]

And the States would become incrementally irrelevant, as simple cogs in the totalitarian federal wheel, as Hamilton's second pillar had laid out that day.

(18th Session, overall), *Senate Executive Journal*, Page 388, dated March 2, 1801.

267 *Marbury v. Madison, 5 Stat.* 137. 1803. https://supreme.justia.com/cases/federal/us/5/137/

268 https://avalon.law.yale.edu/18th_century/debates_618.asp

It was no coincidence that Supreme Court justices soon began portraying themselves as final arbiters on the meaning of words found in the Constitution, even as they may only do so—as Congress ultimately allows—*in and for special federal places*.

Indeed, without any State ever holding any governing authority whatsoever within the District Seat, *someone* there must have final say, as the States obviously *cannot,* since these exclusive federal areas were specially-created to be free of State involvement.

Since Article I, Section 8, Clause 17 details that Congress shall have the exclusive legislation power to act "in all Cases whatsoever" in the District Seat, then members of Congress have the final authority therein. Of course, there isn't anything preventing members from deferring and referring some of that overwhelming responsibility elsewhere, since Republican principles aren't relevant in D.C.

Ultimately, judges—who have the named power throughout the Union, to adjudicate cases and controversies according to law—don't have an ultimate constitutional duty any *different* from other federal officers or members of Congress, who, at the most-basic level, are all similarly bound first and foremost *to support the Constitution.*[269]

Each person exercising delegated federal powers is, by their required oath, duty-bound to support that Constitution, which would otherwise entail denying anything and everything contrary to it, which isn't a special duty, that applies only to judges.

Patriots may learn to cast off Marshall's *Tyranny Trifecta*—1803 *Marbury v. Madison, 1819 McCulloch v. Maryland,* and 1821 *Cohens v. Virginia,* and the overwhelming percentage of all later court cases that ultimately rest upon those three false foundations—by seeing through the Court's devious lies, coming to realize that judges are only using a very special

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[269] The President, of course, is required by Article II, Section 1, Clause 8 to "preserve, protect and defend" the Constitution, to the best of his ability, and "faithfully execute" his office.

power, *beyond allowable places*, because no one is paying appropriate attention!

It is the duty of everyday-Americans today, to learn to cast off *The Make-Believe Rule of Paper Tyrants*, by seeing through a lifetime of lies, told to induce us to believe in magical power, when there isn't any magic, but only devious lies told without honor.

Next up: Seeing through the second and third precedent-setting cases of the U.S. Supreme Court.

Lesson 24: Article III

The Judicial Power vested in the Courts

While Lesson 23 covered 1803 *Marbury v. Madison* and Lesson 19 covered 1819 *McCulloch v. Maryland*, Lesson 24 covers the 1821 Supreme Court case of *Cohens v. Virginia*, which is the third pillar of Chief Justice John Marshall's *Tyranny Trifecta*.

Cohens strategically placed the lid on the limited-government coffin that Marshall began constructing decades earlier—built according to Alexander Hamilton's 1791 blueprint—to steer American government surreptitiously towards the absolute rule of those able to grab ahold of the reins.

It should be mentioned that Hamilton instituted his underhanded efforts (in his Treasury Secretary's opinion in favor of the bank of the United States) in 1791, because his open and direct efforts to establish an omnipotent central government at the 1787 Constitutional Convention failed miserably.

What's a proponent of inherent federal discretion to do, if he can't openly get the absolute rule he craves directly? Why, pursue the same ends by hidden means, indirectly, as long as internal moral barriers or external forces don't stop him, of course.

While Hamilton and Marshall were of singular mind, Marshall had already taken the lead—with 1803 *Marbury*—by the time Hamilton was

stopped cold by Vice-President Aaron Burr's bullet in their infamous 1804 duel.

Like 1803 *Marbury* and 1819 *McCulloch*, 1821 *Cohens* also necessarily relied upon the exclusive legislation powers of Congress for the District Seat, under Article I, Section 8, Clause 17 of the U.S. Constitution.

It's imperative to realize that while Hamilton had sought inherent federal power at the 1787 convention—for the whole Union—he only got it for the District Seat and "like-Authority" exclusive-legislation parcels later ceded by particular States with the acceptance of Congress.

The *Cohens* case centered upon the May 4th, 1812 Congressional Act, which amended the charter for the City of Washington, in the District of Columbia. Section 6 allowed the city—through its corporate charter—to conduct lotteries, to help raise funds for city projects.

Two Cohen brothers later sold D.C.-based lottery tickets in their home State, in contravention to Virginia law.

When hauled into State court for violating the Virginia statute against lotteries, the brothers asserted that the 1812 Act—being an Act of Congress signed into law by the American President—was a federal law binding upon the States, trumping State laws to the contrary.

When the brothers appealed their loss at the State Supreme Court to the U.S. Supreme Court, Virginia argued that exclusive-legislation laws enacted by Congress under Clause 17 for the District Seat weren't laws *of the United States*. Or, even if they were yet "laws of the United States," they certainly were not part of the supreme Law of the Land *that could bind the States against their will*.

Chief Justice John Marshall—like Hamilton—was a brilliant and clever man, devoid of moral integrity, whose totalitarian-ends justified the use of his ever-devious means.

To mere mortals, the alternatives available to Marshall looked as grim as when Hamilton first admitted in his 1791 bank opinion that members of Congress weren't given the express power to charter corporations.

Should Marshall rule for Virginia and hold that exclusive legislation laws enacted by Congress under Clause 17 don't bind the States, he'd foreclose his only possible means for success, surely at least for generations. Obviously, this route wasn't appealing.

But, his only other readily-apparent alternative was actually far worse—should he openly rule in favor of the Cohen brothers (which position Marshall favored, even as he felt no compunction to rule for the two men) then Virginia and the rest of the States would simply follow the successful strategy they used in the Eleventh Amendment, and immediately pursue an amendment, this time to permanently constrain totalitarian government, before it got far out of its confines.

The proposed amendment would only need to say that the exclusive legislation powers of Congress under the seventeenth clause of the eighth section of the first article of the Constitution for the United States "shall not be construed" to be any part of the "supreme Law of the Land" under Article VI.

This simple statement would thereafter *contain* all of allowed federal tyranny to exclusive legislation lands, period.

This wording in a ratified amendment would clear up the current confusion between the letter and spirit of the Constitution, so both would thereafter directly declare—or infer, respectively—that the exclusive legislation powers of Congress *may never bind the States*, except possibly as a list of named exemptions would allow the States to be expressly bound.[270]

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[270] *Cohens v. Virginia,* Volume 19, *U.S. Reports*, Pg. 264 @ 424-425 (1821) (19 U.S. 264 @ 424 – 425 (italics added).

> *"The clause which gives exclusive jurisdiction is, unquestionably, a part of the Constitution, and, as such, binds all the United States*. Those who contend that acts of Congress, made in pursuance of this power, do not, like acts made in pursuance of other powers, bind the nation *ought to show some safe and clear rule* which shall support this construction, and *prove* that an act of Congress, clothed in all the forms which attend other legislative acts and passed in virtue of a power conferred on, and

The strictest *letter* of the Constitution currently says—in Article VI—that "This Constitution" and "the Laws of the United States which shall be made in Pursuance thereof," shall be "the supreme Law of the Land" that binds the States through their judges.

Without any express words currently providing a clear exception, Article VI seems to hold *every congressional law* enacted in pursuance of *any clause* of the Constitution, as part of the supreme law that binds the States, *including* even exclusive-legislation laws enacted by Congress in pursuance of Article I, Section 8, Clause 17.

Of course, the *spirit* of the Constitution would naturally *exempt* the exclusive-legislation laws of Congress for the District Seat, from being any part of the supreme Law of the Land, capable of binding the States, in order for the States to exercise their reserved powers, without interference.

Indeed, no laws of one State ever bind another.[271] Well, neither are the State-like exclusive-legislation laws of Congress for the District Seat supposed to bind the States either, for the same reason (except for an odd exception or two, which we'll cover in a moment).

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exercised by Congress as the legislature of the Union, *is not a law of the United States and does not bind them*."

[271] *Ibid.*, Pp. 428-429 (italics added):

> "If a felon escape out of the State in which the act has been committed, the (State) government cannot pursue him into another State and apprehend him there, but must demand him from the executive power of that other State. If Congress were to be considered merely as the local legislature for the fort or other place in which the offence might be committed, then this principle would apply to them as to other local legislatures, and the felon who should escape out of the fort or other place in which the felony may have been committed could not be apprehended by the marshal, but must be demanded from the executive of the State. *But we know that the principle does not apply; and the reason is that Congress is not a local legislature,* but exercises this particular power, like all its other powers, in its high character as the legislature of the Union."

Since Marshall couldn't—without destroying his sought-after grand prize—openly deal with the important issues in the *Cohens* case, he again took the scoundrels' approach, to obscure his every action and reaction.

The disgraceful man ultimately ruled *for* Virginia, *against* the brothers, but only by saying that Congress didn't intend to bind the States *in this particular case*.

It was a brilliant move—from a devilish standpoint—as his opinion supported inherent federal discretion, *now made even more discretionary (if not arbitrary)—by removing any type of objective standard, leaving but the voiced whim of the moment!*

Marshall obscured the path he used to expand D.C.-based laws, far beyond their rightful confines, so that those without a moral compass, could now exploit it at will, *whenever they weren't caught.*

By saying that Congress didn't intend *in the present case* to bind the States, the Court nominally ruled *for* Virginia, stopping the Cohen brothers from selling D.C. lottery tickets in Virginia.

But in saying that, *Marshall still and nevertheless set the precedent*, which ultimately seemed to allow the States to be bound by Clause 17 *whenever members intended*—which proved to be, *whenever the States failed to defend themselves correctly*.

Marshall said on this topic:

> "The Corporation was merely empowered to authorize the drawing of lotteries, and *the mind of Congress* was not *directed* to any provision for the sale of the tickets *beyond the limits of the Corporation*… It is the unanimous opinion of the Court that the law cannot be construed to embrace it."[272]

Surely it would be the unanimous opinion of any semi-honest Court—that the supreme Law of the Land *didn't extend* to the exclusive-legislation power of Congress—for if members could tap into that

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[272] *Ibid.,* @ 447.

inexhaustible fount for authority over the whole Union, then Congress would interfere with the reserved powers of the States.

That the Supreme Court unanimously held that exclusive legislation laws *couldn't* extend "beyond the limits of the Corporation" when "the mind of Congress" *didn't intend* to extend them, *does not however reciprocally mean that the Court could ever uphold that extension whenever "the mind of Congress" sought!*

In other words, the controlling factor *isn't* what members *intended*, the controlling factor is *how* and *where* members of Congress are empowered by the Constitution!

Cohens' implemented standard—of allowing the false extension of allowed exclusive-legislation powers beyond exclusive-legislation properties—in everyday parlance, came to mean, *whenever defendants didn't fight properly* (which, tragically, proved to be *all the time).*

With 1821 *Cohens* setting the standard *of falsely extending allowed special powers beyond allowable special boundaries whenever Congress intended and got away with it,* future court cases didn't need to expressly restate this vile principle.

The secret of extending an allowed special tyranny beyond its true geographic boundaries *laid only in keeping quiet that which was carefully hidden*. But that also explains the needed cure—exposing *The Make-Believe Rule of Paper Tyrants* to the bright light of day, by pointing out its lies at every available opportunity.

So, may States ever be bound by exclusive-legislation authority?

The answer—as the Constitution is currently worded—is that States may be bound by exclusive-legislation authority when a person allegedly breaks exclusive-legislation criminal laws on exclusive-legislation lands and then flees into the States, or involving escaped felons—convicted of exclusive-legislation crimes—fleeing their prison cells.[273]

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[273] *Ibid.*, Pp. 428-429 (italics added):

Federal marshals in these cases may search everywhere in the Union for these suspects and fugitives, directly, without respecting State borders or needing to wait for State officials to capture and extradite the suspects or felons back into federal hands.

The wholesale subversion of our founding principles—nominally to make it easier to capture and return federal fugitives and bring alleged criminal suspects to trial—comes at immeasurable cost, as it overturns our American birthright, subverts individual liberty and inverts limited government on its head.

The false extension of allowed special powers beyond allowed boundaries—simply to feather the expansive nest of *The Administrative State*—violates the spirit of the Constitution sufficiently to override its *letter*, *whenever correctly argued*.

It is true that the current *letter* gives no express exception, clearly detailing that the exclusive legislation laws of Congress do not form any part of the supreme Law of the Land under Article VI—or give an overt extradition allowance—means that only under twisted logic does the *letter* of the Constitution nominally support the false extension of allowable special powers, beyond allowable boundaries.

Marshall said it this way, in *Cohens:*

> "If a felon escape out of the State in which the act has been committed, the government cannot pursue him into another State and apprehend him there, but must demand him from the executive power of that other State
>
> "If Congress were to be considered merely as the local legislature for the fort or other place in which the offence might be committed, then this principle would apply to them as to other local legislatures, and the felon who should escape out of the fort or other place in which the felony may have been committed could not be apprehended by the marshal, but must be demanded from the executive of the State. *But we know that the principle does not apply; and the reason is that Congress is not a local legislature,* but exercises this particular power, like all its other powers, in its high character as the legislature of the Union."

> "The jurisdiction of the Court, then, *being* ***extended*** *by the* ***letter*** *of the Constitution to* ***all cases*** *arising under it…*it follows that those who would withdraw ***any case*** of this description from that jurisdiction, *must sustain the exemption they claim* on the *spirit* and *true meaning* of the Constitution, which *spirit* and *true meaning* ***must be so apparent*** *as to* ***overrule the words*** *which its framers have employed*…
>
> "Will the *spirit* of the Constitution justify this attempt to control its words? *We think it will not."*[274]

This twisted passage admits that without Virginia adequately raising a proper defense—expressly arguing that binding the States with the exclusive-legislation powers of Congress improperly invades into the reserved powers of the States—the justices upheld extending the "jurisdiction of the Court" by "the *letter* of the Constitution."

Meaning, in this instance, the letter of the Constitution by default includes *"all cases"* arising even under the exclusive-legislation authority of Congress for the District Seat.

Absent a clear defense against invalid encroachment by exclusive-legislation laws into the proper domain of the reserved powers of the States, the Court will hold the letter of the Constitution as controlling.

In other words, the Court essentially declares that a failure to adequately prove one's innocence means that the Court will adjudge them guilty.

Like all similar cases where our founding principles are inverted on their head by this same singular totalitarian cause, the Court artificially creates an upside-down false-dichotomy, so they may rule without effective challenge, *because Americans may only be bound by lies*.

Truth, of how federal servants use an allowed special power beyond allowable boundaries, however, sets people free.

To *Restore Our American Republic* Once and For All, or even Happily-Ever-After, it is imperative that Patriots in the individual case learn to defend themselves against the false extension of allowed special powers,

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274 *Ibid.*, 379-380, 383.

beyond allowable boundaries, until they band together, and propose and ratify an amendment, to correct matters for everyone, at all times, forevermore.

Next up: Article IV and the States of the American Union.

Lesson 25: Article IV

The States of the Union

While Article I of the U.S. Constitution discusses the enumerated legislative powers vested in Congress, Article II details the executive power vested in the President, and Article III speaks to the judicial power vested in the courts of the United States, Article IV covers various issues regarding the States of the American Union.

Article IV begins with Section 1 detailing that "Full Faith and Credit" shall be given by every State to the "public Acts, Records and judicial Proceedings of every other State."

The next words allow Congress to step back from this position as the need arises, by empowering Congress to prescribe "the Manner in which such Acts, Records and Proceedings shall be proved, *and the Effect thereof."*

Changing the *effect* of State laws as they affect other States minimizes States from having to fend off legal threats to their sovereignty, should another State go off in a tangential direction.

For example, same-sex marriages became a hotly-contested topic once a 1993 Hawaii State Supreme Court ruling indicated that same-sex marriages were likely on the horizon.

In response, Congress in 1996 enacted the *Defense of Marriage Act*, which among other things, said:

> "No State…shall be required *to give effect* to any public act, record, or judicial proceeding of any other State…respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State..."[275]

When the U.S. Supreme Court later overturned the *Defense in Marriage Act* in 2013 and 2015, the justices however didn't cite the "Full Faith and Credit" clause of Article IV, but the Fourteenth Amendment's Due Process and Equal Protection Clauses.[276]

This distinction is important, because States can't be bound against their will on their reserved powers by extreme or extraneous actions of other States, or else statehood is a farce.

As alluded to in past Lessons but perhaps insufficiently stated, federal rulings on matters and topics otherwise within the reserved powers of the States find legitimacy *where* members of Congress may exercise State-like powers—which is only in the District of Columbia and exclusive-

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[275] https://www.govinfo.gov/content/pkg/STATUTE-110/pdf/STATUTE-110-Pg2419.pdf#page=1

[276] It is beyond the scope of the *LearnTheConstitutionInOneYear* Program Course to get into the particulars of this topic involving marriage, but rest assured that federal override of State decisions within the historical parameters of a State's reserved powers are seldom legitimately authorized.

Federal powers relating to marriage—like all other invasions into the reserved powers of the States—stems from the exclusive legislation powers of Congress, to act within the District of Columbia "in all Cases whatsoever," under Article I, Section 8, Clause 17 of the U.S. Constitution.

a. *United States v. Windsor*, Volume 570, *U.S. Reports*, Page 744 (570 U.S. 744). 2013

https://supreme.justia.com/cases/federal/us/570/744/#:~:text=United%20States%20v.%20Windsor,%20570%20U.S.

b. *Obergefell v. Hodges*, 576 *U.S.* 644 (2015.)

https://supreme.justia.com/cases/federal/us/576/644/#:~:text=Hodges,%20576%20U.S.%20644%20(2015)%20Docket

legislation forts, magazines, arsenals, dockyards, and other needful buildings.

Since founding principles secured by the supreme Law of the Land always trump Supreme Court rulings which perhaps appear (but actually aren't) contrary, the States remain able to define and defend their sovereignty within their boundaries, if and when they step up to the plate and defend it accordingly.

Just like long-standing precedents otherwise against the reserved powers of the States falling overnight after decades of full operation—such as 1973 *Roe v. Wade* or 1984 *Chevron v. Natural Resources Defense Council*—States may uphold their lawful authority (including traditional marriage defined as the union of one man and one woman), when States rise to the challenge.

Article IV, Section 2 prevents States from holding citizens of other States differently than the State holds or treats its own citizens. This section also discusses, in Clause 2, the extradition process—for suspects found within the State, charged in another State with "Treason, Felony, or other Crime"—to send them back to the State where the offense allegedly occurred, to stand trial.

Clause 3 relates back to the time when slaves and indentured servants escaped their labor or servitude and respectively made their way to a free State.

The 1850 Fugitive Slave Law was based upon this clause, requiring extradition of escaped slaves and indentured servants when found in other States, including even when found in free States.[277]

But free States in the North began refusing to extradite slaves—employing the concept of State nullification of federal laws—even when the federal law in question rested upon a delegated power of Congress named within the U.S. Constitution.

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[277] Volume 9, *Statutes at Large*, Page 462 (9 *Stat.* 462). 1850, September 8.

Of course, two decades earlier, it had been the South which promoted nullification, against President Andrew Jackson's burdensome tariffs.[278]

State nullification of onerous federal laws date back to Virginia's 1798 and Kentucky's 1799 resolutions—written respectively by James Madison and Thomas Jefferson—as protests against President John Adams' arduous Alien and Sedition Acts.[279]

Article IV, Section 3 declares in Clause 1 that new States may be admitted into the Union, provided no State be formed out of a single State, or parts of multiple States, without the consent of the legislature of the State or States involved, as well as of Congress.

Article IV, Section 3, Clause 2 is often referred to as the "property clause." It details:

> "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

People who contend that this clause supports national parks or other perpetually-held discretionary federal lands—apart from Article I, Section 8, Clause 17 exclusive legislation parcels—must overcome four obstacles within the clause to support their contention.

The first is that the power "to dispose of" is listed separately and *before* the power "to make all needful Rules and Regulations."

