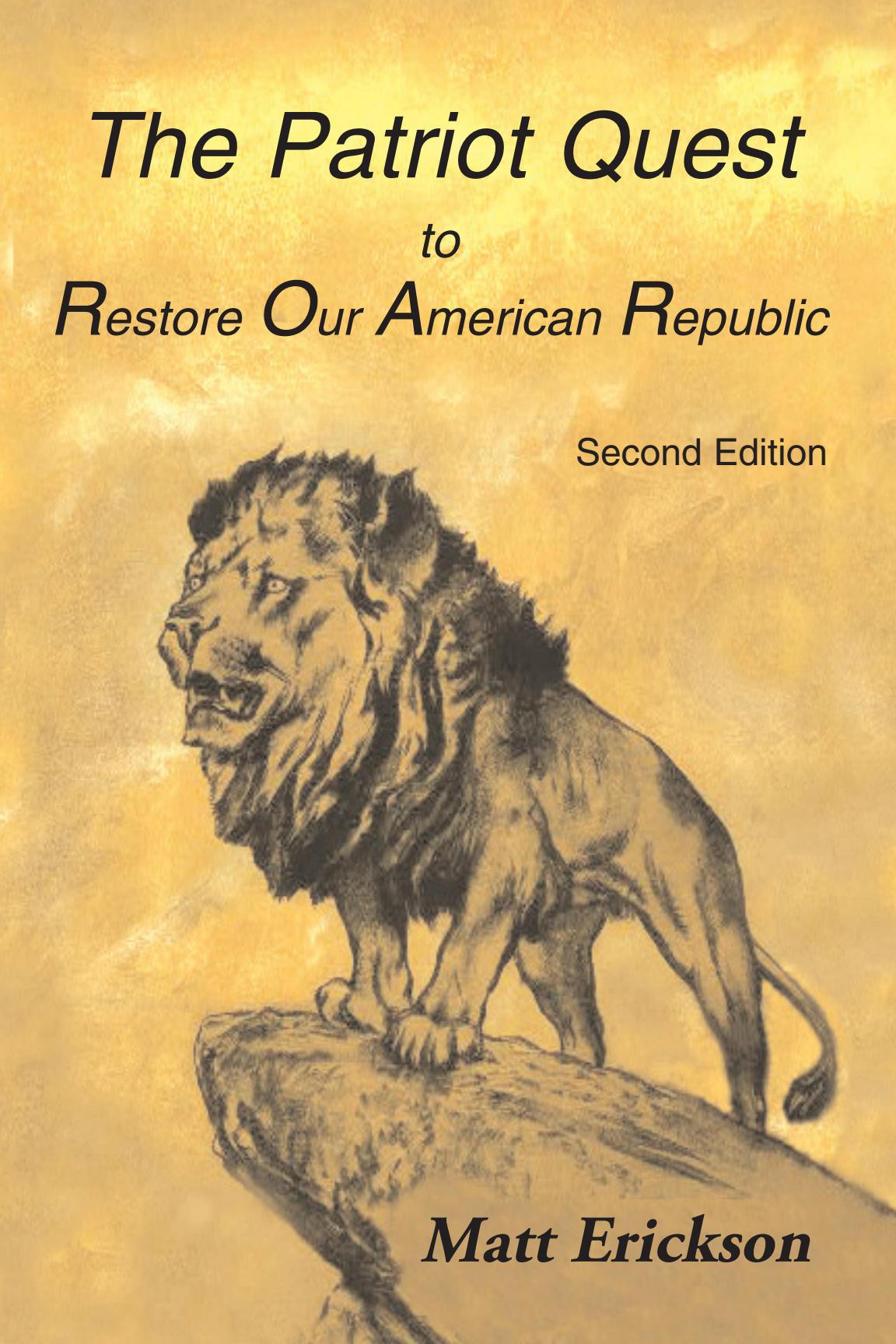
The Patriot Quest

to

Restore Our American Republic

Second Edition



Matt Erickson

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to Restore Our American Republic

Second Edition

By:

Matt Erickson

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Second Edition, released into the Public Domain

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

And also to my parents, Helen and the late Vinton Erickson;
for their strong values, steadfast integrity, unfailing honesty, and hard work.