If members of Congress truly had the power "to make all needful Rules and Regulations" on *any* property they may perpetually "own" today by this clause outside of Clause 17, then certainly this would have included

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[278] https://avalon.law.yale.edu/19th_century/ordnull.asp

[279] Virginia Resolution of 1798:
https://avalon.law.yale.edu/18th_century/virres.asp

Kentucky Resolution of 1799:
https://avalon.law.yale.edu/18th_century/kenres.asp

the power to sell off the property. The power "to dispose of" would thus be a subset of the power "to make all needful Rules and Regulations" and not even be listed.

But disposing of a particular territory for State settlement was the explicit purpose of the clause, as James Madison's August 28th notes of the 1787 convention readily show, when he made the motion, to insert into the draft, the named power:

> "to dispose of the unappropriated lands of the United States."[280]

The second obstacle is the singular wording of the clause. It speaks specifically of "the Territory" and "other Property." It doesn't speak of "territories" or "other properties," which would seem natural if this power was intended for anything other than for a specific instance.

If this clause was meant to include anything and everything possibly added later, then Thomas Jefferson wouldn't have famously voiced any reluctance over his 1803 Louisiana Purchase, nor would he have felt the obligation to write draft notes for a proposed amendment to retroactively authorize his purchase.[281]

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[280] *Notes of Debates in the Federal Convention of 1787*, James Madison. 1787, Aug. 18th.

[281] Due to Napolean's limited-time offer to sell Louisiana, Jefferson pursued purchase, even though he believed didn't have sufficient authority, expecting Congress to propose an amendment, to get retrospective authorization for the purchase from the States, even as the amendment didn't materialize.

https://avalon.law.yale.edu/19th_century/jeffdraf.asp#:~:text=Jefferson's%20Draft%20on%20an%20Amendment%20to%20the%20Constitution%20:%201803

It should be mentioned that the Louisiana Purchase began with proper authorization, as American foreign ministers were given a two-million dollar appropriation to pursue purchase of New Orleans as an exclusive-legislation port, which would be within the lawful authority of Article I, Section 8, Clause 17.

2 *Stat.* 202. February 26, 1803.

The "Territory" mentioned in Clause 2 was the unappropriated western lands that seven of the 13 original States received at their independence, five of which had already ceded to the United States by the time the Constitution was proposed, with the understanding that the other two States with western lands would follow suit, once negotiations were settled.

The States without claim to unapportioned lands argued that unoccupied land couldn't free itself from British tyranny, therefore it would take the action of people from all the States to ensure it. As such, these States argued that these parcels should be for the benefit of all.

The desperation came about because even though the United States had secured navigation rights of the Mississippi River by—

1. The eighth article of the 1783 Paris Peace Treaty (which concluded the Revolutionary War)

https://www.archives.gov/milestone-documents/treaty-of-paris. Section 8.

2. The Pinckney Treaty (Treaty of San Lorenzo) with Spain in 1795, by Article 4, better-secured American navigation of the Mississippi, and, by Article 22, secured access for three-years to "deposit their merchandise and effects in the Port of New Orleans."

https://avalon.law.yale.edu/18th_century/sp1795.asp

—navigation of the river wouldn't be near as valuable, if the Americans didn't also have vital port access, in New Orleans.

When the Spanish king promised France retrocession of Louisiana, in 1800, American access to the port of New Orleans would be cut off shortly.

Treaty of San Ildefonso, Article 3. October 1, 1800

https://avalon.law.yale.edu/19th_century/ildefens.asp

In an April 18th, 1802 letter to United States minister to France, Robert Livingston, President Thomas Jefferson indicated the importance of securing access to a port at New Orleans.

http://jeffersonswest.unl.edu/archive/view_doc.php?id=jef.00124#:~:text=Letter%20from%20Thomas%20Jefferson%20to%20Robert%20Livingston.%20Title:

Maryland went so far as to refuse to ratify the Articles of Confederation—which were first proposed in 1777—until the understanding of joint benefit was accepted.

Disposing of the western land for debt reduction traces back to the intended trust purpose as detailed within the October 10th, 1780 resolution of the Second Continental Congress, when the delegates resolved:

> "That the unappropriated lands that may be ceded or relinquished to the United States…shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states."[282]

Once New York agreed to cede its unapportioned lands to the Confederation Congress on March 1st, 1781, Maryland's delegates on the same day agreed to the Articles of Confederation, finally making the Articles operational.[283]

Five of the original States—Virginia, New York, Massachusetts, Connecticut, and South Carolina—voluntarily ceded their claims to their

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[282] Volume 18, *Journals of the Continental Congress*, Page 915. October 10, 1780.

https://tile.loc.gov/storage-services/service/ll/llscd/lljc018/lljc018.pdf

[283] https://www.historykat.com/NY/statutes/new-york-cession-western-lands-1781.html#:~:text=Land%20Cessions:%20DS%201]%20[March%201,

https://www.loc.gov/item/05000059/ (Volume XIX, Page 208, @ 211 and 213-223).

https://archive.csac.history.wisc.edu/13._Maryland_Act_of_Ratification.pdf

unapportioned western lands over to the United States operating under the Articles of Confederation.[284]

The Northwest Ordinance of 1787 was enacted by the Confederation government, to provide temporary governing authority in the territory North West of the river Ohio, while providing that three-to-five separate States could form once population reached in each area 60,000 inhabitants, each of which new States would enter the union on "equal footing as to all respects" with the 13 original States.[285]

As parcels of land were sold into private ownership, population grew. Ohio, Indiana, Michigan, Illinois, Wisconsin, and portions of Minnesota were later formed out of the Northwest Territory, with Mississippi and Alabama forming later out of the territory south of the river Ohio) (made by the cession of South Carolina and later cession by Georgia [with Tennessee forming from a later North Carolina cession]).[286]

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[284] Virginia's March 1, 1784 land cession—the last of the States ceding its unapportioned lands to the Confederated States—was perhaps the most significant, as its cession reached the largest area.

https://founders.archives.gov/documents/Jefferson/01-06-02-0419-0003#:~:text=To%20all%20who%20shall%20see%20these

[285] The 1787 Northwest Ordinance (July 13). Article 5.

https://www.archives.gov/milestone-documents/northwest-ordinance

[286] *Public Land Statistics*. Bureau of Land Management, 1993. Table 1.

https://archive.org/details/publiclandstatis1993unit/page/4/mode/2up?view=theater

The two-fold objectives of Congress for the western lands were the disposal of them for debt reduction and settling them for statehood. As the August 4th, 1790 Act making provision for payment of the public debt said, in Section 22:

> "That the proceeds of the sales which shall be made of lands in the western territory, now belonging, or that may hereafter belong to the United States, shall be, and are hereby appropriated towards sinking or discharging the debts, for the payment whereof the United States now are, or by virtue of

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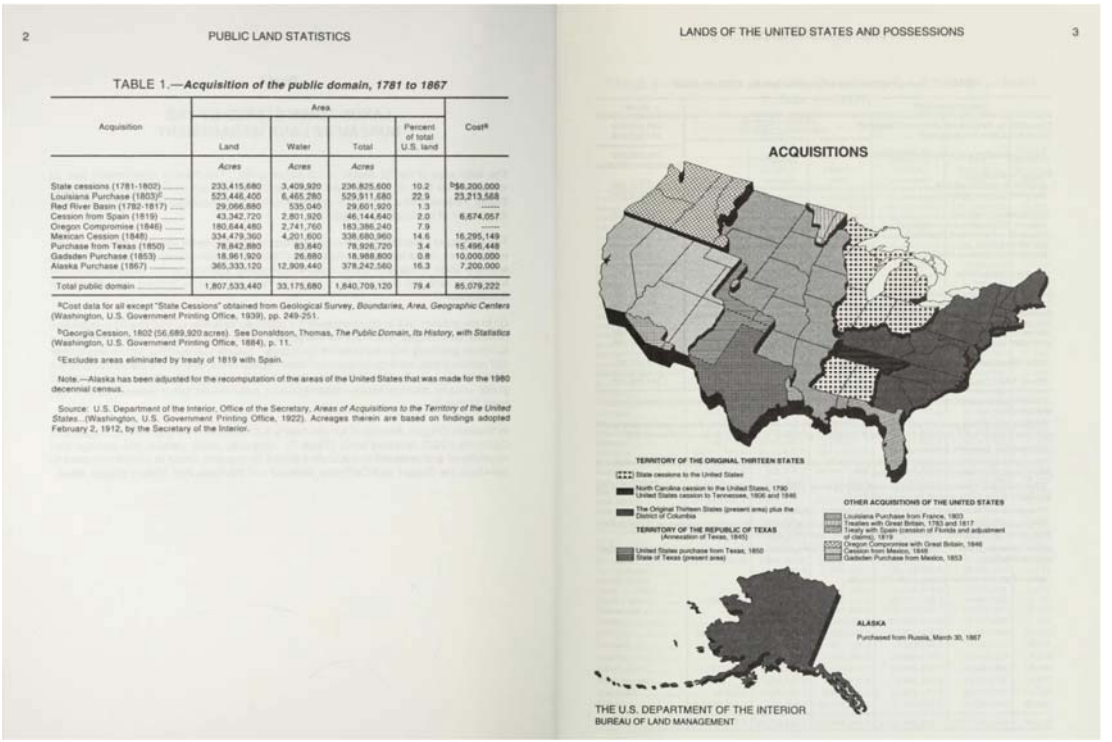

2 PUBLIC LAND STATISTICS

TABLE 1.—*Acquisition of the public domain, 1781 to 1867*

Acquisition	Area				Cost[a]
	Land	Water	Total	Percent of total U.S. land	
	Acres	Acres	Acres		
State cessions (1781-1802)	233,415,680	3,409,920	236,825,600	10.2	[b]$6,200,000
Louisiana Purchase (1803)[c]	523,446,400	6,465,280	529,911,680	22.9	23,213,568
Red River Basin (1782-1817)	29,066,880	535,040	29,601,920	1.3	------
Cession from Spain (1819)	43,342,720	2,801,920	46,144,640	2.0	6,674,057
Oregon Compromise (1846)	180,644,480	2,741,760	183,386,240	7.9	------
Mexican Cession (1848)	334,479,360	4,201,600	338,680,960	14.6	16,295,149
Purchase from Texas (1850)	78,842,880	83,840	78,926,720	3.4	15,496,448
Gadsden Purchase (1853)	18,961,920	26,880	18,988,800	0.8	10,000,000
Alaska Purchase (1867)	365,333,120	12,909,440	378,242,560	16.3	7,200,000
Total public domain	1,807,533,440	33,175,680	1,840,709,120	79.4	85,079,222

[a]Cost data for all except "State Cessions" obtained from Geological Survey, *Boundaries, Area, Geographic Centers* (Washington, U.S. Government Printing Office, 1939), pp. 249-251.

[b]Georgia Cession, 1802 (56,689,920 acres). See Donaldson, Thomas, *The Public Domain, Its History, with Statistics* (Washington, U.S. Government Printing Office, 1884), p. 11.

[c]Excludes areas eliminated by treaty of 1819 with Spain.

Note.—Alaska has been adjusted for the recomputation of the areas of the United States that was made for the 1980 decennial census.

Source: U.S. Department of the Interior, Office of the Secretary, *Areas of Acquisitions to the Territory of the United States*...(Washington, U.S. Government Printing Office, 1922). Acreages therein are based on findings adopted February 2, 1912, by the Secretary of the Interior.

LANDS OF THE UNITED STATES AND POSSESSIONS 3

ACQUISITIONS

TERRITORY OF THE ORIGINAL THIRTEEN STATES

State cessions to the United States

North Carolina cession to the United States, 1790
United States cession to Tennessee, 1806 and 1846

The Original Thirteen States (present area) plus the District of Columbia

TERRITORY OF THE REPUBLIC OF TEXAS
(Annexation of Texas, 1845)

United States purchase from Texas, 1850
State of Texas (present area)

OTHER ACQUISITIONS OF THE UNITED STATES

Louisiana Purchase from France, 1803
Treaties with Great Britain, 1783 and 1817
Treaty with Spain (cession of Florida and adjustment of claims), 1819
Oregon Compromise with Great Britain, 1846
Cession from Mexico, 1848
Gadsden Purchase from Mexico, 1853

ALASKA
Purchased from Russia, March 30, 1867

THE U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Tennessee formed out of North Carolina cession (SW Territory); Kentucky and West Virginia were formed separately, out of separate Virginian cessions never ceded to the United States. Vermont separated from New York, Maine from Massachusetts, and Florida created by treaty with Spain.

See April 2, 1790 Act (I *Stat.* 106) and May 26, 1790 (I *Stat.* 123) regarding the North Carolina cessions and government of the territory of the United States south of the river Ohio.

this act may be holden, *and shall be applied solely to that use until the said debts shall be fully satisfied*."[287]

Again, the "western territory" lands "now belonging" to the United States were given by the five States who had already ceded their claims, and the "western territory" that "may hereafter belong" pointed to the two States which hadn't yet ceded their claims.

While Congress continued to dispose of yet-unsold federal trust lands even after statehood, lands other than Article I, Section 8, Clause 17 properties were never meant to be held by Congress indefinitely.

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[287] I *Stat*. 138. August 4, 1790. Italics added.

Public land sales reached 49% of the total revenues of the federal government in 1836.[288]

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U. S. Government *Collections* 1791 - 1857

	External Revenue	Internal Revenue		Other Income			
Year	Customs/ Tonnage Duties	Internal Duties	Direct Taxes	Public Land Sales	Dividends/ Bank Stock	Misc.	Yearly Totals
1791	$4,399,473.09		$0.00	$0.00		$19,440.10	$4,418,913.19
1792	$3,443,070.85	$208,942.81	$0.00	$0.00	$8,028.00	$9,918.65	$3,669,960.31
1793	$4,255,306.56	$337,705.70	$0.00	$0.00	$38,500.00	$21,410.88	$4,652,923.14
1794	$4,801,065.28	$274,089.62	$0.00	$0.00	$303,472.00	$53,277.97	$5,431,904.87
1795	$5,588,461.26	$337,755.36	$0.00	$0.00	$160,000.00	$28,317.97	$6,114,534.59
1796	$6,567,987.94	$475,289.60	$0.00	$4,836.13	$1,240,000.00	$89,415.98	$8,377,529.65
1797	$7,549,649.65	$575,491.45	$0.00	$83,540.60	$385,220.00	$94,879.29	$8,688,780.99
1798	$7,106,061.93	$644,357.95	$0.00	$11,963.11	$79,920.00	$58,192.81	$7,900,495.80
1799	$6,610,449.31	$779,136.44	$0.00	$0.00	$71,040.00	$86,187.56	$7,546,813.31
1800	$9,080,932.73	$809,396.55	$734,223.97	$443.75	$71,040.00	$152,712.10	$10,848,749.10
1801	$10,750,778.93	$1,048,033.43	$534,343.38	$167,726.06	$88,800.00	$345,649.15	$12,935,330.95
1802	$12,438,235.74	$621,898.89	$206,565.44	$188,628.02	$1,327,560.00	$212,905.86	$14,995,793.95
1803	$10,479,417.61	$215,179.69	$71,879.20	$165,675.69	$0.00	$131,945.44	$11,064,097.63
1804	$11,098,565.33	$50,941.29	$50,198.44	$487,526.79	$0.00	$139,075.53	$11,826,307.38
1805	$12,936,487.04	$21,747.15	$21,882.91	$540,193.80	$0.00	$40,382.30	$13,560,693.20
1806	$14,667,698.17	$20,101.45	$55,763.86	$765,245.73	$0.00	$51,121.86	$15,559,931.07
1807	$15,845,521.61	$13,051.40	$34,732.56	$466,163.27	$0.00	$38,550.42	$16,398,019.26
1808	$16,363,550.58	$8,210.73	$19,159.21	$647,939.06	$0.00	$21,802.35	$17,060,661.93
1809	$7,296,020.58	$4,044.39	$7,517.31	$442,252.33	$0.00	$23,638.51	$7,773,473.12
1810	$8,583,309.31	$7,430.63	$12,448.68	$696,548.82	$0.00	$84,476.84	$9,384,214.28
1811	$13,313,222.73	$2,295.95	$7,666.66	$1,040,237.53	$0.00	$60,106.22	$14,423,529.09
1812	$8,958,777.53	$4,903.06	$859.22	$710,427.78	$0.00	$126,165.17	$9,801,132.76
1813	$13,224,623.25	$4,755.04	$3,805.52	$835,655.14	$0.00	$271,571.00	$14,340,409.95
1814	$5,998,772.08	$1,662,984.82	$2,219,497.36	$1,135,971.09	$0.00	$164,399.81	$11,181,625.16
1815	$7,282,942.22	$4,678,059.07	$2,162,673.41	$1,287,959.28	$0.00	$285,282.84	$15,696,916.82
1816	$36,306,874.88	$5,124,708.31	$4,253,635.09	$1,717,985.03	$0.00	$273,782.35	$47,676,985.66
1817	$26,283,348.49	$2,678,100.77	$1,834,187.04	$1,991,226.06	$202,426.30	$109,761.08	$33,099,049.74
1818	$17,176,385.00	$955,270.20	$264,333.36	$2,606,564.77	$525,000.00	$57,617.71	$21,585,171.04
1819	$20,283,608.76	$229,593.63	$83,650.78	$3,274,422.78	$675,000.00	$57,098.42	$24,603,374.37
1820	$15,005,612.15	$106,260.53	$31,586.82	$1,635,871.61	$1,000,000.00	$61,338.44	$17,840,669.55
1821	$13,004,447.15	$69,027.63	$29,349.05	$1,212,966.46	$105,000.00	$152,589.43	$14,573,379.72
1822	$17,589,761.94	$67,665.71	$20,961.56	$1,803,581.54	$297,500.00	$452,957.19	$20,232,427.94
1823	$19,088,433.44	$34,242.17	$10,337.71	$916,523.10	$350,000.00	$141,129.84	$20,540,666.26
1824	$17,878,325.71	$34,663.37	$6,201.96	$984,418.15	$350,000.00	$127,603.60	$19,381,212.79
1825	$20,098,713.45	$25,771.35	$2,330.85	$1,216,090.56	$367,500.00	$130,451.81	$21,840,858.02
1826	$23,341,331.77	$21,589.93	$6,638.76	$1,393,785.09	$402,500.00	$94,588.66	$25,260,434.21
1827	$19,712,283.29	$19,885.68	$2,626.90	$1,495,845.26	$420,000.00	$1,315,722.83	$22,966,363.96
1828	$23,205,523.64	$17,451.54	$2,218.81	$1,018,308.75	$455,000.00	$65,126.49	$24,763,629.23
1829	$22,681,965.91	$14,502.74	$11,335.05	$1,517,175.13	$490,000.00	$112,648.55	$24,827,627.38
1830	$21,922,391.39	$12,160.62	$16,980.59	$2,329,356.14	$490,000.00	$73,227.77	$24,844,116.51
1831	$24,224,441.77	$6,933.51	$10,506.01	$3,210,815.48	$490,000.00	$584,124.05	$28,526,820.82
1832	$28,465,237.24	$11,630.65	$6,791.13	$2,623,381.03	$659,000.00	$99,521.11	$31,865,561.16
1833	$29,032,508.91	$2,759.00	$394.12	$3,967,682.55	$610,285.00	$334,796.67	$33,948,426.25
1834	$16,214,957.15	$4,196.09	$19.80	$4,857,600.69	$586,649.50	$128,512.32	$21,791,935.55
1835	$19,391,310.59	$10,459.48	$4,263.33	$14,757,600.75	$569,280.82	$697,172.13	$35,430,087.10
1836	$23,409,940.53	$370.00	$728.79	$24,877,179.86	$328,674.67	$2,209,902.23	$50,826,796.08
1837	$11,169,290.39	$5,493.84	$1,687.70	$6,776,236.52	$1,375,965.44	$5,562,190.80	$24,890,864.69
1838	$16,158,800.36	$2,467.27	$0.00	$3,081,939.47	$4,542,102.22	$2,517,252.42	$26,302,561.74
1839	$23,137,924.81	$2,553.32	$755.22	$7,076,447.35	$0.00	$1,265,068.91	$31,482,749.61
1840	$13,499,502.17	$1,682.25	$0.00	$3,292,285.58	$1,774,513.80	$874,662.28	$19,442,646.08
1841	$14,487,216.74	$3,261.36	$0.00	$1,365,627.42	$672,769.38	$331,285.37	$16,860,160.27
1842	$18,187,908.76	$495.00	$0.00	$1,335,797.52	$56,912.53	$383,895.44	$19,965,009.25
June, 1843	$7,046,843.91	$103.25	$0.00	$897,818.11	$0.00	$286,235.99	$8,231,001.26
1844	$26,183,570.94	$1,777.34	$0.00	$2,059,939.80	$0.00	$1,075,419.70	$29,320,707.78
1845	$27,528,112.70	$3,517.12	$0.00	$2,077,022.30	$5,000.00	$328,201.78	$29,941,853.90
1846	$26,712,667.87	$2,897.26	$0.00	$2,694,452.48	$0.00	$289,950.13	$29,699,967.74
1847	$23,747,864.66	$375.00	$0.00	$2,498,355.20	$4,340.39	$186,467.91	$26,437,403.16
1848	$31,757,070.96	$375.00	$0.00	$3,328,642.56	$34,834.70	$577,775.99	$35,698,699.21
1849	$28,346,738.82	$0.00	$0.00	$1,688,959.55	$8,955.00	$676,424.13	$30,721,077.50
1850	$39,668,686.42	$0.00	$0.00	$1,859,894.25	$0.00	$2,064,308.21	$43,592,888.88
1851	$49,017,567.92	$0.00	$0.00	$2,352,305.30	$260,243.51	$924,922.60	$52,555,039.33
1852	$47,339,326.62	$0.00	$0.00	$2,043,239.58	$1,021.34	$463,228.06	$49,846,815.60
1853	$58,931,865.52	$0.00	$0.00	$1,667,084.99	$31,466.78	$853,313.02	$61,483,730.31
1854	$64,224,190.27	$0.00	$0.00	$8,470,798.39	$0.00	$1,105,352.74	$73,800,341.40
1855	$53,025,794.21	$0.00	$0.00	$11,497,049.07	$0.00	$827,731.40	$65,350,574.68
1856	$64,022,863.50	$0.00	$0.00	$8,917,644.93	$0.00	$1,116,190.81	$74,056,699.24
1857	$63,875,905.05	$0.00	$0.00	$3,829,486.64	$0.00	$1,259,920.88	$68,965,312.57
Totals	$1,391,027,497.07	$22,278,043.39	$12,744,737.56	$167,898,341.78	$21,915,521.38	$32,860,297.86	$1,648,724,439.04

Source: United States Serial Set, 35th Congress, 1st Session, House Executive Doc. # 60, "Receipts, Expenditures, and Appropriations from 1789-1857", 955, Pg. 1 @ 4-5, February 9, 1858.

The States granting unapportioned land to the United States didn't grant their land to allow the confederated or federal government permanent control and authority over vast areas of land, and the later percentages of federal land ownership confirm it.

The retained federal land ownership in the thirteen original States, relating to exclusive-legislation parcels, range from about 0.2 percent in Connecticut and 2.1 percent in Delaware, to 12.7 percent in New Hampshire.[289]

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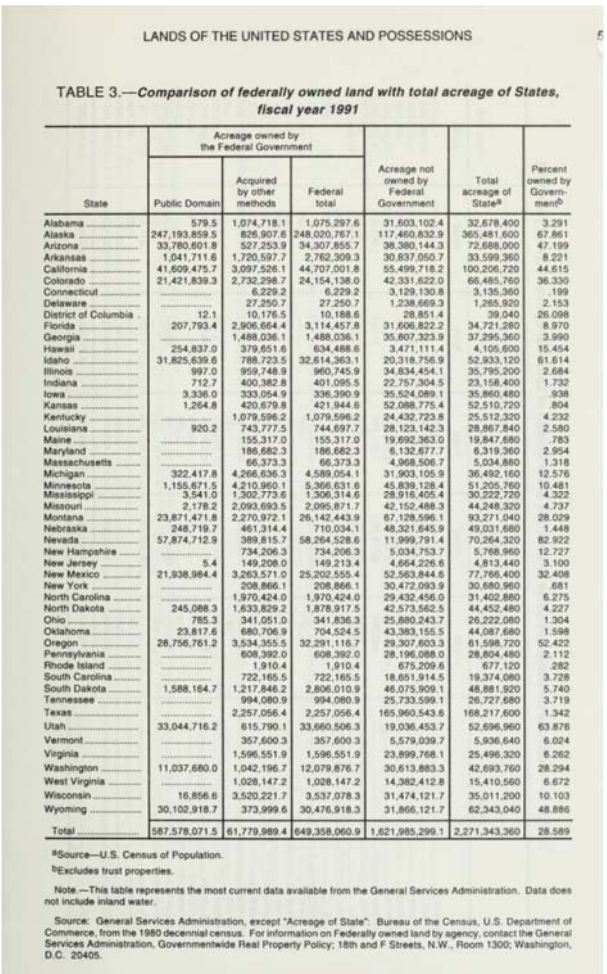
289 *Public Land Statistics*. Bureau of Land Management, 1993. Table 3.
https://archive.org/details/publiclandstatis1993unit/page/4/mode/2up?view=theater



LANDS OF THE UNITED STATES AND POSSESSIONS

TABLE 3.—*Comparison of federally owned land with total acreage of States, fiscal year 1991*

State	Acreage owned by the Federal Government: Public Domain	Acquired by other methods	Federal total	Acreage not owned by Federal Government	Total acreage of State[a]	Percent owned by Government[b]
Alabama	579.5	1,074,718.1	1,075,297.6	31,603,102.4	32,678,400	3.291
Alaska	247,193,859.5	826,907.6	248,020,767.1	117,460,832.9	365,481,600	67.861
Arizona	33,780,601.8	527,253.9	34,307,855.7	38,380,144.3	72,688,000	47.199
Arkansas	1,041,711.6	1,720,597.7	2,762,309.3	30,837,050.7	33,599,360	8.221
California	41,609,475.7	3,097,526.1	44,707,001.8	55,499,718.2	100,206,720	44.615
Colorado	21,421,839.3	2,732,298.7	24,154,138.0	42,331,622.0	66,485,760	36.330
Connecticut	.....	6,229.2	6,229.2	3,129,130.8	3,135,360	.199
Delaware	.....	27,250.7	27,250.7	1,238,669.3	1,265,920	2.153
District of Columbia	12.1	10,176.5	10,188.6	28,851.4	39,040	26.098
Florida	207,793.4	2,906,664.4	3,114,457.8	31,606,822.2	34,721,280	8.970
Georgia	.....	1,488,036.1	1,488,036.1	35,807,323.9	37,295,360	3.990
Hawaii	254,837.0	379,651.6	634,488.6	3,471,111.4	4,105,600	15.454
Idaho	31,825,639.6	788,723.5	32,614,363.1	20,318,756.9	52,933,120	61.614
Illinois	997.0	959,748.9	960,745.9	34,834,454.1	35,795,200	2.684
Indiana	712.7	400,382.8	401,095.5	22,757,304.5	23,158,400	1.732
Iowa	3,336.0	333,054.9	336,390.9	35,524,089.1	35,860,480	.938
Kansas	1,264.8	420,679.8	421,944.6	52,088,775.4	52,510,720	.804
Kentucky	.....	1,079,596.2	1,079,596.2	24,432,723.8	25,512,320	4.232
Louisiana	920.2	743,777.5	744,697.7	28,123,142.3	28,867,840	2.580
Maine	.....	155,317.0	155,317.0	19,692,363.0	19,847,680	.783
Maryland	.....	186,682.3	186,682.3	6,132,677.7	6,319,360	2.954
Massachusetts	.....	66,373.3	66,373.3	4,968,506.7	5,034,880	1.318
Michigan	322,417.8	4,266,636.3	4,589,054.1	31,903,105.9	36,492,160	12.576
Minnesota	1,155,671.5	4,210,960.1	5,366,631.6	45,839,128.4	51,205,760	10.481
Mississippi	3,541.0	1,302,773.6	1,306,314.6	28,916,405.4	30,222,720	4.322
Missouri	2,178.2	2,093,693.5	2,095,871.7	42,152,488.3	44,248,320	4.737
Montana	23,871,471.8	2,270,972.1	26,142,443.9	67,128,596.1	93,271,040	28.029
Nebraska	248,719.7	461,314.4	710,034.1	48,321,645.9	49,031,680	1.448
Nevada	57,874,712.9	389,815.7	58,264,528.6	11,999,791.4	70,264,320	82.922
New Hampshire	.....	734,206.3	734,206.3	5,034,753.7	5,768,960	12.727
New Jersey	5.4	149,208.0	149,213.4	4,664,226.6	4,813,440	3.100
New Mexico	21,938,984.4	3,263,571.0	25,202,555.4	52,563,844.6	77,766,400	32.408
New York	.....	208,866.1	208,866.1	30,472,093.9	30,680,960	.681
North Carolina	.....	1,970,424.0	1,970,424.0	29,432,456.0	31,402,880	6.275
North Dakota	245,088.3	1,633,829.2	1,878,917.5	42,573,562.5	44,452,480	4.227
Ohio	785.3	341,051.0	341,836.3	25,880,243.7	26,222,080	1.304
Oklahoma	23,817.6	680,706.9	704,524.5	43,383,155.5	44,087,680	1.598
Oregon	28,756,761.2	3,534,355.5	32,291,116.7	29,307,603.3	61,598,720	52.422
Pennsylvania	.....	608,392.0	608,392.0	28,196,088.0	28,804,480	2.112
Rhode Island	.....	1,910.4	1,910.4	675,209.6	677,120	.282
South Carolina	.....	722,165.5	722,165.5	18,651,914.5	19,374,080	3.728
South Dakota	1,588,164.7	1,217,846.2	2,806,010.9	46,075,909.1	48,881,920	5.740
Tennessee	.....	994,080.9	994,080.9	25,733,599.1	26,727,680	3.719
Texas	.....	2,257,056.4	2,257,056.4	165,960,543.6	168,217,600	1.342
Utah	33,044,716.2	615,790.1	33,660,506.3	19,036,453.7	52,696,960	63.876
Vermont	.....	357,600.3	357,600.3	5,579,039.7	5,936,640	6.024
Virginia	.....	1,596,551.9	1,596,551.9	23,899,768.1	25,496,320	6.262
Washington	11,037,680.0	1,042,196.7	12,079,876.7	30,613,883.3	42,693,760	28.294
West Virginia	.....	1,028,147.2	1,028,147.2	14,382,412.8	15,410,560	6.672
Wisconsin	16,856.6	3,520,221.7	3,537,078.3	31,474,121.7	35,011,200	10.103
Wyoming	30,102,918.7	373,999.6	30,476,918.3	31,866,121.7	62,343,040	48.886
Total	587,578,071.5	61,779,989.4	649,358,060.9	1,621,985,299.1	2,271,343,360	28.589

[a]Source—U.S. Census of Population.

[b]Excludes trust properties.

Note.—This table represents the most current data available from the General Services Administration. Data does not include inland water.

Source: General Services Administration, except "Acreage of State": Bureau of the Census, U.S. Department of Commerce, from the 1980 decennial census. For information on Federally owned land by agency, contact the General Services Administration, Governmentwide Real Property Policy; 18th and F Streets, N.W., Room 1300; Washington, D.C. 20405.

Comparison of Acreage Owned by U. S. Government out of Total U. S. Acreage
(Ranked by Percentage)

Nevada	82.9%
Alaska	67.9%
Utah	63.9%
Idaho	61.6%
Oregon	52.4%
Wyoming	48.9%
Arizona	47.2%
California	44.6%
Colorado	36.3%
New Mexico	32.4%
Washington	28.3%
Montana	28.0%
District of Columbia	23.4%
Hawaii	15.5%
New Hampshire	12.7%
Michigan	12.6%
Minnesota	10.5%
Wisconsin	10.1%
Florida	9.0%
Arkansas	8.2%
West Virginia	6.7%
North Carolina	6.3%
Virginia	6.3%
Vermont	6.0%
South Dakota	5.7%
Mississippi	5.3%
Missouri	4.7%
Kentucky	4.2%
North Dakota	4.2%
Georgia	4.0%
South Carolina	3.7%
Tennessee	3.7%
Alabama	3.3%
New Jersey	3.1%
Maryland	3.0%
Illinois	2.7%
Louisiana	2.6%
Delaware	2.2%
Pennsylvania	2.1%
Indiana	1.7%
Oklahoma	1.6%
Nebraska	1.4%
Texas	1.3%
Massachusetts	1.3%
Ohio	1.3%
Iowa	0.9%
Kansas	0.8%
Maine	0.8%
New York	0.7%
Rhode Island	0.3%
Connecticut	0.2%

Source: 1993 BLM Statistics, Table 3

The Northwest Territory State of Ohio is at 1.3 percent and Indiana at 1.7, reaching to 12.6 percent, in Michigan. Nebraska in the mid-western States is at 1.5 percent, to 4.2 percent in North Dakota.

But, in the so-called "public land" States, claimed federal land ownership reaches 61 percent in Idaho; 67 percent in Alaska, and nearly 83 percent in Nevada, topping the list.

Just how are these later-admitted "public land" States supposed to be "on an equal footing with the original States in all respects whatever," when federal lands are not only kept off the tax rolls, but excluded from private ownership and development, unduly limiting population growth and escalating land prices out of affordable sight?[290]

While members of Congress are under no direct obligation to perform their duty upon a specific time-table, their malingering prevents the public land States from an equal footing with the original States. Conversion of trust assets for the benefit of the trustees—instead of the beneficiaries—violates the trustee's fiduciary trust to keep an eye on the beneficiary's best interests and is otherwise a criminal offense.

The third hurdle for artificially extending the meaning of Article IV, Section 3, Clause 2 beyond the unapportioned western land cessions is the second part of the clause, that is connected to the first part by a semi-colon and a conjunction, reading:

> "; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

People who ascribe to an extended meaning of the clause have no answer for this phrase and blindly act as if this second portion of the clause doesn't even exist.

The last portion of the clause was inserted to prevent North Carolina and Georgia from objecting to the Constitution, since they hadn't yet ceded

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[290] The 1787 Northwest Ordinance (July 13), Article 5.
https://www.archives.gov/milestone-documents/northwest-ordinance

their unappropriated lands over to the confederation government by the time the Constitution was proposed.[291]

The first portion of Clause 2 dealt with the property *already ceded* by five States over to the confederation government (predominantly the Northwest Territory), the second part of the clause dealt with the property that two States *had not yet ceded* by the time the Constitution was proposed (primarily the later-ceded Southwest Territory).

Had the last portion of Article IV, Section 3, Clause 2 not been inserted, North Carolina and Georgia wouldn't have been able to sign the Constitution until their issues were fully resolved, otherwise they could have potentially compromised their claims to their unsettled lands.

The fourth and perhaps largest obstacle against extending the property clause beyond its intended effect is the location of this power, under Article IV of the Constitution.

The permanent legislative powers of Congress are found in Article I of the Constitution, in Section 8. Article IV conversely discusses the American *States*—it isn't where the Constitution lists the named Congressional powers.

Article IV, Section 3 is all about new States being admitted into the Union—Section 3 does not discuss the normal delegated powers of Congress—it is only about the powers of Congress *as they relate to admitting new States into the Union*.

Clause 2 dealt with specific areas of land—and after a motion at the 1787 convention was approved, also dealt with ships and other property relating to the late war (at a time when the country wasn't trying to maintain a permanent army or navy)—to meet a specific circumstance,

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[291] North Carolina ultimately ceded its unapportioned western lands over to the federal government operating under the Constitution in 1790, while Georgia finally ceded its unapportioned lands in 1802, after Congress agreed to quiet the Indian claims to Georgian lands (which later resulted in the infamous Indian removal west of the Mississippi, in the *Trail of Tears)*.

for the time it took to dispose of the territory and property held in common, and made room for the territory from two additional States that would be forthcoming, once ongoing negotiations were settled.

The last section of Article IV—Section 4—provides the further qualification that the United States shall guarantee to every State in the Union a "Republican Form of Government," protect each of them against invasion, and—on the application of the legislature (or the governor, when the legislature cannot be convened)—against domestic violence.

Next up: Article V and the Amendment Process.

Lesson 26: Article V

The Amendment Process

Article V of the U.S. Constitution explains the amendment process, which is used for changing the Constitution to modify the allowed powers that federal servants may everywhere in the Union directly exercise.

The first portion of Article V reads:

> "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress…"

This passage outlines two alternate amendment-proposal processes. The first—which all 27 ratified amendments to date have followed—simply requires that two-thirds of both Houses approve the wording for an amendment, so that the proposal may then be forwarded to the States for individual consideration.

The alternative path for proposing amendments is for two-thirds of the several States to call for a convention of the States, for a proposal process that bypasses Congress.

Conventions for *proposing* federal amendments are held *jointly*, as delegates from all the States meet together in one location, to hash out possible amendment proposals for later consideration for ratification, by the States, individually, either in their respective State legislatures or in separate ratifying-conventions held in each State.

This convention process for proposing amendments itself is highly controversial, even among well-meaning conservatives.

One faction looks to the convention process as the Holy Grail to correct our present sorry predicament; the other side looks upon that same process as the perilous path to finish off our waning Republic.

In truth, the potential for good or harm isn't by either proposal *method*—as they are both only a *means* to an *end*, not the end itself. The good or bad is determined by the *end*—what the amendment says and does.

The Bill of Rights, for example, gives witness to the good.

Conversely, the Seventeenth Amendment provides a ready example of the bad, sold to the American public as the best means forward to remedy the "Good Ol' Boy" network in the State legislatures, whose hand-picking of U.S. Senators had been increasingly-steering American government *away* from the spirit of the Constitution.

But history has proven that fighting symptoms while ignoring the fundamental cause only worsens things, and also that diluting U.S. Senate oversight from several hundred State legislators into millions of voters State-wide doesn't improve anything either.

Opponents of the convention process invariably point to the first and only joint convention—the Convention of 1787—which Congress (under the Confederation) had called "*for the sole and express purpose of revising the Articles of Confederation.*"[292]

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[292] "Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several States be held at Philadelphia *for the sole and express purpose of revising the Articles of Confederation* and reporting to Congress and

It's well-known that the 1787 Convention delegates began crafting a new document from the first days of the convention, while they also kept their activities secret until the convention ended and the proposed document was released to the public.[293]

The possibility of a *runaway convention*—of delegates called to meet for a specific purpose, but instead ignoring their commission and going in a direction of their own choosing—(no matter how remote) causes sufficient alarm that even well-meaning Patriots seek to avoid the convention process.

But this viewpoint, understandable given our history (regardless of the wording of Article V), should yet give pause to convention opponents—at least those who otherwise admire the U.S. Constitution—for if the Framers and Ratifiers of the Constitution were wise enough to create and approve this widely-respected document, then why would an included revisionary process be inherently-dangerous?

One possible answer would be the perspective which offers that citizens in one era may be wise, but lacking in another.

But that position really only points to the importance of an interim pursuit, that of teaching our founding principles (which explains the express purpose of the Patriot Corps' *Learn The Constitution* Program Course).

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the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the federal Constitution adequate to the exigencies of Government and the preservation of the Union."

https://tile.loc.gov/storage-services/service/ll/llscd/lljc032/lljc032.pdf.

1787, February 21. Page 71 @ 74. Italics added.

293 "That nothing spoken in the House be printed, or otherwise published or communicated without leave."

1787, May 29th.
https://avalon.law.yale.edu/18th_century/debates_529.asp

Perhaps the biggest danger from a convention—over the normal congressional amendment process—is that the convention process is more likely to offer more amendments than needed, due to the difficulty of calling another convention.

Offering more amendments than needed means that the proposed cure will itself create some issues—like the Seventeenth Amendment did—whenever proponents fail to hone in on the single underlying cause for federal political concern.

That single political problem Americans face federally, of course, is how members of Congress and federal officials were ever in the first place able to ignore their normal constitutional parameters with impunity.

Most of the time, an indiscriminate *shotgun* approach—of simply throwing many things against the wall to see what sticks—isn't the best route, especially when a *sniper* bullet (so to speak) offers the precision needed to perform the job admirably.