Restoring Liberty and Justice, Once and For All

Vancouver, Washington

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Chapter 1. The Golden Rule

The Golden Rule of American Government, which Patriots disregard to their peril, is that no one entrusted with the exercise of federal authority is empowered to change the extent of that authority (only ratified amendments change the Constitution [and only the States are empowered, by Article V of the U.S. Constitution, to ratify amendments]).

Two crucial implications necessarily follow:

1. Since no federal action has therefore actually ever *changed* the Constitution, the Constitution of original intent remains fully intact, except as modified by the 27 Amendments which the States have ratified to date.

2. Since the federal government cannot change its power, the nearly unlimited discretion federal authorities have long-exercised *must therefore necessarily come from somewhere within their delegated powers*.

Properly understanding this rule and its implications allows Patriots to ignore as irrelevant side-shows the idea of an ever-changing Constitution (outside of ratified amendments) so efforts may instead be concentrated on discovering exactly *how* one of the federal government's delegated powers has yet 'allowed' the tyranny which is becoming increasingly evident the chance it needed to ever gain an improper foothold in the first place.

Although proponents of strict construction of the Constitution often assert that their opponents ignore or reinterpret the Constitution at will (yet with impunity), *Patriot Quest* shows in reality there is only strict construction of the Constitution, and those who act contrary to the spirit of the Constitution are, surprisingly, the ones who necessarily hold its letter up to its strictest terms.

But Patriots haven't yet learned that important lesson, instead they are hopelessly stuck in a quagmire based upon mistaken assumptions that federal authorities are able to change, bend, or ignore the Constitution without penalty (which explains why Patriots fail in their efforts — because they wholly-misunderstand their opponents' actions, methods, and successes).

Except to be successful, proponents of an ever-pliable or impotent Constitution must use clever tricks to conceal their devious methods, for only widespread misunderstanding of their deceitful tactics allows them to continue exercising government omnipotence.

Since advocates of unlimited government wish to keep quiet their actual mode of operation, *Patriot Quest* seeks to do the opposite — to let Patriots everywhere know precisely *how* the spirit of the Constitution has been subverted, even as its letter has been strictly followed, so that we may properly Restore Our American Republic, *once and for all*.

It's no surprise that legislative Acts and court rulings have grown quite lengthy as government has seemingly increased its power, as false paths of understanding have been purposefully inserted to throw off the scent of what is being furtively done under the radar. Lengthy opinions also allow the hiding in plain sight of any important nuggets of truth found therein.

Despite such tactics, it is yet vital to avoid the defeatist trap of believing that words no longer have meaning and that proponents of omnipotent government may do whatever they want, whenever they want, to whomever they want, without recourse.

Since proposed theories must be field-tested with real-life examples to verify their validity, *Patriot Quest* examines what is arguably one of the supreme Court cases which have been most-impactful upon the greatest number of people, the precedent-setting 1871 *Legal Tender Cases* which first upheld paper currencies as legal tender.[1]

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1. *The Legal Tender Cases* (79 U.S. 457) was the first supreme Court ruling to uphold paper currencies as legal tender, which determination was ultimately needed before both gold (1933) and silver coin (1965) could later be effectively removed from circulation, freeing money from its proper tether to reality as our determinable Standard of Value.

Since that time, debt has necessarily skyrocketed as our great nation has been gutted from the inside-out with sole use of debt-based money which earns ever-escalating interest which climbs greater each passing day.

With money serving as the life-blood of the modern age, the severing of circulating money from its proper role as our Store of Value has played no small role in much of America's heartache.

The examination herein of the court's justification of legal tender paper currencies actually provides Patriots the necessary blueprint to follow in other instances also, because even though the particulars may vary between seemingly-different issues, the various paths toward tyranny all follow the same methodology.