The cure for this festering federal disease Americans have long faced is to reveal to the bright light of day, what is happening behind the curtain and under the radar, because we can cure what we can diagnose, even as it's tough to diagnose what we don't know.[294]

The congressional-amendment process, of course, may also propose any number of amendments at one time—as the 1789 proposals attest.

If more than one amendment is proposed simultaneously, each proposal will be voted upon separately, like the dozen amendment proposals from 1789, when only the last 10 were ratified in 1791, as the Bill of Rights. The second proposed amendment of that initial twelve was ratified 203

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[294] Until the Patriot Corps *ROAR-Path* Restoration Course is completed (target date for the Patriot Corps *Pathway to Restore Our American Republic* is later, 2025), please see the recommendations in the Patriot Corps books *Two Hundred Years of Tyranny* (Part III), *Waging War without Congress First Declaring It* (Chapter 6), or *The Patriot Quest to Restore Our American Republic* (Chapter 7).

years later, in 1992, as the Twenty-Seventh Amendment, while the first proposed amendment was never ratified, and is now moot.[295]

The saving grace of either amendment-proposal process—congressional resolutions or State conventions—is that each process may only *propose* amendments, but neither may *ratify* them.

Instead, both amendment-proposal processes each require *separate* ratification by either three-fourths of the several State legislatures, or by three-fourths of the several State conventions, which ever ratification route is chosen by Congress within members' discretion.

Nothing outside of formal amendment proposals first-approved by either two-thirds of both Houses of Congress, or two-thirds of the States in a convention for proposing amendments, and then afterward successfully ratified by three-fourths of the American States, may ever change the Constitution.

Nothing but ratified amendments may ever change the allowed powers that federal servants may everywhere in the Union directly exercise.

Stated as clearly as possible, to avoid any confusion—federal servants may never *change* the Constitution themselves, even as members of Congress may *propose* amendments (provided that two-thirds of both Houses agree).

Federal officers in the executive and judicial branches of government—including even the American President and Supreme Court justices—never have any say whatsoever, in ratifying or even proposing amendments.

Of course, *proposing* amendments—without the States later ratifying them—*never changes anything, either.*

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[295] The second proposed amendment (as part of the 12 offered for consideration in 1789, became the 27th ratified amendment, in 1992, 203 years after it had been proposed.

As detailed at the www.Senate.gov website, over 11,000 amendment proposals have been attempted from 1789 through 2018, but only 27 amendments have been successfully ratified to date.[296]

Most Americans readily concede that the 27 ratified amendments have changed the Constitution's original historical parameters very little, overall, even as federal actions today far exceed the scope of federal actions from a century or two ago.

Looking at this odd peculiarity—very little change from ratified amendments but a great divergence of overall federal action over time—suggests that a large percentage of federal activity rests upon a false base. If true, then exposing its false root will effectively undermine the decaying status quo—which again is a stated purpose of all Patriot Corps efforts.

Article V speaks to *ratification* by either the State *legislatures*, or by State *conventions*, at the discretion of Congress.

The State *legislatures*, of course, consist of the normally-elected State legislators, chosen for a term of years, who act on a wide variety of issues, according to their delegated powers, as found within their State Constitutions.

State *conventions* conversely consist of individuals chosen for the specific task at hand—to decide here whether to alter the present political structure.

The separate nature of ratifying conventions—distinct from the legislature—provides a greater degree of independence, for looking at big-picture issues from citizens' perspectives, rather than the legislators'.

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296 https://www.senate.gov/legislative/MeasuresProposedToAmendTheConstitution.htm#:~:text=Approximately%2011,%20848%20measures%20have%20been%20proposed%20to%20amend

Article VII of the U.S. Constitution required the Constitution be ratified by State *conventions*, which would become operational in the ratifying States, effective with the ninth State's approval.[297]

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[297] On July 2, 1788, Congress under the Confederation received word that New Hampshire was the ninth State to ratify the U.S. Constitution, which triggered its authorization for establishment.

On the same day, Congress thereby resolved to establish a committee "to examine the same and report an Act to Congress for putting the said constitution into operation in pursuance of the resolutions of the late federal Convention."

https://tile.loc.gov/storage-services/service/ll/llscd/lljc034/lljc034.pdf (pages 281-282).

On September 15, 1788, Congress resolved to establish government under the Constitution, by specifying:

> "That the first Wednesday of [January], next be the day for appointing Electors in the several states, which before the said day shall have ratified the said constitution;
>
> "that the first Wednesday in [February] next be the day for the electors to assemble in their respective States and vote for a president; and
>
> "that the first Wednesday in March next be the time and the present seat of Congress the place for commencing proceedings under the said constitution."

Ibid., 1788, September 13. Page 523.

Incidentally, the recorded debates of the various State ratifying conventions provide additional historical reference on the Constitution, from those who approved it.

Elliott's Debates, Vol. 2 (State ratifying Conventions [Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and Maryland]):

https://tile.loc.gov/storage-services/service/ll/llscd/lled002/lled002.pdf

Ibid., Vol. 3: (State ratifying Convention: Virginia):

https://tile.loc.gov/storage-services/service/ll/llscd/lled003/lled003.pdf

Ibid., Vol. 4: (State ratifying conventions: North Carolina and South Carolina):

https://tile.loc.gov/storage-services/service/ll/llscd/lled004/lled004.pdf

There hasn't been a convention called for *proposing* federal amendments, under the U.S. Constitution. As far as federal amendments being ratified by State *ratifying* conventions, only the Twenty-First Amendment to repeal prohibition was ratified by this method—all other amendments to date were ratified by the State legislatures.

The second half of Article V has more to say on the subject of amendments, as it provides:

> "that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

The first part of this proviso prevented any Constitutional amendment from altering the first and fourth clauses of the ninth section of Article I, before 1808.

Recall from Lesson 20, that this clause covers the migration of foreign emigrants and the importation of foreign slaves.

While this clause prevented *Congress* from abolishing the slave trade for about 20 years—even as it allowed laying taxes upon their importation, to ten dollars each— Article V prohibited the *States* from pulling rank for the same time period and seeking to restrict or abolish the foreign slave trade, by way of an amendment to override the existing constitutional parameters.

In other words, the prohibition in Article V removed the three-fourths' ratification threshold otherwise applicable to constitutional amendments, on the topic of slave importation, for the period of time covered in Article I. No State could therefore be forced, even by all the other States, to give up its original unfettered ability to import slaves, up until the year 1808.

But, by saying that "no amendment" could "be made" to restrict the foreign slave trade *before* a given year, this all but concedes what may happen *afterwards*.

By their ratification of the Constitution as written, the slave States knew that slave importation was on its way out, even as these passages didn't extinguish domestic slavery itself, by freeing slaves already on American shores.

While Article I, Section 9, Clause 1 prohibited *Congress* from placing an exorbitant tax or duty on slave importation for approximately 20 years, Article V again prevented the *States* from ratifying an amendment to increase that rate, for the same time period.

The reference in Article V to the fourth clause of the earlier-referenced section and article kept the States—for the same time period—from removing the apportionment requirement for direct taxes.[298]

The final prohibition in Article V meant that not even all of the other States of the American Union could force the smallest, poorest or least-populated State from ever giving up its full and equal voice in the Senate.

Because there was no time limit upon this prohibition, no amendment may ever be made—except by unanimous support of every State—to change the equal suffrage in the Senate, even if all of the other States of the Union tried to force a single uncooperative State against its will.

Next up: Article VI—debts, the supreme Law of the Land, and oaths.

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[298] Of course, in 1807, effective January 1, 1801, the very first day the Constitution would allow, Congress prohibited the slave trade, the importation into the United State, slaves from foreign ports.

> Volume 2, *Statutes at Large*, Page 425 (2 *Stat.*, 425). Section 1. March 2, 1807.

Congress made the slave trade and act of piracy in 1820, punishable by death.

> 3 *Stat.*, 600. Section 4. 1820, May 15.

Lesson 27: Article VI

Debts, the supreme Law of the Land, and Oaths

Article VI of the U.S. Constitution speaks first to the carried-over debts of the United States, detailing that they would be "as valid" against the United States under the Constitution as under the Articles of Confederation—that the change in the form of government wouldn't affect their status.

The next clause makes the Constitution—and the laws of the United States which shall have been enacted in pursuance thereof—the supreme Law of the Land, which binds the States through their judges, while also giving that same supremacy designation to all treaties made under the lawful authority of the United States.

Lastly, Clause 3 requires sworn oaths of constitutional support from every government servant, save for the President, who has his own special oath, as found in Article II.

Looking closer at these three clauses, the first is worded:

> "All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation."

This guarantee relied upon the new congressional powers found in Article I, Section 8—to lay and collect Taxes, Duties, Imposts and Excises—to

pay the debts of the United States, incurred generally by providing for the general welfare and common defense.

On August 4th, 1790, Congress operating under the Constitution enacted legislation making provision for payment of the liquidated debt of the United States, therein acknowledged at $75,400,000.[299]

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Liquidated Debt of the United States
As of January 1, 1790
(after assumption of State war debts)

Foreign Debt				**$12,198,190**
Due France			**$7,895,300**	
Loans		French "Livres"		
November 5, 1781		10,000,000		
September 3, 1783		18,000,000		
January 1, 1784		6,000,000		
Supplies		532,364		
Arrears in Interest		8,967,913		
Total Livres		43,500,277		
Converted into **Dollars**, at 18.15 cents/Livre:		**$7,895,300**		
Due Holland			**$3,863,000**	
Loans		Dutch "Guilders"		
June 11, 1782		5,000,000		
March 9, 1784		2,657,500		
June 1, 1787		1,000,000		
March 13, 1788		1,000,000		
Total Guilders		9,657,500		
Converted into **Dollars**, at 40 cents/Guilder:		**$3,863,000**		

Due Spain			$439,889	
Total Foreign Debt			$12,198,190	
Domestic Debt				$63,216,238
Principal			$45,023,842	
Total Certificates		$27,197,490		
Loan Office Certificates (old emissions, reduced to specie value)	$11,463,802			
Loan Office Certificates (new emissions, in specie value)	$128,960			
Army Certificates	$10,967,146			
State Commissioner Certificates	$3,723,625			
Register of the Treasury Certificates	$715,704			
Army Staff Certificates	$1,159,170			
Sub-Total	$28,158,405			
Deduct certificates accepted for payment of public lands [1]	-$960,915			
Total Certificates	$27,197,490			
Assumed Debt of States		$12,181,254		
Balance owed to Creditor States		$3,517,584		
Claims for unpaid services & supplies		$2,127,514		
Total Principal		$45,023,842		
Interest			$18,192,396	
Accumulated Interest		$11,398,319		
Interest on Assumed Debt of States		$6,090,561		
Interest on Balance Owed to States		$703,517		

Total Interest		$18,192,396		
Total Domestic Debt			$63,216,238	
Total Debt as of January 1, 1790:				$75,414,428

Source: *American State Papers*, Finance Series, Volume 1, 4th Congress, 2nd Session, House Doc. # 106 "*Public Debt,"* Pages 481 – 483.

Note 2: It appears that the number given within the Report for payment of public lands ($969,015.44) transposed the numbers 0 and (the second) 9 (as well as off by $.10). The number shown above ($960,915.34) is corrected from that actually listed in the report ($969,015.44) by deducting $8,100.10.

The chart above represents the "liquidated" debt of the United States; "liquidated" meaning that debt which the United States expressly acknowledged and for which liquidation (payment) was now being expressly provided. This liquidated debt consisted of loans (principal and interest) and debts (owed on the back-payment for goods previously supplied or services previously performed which remained unpaid) which would therefore now begin to be repaid.

Treasury Secretary Hamilton did not record in his January report the yet-unpaid $231,552,775 bills of credit, but estimated their current (specie) value to be approximately $2,000,000 (i.e., less than one penny on the dollar).

This currency would therefore be part of the "unliquidated" portion of the domestic debt yet owing for which no funds were then being recommended in Hamilton's 1790 House Report for its eventual liquidation. This unliquidated sum would therefore be in addition to the $75 million stated above.

That Hamilton did not recommend *anything* to be paid on these debts (upon which had been pledged on the "faith" of the United States) in his report is of even greater significance when one considers that the United States assumed the individual State war debts (debts for which they were not ever made collectively liable).

When Congress passed the August 4, 1790 legislative act, Congress provided to pay the bills of credit at the rate of "one hundred dollars in the said bills, for one dollar in specie". Volume I, *Statutes at Large*, Page 138 (Section 3)

Though in 1790, provision was finally made to pay one penny on the dollar for the bills of credit earlier emitted, at the time of the constitutional convention in 1787, the paper currency had no verifiable market value whatsoever.

When the theoretical value of hundreds of millions of dollars of a security is lost, this tends to create a lasting effect in the minds of all who suffered through the loss, including once-

The *liquidated* debts were those which the United States formally acknowledged and were implementing the means to liquidate—to pay off.

Not included within that dollar figure were an additional $231,500,000 worth of unliquidated debt—which consisted of continental Bills of Credit emitted by the Second Continental Congress, between 1775 and 1779.[300]

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wealthy people who tend to get involved in politics or who are otherwise influential with politicians.

300

Statement of Emissions of Continental Currency			
	Journals of the Continental Congress		Amount of Currency Authorized
Date of Authorization	Vol. #	Page #	
June 22, 1775	2	103	$2,000,000.00
July 25, 1775	2	207	$1,000,000.00
November 29, 1775	3	390	$3,000,000.00
February 17, 1776	4	157	$4,000,000.00
May 9, 1776	4	339	$5,000,000.00
July 22 & August 13, 1776	5	599, 651	$5,000,000.00
November 2 & December 28, 1776	6	918, 1047	$5,000,000.00
February 26, 1777	7	161	$5,000,000.00
May 20, 1777	7	373	$5,000,000.00
August 15, 1777	8	646	$1,000,000.00
November 7, 1777	9	873	$1,000,000.00
December 3, 1777	9	993	$1,000,000.00
January 8, 1778	10	28	$1,000,000.00
January 22, 1778	10	82	$2,000,000.00
February 16, 1778	10	174	$2,000,000.00

March 5, 1778	10	223	$2,000,000.00
April 4, 1778	10	309	$1,000,000.00
April 11, 1778	10	337	$5,000,000.00
April 18, 1778	10	365	$500,000.00
May 22, 1778	11	524	$5,000,000.00
June 20, 1778	11	627	$5,000,000.00
July 30,1778	11	731	$5,000,000.00
September 5, 1778	12	884	$5,000,000.00
September 26, 1778	12	962	$10,000,100.00
November 4, 1778	12	1100	$10,000,100.00
December 14, 1778	12	1218	$10,000,100.00
January 14 & May 7, 1779	13/ 14	64/ 557	$50,000,400.00
February 3, 1779	13	139	$5,000,160.00
February 19, 1779	13	209	$5,000,160.00
April 1, 1779	13	408	$5,000,160.00
May 5, 1779	14	548	$10,000,100.00
June 4, 1779	14	687	$10,000,100.00
July 17, 1779	14	848	$5,000,180.00
July 17, 1779	14	848	$10,000,100.00
September 17, 1779	15	1076	$5,000,180.00
September 17, 1779	15	1076	$10,000,080.00
October 14, 1779	15	1171	$5,000,180.00
November 17, 1779	15	1285	$5,000,040.00
November 17, 1779	15	1285	$5,050,500.00
November 29, 1779	15	1324	$10,000,140.00
			$241,552,780.00

Actual*: $231,552,775

Members of Congress in 1790 treated Continental Currency *separately* from loans and other certificates of indebtedness. But in Section 3 of the 1790 Act, Congress did yet make accommodation to pay these Bills of Credit, at the rate of "one hundred dollars of the said bills, for one dollar in specie," or a penny-on-the-dollar.[3011]

That over-emitted paper currency was ultimately honored at 1/100th of its stated face value perhaps gives Americans a glimpse today of what we may proportionally expect in our own future.

Of course, $230 million in paper claims in 1790 is infinitesimal as compared with $35 trillion in acknowledged debts owing today, the latter figure being a spectacular 152,000-fold increase.

Sadly, this $35 trillion only represents *current debts*, not included are several hundred trillion dollars' worth of unfunded liabilities already

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*Note: On January 2, 1779, the Continental Congress, due to excessive counterfeiting of certain issues by "our enemies at New York", ordered the emissions of May 20, 1777 ($5 million) and of April 11, 1778 ($5 million) taken out of circulation and destroyed (13 *Journals of the Continental Congress*, pp. 21, 22).

Out of the $50,000,400 originally authorized to be emitted on January 14, 1779 (see also May 7, 1779), $10 million was for "replacement" of the said recalled emissions and $5 was not ever emitted (see the May 7, 1779 Resolution [14 *Journal* 553 @557], due to a change in denominations authorized) (so $10,000,000 needs to be deducted, plus the other $5.00 never admitted, due to a change in denominations).

Total authorization of emissions of standard bills of credit under the Second Continental Congress therefore amounted to $231,552,775.

Source: House Document # 839 "*Amount of Continental Money Issued during the Revolutionary War*..." 20th Congress, 1st Session, *American State Papers*, Finance Series, Volume 5, pg. 763 @ 764. 1828.

[301] Volume 1, *Statutes at Large*, Page 138 @ 140, (I *Stat.* 138 @ 140) Section 3. 1790, August 4.

https://archive.org/details/usstat/001_statutes_at_large/page/n259/mode/2up?view=theater

promised but not yet due, from sources such as Social Security, Medicare and federal pensions.

When government extends far more promises than it has credit to pay, at some point something must give, and every day we step ever-closer to that dangerous precipice.

That said, Americans yet have ample opportunity for a spectacular future, if we return to honest and open government, carrying out only its named powers using necessary and proper means.

The second clause of Article VI details:

> "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

The *Supremacy Clause* directs that the U.S. Constitution is and shall be the supreme Law of the Land, that binds the several States, through their judges.

It also gives that same supremacy designation to all laws of Congress which "shall be made in Pursuance" of the Constitution, as it similarly holds all treaties made under the Authority of the United States.

While many conservatives place great emphasis on the wording "made in Pursuance thereof"—implying that the laws which don't seem to be readily "made in pursuance" therefore *aren't and even cannot be* laws of the United States—cleverly this is not how federal scoundrels pull off their spectacular political coup, of doing as they please.

Patriots have yet to learn the simple fact that Article I, Section 8, Clause 17 is necessarily *part* of "This Constitution," and therefore, even congressional laws enacted under *Clause 17 still conform to the simple requirement of being enacted "in pursuance" of the Constitution!*

The ultimate remedy is consequently all about understanding this simple fact and then consistently opposing that false extension of allowed special powers beyond directly-allowable boundaries.

Indeed, look at the groundwork the U.S. Supreme Court laid out in 1821, before new justices later ratcheted things up another notch, in 1871.

In 1821 *Cohens v. Virginia,* Chief Justice John Marshall ever-so-carefully rested his self-serving conclusion upon an undeniable fact, when he stated:

> "The clause which gives exclusive jurisdiction is, unquestionably, a part of the Constitution, *and, as such, binds all the United States*."[302]

The next words explain his deviousness a little more, when the Chief Justice wrote:

> "Those who contend that acts of Congress, made in pursuance of this power, do not, like acts made in pursuance of other powers, *bind the nation* ought to show some safe and clear rule which shall support this construction, and prove that an act of Congress, clothed in all the forms which attend other legislative acts and passed in virtue of a power conferred on, and exercised by Congress as the legislature of the Union, is not a law of the United States and does not bind them."[303]

By this clever passage, the Supreme Court informed those paying sufficient attention *that given the availability of using one of two opposing political standards*—one being the necessary and proper means for implementing the named federal powers directly throughout the Union, and two, using instead the inherent discretion to do anything and everything members wanted for the District Seat (except as expressly

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[302] *Cohens v. Virginia,* Volume 19, *U.S. Reports*, Page 264 @ 424 (19 U.S. 264 @ 424). 1821.

https://supreme.justia.com/cases/federal/us/19/264/. Italics added.

[303] *Ibid.*, 424-425. Italics added.

prohibited)—defendants outside of exclusive legislation parcels must overtly show how and why the latter option isn't the appropriate standard to use given their situation.

In other words, failure to overtly hold the federal government to the first standard, *means that federal servants will get away with pursuing the second available standard*.

But, how do they pull that off, so easily, one may ask?

Well, it got substantially easier in 1871, when the U.S. Supreme Court made the latter position the default standard, whenever defendants didn't overtly object.

The 1871 Supreme Court added new deceit to their earlier foundation of lies, dreadfully using Article VI, Clause 3 itself in the process, turned on its head, to further their tyrannical quest for unlimited power.

First of all, Article VI covers the oaths required of all government servants—beyond the President, who is earlier given his own special oath—as Clause 3 details:

> "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

In the 1871 *Legal Tender Cases* opinion—which was the first federal case to surreptitiously uphold paper currencies as legal tender (only in the District Seat)—the Supreme Court wrote that they would give Congress the benefit of the doubt, that members' actions were honorable and legitimate, *precisely because of their sworn oaths*. Note these scheming words:

> "A decent respect for a co-ordinate branch of the government *demands that the judiciary should presume, until the contrary is clearly shown, that there has been no transgression of*

> *power by Congress*—all the members of which *act under the obligation of an oath of fidelity to the Constitution*."[304]

This passage informs Patriots that federal judges will thereafter presume members of Congress are acting honorably until proven otherwise, precisely because each member has already sworn a binding oath to support the Constitution, which prevents them from ever actually contradicting it.

But Patriots ignore to their peril the central fact that the 17th clause of the eighth section of the first article is yet part of "This Constitution."

Therefore, exclusive-legislation laws enacted in pursuance of Clause 17 *are still enacted in pursuance of the Constitution*, even as exclusive legislation matters have nothing to do with the normal powers members of Congress may directly exercise everywhere in the whole Union.

Ultimately, even the peculiar exception to the normal rules is one of the listed rules of the Constitution--*therefore federal servants don't break their oaths to support the Constitution even when they're working within the Constitution's unusual exception*.

The presumption of legitimacy detailed in 1871 means that until defendants clearly show that federal servants are misusing an allowed special power beyond allowable boundaries, *the court will bind defendants by their ignorance*, whether those defendants are sovereign States of the American Union or individual State citizens.

Because 90 or 95% of all federal action today is authorized and authorizable *only* under the exclusive legislation authority of Congress for the District Seat, once *We the People* finally wake up and begin to overcome 150 years of presumptive legitimacy, we may finally cast off draconian federal actions.

Remember, over 200 years ago, in 1821, the Supreme Court laid out the standard, that all those "who contend that acts of Congress, made in pursuance" of Clause 17-based exclusive-legislation power "do not, like

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[304] *The Legal Tender Cases*, 79 U.S. 457 @ 531, 1871. Italics added.

acts made in pursuance of other powers, bind the nation," *must clearly "show" the "safe and clear rule" which supports their "construction!"*

In federal courts, Patriots are required to *prove that an exclusive-legislation Act of Congress*, "clothed in all the forms which attend other legislative acts and passed in virtue of a power conferred on, and exercised by Congress as the legislature of the Union, *is not a law of the United States" and therefore "does not bind"* the States or their citizens.[305]

Thankfully, this standard isn't as difficult as one might first think, but one must understand clearly what is going on, and, in every case, combat the false extension of allowed special powers, beyond allowable boundaries.

The best way back to our founding principles is to study them intently, so they may be applied consistently, making mental note of all contradictions that serve as a trail of evidence to follow at the appropriate time.

One of the biggest morsels of evidence to follow is the odd oath members of Congress curiously began swearing in 1863, to "well and faithfully discharge the *office* on which [they were] about to enter, so help [them] God," even as the new 1862 legislation nowhere ever applied this new oath to members of Congress, instead, only to federal officers.[306]

Recall from Lesson 04, that in conformance with Article VI, that the very first Act, of the very first Session, of the very first Congress, in 1789, created the simple, 14-word oath to "support" the Constitution, that served the United States well, for 74 years.[307]

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[305] *Cohens v. Virginia,* 19 U.S. 264 @ 424-425. 1821. https://supreme.justia.com/cases/federal/us/19/264/., 424-425.

[306] 12 *Stat.* 502. 1862, July 2. https://www.govinfo.gov/content/pkg/STATUTE-12/pdf/STATUTE-12-Pg502-2.pdf

[307] 1 *Stat.* 23. 1789, June 1.

Whatever is the *office* that members of Congress have since 1863 entered, it is not, was not, and cannot ever be, an office *of or under the United States*. For, if it were, then those members of Congress holding that "office" would be thereby constitutionally barred by Article I, Section 6, Clause 2, from their legislative seats.

Since American government would soon end—because no appropriations could be made, no laws could be enacted, nor officers confirmed—Americans know that the "office" referred to in members' oaths, is not and cannot be, an office of the United States or an office under the United States.

The only "office" to which members of Congress could reasonably swear an oath to support—without violating Article I, Section 6 (which says that "no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office")—would have to be under the exclusive legislation authority for the District Seat.

The "office" which members of Congress have sworn to "well and faithfully discharge" during 160 years of steady political decline, must ultimately lie within and under the District of Columbia, where federal servants may allowably misbehave as intolerable political monsters and get away with it.

Only under the exclusive legislation authority of Congress for the District Seat may federal servants who swear an oath to support the Constitution yet redefine words and reinterpret phrases found in the Constitution and give them new meaning, but only for D.C. and other exclusive-legislation parcels.

The idea that federal servants may on their own accord change their delegated federal powers for the whole Union is the most ridiculous work of fiction ever told.

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https://www.govinfo.gov/content/pkg/STATUTE-1/pdf/STATUTE-1-Pg23.pdf

This fabricated boast rests upon the absurd premise that the mandatory oath isn't simultaneously binding—that those who have signified their required subservience to the Constitution may yet overrule it.

Devious federal servants only twist their oath, to hold it as proof of their authorization, since they may never actually supersede their true authority.

There is a way back to individual liberty and limited government, but until the American States propose and ratify an amendment to clarify matters, permanently and in every case, Patriots must, in a clear and consistent fashion, call out the false extension of allowed special powers, beyond allowable places, in each individual case.

Article VI lastly prohibits religious tests of all federal officers and those holding a public trust under the United States, placing a firm divide between church and State, to prevent giving the former, the powers of the latter (even as the early States often had religious tests).

Next up: Finishing up the Patriot Corps' Constitution 101 Program Course, with Lesson 28, as we examine Article VII and the ratification process.

Lesson 28: Article VII

Ratification

Welcome to the final lesson of the Patriot Corps *Learn The Constitution* Program Course, which Lesson #28 covers the ratification process.

The first clause of Article VII details that:

> "The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same."

While the consent of *nine* States stands out, even more important is the passage "between the States so ratifying the Same."

This critical phrase confirms that the enumerated federal powers couldn't be taken from any State—dividing governing authority into designated federal powers and reserved State powers—but by each State's own explicit and formal approval.

All governing powers remained within each State severally and individually, until that State voluntarily ceded the delineated federal powers that are found named in the written Constitution and knowingly gave them over to the Union of States meeting under the Constitution.

Which makes the irrational theory even more absurd, that federal servants could ever—on their own accord—exercise greater powers (directly, throughout the Union), than given by the States.

The lie believed by Americans the nation over—that relies upon the fictional story that members of Congress and federal officials have, for the whole Union, grabbed additional power and are able to act as all-powerful wizards and magical genies directly throughout the whole Union—is *The Most Preposterous Lie Ever Told.*

In accordance with Article VII, separate ratification conventions took place in each of the 13 original States, on their own time tables, with Delaware being the first State to ratify the proposed U.S. Constitution, on December 7th, 1787.[308]

On July 2nd, 1788, Congress under the Confederation received word that New Hampshire had become the ninth State to ratify the U.S. Constitution, which triggered the establishment clause.

The same day, Congress resolved to establish a committee:

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[308] Order of Ratification and Date:

1.	Delaware.	1787, December 7.
2.	Pennsylvania.	1787, December 12.
3.	New Jersey.	1787, December 18.
4.	Georgia.	1788, January 2.
5.	Connecticut.	1788, January 9.
6.	Massachusetts.	1788, February 6.
7.	Maryland.	1788, April 28.
8.	South Carolina.	1788, May 23.
9.	New Hampshire	1788, June 21.
10.	Virginia.	1788, June 25.
11.	New York.	1788, July 26.
12.	North Carolina.	1789, November 21.
13.	Rhode Island.	1790, May 29.

> "to examine the same and report…to Congress for putting the said constitution into operation in pursuance of the resolutions of the late federal Convention."[309]

On September 13th, 1788, the delegates of the Confederation Congress took their final overt steps needed to establish government under the Constitution, by resolving:

> "That the first Wednesday of [January] next be the day for appointing Electors in the several states, *which before the said day shall have ratified the said constitution;*
>
> "that the first Wednesday in [February] next be the day for the electors to assemble in their respective States and vote for a president; and
>
> "that the first Wednesday in March next be the time and the present seat of Congress the place for commencing proceedings under the said constitution."[310]

The Preamble to the Bill of Rights confirms that Congress under the Constitution was "begun and held at the City of New-York, on Wednesday the Fourth of March, one thousand seven hundred and eighty nine," even if needed quorums didn't form in the House of Representatives until April 1st and April 6th in the Senate.

Between the ninth ratification and the time when the States actually met together in Congress, two more States—Virginia and New York—had also ratified the Constitution.

In the spring of 1789, those 11 ratifying States sent their U.S. Representatives and U.S. Senators to begin meeting in Congress in New York.

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309 https://tile.loc.gov/storage-services/service/ll/llscd/lljc034/lljc034.pdf (pages 281-282).

310 *Ibid.*, 1788, September 15. Page 304. Italics added.

See also the 1787 convention resolution of September 17th:

https://tile.loc.gov/storage-services/service/ll/llscd/llfr002/llfr002.pdf (Page 665)

But *only those 11 ratifying States began meeting* in March—North Carolina and Rhode Island significantly were left to themselves, as independent nation-States, since the Articles of Confederation were no longer operational and no one else could speak for either State (besides each State, individually).

While there are many advocates of the idea today, that fighting off the British produced but one people, the Union of 11 States in March of 1789 proves otherwise. "The United States" had and has literal meaning, then and now, as the States united together—once loosely under the Continental Congress, then more formally under the Articles of Confederation, and now under the Constitution—where the delegates of the States (now called Representatives and Senators) assemble together in a meeting and issue resolutions or enact law according to their delegated powers.

Any States outside of that Union not meeting in Congress aren't part of the Union, and the laws of the Union don't extend into those foreign States.

In other words, these United States of America are first and foremost a collection of individual States otherwise sovereign in the reserved powers, who gave but named powers over to their delegates, to exercise collectively and accordingly.

The July 31st, 1789 Act which regulated the collection of duties, noted—that since "The States of Rhode Island and Providence Plantations, and North Carolina, have not as yet ratified the present Constitution of the United States"—that this Act "*doth not extend to the collecting of duties within either of the said two States*."[311]

And, Section 39 of that Act additionally said:

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[311] 1789, July 1. Volume 1, *Statutes at Large*, Page 29 @ 48, Section 38. (1 *Stat.* 29 @ 48).

https://www.govinfo.gov/content/pkg/STATUTE-1/pdf/STATUTE-1-Pg29.pdf

> "That all goods, wares and merchandise not of their own growth or manufacture, which shall be imported from either of the said two States of Rhode Island and Providence Plantations, or North Carolina, into any other port or place within the limits of the United States…shall be subject to the like duties, seizures and forfeitures, *as goods, wares or merchandise imported from any State or country without the said limits.*"[312]

In 1789, North Carolina and Rhode Island were treated as they were—*outside* the limits of the United States and foreign to them.

Neither North Carolina nor Rhode Island could ship externally-grown or externally-produced foreign products into the United States (then the Union of 11 States), without paying import duties, as required of foreign countries (even as the domestic goods of those two States were given a [temporary] free pass, to give the two States additional time to settle negotiations for entering the Union themselves).

It wasn't until November 21st, 1789 that North Carolina finally approved the U.S. Constitution—and May 29th, 1790, for Rhode Island—when the final two States came into the Union of States under the Constitution, and were able to send their Representatives and Senators to meet in Congress.

Only after North Carolina and Rhode Island individually ratified the U.S. Constitution did Congress extend the laws of the United States into those two States—February 8th, 1790 for North Carolina and June 14th, for Rhode Island.[313]

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312 *Ibid*. Section 39.

313 1790, February 8. 1 *Stat*. 99. North Carolina.
https://www.govinfo.gov/content/pkg/STATUTE-1/pdf/STATUTE-1-Pg99.pdf
1790, June 14. 1 Stat. 126. Rhode Island.
https://www.govinfo.gov/content/pkg/STATUTE-1/pdf/STATUTE-1-Pg126-3.pdf

Ending the originally-ratified Constitution—except for additional signatures—the second clause of Article VII reads:

> "Done in Convention by the Unanimous Consent of the States present, the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth.
>
> In witness whereof We have hereunto subscribed our Names,
>
> [George] Washington—[President] and deputy from Virginia…"

While the draft of the U.S. Constitution was "Done in Convention by the Unanimous Consent of the States present" on September 17th, 1787, the key word here is "present."

Rhode Island never attended the 1787 Constitutional Convention, and New York was absent after July 10th, when New York delegates John Lansing, Junior, and Robert Yates left the convention. These two honorable men felt their fellow delegates had gone beyond what New York's commission allowed (which was merely to *revise* the Articles of Confederation, not to create a draft for a new form of government).[314]

New York delegate Alexander Hamilton remained behind at the convention, to contribute towards discussions, but couldn't vote, since New York was no longer present in a quorum, with at least two of its three appointed delegates.[315]

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[314] *Elliott's Debates*, Volume 1, Page 480-482. Robert Yates and John Lansing, Junior, letter to New York, on reasons for leaving the convention.

https://tile.loc.gov/storage-services/service/ll/llscd/lled001/lled001.pdf

[315] *"Resolved*, that the Honorable Robert Yates, John Lansing, junior, and Alexander Hamilton, Esquires, be, and they are hereby declared duly nominated and appointed Delegates on the part of this State, to meet such Delegates as may be appointed on the part of the other States respectively, on the second Tuesday in May next, at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress, and to the several Legislatures, such alterations and provisions therein, as shall when agreed to in Congress, and confirmed by the several States, render the fœderal [sic

While Hamilton signed his name to the final product, he wasn't speaking for his absent State—his signature only meant that he individually attested to the fact that the (11) states that were present on September 17th, unanimously consented to the final draft of the Constitution.

Virginia delegates George Mason and Edmund Randolph—and Elbridge Gerry of Massachusetts—famously refused to sign, even only as witnesses attesting to the unanimous consent of the States present.

During the Virginia ratification debates, Randolph however switched course and advocated for the Constitution, believing that ratifying the Constitution as proposed and then seeking to add a Bill of Rights would be the best route for moving forward.

After ten amendments were ratified in 1791, Mason—who rather infamously commented during the convention on August 31st that he "would sooner chop off his right hand than put it to the Constitution as it now stands"—dropped most of his objections, which largely remained against the judiciary.[316]

Maryland delegate Luther Martin left the convention on September 3rd, to protest the Constitution's tendencies toward federal dominance. John Francis Mercer also left prematurely, even as he didn't arrive until August 6th.

Lastly, Patrick Henry, of "Give me Liberty or Give me Death" fame, is famous for declining attendance at the convention as a delegate,

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]Constitution adequate to the exigencies of government, and the preservation of the Union."

1787, March 6 (also, February 28th).

https://founders.archives.gov/documents/Hamilton/01-04-02-0047

See also:

https://www.consource.org/document/convention-delegates-credentials-1787/

316 https://avalon.law.yale.edu/18th_century/debates_831.asp

reportedly because he "smelt a rat" (to consolidate government, rather than simply revise the Articles as called).[317]

While no State could ever be initially forced to give up a portion of its governing authority, that doesn't mean that once they agreed to come under the Constitution's terms, that the initially-named federal powers couldn't change over time, through the Article V amendment process, *without* every State's explicit approval, since normal ratification of amendments takes only three-fourths of the States.

Amendments ratified but by three-fourths of the States still bind all the States, except on the question of equal suffrage in the Senate, which would require unanimity, since no State may be forced to give up its equal suffrage therein.

The Article VII notation, that the Constitution was proposed in the 12th year of independence, relates back to the founding of the several States, by their unanimous declaration of July 4th, 1776.

The phrase "In the Year of our Lord one thousand seven hundred and Eighty seven" points—as do all Gregorian-based calendar years—to the birth of our Lord and Savior, Jesus Christ.

With eventual ratification by all 13 of the original States, any arguments against ratification of the Constitution by only nine States—resting upon the argument that the Articles of Confederation required unanimous consent to change—became moot.

Yes, the Articles required unanimity for any change—whereas the Constitution requires (after initial establishment) only three-fourths, under normal circumstances.

But, with over 11,000 amendment proposals since 1789 yet only 27 amendments ratified, the track record of being yet able to change the Constitution, but with precious few bad amendments, is quite good.

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317 https://www.archives.gov/founding-docs/more-perfect-union

One must realize that the primary drawback to the Articles of Confederation was that it required unanimity to change *anything*, which would be beneficial only if it had been flawlessly instituted in the first place.

With only one holdout—typically Rhode Island (often known as "Rogue Island")—never could even the remaining 12 States change anything.

The Articles' strict rigidity ultimately caused its own downfall, because it is as impractical to expect something won't ever need to be changed as it is likely that there would be unanimity of action for any large group (indeed, look at divorce rates involving only two people).

If the Confederation could have been changed even by 12 of the 13 States, it would have likely been flexible enough to stave off its own extinction.

But, the real problem confronting the United States today isn't *legitimate* change under the Amendment process (even as there are several harmful amendments), but instead the peculiar ability of members of Congress and federal officials to ignore or bypass their normal constitutional parameters, with impunity.

Which means that as Patriots learn what is actually going on, we may learn to cast off *The Make-Believe Rule of Paper Tyrants* who falsely proclaim magical powers, because there's no magic, instead only masterful deception, expertly performed.

While Lesson 28 officially concludes the Patriot Corps' *LearnTheConstitution* Program Course, please stay tuned for two bonus lessons. The first offers a summation of the most important points covered in the program to date, and the final lesson provides a peek into our future and a brief look at the Patriot Corps ROAR-Path—the *Pathway to Restore Our American Republic*, outside the election process.

Lesson 29: Summation

Welcome to the Summation Lesson of the Patriot Corps *Learn TheConstitution* Program Course, which provides Lesson highlights.

When the several States of the American Union individually chose to ratify the U.S. Constitution, they gave named federal powers to Congress, the President and the Article III courts, but reserved the remainder of allowable governing powers to themselves (except for a few prohibited powers, which were reserved to the people).

No State could be forced against its will, to give up its share of powers as enumerated, as amply proved by North Carolina and Rhode Island remaining outside the Union as the other 11 of the 13 original States began meeting under the new Constitution in the spring of 1789.

Not until these final two States individually chose to also ratify the U.S. Constitution, were the named powers within those two remaining States also transferred.

Article V of the U.S. Constitution specifies the formal process for changing the allowed federal powers that federal servants may directly exercise everywhere in the Union. The process begins whenever two-thirds of both Houses agree to send a formal proposal to the States for consideration. Alternatively, two-thirds of the States may call for a convention, to propose amendments, which bypasses Congress.

When three-fourths of the several States individually ratify a formally-proposed amendment, it becomes valid to all intents and purposes, as part of the Constitution, unless seeking to sever equal suffrage in the Senate (which would require unanimity).

The States meet together annually in an assembly called "Congress," which is but the meeting of the delegates of the States, who are called Representatives and Senators.

Never may delegates or agents override their principals—the States—except by the latter's default, and then, only illegitimately and temporarily, until the States stand up and again be counted.

Congress is not an *entity* or *branch* of the United States, or the Preamble to the Bill of Rights wouldn't make sense, since it begins:

> "Congress of the United States, *begun and held* at the City of New-York, on Wednesday the Fourth of March, one thousand seven hundred and Eighty nine."

Indeed, *entities* and *branches* may never be "held."

For the Preamble to the Bill of Rights to make sense, as it must, *Congress* must be understood as the *meeting* of the several States, who assemble together through their elected delegates, in order to enact laws and pass resolutions, according to their delegated powers.