The vast multitude of seemingly-different issues, of government acting without apparent restriction in most any field of action, are therefore really but many different manifestations of a much deeper, *single* cause — of government being able to act in all cases whatsoever.

The decided benefit to Patriots of a single cause of tyranny is that one needn't otherwise chase the multitude of irrelevant symptoms when the true cause of our seemingly-separate problems is properly understood and dealt with once and for all.

Neither is there any need to propose a large number of different constitutional amendments to address immaterial symptoms (and the proper barometer for needed change to our beloved Constitution is decidedly *not whatever is simply better than our current condition* — to accept things as they currently appear as our indicator for needed constitutional change is to admit defeat, discard greatness and settle for mere mediocrity).

Neither can addressing various symptoms with constitutional amendments even correct our ills; we must dig deeper and address the fundamental problem facing America in order to succeed.[2]

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2. Looking at a perennial favorite of proposed amendments — a Balanced Budget Amendment — is helpful, to show an example.

This amendment is supposedly-needed because conservatives haven't been able to properly restrain their opponents to the Constitution's mandates and limitations and thus the federal government gets involved in many issues where it has no legitimate business.

Doing more things naturally leads to bigger government, which of course spends more money, even more than the vast sums government has coming in.

From the viewpoint of a common citizen who must live within a budget, conservatives propose capping government expenditures to government income.

Patriot Quest was written following the 2014 mid-term elections, meaning that the 2016 Presidential election season was just getting underway.

History will undoubtedly prove that the 2016 Presidential election wasn't any cheaper than either the 2012 or 2008 elections, where two billion dollars was ultimately spent in each of those election seasons just to choose a President.

An optimistic view of such unfathomable expenditures seeking to win the coveted four-year position which pays but $400,000 per year would be that it provides ample evidence of an active and engaged citizenry.

A more cynical view holds such extravagance as reciprocal back-scratching, as those persons who are willing and able attempt to buy the best government money can, in hopes of ensuring a fabulous return on their 'investment'.

(2. cont'd). While this may work for individuals, there is little evidence this would stop any government *which can simply raise taxes*, only now under an express constitutional mandate that expense cannot exceed income (or, stated from a progressive's viewpoint, *income must now constitutionally equal or exceed expense* [and since conservatives didn't actually ever learn how to cap expenses only to properly-enforced constitutional restraints {but instead expediently sought to cap expenses only to income} *more taxes must now be raised to equal or exceed that greater expense which never ceased*]).

Not everything government can somehow afford is proper! The mere ability to pay for a thing is not a valid constitutional parameter. And capped limits offer no protection whatsoever for prioritizing expenditures to ensure that government is spending money on things it should (over things it shouldn't).

If conservatives cannot now enforce the Constitution, what makes them think an amendment which will modify the Constitution *will be followed as they originally envisioned*?

It is first absolutely necessary to learn precisely *how* the Constitution has seemingly been subverted and once one learns that, one will see that a wide number of amendments are not only unnecessary, but even harmful.

This author wouldn't necessarily argue against either position, yet offers that vast federal election expenditures ultimately rest upon the pervasive but false view of a 'winner-take-all' form of politics whereby the winner is supposedly able to steer the government ship in most any direction desired over the next four years (at least if Congress &/or the courts can be swayed).

While it is readily understandable why proponents of a progressive form of government would subscribe to such a view (as it supports a 'pliable' Constitution, allowing the Constitution to be 'bent' to any particular way of thinking), why on earth would limited government advocates ever accept such nonsense?

The short answer is because we advocates of limited government under strict construction of the whole Constitution really have no clue as to what is actually going on and nothing better comes to mind.

Thus, out of sheer desperation in attempt to 'Do Something' and hope it sticks, Patriots otherwise fighting for limited government sadly accept offered parameters which ensure they will ultimately fail, as ever-increasing numbers of Americans line up for a feeding frenzy at the government trough, overpowering all uninformed opposition which stands in their way.

But voting and elections cannot be the 'end-all' in American government, even though that is the only maxim upon which all sides now agree (that no matter which way one votes, just make sure one votes).[3]

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3. The drive to push voting and elections front-and-center has been on-going for many generations and is now well-ingrained. For example, 10 constitutional amendments deal either with voting and/or federal elections:

Amendment	Year ratified	Topic
12th	1804	President and Vice-President
15th	1870	Voting w/o consideration of Race or Color
17th	1913	Direct Election of Senators
19th	1920	Voting w/o consideration of Sex
20th	1933	Presidential/Congressional Terms
22nd	1951	President—not over two terms
23rd	1961	Electors for D.C. act as if it were a State
24th	1964	Poll Taxes forbidden
25th	1967	Presidential Succession
26th	1971	Age (18-year olds may vote)

Thankfully, each Presidential election season actually provides confounded Patriots yet another opportunity to learn more about our dual form of government, of a proper division of government power between federal and State jurisdictions.

A majestic white oak tree proudly shows Patriots that it is the structure behind the readily-apparent leaves which determine the type of fruit the tree will ultimately bear. Though the tree loses its leaves every year, new ones develop to help provide nutrients the tree needs to produce its acorns.

Even if omnipotent government replaced all of its elected officials and members of Congress *every year* like the tree replaces its leaves, it is the structure which remains behind which will ultimately determine the function under which those future replacements will operate.[4]

(3. cont'd). On its own, the drive to responsibly expand the vote isn't harmful, but this increase-the-vote die has been cast mainly to throw a moral sanction over government expanding its parameters of action into things never-before allowed, nominally 'giving everyone involved' a voice in the outcome. After all, who could really object as long as they had a voice in the outcome? (Well, this author, for one…). Much better is it to restrict government action to proper parameters than to constantly increase the vote.

4. Term limits is another of the favorite amendment proposals of conservatives which again fails to address the true cause of our woes (which pertains to the *extent* of power exercised by government authorities, not simply which particular person happens to fill any government position at any point in time).

It is necessary to graft a new branch of a different type of tree into the oak tree to ever hope to produce a different type of fruit.

The amendment process is the Constitution's delineated process by which the tree of government is allowed to be grafted in effort to produce a different kind of fruit. And that amendment process is dictated by Article V of that Constitution.

The crucial point to take away from Article V is that even though Congress may *propose* amendments to the U.S. Constitution, only the States may *ratify* them: and neither the President of the United States nor the courts have any role in either proposing or ratifying amendments.[5]

As no other article, section or clause of the Constitution allows changes by any other process, the obvious implication from Article V is that not only may no President ever steer government in a new direction *which is not already allowed by the Constitution*, but neither may Congress nor the courts! No branch of the federal government — individually or even in concert with other branches — may ever actually *change* the Constitution.

Those who are delegated federal authority within the Constitution (the Congress, the President, *and* the courts[9]) are powerless to change it; they only appear to change it by deception exercised over a populace not understanding their clever and devious methods used to circumvent the spirit of the Constitution.

(4. cont'd). Justice will not develop from tyranny simply because various individuals have been changed (and there is no need to rebuild government from its charter). It is only necessary to learn *how* that charter has been largely subverted and then make one minor clarification to eliminate the improper reign of arbitrary government in America.

5. At the time of publication, the Senate website admits to 11,623 proposed amendments since 1789, out of which only 27 have been ratified by the States.

www.senate.gov/pagelayout/reference/three_column_table/measures_proposed_to_amend_constitution.htm

Obviously, the ability of Congress to propose Amendments hardly ensures ratification (about two ratifications for every 1,000 attempts). Although all 27 ratified Amendments have all been proposed by Congress, the States may even bypass Congress and call for a Convention of the States for proposing amendments directly (without direct discretionary action by Congress).