Congress is not an *entity* apart from the States, superior to them, as widely thought. Instead, members of Congress are merely the delegates of the States who send them, as the States remain the principals, who decide amongst themselves what powers the delegates meeting together may exercise.

There is also no "United States" as the Constitution understands the term, which is separate from the States of the American Union, just as there is never any separately-existing family unit, apart from the individuals who happen to comprise it.

The term "the United States"—under the Constitution— is always a *plural* term, referring literally to the States united together in common Union. For example, the constitutional definition of "Treason *against the*

United States"—found in Article III, Section 3—perhaps best illustrates this truth, defined therein as "levying War against *them*, or in adhering to *their* Enemies," giving those enemies "Aid and Comfort."

Use of the plural pronoun *them* and possessive plural pronoun *their*—in Article III, to refer back to *"the United States"*—confirms the plural understanding of the term.

Never may the chosen delegates or appointed agents change the compact which empowers them to exercise named powers using necessary and proper means.

Nothing done by chosen delegates or appointed agents may ever change the Constitution or the allowed powers they may everywhere in the Union directly exercise.

The remainder of legislative powers beyond those named in the written Constitution are reserved unto the several States of the American Union, or to the people thereof, as expressly detailed in the Tenth Amendment.

There is a Wall of Separation between members of Congress who enact law according to their delegated powers, and the federal officers of the executive or judicial branches who carry out that law, or adjudicate cases or controversies, according to law, as the case may be.

The executive power is vested or fixed in the President of the United States and the judicial power is vested in one Supreme Court and in such inferior courts as the Congress shall from time-to-time ordain and establish.

The executive power is the power to execute or administer the laws enacted by Congress, carrying them into effect and enforcing them.

The judicial power adjudicates cases and controversies in order to settle such matters according to established law, applying the laws to the particular facts involved in each situation (or, if one prefers, holding the facts of a particular case or controversy, up to established laws and principles).

While members of Congress are granted named legislative *powers*, the President vested with the executive *power* and the courts vested with the judicial *power*, *rights* belong only to created man.

Government is instituted by man, our Declaration of Independence tells us, to secure our unalienable rights, not to become their biggest threat, or pilfer them unto itself in order to meter them out as but revocable privileges. The false argument that man-made government yet has *rights* inherent to it, is antithetical to the American concept of government, which grants government but named *powers*, to secure man's rights.

Over half of the words of the originally-ratified Constitution speak to the legislative powers given members of Congress, less than a quarter of the words speak to the President's executive power, and less than one-tenth of the words speak to the judicial power given the courts.

The false concept of "co-equal" powers—between Congress, the President and the courts—falsely holds that the *more* the Constitution speaks to the individual powers, the greater it *dilutes* them.

Indeed, if the Court has power co-equal with Congress, then Article III could have ended after the first 30 of its current 377 words, and still been equal with the Constitution's 2,268 words found in Article I, relating to the legislative powers vested in Congress.

But the Constitution instead spends so much time on the legislative powers vested in Congress because only U.S. Senators and U.S. Representatives represent the individual States of the American Union and speak for those States, in the group meeting.

The States intentionally concentrated federal powers in Congress, by express constitutional design, because members are the State's chosen delegates, who meet together with delegates from other States, for common concerns, as named.

In stark contrast, the hired guns—that elected Presidents from time to time appoint in the executive and judicial branches—merely carry out the laws enacted by the States' *chosen delegates* who operate under the established authority of the principals of the constitutional compact.

These federal officers in the executive and judicial branches never represent the States.

The States are *equally* represented in the U.S. Senate, with two Senators each, no matter the State's size, importance, wealth, or population.

Each State is *proportionally* represented in the House of Representatives, relative to its population, as compared with the population of the whole.

Members of Congress are, by Article I, Section 6, Clause 2, constitutionally-barred from ever simultaneously holding an *office* under the authority of the United States, as *offices* relate to the executive and judicial branches.

While the Speaker of the House and the President Pro Tempore of the Senate are legislative *officers*, to that extent, they don't vote, except to break a tie.

The other House and Senate officers—such as the clerk, sergeant at arms or chaplain—aren't even members of Congress. If the remainder of members were officers, then neither could they vote, because *voting* isn't what *officers* do, it's what *members* do.

Yet since 1863, members of Congress have oddly been swearing an oath not only to support the Constitution—as they are constitutionally-required by Article VI and have always done—but they also have since 1863 been swearing to "well and faithfully discharge *the office"* on which they are about to enter.

If that "office" was actually *under* "the United States," however, *then the Constitution would thereby bar them from their legislative seats!*

Since government hasn't ended—because appropriations are still being made, laws are yet enacted, and civil officers are being confirmed—then that *office* which members now swear to faithfully discharge absolutely cannot be under "the United States," for if it were, then the Constitution would end government by barring every member of Congress who held an office of the United States.

The *office* to which members of Congress enter, must therefore necessarily be an office located *apart from* or *outside* "the United States," as the Constitution understands the term—*like an office under the exclusive legislation authority of Congress for D.C.*

Americans today face the same single political problem that the American colonists faced in 1766, only now implemented by federal servants, rather than British Parliament—that of self-professed political masters seeking to exercise governing power over us "in all Cases whatsoever."

In the turbulent decade from 1766 to 1776, the American colonists faced this oppressive claim of omnipotent power directly throughout the colonies. Since 1789, however, American citizens in reality legitimately face this tyrannical power only within exclusive-legislation areas, that aren't really *part* of "the United States" as the Constitution understands the term (which relate to the place or places where allowable governmental powers are *divided*, into named federal powers, and reserved State authority).

Federal servants who now seek to become all-powerful political masters, have simply found the devious means to extend the special exclusive-legislation authority *beyond allowable boundaries*, because Americans aren't paying sufficient attention to the only thing that matters (what's going on, behind the curtain).

All of federal authority beyond the spirit of the Constitution, is legitimate only for exclusive federal areas, ceded by particular States, and accepted by Congress.

The idea that members of Congress need only write vague, far-reaching federal laws on topics otherwise well-within the reserved powers of the States—for the alphabet-agency federal bureaucrats to then write tens and hundreds of thousands of federal regulations to implement them, or so that the courts may legislate from the bench to iron out thousands of developing kinks—makes a mockery out of our Republican Form of Government and the concept and reality of the reserved powers of the States.

The words of the Declaration of Independence—speaking to the "multitude of New Offices" and the sending "hither" "swarms of Officers to harass" the people and "eat out their substance"—were used to refer to British actions that are nowhere near as invasive as now faced by every American every day.

The States intentionally made an appropriate legislative bottleneck when their delegates crafted Article I, Section 8, Clause 18, as they required members of Congress to make:

> "all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

When members of Congress are the appropriate *last* step in the legislative process—rather than merely the *first*—the inability of a relative few members to ever put out the volume of legislation needed to implement federal action on so many topics necessarily constrains congressional action towards the necessary and proper implementation of the named federal powers.

Political fires rage today, only because members of Congress currently set them by writing general, broad-based laws on a multitude of topics *and then walk away*.

Of course, federal servants have long proclaimed the magical power to reinterpret words and phrases of the Constitution and give them new meaning, like the 1819 *McCulloch v. Maryland* Court, which proclaimed the magical power to redefine "necessary and proper" to mean but "convenient."

While the Court had no power whatsoever to change the meaning of that phrase for the whole Union, the justices did have the power to change the meaning of that phrase for the District of Columbia, where legislative representation doesn't exist.

The key *principle* of legislative representation as the fundamental principle of American law, requires all federal laws *on any topic* be

enacted *by Congress,* while the key *standard* for allowable congressional action is "necessary *and* proper" means to named ends.

Found within the Constitution, these principles cannot be changed by those elected or appointed to carry them into effect.

The idea that those who swear an oath to support the Constitution—which necessarily binds them to its terms—could then rise above that Constitution, and alter the meaning of its words and phrases, is utterly absurd.

The Constitution binds federal servants to support the Constitution as it reciprocally binds the States to follow the supreme Law of the Land, which phrase covers not only "This Constitution," but also all laws enacted "in Pursuance" of it, and treaties enacted under the authority of the United States.

If federal servants aren't however bound to follow the Constitution, then the States reciprocally cannot still be bound by inappropriate federal actions which aren't enacted in pursuance of the Constitution.

The Constitution confirms just how strong is this reciprocal binding, when it mentions indentured servants being *"bound to Service"* in Article I, Section 2, Clause 3.

And, when Article IV, Section 2, Clause 3 mentions that indentured servants and slaves were respectively *held* to *service or labor* by State laws, one realizes that the Constitution synonymously holds the terms "bound" and "held" to be equivalent.

Therefore, the degree to which indentured servants and slaves were bound and held by State laws in the 18th century to their service and labor, respectively, is the same degree to which federal servants remain in the 21st century bound and held to support the U.S. Constitution.

Just as slaves then weren't free to do as they pleased, federal servants today remain unable to do as they please, either, at least apart from their exclusive legislation authority for the District Seat, which is the only place

(besides exclusive legislation area forts and ports) where federal servants may become political masters.

The federal District Seat was allowed—by Article I, Section 8, Clause 17—to be created "by Cession of particular States, and the Acceptance of Congress." Once a particular State ceded a parcel of land for exclusive legislation purposes and Congress accepted it, then all governing powers thereafter legally transferred to the United States and became *united* in and under Congress.

Whereas ratification of the Constitution by the several States *divided* allowable governing powers in the United States into named federal powers and reserved State authority, all exclusive legislative governing powers in D.C. are *accumulated* and *consolidated* in Congress and never shared with any State of the Union.

All of government-gone-wrong traces back to this highly-unusual exception to all the normal rules of the Constitution, where the States have no say or authority whatsoever—where federal servants are or may become political masters.

The District Seat—not to exceed ten miles square (which is 100 square miles)—is, in the immortal words of Disney's Genie (of *Aladdin* fame), the *"itty-bitty living space"* where federal genies may truly exercise *"Phenomenal Cosmic Power."*

Without any State of the Union ever exercising any governing power therein, someone must in D.C. exercise all the powers that States elsewhere exercise, since no State may, by express constitutional prohibition. The Constitution acknowledges Congress to have that authority, to which particular States cede their particular parcels of land.

In D.C., members of Congress must make up their own State-like laws, as they go along, within their inherent discretion, because no State, State-like or District Constitution exists to guide them, in enacting exclusive legislation laws.

This special exclusive legislation authority of Congress for the District Seat is the basis for all of government-gone-wrong which Americans have

faced politically ever since the Constitution was ratified. Americans to their detriment only face an allowed special power, improperly extended beyond proper geographic boundaries.

The District of Columbia is indeed a very special place.

Recall from Article I, Sections 2 and 3, that only "States" of the Union elect U.S. Representatives and U.S. Senators. Realize also that the District of Columbia was created out of States, but is no longer a State or part of any State.

Therefore, District residents aren't represented in Congress, even as *legislative representation* is the fundamental building block of the Union, which the Declaration of Independence calls a right "inestimable" to the people—a right so important that its true importance cannot even be estimated.

Further, realize that the Tenth Amendment reserves unto the States—or the people thereof—all powers not delegated to Congress and the U.S. Government.

Well, when Maryland and Virginia ceded their respective parcels of land to Congress for the District Seat in 1791, they gave up—over those particular tracts of land—all the governing powers they had earlier reserved unto themselves, when they ratified the U.S. Constitution.

So, in D.C., there remains therefore no reserved State powers, for the Tenth Amendment to ever come into play!

Without *legislative representation* and without any reserved State powers, D.C. is truly a remarkable place, entirely devoid of State authority.

The Administrative State—the so-called *"Deep State*," of perpetual bureaucracies remaining behind even as the elected guard is changed every two, four or six years—is necessarily rooted in the exclusive legislation power of Congress for the District Seat, under Article I, Section 8, Clause 17.

Clause 17 is therefore like a magical genie lamp, but a lamp so powerful that it grants its masters *unlimited* wishes, not just three.

To support this claim, concentrate on the four-word phrase found therein—"in all Cases whatsoever."

On March 18th, 1766, British Parliament enacted their Declaratory Act, which proclaimed:

> "That the…King's majesty… had, hath, and of right ought to have, full power and authority to make laws…of sufficient force and validity to *bind* the colonies and people of America, subjects of the crown of Great Britain, *in all cases whatsoever."*

South Carolina's 1776 State Constitution adds that this draconian claim of inherent power to "bind" the American colonists "in all cases whatsoever," was done *"without the consent and against the will of the colonists*."

These four words—*in all cases whatsoever*—when found in our 1776 Declaration of Independence, ultimately summarize the *single* political problem the American colonists faced, in the trying decade between 1766 and 1776, as all the other injuries and usurpations found and listed in the Declaration of Independence are but symptoms of this singular political mindset, carried out in one injurious example after another.

The American colonists faced but *one* political problem over the turbulent decade from the 1766 British Declaratory Act until the 1776 American Declaration of Independence—government officials seeking to rule over them, absolutely, in all cases whatsoever.

On deeper examination, one discovers that Americans ultimately face the *same* fight today that our forefathers did at our nation's founding, as federal servants exercise draconian legislative powers "in all Cases whatsoever."

The only differences between then and now, regarding the exercise of this same absolute power, is that it is directly allowed today only for special federal areas not truly part of the Union of States (*where* governing powers are divided into named federal powers and reserved State authority)—instead of being directly exercised throughout all the

colonies, and also that our own federal servants now exercise them, instead of Great Britain.

This same special power is still being used against us without our consent and against our will, now only beyond allowable boundaries, behind our backs and under the cover of darkness, whereas before it was out in the open.

Federal servants have seized the same foul reins of absolute power, and they don't mean to let go, as long as they may hide what they are doing, so we don't know how to stop them.

Discovering the source of inherent federal political discretion—where federal servants may transform themselves into all-powerful political masters and where States have no say whatsoever—leads us to the question: How then did these scoundrels ever extend an allowed special power, beyond legitimate boundaries?

To answer that question, it is only necessary to examine the remaining 1% of the U.S. Constitution that is found in Article VI as the Supremacy Clause.

This is where Clause 2 simply says "This Constitution, and the Laws of the United States which shall be made in pursuance thereof…shall be the supreme Law of the Land," that bind the States, through their judges.

All that Chief Justice John Marshall had to do—to make American Presidents, Supreme Court Justices, and members of Congress appear to be all-powerful wizards and magical genies—was to hold, in 1821 *Cohens v. Virginia*—that even Article I, Section 8, Clause 17 is necessarily *part* of "This Constitution," which, of course, it is.

This simple holding allowed the final nail to be driven into the limited government coffin, because no one was paying appropriate attention.

The 1821 court ruling falsely implies that as congressional laws of the United States, enacted in pursuance of one of the clauses of *"This Constitution,"* that even exclusive-legislation laws enacted by Congress in pursuance of Clause 17 therefore *bind* the American States, *whenever*

Congress intends (which, it turns out, is whenever members can get away with it).

But 998 or 999 exclusive-legislation cases, out of a thousand, aren't actually *binding* on the States, except for State legislators' or officials' blind inability to see what they need to defend their sovereignty.

The *spirit* of the Constitution would prevent exclusive-legislation congressional laws from binding the States, so the States could exercise their reserved powers without improper federal interference.

But, the strictest letter of the Constitution appears to declare otherwise, as Article VI openly pronounces that laws enacted by Congress in pursuance of "This Constitution" are the "supreme Law of the Land" that bind the States, *since the Constitution nowhere contains a named exception to overtly exempt Clause 17 from the supremacy equation*.

But that strictest letter, would, in truth, bind the States, only in several inconsequential matters. The first case involves bypassing extradition for criminal suspects who allegedly broke exclusive-legislation congressional statutes but fled the jurisdiction, allowing federal marshals to chase them throughout the Union, directly. The other case is similar, involving escaped prisoners who had been incarcerated for breaking exclusive legislation criminal laws on exclusive legislation parcels, but then fled into the States, after breaking out of prison.

Only in these cases, or perhaps the smallest percentage of other similar peculiarities, would the supremacy clause sufficiently bind the States, to allow, in named circumstances, federal marshals to chase alleged suspects and escaped prisoners throughout the Union, instead of feds seeking extradition of State-captured federal suspects and escaped prisoners.

All of federal legislation beyond the spirit of the Constitution today necessarily traces back to and rests upon:

1. Chief Justice John Marshall's 1821 Supreme Court opinion *Cohens v. Virginia*, where he said that even Article I, Section 8, Clause 17 which details the exclusive legislation authority of Congress for the District Seat, is necessarily *part* of "This

Constitution" which Article VI openly declares to be the supreme Law of the Land that binds the States through their judges;

2. Chief Justice John Marshall's 1819 Supreme Court *McCulloch v. Maryland* opinion (on the constitutionality of the second bank of the United States) where he proclaimed the magical power to reinterpret words and phrases to mean something else (in this case, "necessary and proper" to mean only "convenient");
3. Chief Justice John Marshall's 1803 Supreme Court opinion *Marbury v. Madison*, where he proclaimed the magical power of the court for Judicial Review, "to say what the law is;"
4. Alexander Hamilton's 1791 Treasury Secretary's opinion on the constitutionality of the first bank of the United States, where he pointed out that Secretary of State Thomas Jefferson and Attorney General Edmund Randolph wholly ignored the exclusive legislation powers of Congress, which necessarily rested upon—
5. The exclusive legislation powers of Congress for the District Seat, under Article I, Section 8, Clause 17, of the Constitution for the United States of America, which is the same type of inherent power Hamilton had expressly sought at the 1787 Constitutional Convention, on June 18th, for the whole Union, but didn't get. It is important to note, however, that he did get the desired authority to do as members pleased, for the District of Columbia.

The exclusive legislation authority of Congress necessarily rests at the false base of all federal action that is beyond the spirit of the Constitution, because only it reaches to inherent discretion, limited only as members of Congress are expressly prohibited.

The 1871 *Legal Tender Cases* opinion confirms that federal judges will thereafter presume that members of Congress are acting honorably until

proven otherwise, precisely because members have already sworn binding oaths to support the Constitution, which means they are always subservient to it and can't actually contradict it.

Instead, they ignore or bypass normal constitutional parameters with impunity, *only as the Constitution allows itself to be ignored or bypassed*, which is only for special exclusive legislation areas, where federal servants may do as they please, limited only as they are expressly prohibited.

Ultimately, even the peculiar exception to the normal rules is one of the listed rules of the Constitution; *therefore federal servants don't break their oaths even when they're working within the Constitution's unusual exception*.

The presumption of legitimacy detailed in 1871 means that until defendants *clearly show* that federal servants are misusing an allowed special power beyond allowable boundaries, *the court will bind defendants by their ignorance*, whether those defendants are sovereign States of the American Union or individual State citizens.

Because some 95% of all federal action today is authorized and authorizable *only* under the exclusive legislation authority of Congress for the District Seat, once *We the People* finally wake up and begin to overcome a hundred and fifty years of presumptive legitimacy, we may finally cast off falsely-imposed draconian federal actions.

Remember, over 200 years ago, in 1821, the Supreme Court laid out the standard, that those "who contend that acts of Congress, made in pursuance" of Clause 17-based exclusive-legislation power "do not, like acts made in pursuance of other powers, bind the nation" must clearly *"show" the "safe and clear rule" which supports their "construction!"*

In federal courts, Patriots have long been required to prove, in the words of 1821 *Cohens v. Virginia, that an exclusive-legislation Act of Congress*, "clothed in all the forms which attend other legislative acts and passed in virtue of a power conferred on, and exercised by Congress as the

legislature of the Union, *is not a law of the United States" and therefore "does not bind"* the States or their citizens.

Like so many other things regarding the exclusive legislative powers of Congress for the District Seat, the principles of American government are here in this special place inverted, and one must prove that one doesn't come under that jurisdiction (for there is strong presumption that one does, and that exclusive legislation laws, regulations, orders and proclamations bind those who haven't proven they aren't subjects of that special enclave, of essentially-unlimited powers).