The implications of a thorough understanding of Article V of the Constitution prove that all the various scoundrels who have ever exercised extreme federal powers which aren't readily evident within the Constitution still have not actually ever changed that Constitution one iota.

A simple example provides compelling evidence of the absurd proposition that a President may steer government within his or her own discretion in a radical new direction not otherwise allowed by the Constitution (and that it is therefore necessary to spend billions of dollars to "elect the 'right' person" to that office. When the powers of that office are properly circumscribed to only that allowed by the whole of the Constitution, it matters far less who is in office as the office-holder is utterly powerless to transform government).

A simple compare and contrast between the constitutionally-authorized Electoral College used for electing the President (and Vice-President) and the constitutionally-authorized amendment process used to formally modify the Constitution provides Patriots sufficient clarity to understand fundamental propositions which they have always known but which they sadly no longer really believe (because their eyes continuously deceive them).

Under the decennial census which apportions the number of U.S. Representatives for each State of the Union as they meet together in Congress, the State of California is currently allowed (after the 2010 census) 53 Representatives, due to its proportion of State population in comparison with the population of all the States as a whole.

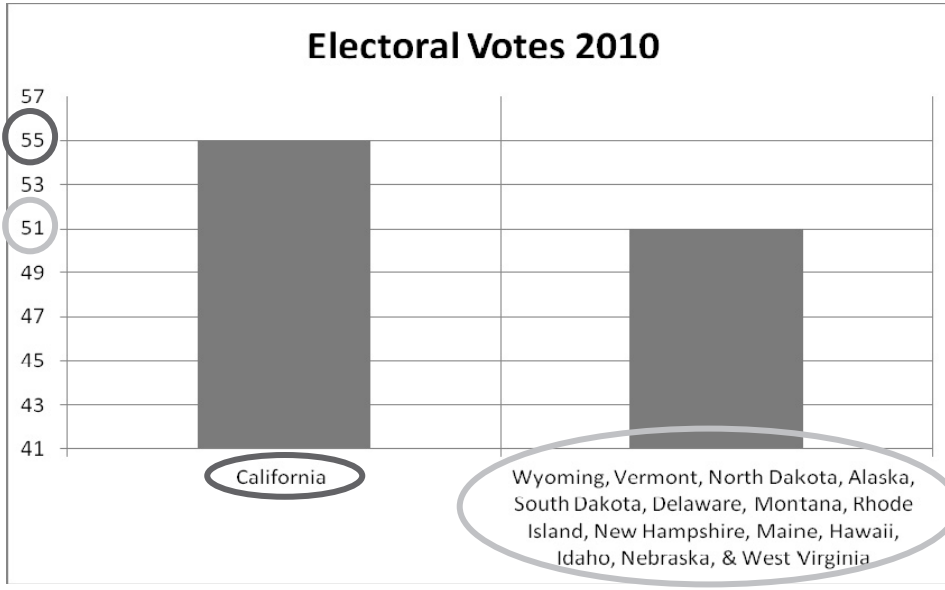
Since Article II, Section 1, Clause 2 and the 12th Amendment allow each State one elector for each of their Representatives and one elector for each of their two Senators, the State of California was allowed 55 electoral votes in the 2012 election (and will be allowed that same number in 2016).

The State of Wyoming has but one Representative under the 2010 census, just like the States of Vermont, North Dakota, Alaska, South Dakota, Delaware, and Montana. Of course, since each State is allowed two Senators by Article I, Section 3, Clause 1 of the U.S. Constitution (and the 17th Amendment) and therefore two more presidential electors, these States are all currently each allowed three electoral votes for electing the President and Vice-President.[6]

The States of Rhode Island, New Hampshire, Maine, Hawaii, and Idaho are each allowed two Representatives under the 2010 census, and therefore now have four electoral votes each, counting an elector also for each of their two Senators.

And the States of Nebraska and West Virginia each have three Representatives under the 2010 census, and therefore are now allowed five electoral votes each.

Under the 2010 census and under constitutionally-authorized parameters for determining electors, the single State of California will again have 55 electoral votes for the 2016 presidential election, *which is greater than the combined total of the 14 least-populated States which have but 51 electoral votes altogether*.[7]



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6. The 23rd Amendment which empowers Congress to direct the appointment of a number of electors for the District of Columbia (for electing the President and Vice President) as "if it were a State" is here ignored, since the District of Columbia is not a State and therefore cannot ratify Amendments.

7. This fact is not in any way meant to endorse the National Popular Vote movement, which would help throw presidential elections to the major metropolitan population centers and make States functionally less relevant.

But understanding that the single, most-populated State in the Union has more political pull in determining the outcome of the Presidential race than the 14 least-populated States helps us understand true limitations on federal authority.

However, before getting to that vital point, it is necessary to look further into Article V of the U.S. Constitution, at the amendment process which is therein delineated.

Article V clearly dictates that it takes a three-fourths majority of all the States of the Union to ratify proposed amendments.

With 50 States currently in the Union, it therefore now takes 38 States to ratify a proposed amendment.[8]

Therefore, *any* 13 States may *prohibit* ratification of *any* proposed amendment (given 50 States), *even the 13 least-populated States!*

Thus certainly the 14 least-populated States which may yet be outvoted in a Presidential election by only the *single* most-populated State in the Union are nevertheless fully-empowered on their own to forever prohibit ratification of any proposed amendment (given 50 States), *even if all the other 35 remaining States of the Union voted to ratify the proposed amendment along with the State of California*!

The take-home message of absolute importance 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 (remember, only 27 amendments have been ratified out of some 11,623 proposals) *if the President could simply do whatever he (or she) pleased, thereby defeating the all-important amendment process*!

Does any modern-day American *really* believe that the framers of our Constitution were that naïve, that simple-minded, that ignorant?

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8. 37 out of 50 States amounts only to 74%, which falls short of the required 75%.

A compare and contrast of Article II and Article V of the Constitution, of the Electoral College and the amendment process, actually provides strong evidence that it is today's Patriots who have failed to understand how we have been cleverly deceived, because of our own constitutional ignorance (and not the framers').

While the Electoral College helps show the President is certainly powerless to change the Constitution, the amendment process is actually sufficient on its own to prove that only the States are empowered to collectively change the powers of the federal government.

The federal government is wholly unable to change its own powers; therefore the Constitution has *never* actually been changed by *any* federal action (even supreme Court rulings)![9]

Since federal action is powerless to actually change the Constitution, *then even 150 years of errant federal action at odds with the spirit of the Constitution are essentially immaterial* and may be swept away with a proper understanding of how omnipotent government supporters have been successful to date!

Patriots do not have to attempt to pick at only the outer fringes of tyranny during the election season to restore liberty in piecemeal fashion (and yet sadly fall short even of such basic goals).

Excessive government action may be *reversed* with the implementation of one simple restorative amendment to clarify a current power; but Patriots must first learn *how* government has been effectively able to do as it pleases (which is the explicit purpose of *Patriot Quest*).[10]

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9. The 11th Amendment, ratified in 1795, stands as the first clear example that the Constitution is what three-fourths of the *States* say it is, not (a majority of) the supreme Court.

The 11th Amendment, ratified by States, *over-turned* the supreme Court's 1793 ruling in *Chisholm v. Georgia* (2 U.S. 419) which had set aside sovereign State immunity because of strict construction of Article III, Section 2, Clause 1 of the Constitution. The 11th Amendment provided updated instruction upon how the Constitution must thereafter be construed in such matters (*see* Chapter 7 herein for further discussion on this amendment).

That errant federal actions *must* necessarily rest on powers which have *already been delegated* is an important and vital clue to properly-narrow the field of search to discover *how* government has long been able to do as it pleases with impunity.

It should be pointed out if government was actually able to change its own power, then it would be of great concern *who* was elected or appointed to their positions, since these people would be able to determine the extent of their own power at their pleasure (absolute tyranny).