Given all this, how do American Patriots today go about Restoring Our American Republic, *Once and For All*, or even *Happily-Ever-After?*

Stay tuned as the next bonus lesson introduces the Patriot Corps *ROAR-Path!*

Lesson 30: The Patriot Corps ROAR-Path

Welcome to the bonus Lesson which concludes the *LearnTheConstitution* Program Course, as this Lesson provides a brief glimpse of the Patriot Corps *ROAR-Path*—the Patriot Corps' *Pathway to Restore Our American Republic*.

As this Program Course has shown—while 98% of the U.S. Constitution supports the *normal case* for allowable federal authority—the *abnormal* case of improper federal action that is beyond the *spirit* of the Constitution all necessarily rests upon the 1% of the Constitution that is found in Article I, Section 8, Clause 17 for the District of Columbia, because only Clause 17 reaches to inherent discretion.

And the false extension of that allowed special authority beyond allowable boundaries necessarily relies upon the strictest-construction of the final 1% of the Constitution which speaks to the supreme Law of the Land, under Article VI, Clause 2.

Because Article I, Section 8, Clause 17 is necessarily *part* of "This Constitution"—and because no express words of the Constitution currently exempt this clause from the supreme Law of the Land-wording found in Article VI—then the strictest *letter* of the Constitution appears to conclude that even exclusive-legislation laws enacted by Congress in pursuance of Clause 17 also bind the States against their will.

Or, at least that's what the Supreme Court has said happens, whenever Congress intends (which turns out to be, whenever States don't

adequately defend themselves against the false extension of allowed special powers beyond allowable boundaries).

But the *spirit* of the Constitution would hold otherwise, to keep the reserved powers of the States properly intact.

The truth of the matter is that if the States would properly defend their reserved powers against invalid encroachment by the exclusive legislative powers of Congress, seldom would the latter ever affect the former.

The 1871 *Legal Tender Cases* opinion confirms that federal judges—whenever defendants fail to raise and adequately support the fundamental issue ultimately facing them—will presume that members of Congress and federal servants are acting honorably and within their oaths, precisely because they swore a binding oath to support the Constitution (which prevents them from actually ever contradicting it).

But because exclusive legislation powers are yet one of the enumerated congressional powers found named within the Constitution—even as this special power is really only *for* special federal areas (where all governing powers have been *united* in Congress)—odd parameters develop, when devious federal servants seek to extend their special powers, *beyond* allowable boundaries.

Please realize that since even the peculiar exception is yet one of the listed rules—*then federal servants don't actually break their oath to support the Constitution, even when they're working within the Constitution's highly-unusual exception* for the District Seat—which has next to nothing to do with the remainder of the Constitution (and should have little to do, with the remainder of the country).

Americans are sadly confronted with *Laissez Faire Statism*—a *citizen-beware* type of government—where what one doesn't know, can and will inappropriately be used against them (because those who exercise federal powers, prefer to do as they please, rather than be *bound* to the necessary and proper implementation of their remaining named powers).

This presumption of legitimacy detailed in 1871 means that until defendants *clearly show* that federal servants' use of an allowed special

power *beyond* allowable boundaries doesn't bind them—because they're not on exclusive legislation parcels, or otherwise subject to that special jurisdiction—the courts will *bind* defendants with that special federal authority for D.C.

Remember, over 200 years ago, in 1821, the Supreme Court laid out the standard, that all those "who contend that acts of Congress, made in pursuance" of Clause 17-based exclusive-legislation power "do not, like acts made in pursuance of other powers, bind the nation," *ought to show the "safe and clear rule" which supports their contention!*

In federal court, defendants are required to prove that exclusive-legislation Acts of Congress, "clothed in all the forms which attend other legislative acts and passed in virtue of *a* power conferred on, and exercised by Congress as the legislature of the Union, is not a law of the United States" that is capable of *binding* those who refuse the false extension of allowed special powers, *beyond* allowable boundaries.

The only hitch here is that the currently-worded Constitution has no existing *safe and clear rule* which would clearly exempt Clause 17 from being part of the supreme Law of the Land (as Marshall well knew).

But, that doesn't mean today that we cannot simply *add* the needed but never-included rule, by proposing and ratifying a new constitutional amendment, to finally bring the *spirit* and *letter* of the Constitution into full harmony, including now even on this vital matter.

While the current *letter* of the Constitution appears to bind the States with exclusive legislative authority, the *spirit* certainly wouldn't.

Marshall placed the burden of proof on those who would assert that Clause 17 doesn't *bind* the nation, because the justices looked, but couldn't find any expressly-stated principle that clearly and permanently excludes Clause 17-based laws from *ever* being a part of the supreme Law of the Land. So, it's up to defendants, to argue the matter, in a case-by-case basis, showing that it doesn't apply in their situation.

Because Clause 17-based exclusive-legislation laws can and do bind the States in one or two cases, out of a thousand, means that for the present

time, defendants must in the other 998 or 999 cases clearly show, that their case isn't one of those precious few special instances where exclusive legislation laws do indeed *bind* the States or their citizens, even when fully defended.

Absent adequate argument otherwise, the Supreme Court will hold Clause 17-based exclusive legislation as part of the supreme Law of the Land, because Article VI clearly says that "This Constitution" and the laws enacted "in pursuance thereof" "shall be the supreme Law of the Land," and no express words say otherwise.

This places the burden upon defendants to clearly argue the correct points, because exclusive legislation powers lie at the opposite end of the political spectrum than the named powers, the latter of which may only be implemented using necessary and proper means.

The exclusive legislation powers reach every imaginable thing, except those precious few things which are expressly prohibited, within the political masters' inherent discretion. One has to prove one's innocence, under this horrendous and heinous totalitarian system, because that's the only way for these scoundrels to have a chance to use it, everywhere.

This means, to begin casting off *The Make-Believe Rule of Paper Tyrants* who proclaim themselves to be our all-powerful political masters, Patriots must expose these tyrants' false rule to the bright light of day, by every means imaginable, so others may begin to learn how to defend themselves and what to defend themselves from.

Get informed and then tell others—ultimately, it's as simple as that. Begin walking down the path to *Restore Our American Republic*, by learning what we face and then tell everyone you meet what's going on behind the curtain.

We can cure what we can diagnose but we cannot diagnose what we don't know.

Ultimately, we'll want to add one of two alternate amendments, to stop the incessant repetitive work, but that isn't the first step, *it's the last.*

Don't worry about the last steps, now, but concentrate on the first steps.

Learn all about *The Make-Believe Rule of Paper Tyrants* so that you may help pull back the curtain to expose the fraud, to everyone else.

Don't worry about self-professed wizards claiming unlimited powers, nor the flying monkeys they've trained and recruited to help them. Instead expose the lies *to those being oppressed*. Preach to the choir, as they're most willing to listen.

Don't waste your breath, trying to convert the oppressors, just work to stop them, by exposing their false rule extended beyond allowable boundaries. Their false extension of allowed special powers are all necessarily based upon a lie, so expose the lie, and show that while their activities are ultimately allowed, they're certainly not allowed *where* they are trying to indirectly implement them.

At some point down the road—after the information found within the *Learn TheConstitution* Program Course gets widely disseminated—we'll want to stop all the repetitive nonsense, and instead pursue a constitutional amendment, to permanently correct the matter.

Which brings forth current popular recommendations, which unfortunately would be turned on their heads, because they ignore the root problem we face (allowed special powers, exercised beyond allowable boundaries) and we can't fight non-existent phantoms and expect to win anything.

Congressional Term Limits

The most-popular current proposal—Congressional Term limits—would inevitably be turned against us, perhaps causing greater harm, than even the Seventeenth Amendment (which was sold to Americans as the needed means to end the Good Ol' Boy network, in the State capitols, who were choosing U.S. Senators, who were increasingly steering us away from the Constitution).

Instead, direct elections only freed Senators from effective oversight by the several hundred State legislators who were found in the various State capitols.

There is no historical evidence whatsoever to suggest with any confidence that any power nominally lost by Congress with and through a term limit amendment wouldn't be immediately grabbed up by the executive or judicial branches, in the federal vacuum that has been increasingly exercised for well over two hundred years.

To the extent congressional term limits would even lessen congressional power, it would undoubtedly shift governmental power *away* from voter control and over to unelected bureaucrats—which is the very definition of tyranny and but a sure recipe for disaster.

Our country was built upon *Legislative Representation*—the fundamental building block of the Union—for a reason. Legislative Representation rests upon the voters of each State and district deciding *who* they want to represent them, and ultimately for how long (for how many terms). Undermining *Legislative Representation* will only better-secure *The Deep State*.

Legislative Representation necessarily means that it is wholly improper *for other States* and *other people* to tell one State or another people, whom they may pick to represent *them*, and for how long.

Such matters are only for the people being represented to decide.

Sticking our noses where they don't belong, to limit the choices of other people, will not bring about liberty nor limited government.

Congressional term limits are wholly unlike Presidential term limits imposed by the Twenty Second Amendment, for the President doesn't represent any divisible body of the American people. There is no concept of *executive* representation in American government.

One cannot collaterally attack symptoms and ever hope to get to the vile root.

The problem isn't the number of terms that members of Congress may hold while they exercise essentially-unlimited federal powers; the problem is necessarily the *extent of power* that members may exercise *while they hold a legislative seat*.

Members of Congress are gaining power by exercising an allowed special authority beyond allowable boundaries, which doesn't rely upon the number of terms they serve (so limiting their terms won't limit the false extension of allowable powers).

Instead, we limit the power—by limiting the improper extension of D.C.-based powers beyond D.C. or by repealing Clause 17 entirely—and the number of terms members serve in Congress again becomes irrelevant.

The Balanced Budget Amendment

The Balanced Budget Amendment would likewise fail to correct matters and again be turned against us. The problem isn't merely spending more money than received, it is spending vast sums of money on a whole host of issues far outside of the Constitution's proper parameters.

End the improper extension of allowable federal action, and expenses will again shrivel back to appropriate boundaries.

A Balanced Budget Amendment wouldn't directly contain spending—it would simply attempt to limit purchases to income, in theory.

But, to equate the two—expense and income—members of Congress needn't cut expenses—*they may also raise taxes*.

The Balanced Budget Amendment, once ratified, would require even the most fiscally-conservative member of Congress to vote to raise taxes *whenever federal expenditures exceeded income*, forcing the government to seek to increase income tomorrow, *to pay for what they already spent yesterday* (remember, the Balanced Budget Amendment cannot actually cut overall spending—spending wouldn't be directly contained by the amendment, even to named topics).

Procedural protections other than one of the two Patriot Corps' amendment proposals hereinafter-recommended aren't enough, and can

never be enough, because, at best, they only attack symptoms. We must get to the root of inherent discretion and restrict it directly or tear it out completely.

We cannot continue to allow federal servants to extend the exercise of inherent authority under a special, alternative set of powers indirectly throughout the Union. Instead, *we must stop the use of inherent discretion beyond District borders* or completely end inherent discretion.

No change in, or added to, the Constitution, which doesn't directly contain or eliminate inherent discretion, will ever cure the single political problem we face federally, to any degree whatsoever.

It is imperative to understand that ratifying any other proposed changes to the Constitution—that don't directly contain or eliminate the current bypass strategy—will, at best, simply *add more clauses to the Constitution which is already being ignored and bypassed* and at worst, be turned against us.

So, what to do?

Think of federal servants as horses for a moment or two, who were initially saddle-broken and well-behaved, but who, over time and by disciplinary neglect, have become increasingly unruly and wild. Things are so bad now, that the wildest stallions commonly throw federal riders who try and keep them to established paths whenever they are beyond the corral, and the horses now go off and do as they please, leaving destruction in their wake.

There are two primary options in dealing with wild stallions—contain them either in a secure corral where they can still run freely or keep them shackled in a locked barn, where they may never run without a federal rider steering them along proper federal paths.

Option 1. Containment

The first option involves rebuilding their corral which wasn't supposed to exceed ten-miles-square in the primary case, which was built to allow the horses to roam freely therein, even without a federal rider.

One may begin by rebuilding the corral, but since the wild stallions are causing extensive damage whenever they're out, it is necessary to first round them up, even one-by-one, before pursuing corral-rebuilding.

Ideally, one would do both, but that effort takes many more people.

First, whenever we are confronted with wild stallions where they're not supposed to be free, we give chase to lasso them and physically take them back to the corral.

As successes mount, other Patriots will be drawn to take a closer look at our methods. With enough people rounding up escaped horses, their escape will become increasingly futile. The least-motivated horses will stop venturing quite so far, allowing greater effort to be concentrated upon the wildest stallions who refuse every feeble attempt to be cornered.

At some point, with sufficient Patriots joining in, we'll be able to begin rebuilding the corral, but this time with sufficient materials and superb workmanship, knowing the pitfalls.

Once the corral is rebuilt to sufficient standards, horses may get out beyond it and roam the countryside, only when a federal rider intentionally takes them on an allowed path, pursuing legitimate destinations, and performing allowable functions, all throughout the Union, as determined by constant reference to the constitutional map which designates the allowed federal horse trails.

We rebuild the corral to *Contain* the exercise of the inherent discretion that is expressly allowed by Clause 17, only to, within, and upon exclusive legislation lands—the District of Columbia, and also exclusive legislation forts, magazines, arsenals, dockyards and other needful buildings, that are scattered throughout the Union.

In conformance with Marshall's acknowledgment on how to overturn *Cohens*, the Patriot Corps offers up its *Once and For All Amendment,* to *contain* tyranny. The Patriot Corps' *Once and For All Amendment* needs only to follow the path provided by the Eleventh Amendment, and say something to the effect:

> "The seventeenth clause of the eighth section of the first article of the Constitution for the United States of America *shall not be construed* to be any part of the supreme Law of the Land under Article VI."

This amendment to *contain* tyranny restores the proper balance to federal powers, by clearly removing all Clause 17-based exclusive-legislation laws from being any part of the supreme Law of the Land that is ever capable of binding the States, unless an exception or two is or are expressly named and allowed within the final wording of any proposed and ratified amendment.

No local law of any State ever binds another State. Neither should exclusive-legislation laws for the District of Columbia. Just because Clause 17 is *part* of the U.S. Constitution doesn't mean laws enacted by Congress under this clause should ever bind States, even indirectly (except possibly as named delineations someday expressly provide).

Once D.C.-based powers are finally limited to D.C. by amendment, then none of those powers may ever again be exercised even indirectly beyond the District's geographic limits, except as they directly relate to other ceded exclusive legislation areas scattered throughout the States and used for forts, magazines, arsenals, dockyards and other needful buildings.

The first weapon needed in this fight against fraud is truth, adequately voiced. Truth is both our sword and our shield. Truth is ample against our opponents' lies, *once it is adequately voiced.*

The proposed containment amendment would rebuild the original corral, and allow all existing laws ultimately enacted under Clause 17 to remain, but no longer could any of those laws ever reach beyond exclusive-legislation borders, even indirectly, as they are now deviously extended (unless particular cases were expressly named within the ratified amendment).

Option 2. Repeal.

The second option is the far harsher-acting alternative, the Patriot Corps' *Happily-Ever-After Amendment*, to *Repeal* Clause 17, entirely, terminating all exclusive legislation federal authority, everywhere.

The *Happily-Ever-After Amendment* seeks to destroy any remaining remnants of the corral, and after ratification all horses will thereafter be kept tied up in secure stalls within locked barns, never allowed to come outside unless under halter, with experienced riders. Any escaped horse outside the barn without escort would be figuratively shot on sight, by standing order of the new amendment.

The *Happily-Ever-After Amendment* to repeal tyranny needs only follow the path of the Twenty-First Amendment (which repealed Prohibition, that had been put in force by the Eighteenth Amendment), and needs only simply to read, something like;

> "The seventeenth Clause of the eighth Section of the first Article of the Constitution for the United States of America *is hereby repealed*, terminating all exclusive legislation jurisdiction everywhere."

Ratifying a new amendment to end tyranny needs also to mention a few related concerns, including retrocession. And, of course, with retrocession of D.C. back to Maryland, the Twenty-Third Amendment wouldn't any longer be needed (which currently provides District residents a voice in presidential elections).

With repeal of all exclusive legislation jurisdiction—including the District Seat, forts, magazines, arsenals, dockyards and other needful buildings—the federal government would still own its currently-owned lands and would still perform its legitimate federal functions throughout the whole Union that it may yet exercise under the remainder of clauses of the Constitution (which would remain unchanged).

The Virginia precedent of 1846 serves as the model for retrocession of exclusive legislation lands, when repealing Clause 17. In 1846, Virginia received back the lands of Alexandria that Virginia had earlier ceded to Congress for the District Seat, but were never used as intended and never really needed.

While proposing and ratifying a new amendment is a difficult process—over 11,000 attempts have been made, with only 27 ratified—that difficulty may be easily overcome when the need for an amendment is broadly understood (such as in 1793, when it only took two years to ratify the Eleventh Amendment, in 1795).

Thankfully, the difficulty of the amendment process has kept the Constitution largely intact, with precious few changes, allowing us today a clear path for casting off all that is beyond the Constitution, that is centered upon Clause 17.

To spur demand for the cure, the information found in the Patriot Corps *Learn The Constitution* Program Course needs only to be simplified and broadcast far and wide, explaining how scoundrels in government have been able to bypass their normal constitutional parameters with impunity.

Never before in the history of man has it been so easy to disseminate critical information to millions of people. The Internet Age allows us to bypass major communications companies and get out the word, directly.

All it will take is one person who has an adequate political platform for speaking the needed simple truth, and he or she can change the country and thus the world, broadcasting freedom far and wide.

The entire false structure of *The Deep State* will necessarily crumble in rapid succession once properly exposed, because it is all built upon lies.

No member of Congress, no President, no bureaucrat, and no Supreme Court justice can effectively stand in the way—*nor even all of them together*—because lies adequately exposed cannot withstand the truth adequately-disseminated.

Our political opponents' only defense will be to ridicule and discredit us, mock the information we provide or seek to distract us from our task. Truth is always its own strength and reward will follow.

Once the needed information takes hold, members of Congress may at some late point even begin to fall all over themselves seeking to distance themselves from all of the exposed corruption.

After all, current federal servants are not the original scoundrels who corrupted government. Those evil men are long since dead. We must leave eternal rewards or punishments to God. We can, and should, of course, write new history books, exposing the corrupt nature of government far too long successfully implemented.

A simple two-pronged approach offers a viable strategy going forward.

First, push Congress to propose a constitutional amendment to *contain* Clause 17 to exclusive legislative jurisdiction grounds, relying upon public exposure to spread the word and push the important effort forward.

Simultaneously we work with the States to call for an Article V Convention of States amendment process, but for *only* the express purpose of directly proposing an amendment to repeal Clause 17.

This one-two punch uses the convention process as a sledgehammer to help induce Congress to step up and do the right thing—to propose the lighter-acting amendment to contain tyranny to D.C., quickly.

However, until the information herein is adequately exposed, the Patriot Corps is decidedly *against* the convention process, because we cannot try and throw up a great many amendments and see *what sticks*. We must use a targeted approach, which gets to the heart of the matter.

We can cure what we can diagnose, but we can't diagnose what we don't know. If we don't diagnose what we really face, correctly, then so-called cures will only worsen the disease.

It's true, left to their own accord, members of Congress won't pursue containment voluntarily, *but this doesn't mean that we cannot force their hand*. We can pressure them sufficiently to get them to propose the less-harsh amendment, *by pushing hard the harsher-acting amendment*.

To keep their wild stallions alive, even if only in a corral not to exceed ten miles square, members of Congress may well choose to round them up for containment (keeping the amendment for repeal, from figuratively shooting the stallions on sight, wherever they may be found riderless beyond the barn).

D.C. Statehood

There is a third way forward, which is an offshoot on the option involving repeal, but sped up by working *with* our opponents, to give them something they badly want.

Instead of seeking retrocession of all exclusive lands back to the State that originally ceded them—including D. C.—an option would be to allow D.C. residents to seek separate Statehood.

Now, there are a multitude of very good reasons why D.C. Statehood *shouldn't* be allowed, but there is one very good reason for pursuing it (that outweighs all the reasons against it).

And, that reason is that by working *with* our progressive-minded opponents—who want D.C. Statehood very badly—*they may be willing to strike a deal*, quickly.

If we simply concede to D.C. Statehood, they may perhaps buy off on our proposed amendment to repeal Clause 17 but through a simple amendment proposed quickly and safely by Congress. But if they don't go along with the idea, then our efforts will still help expose their false agenda, and their abrupt retreat from their long-term goal of D.C. Statehood would blow up in their faces.