Yet if government may change its own power, then a written Constitution is essentially irrelevant, at least over the long-term. But it is that Constitution alone which creates the Congress and the U.S. Government and gives them their powers in the first place.

In this absurd form of alternative American government which can be created but cannot be constrained, it would be of great importance therefore to elect angels and not the devils we seem to always get or eventually produce.

But Madison's observations in *The Federalist* #51 are here pertinent:

> "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary…"

Knowing men are not angels and knowing that we are neither governed by them, the framers of our Constitution nevertheless proceeded to chain and bind government so they would create a nation of laws rather than of men.

But how did they do it? James Madison provides the answer, continuing a bit later (italics added):

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10. The enactment of a new amendment is not even absolutely necessary, it is merely a prudent safety mechanism to assure that the misused power is not again misused (but a wide-spread understanding of government's clever tactics should actually assure that on its own).

> "In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. *The different governments will control each other*..."

Everything that matters in the restoration of political and fiscal sanity in this lost land naturally flows from this most basic of American governing principles, of a division of power between federal and State governments, *with the different governments controlling each other*.

The fundamental division of government power in America between federal and State authorities, with the one controlling the other, is progressive government's worst enemy and the Patriot's saving grace.

With the federal government therefore powerless to expand its own authority, Patriots may thus safely ignore all assertions to the contrary *which simply waste precious time and divert valuable resources.*

Patriots are thus freed to delve deeply into the government's delegated powers to learn how one of them could ever be cunningly used to otherwise allow the tyranny which is becoming increasingly evident the chance it needed to ever gain an improper foothold in the first place.

To regain lost liberty and limited government under strict construction of the whole Constitution, Patriots must begin to question apparent truths which are simply *not* true, for false assumptions do not equal truth.

Tragically, Patriots have failed to question long-standing false beliefs and mistaken assumptions, even to the point of believing that words no longer have any real meaning, simply because they fail to comprehend how things have digressed so far.

Like the universal belief in a flat earth was finally overcome ever-so-slowly only by mounting evidence first believed only by the most-inquisitive, belief in an omnipotent federal government will also be overcome (only now with the decentralized Internet, there's no reason things must proceed slowly).

Since concrete examples are far easier to understand than mere abstractions, it is proper to look into an actual example to see how proponents of tyranny have long been able to do pretty much as they pleased despite the Constitution's express mandates otherwise.

Chapter 2. Legal Tender Paper Currencies

It is of great importance to both the (productive) rich and poor alike to be able to rely upon sound money which maintains well its store of value over time and distance.

Since the rich have so much money, it is important that they properly safeguard it; because the poor have so little money, it is important to them that every penny really count — sound money is thus the safe-haven of both groups and to every productive person in between.

The greatest beneficiaries of paper currencies are those who control its issuance who earn compound interest despite negligible cost, even as new money loaned into existence dilutes the purchasing power of all previously-issued money (robbing all who have saved money of a portion of their wealth).

Those who spend first that new money gain additional benefit as they are able to buy goods and services at prices which don't yet take into account an influx of new money.

Those with the least political 'pull' suffer the largest losses as prices have been adjusted to reflect the modified financial realities by the time they are able to spend any new money which has finally filtered down to them (typically in the form of higher wages [which usually lag behind]).

Of course, legal tender paper currencies also provide the government which extensively borrows it a great deal of *flexibility;* thus aiding government expansion beyond what it could otherwise afford without a paper currency.

Since government ultimately borrows money only to spend it, a whole host of private companies are also motivated by ample government borrowing, providing a strong feedback mechanism in the 'private' industry supporting the status quo.

Arguably in no other example has it been to (productive) America's detriment than the removal of gold and silver coin from our money, to be substituted instead with paper.

Without gold and silver coin any longer in active circulation, the monetary base now consists of debt-based money which has been loaned into existence (provided someone is willing and able to assume more debt [whereas gold and silver increased through production]).