It's easy to understand why progressives want D.C. Statehood—for it would give them two liberal U.S. Senators and a U.S. Representative, all of whom would undoubtedly remain squarely in the progressive mindset, into perpetuity.

So, given liberals' decided benefit, why should conservatives accept D.C. Statehood?

The answer is because we could get our preferred corrective method, quickly if they concede or if our opponents back-peddle from their grand prize, that in itself would help expose their centuries'-long deceit. It is important to realize that ratifying the *Happily-Ever-After Amendment* to repeal Clause 17 would be a VERY BIG DEAL.

Indeed, repeal of Clause 17 would radically alter the political landscape, with most all of the claimed-benefit sought by anarchists, but without the danger inherent in their contrary efforts.

While the *Once and For All Amendment* to contain tyranny would be huge (to contain to D.C., probably some 95% of all current federal activity [and 100%, of all improper federal activity]), the *Happily-Ever-After Amendment* to repeal tyranny is the Red-Button Nuclear Option, to destroy progressive government, permanently.

Gone would be the District of Columbia, and in its place, under this option, would rise a very small, very progressive 51st State—New Columbia, Douglass Commonwealth, or some other designation.

While progressives have been pursuing D.C. Statehood without a constitutional amendment—because they know they'd never get an amendment on their own—granting D.C. Statehood would surely require a constitutional amendment. Maryland would also have to be one of the States specifically agreeing to the arrangement (since Maryland would otherwise get the District Seat back in retrocession).

Although Maryland fully ceded the District in 1791, without later claim as long as the District Seat remained, Maryland ceded the area in trust for a specific purpose.

When trust lands are no longer needed for their original ceded purpose, those lands should be retroceded back to the original ceding party, as the 1846 retrocession of Alexandria to Virginia confirms.

In this case, Maryland would need to be induced to waive its justifiable claim (that it would have [indirectly yet] under Article IV, Section 3, Clause 1).

But, also gone forever with repeal would be all of federal authority ultimately resting upon Clause 17—the EPAs, the FDAs, the FCCs, the FTCs, the SECs, the Federal Reserve, the Social Security Administration, and all similar bureaucracies and entitlement programs, including much of the IRS.

Repeal the clause that allows all those independent establishments, government corporations and entitlement programs to exist in the first place, and all those falsely-extended parameters would also be terminated. Short of new amendments, these matters could never again be performed (because only Clause 17, despite inferences otherwise, allowed their existence).

One could even argue that repeal would be too harsh, too radical, too abrupt, but isn't it nice to finally have an option that is perhaps too severe?

Repeal would immediately throw off 230 years of wayward federal action, casting off *everything* that necessarily rested on Clause 17, probably some 95% of all federal action, permanently.

There are two imperatives in any negotiation regarding D.C. Statehood. First, that Clause 17 is fully repealed, without hint of any continuing exclusive legislation whatsoever, not even over one square foot—not the National Mall, not the Capitol building, not the White House, nor any other place or thing.

And second, that one and only one new State may be admitted in the place of D.C. (prohibiting the creation of a multitude of micro-States, each sending new members to Congress to pack the legislative votes).

While Democrats could more easily gain legislative majorities with a new progressive State, *gone would be the jurisdiction which had allowed them to rule as they please in the first place!*

Even the most progressive Democrat, Socialist, or Communist operating with federal authority, *without* Clause 17, would only be empowered to exercise the enumerated powers, using only necessary and proper , as those terms meant at time of ratification centuries ago, until changed by amendment!

D.C. Statehood is a *very small* concession to pay, for quickly and safely proposing and ratifying a constitutional amendment to end the long reign of tyranny in the Land of the Free and Home of the Brave.

And don't worry about military forts becoming insecure without exclusive legislation authority, as roughly only one-third of them are on exclusive legislation lands in the first place.

Besides, that matter was looked at extensively in a two-part 1957 interdepartmental report on the jurisdiction over federal areas within the States, which concluded that exclusive legislation authority wasn't needed for base security, and typically created more issues than it was worth (having no available State government to handle State matters for soldiers and their families living on exclusive legislation military bases).[318]

Going Forward

By reading, watching, and/or listening to the Patriot Corps *Learn The Constitution* Program Course, you have been informed as to what is going on behind the curtain and under the radar.

Now it is the time to tell others—everywhere you meet—spreading the word, on how to Restore Our American Republic, *Once and For All* or even *Happily-Ever-After*.

So, what's the best way to implement that effort? The Patriot Corps is here to help.

While Patriots are certainly free to go it alone, join with others, or create their own effort, the Patriot Corps offers up its affiliate membership for consideration.

The Patriot Corps advances its mission by creating the *content* and providing the delivery *structure*, while Patriot Corps affiliate-recruits make referrals to their *contacts,* to extend the Patriot Corps *curriculum* within their sphere of influence, to build up a corps of men and women working together or side-by-side, to Restore Our American Republic, directly.

Start out at 25%, 40% or 50% affiliate commissions, depending upon your membership level.

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[318] https://publiclandjurisdiction.com/wp-content/uploads/2019/10/1956-Part-1-Jurisdiction-over-Federal-areas-within-the-States.pdf

Copper Members—also called *Caretakers*—start at sign-up being able to earn 25% affiliate commissions on all eligible digital Course products and memberships they sell through their Patriot Corps Affiliate link, after they agree to affiliate terms.

Silver Members—also called *Sentinels*—start at 40% commissions and *Gold* Members—also called *Guardians*—start at 50% commissions.

This is a *reoccurring* affiliate commission, meaning with *every* eligible payment made by a referred purchaser using the Affiliate link, the current affiliate recruiter is *again* credited their earned commission, earning the affiliate *residual income*.

By completing one or more additional courses (to learn more about our country's founding principles), *all three membership levels* may build their way up to our top commission rate of 60% (Guardians just get there more quickly), on all digital sales of Patriot Corps' Memberships and Courses, with discounted purchases of physical goods such as printed books and branded merchandise (at differing discount rates).

The Patriot Corps is willing to split even the lion's share of all eligible digital sales that affiliates bring in through their credited referrals, as Patriots learn what they need to know, to be able to turn around our country!

Members don't need to create anything, or invest in anything else and, if they do it right, they'll be putting money in their pocket that very first month while directly supporting the Patriot Corps and its worthy efforts.

Patriot Corps Founder and President Matt Erickson spent many tens of thousands of hours, and hundreds of thousands of dollars—all while working full-time at "paying jobs," over a 35-year period—before starting his *Learn TheConstitution* Program Course.

So, he understands all too well, the roadblocks associated with deep commitments, knowing that there has to be a better way, to bring everyone else up to speed, quickly (but if there wasn't, then to make that better way).

The hour is late and we don't seem to have the luxury of waiting decades longer for Patriots to get up to speed, to learn how clever scoundrels use the highly-unusual exception to all the normal rules of the Constitution, to do as they please, with impunity.

We must put some plan in place, *right now*—to get all hands on-deck, as soon as possible, and up to speed—to cast off *The Make-Believe Rule of Paper Tyrants.*

The Patriot Corps Affiliate-Recruiter Program to "Learn and Earn" is the direct result of that belief and effort, coupling profit-oriented small business efforts to our restoration work.

The Patriot Corps advances its primary mission; Patriot Corps Recruiters earn money promoting Patriot Corps content that the Founder spent his adult life creating and refining, while they help to save our country. Newcomers looking for answers are more-likely to find them, as affiliate recruiters become more knowledgeable and are compensated for their successful efforts, as we all work to Restore Our American Republic.

Please do your part, whatever you determine it to be, as the need is great and the time appears short.

God bless again these United States of America, and the Republic under which they were founded.

The End

Appendix A: U.S. Constitution

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2.

(Clause 1) The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

(Cl. 2) No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

(Cl. 3) Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, (including those bound to Service for a Term of Years), and excluding Indians not taxed, (three fifths of all other Persons).* The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration

shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

*(see the 13th and 14th Amendments)

(Cl. 4) When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

(Cl 5) The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3.

(Cl. 1) The Senate of the United States shall be composed of two Senators from each State, (chosen by the Legislature thereof),* for six Years; and each Senator shall have one Vote.

(see the 17th Amendment)

(Cl. 2) Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; (and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies).*

*(see the 17th Amendment)

(Cl. 3) No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

(Cl. 4) The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

(Cl 5) The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

(Cl. 6) The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

(Cl. 7) Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4.

(Cl. 1) The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

(Cl. 2) The Congress shall assemble at least once in every Year, and such Meeting shall be *(on the first Monday in December), unless they shall by Law appoint a different Day.

*(see the 20th Amendment)

Section. 5.

(Cl. 1) Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

(Cl. 2) Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

(Cl. 3) Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

(Cl. 4) Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6.

(Cl. 1) The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

(Cl. 2) No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7.

(Cl. 1) All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

(Cl. 2) Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of

the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

(Cl. 3) Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8.

(Cl. 1) The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

(Cl. 2) To borrow Money on the credit of the United States;

(Cl. 3) To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

(Cl. 4) To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

(Cl. 5) To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

(Cl. 6) To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

(Cl. 7) To establish Post Offices and post Roads;

(Cl. 8) To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

(Cl. 9) To constitute Tribunals inferior to the supreme Court;

(Cl. 10) To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

(Cl. 11) To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

(Cl. 12) To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

(Cl. 13) To provide and maintain a Navy;

(Cl. 14) To make Rules for the Government and Regulation of the land and naval Forces;

(Cl. 15) To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

(Cl. 16) To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

(Cl. 17) To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which

the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;--And

(Cl. 18) To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9.

(Cl. 1) The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

(Cl. 2) The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

(Cl. 3) No Bill of Attainder or ex post facto Law shall be passed.

(Cl. 4) No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

(Cl. 5) No Tax or Duty shall be laid on Articles exported from any State.

(Cl. 6) No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

(Cl. 7) No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of Receipts and Expenditures of all public Money shall be published from time to time.

(Cl. 8) No Title of Nobility shall be granted by the United States: and no Person holding any Office of Profit or Trust under them, shall, without the

Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10.

(Cl. 1) No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

(Cl. 2) No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

(Cl. 3) No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

Section. 1.

(Cl. 1) The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

(Cl. 2) Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

(Cl. 3) *(*The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President*).

*(see the 12th Amendment)

(Cl. 4) The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

(Cl. 5) No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

(Cl. 6) *(*In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected*).

*(see the 25th Amendment)

(Cl. 7) The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

(Cl. 8) Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2.

(Cl. 1) The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

(Cl. 2) He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and

which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

(Cl. 3) The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III.

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2.

(Cl. 1) The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases

of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States; *(*between a State and Citizens of another State*);—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, *(*and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects*).

*(see the 11th Amendment)

(Cl. 2) In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

(Cl. 3) The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3.

(Cl. 1) Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

(Cl. 2) The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV.

Section. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2.

(Cl. 1) The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

(Cl. 2) A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

(Cl. 3) *(*No Person held to Service or Labor in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labor, but shall be delivered up on Claim of the Party to whom such Service or Labor may be due*).

*(see the 13th Amendment)

Section. 3.

(Cl. 1) New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

(Cl. 2) The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article. VI.

(Cl. 1) All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

(Cl. 2) This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

(Cl. 3) The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII.

(Cl. 1) The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

(Cl. 2) Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth

IN WITNESS whereof We have hereunto subscribed our Names,
G^{o}. Washington-Presidt. and deputy from Virginia

New Hampshire: John Langdon, Nicholas Gilman

Massachusetts: Nathaniel Gorham, Rufus King

Connecticut: W^{m}: Sam^{l}. Johnson, Roger Sherman

New York: Alexander Hamilton

New Jersey: Wil: Livingston, David Brearly, W^{m}.. Paterson, Jona: Dayton

Pensylvania: B Franklin, Thomas Mifflin, Rob^{t} Morris, Geo. Clymer, Tho^{s} FitzSimons, Jared Ingersoll, James Wilson, Gouv Morris

Delaware: Geo: Read, Gunning Bedford jun, John Dickinson, Richard Bassett, Jaco: Broom

Maryland: James McHenry, Dan of S^{t} Tho^{s} Jenifer, Dan^{l} Carroll

Virginia: John Blair--, James Madison Jr.

North Carolina :W^{m}.. Blount, Rich^{d}. Dobbs Spaight, Hu Williamson

South Carolina: J. Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler

Georgia: William Few, Abr Baldwin

Attest William Jackson Secretary

Appendix B: Amendments

(Preamble, to the Bill of Rights)

Congress OF THE United States

begun and held at the City of New York, on

Wednesday the Fourth of March, one thousand seven hundred and eighty nine

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED, by the Senate and House of Representatives of the United States of America, in Congress Assembled, two thirds of both Houses concurring that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution...

Frederick Augustus Muhlenburg Speaker of the House of Representatives.

John Adams, Vice President of the United States, and President of the Senate

Attest, John Beckley, Clerk of the House of Representatives

Sam. A. Otis Secretary of the Senate.

Amendment I (December 15, 1791)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X (December 15, 1791)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XI (February 7, 1795)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the

United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII (June 15, 1804)

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;--The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. *(And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President).--The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person

constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

*see Section 3 of the 20th Amendment

Amendment XIII (December 6, 1865)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV (July 9, 1868)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment XV (February 3, 1870)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XVI (February 3, 1913)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment XVII (April 8, 1913)

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII (January 16, 1919)

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XIX (August 18, 1920)

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XX (January 23, 1933)

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI (December 5, 1933)

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XXII (February 27, 1951)

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment XXIII (March 29, 1961)

Section 1. The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least

populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV (January 23, 1964)

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXV (February 10, 1967)

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the

Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment XXVI (July 1, 1971)

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or any State on account of age.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

Amendment XXVII (May 7, 1992)

No Law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Appendix C: Declaration of Independence

In CONGRESS, July 4, 1776

The unanimous Declaration
of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they Should declare the causes which impel them to the Separation.

We hold these truths to be Self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and pursuit of Happiness.

That to secure these rights, Governments are instituted among Men, deriving their just Powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established Should not be changed for light and transient causes; and accordingly all experience hath Shewn, that mankind are more disposed to Suffer, while evils are Sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and Such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and

usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless Suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole Purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither Swarms of Officers to harrass our People, and eat out their Substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & Perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every Stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and Settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the **Representatives** of the **united States of America,** in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, Solemnly Publish and declare, That these United Colonies are, and of Right ought to be **Free and Independent States**; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and the as Free and

Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.

And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honor.

John Hancock,

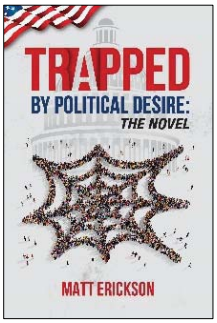
Button Gwinnett
Lyman Hall
Geo Walton
Wm Hooper
Joseph Hewes
John Penn
Edward Rutledge
Thos Heyward, Junr.
Thomas Lynch, Junr.
Arthur Middleton
Samuel Chase
Wm. Paca
Thos. Stone
Charles Carrol of Carrollton
George Wythe
Richard Henry Lee
Th Jefferson
Benja. Harrison
Thos Nelson jr.
Francis Lightfoot Lee
Carter Braxton
Robt Morris
Benjamin Rush
Benj. Franklin
John Morton
Geo. Clymer
Jas. Smith
Geo Taylor
James Wilson
Geo. Ross
Caeser Rodney
Geo. Read
Tho M: Kean
Wm. Floyd
Phil. Livingston
Frans. Lewis
Lewis Morris
Richd. Stockton
Jno. Witherspoon
Fras. Hopkinson
John Hart
Abra. Clark
Josiah Bartlett
Wm. Whipple
Saml. Adams
John Adams
Robt. Treat Paine
Elbridge Gerry
Step. Hopkins
William Ellery
Roger Sherman
Saml Huntington
Wm. Williams
Oliver Wolcott
Matthew Thorton

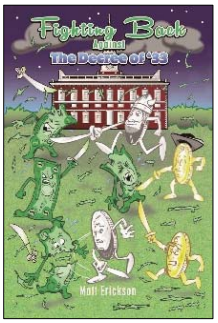
About the Author:

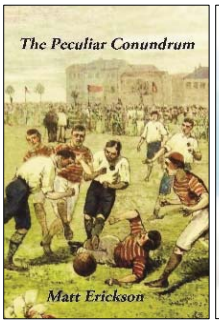
Past-proprietor of several failed businesses, Matt Erickson is the Founder and President of the for-profit Patriot Corps and also the Founder and President of the non-profit Foundation For Liberty and the author of 14 books (12 of which are in the public domain).

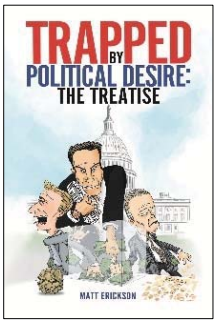
He lives in Quincy, WA with his wife, Pam. He has two step-children and nine grandchildren.

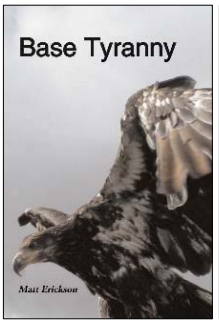
Books by the Author: Fiction Novels

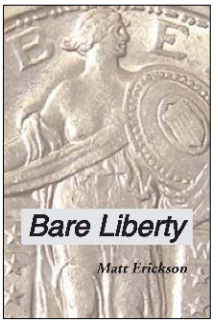




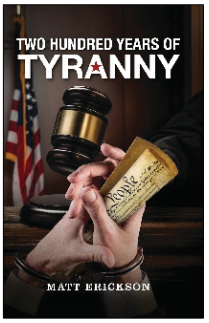


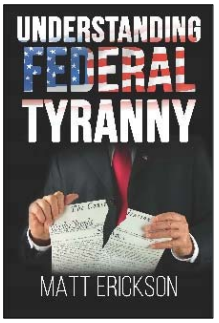


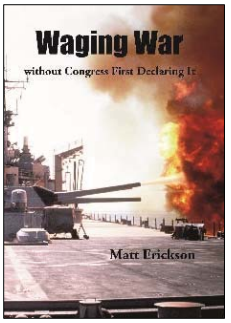


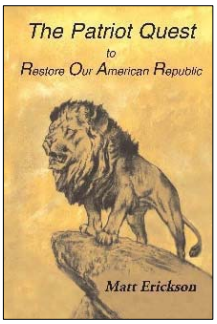


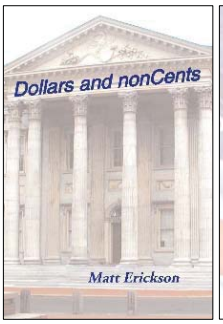
Non-Fiction Books by the Author:

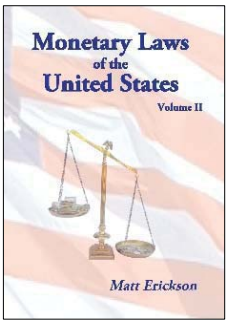












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LEARN THE CONSTITUTION AND ROAR

Learn The Constitution And ROAR teaches the originally-ratified U.S. Constitution—from the Preamble through Article VII—to inform Patriots of the normal case, of allowable federal action, through the Framers' and Ratifiers' perspectives. Please note that the amendments are NOT covered herein, other than in passing (but will be a separate work).

Federal servants may never become our political masters and do as they please, except as Americans remain incapable of diagnosing the single political problem facing us federally (which is how federal servants may ever ignore or bypass their normal constitutional parameters with impunity).

Thankfully, nothing ever done by federal servants may ever change the Constitution or their allowed powers that they may everywhere in the Union directly exercise (only ratified amendments change the allowable federal powers and only the States ratify amendments).

Therefore, everything ever done beyond the spirit of the Constitution may be cast off, outside the election process, because we don't need to change government, for it has never actually been changed beyond the 27 ratified amendments.

Read ***Learn The Constitution And ROAR*** to learn to see through T*he Make-Believe Rule of Paper Tyrants* and respond accordingly, to *Restore Our American Republic*. It's up to each Patriot to discover what we are missing, to permanently end the nonsense, *Once and For All* or even *Happily-Ever-After*.