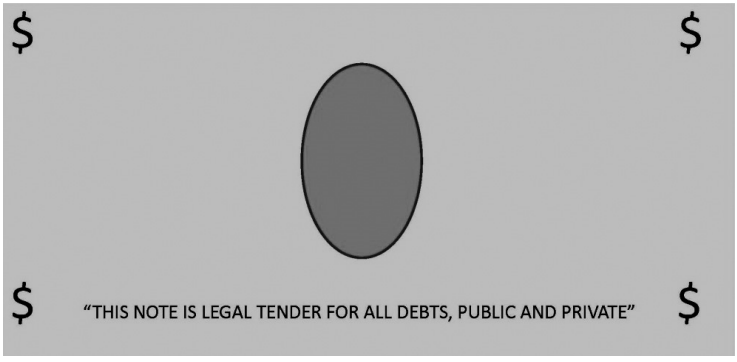
Without surprise, unilateral use of a debt-based form of money has necessarily exploded debt across all spectrums of the economy; government, private industry and individuals alike have all become deeply encumbered with ever-advancing debt.

But heaven help the economy if or when too much debt is ever paid down, because then the monetary base shrinks, with monetary shortage itself endangering a monetary implosion through a cascade of ever-expanding debt defaults.

A deeply-indebted America whose financial instability grows is thus an unstable and enslaved America (also providing a very strong impetus for needed change).

A showdown between the powerful forces for the status quo and for needed change is all but inevitable; unfortunately, the possible outcomes don't look any too good for most people involved.

Tragically today's form of money doesn't hold its value well, even though a primary role of money is not only a medium of exchange but also as a store of value over time and distance. The paper currency we use today nevertheless declares thereon that it is a "Note" which is "Legal Tender for All Debts, Public and Private."



The American people throughout the country buy-and-sell in the paper dollar; they earn wages, salaries and profits in that currency; much of their liquid wealth is directly stored in that form of money or is held in various accounts denominated in such terms.

With so much of America's time and energy devoted to earning, spending and attempting to save this form of 'money', it is vital to better-understand the transition of American legal tender money from only gold and silver coin over to a paper form which continuously robs all those people who tolerate its use.

Even the most ardent proponents of legal tender paper currency must readily admit that all legal tender monetary legislation enacted by Congress during the first 70 years of government under the U.S. Constitution dealt only with gold and silver coin.

It was not until a February 25, 1862 legislative Act that Congress issued the first paper currency ever declared a legal tender, the Civil War 'Greenbacks'.[1] That currency was therein declared a legal tender for all debts, except duties on imports and interest on the public debt.

America's legal tender monetary history under the Constitution (of being at first only gold and silver coin before paper was creatively added into the mix [and later effectually ending only with paper as gold and then silver coin were effectively removed from circulation]) provides Patriots interested in restoring America to greatness with a interesting case study to examine to see what may be discovered.

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1. Vol. 12, *Statutes at Large*, Page 345.

See also: Monetary Laws of the United States, Vol. II, Appendix J, Page 506, Matt Erickson, 2012. www.PatriotCorps.org.

Without surprise, there was considerable effort by opposing parties to both institute and resist the first legal tender paper currencies.

That some of those efforts became court cases and that they eventually made it all the way to the U.S. supreme Court is also of no surprise.

But 21st-century Americans well-versed in the use of legal tender paper currencies may be surprised to learn that the first court cases actually ruled *against* the concept that paper currency was a legal tender in the specific instances before them (despite the claim on the notes otherwise).

Both the supreme Court cases of *Bronson v. Rodes* and *Hepburn v. Griswold* ruled that paper currency couldn't be a (forced) legal tender for contracted debts even though it had been declared by Congress and first Republican President Abraham Lincoln to be "legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest."[2]

It was not until an 1871 court case that any supreme Court ever upheld paper currencies as legal tender in the instance before them — that monetary debts could now be paid in paper currency declared a tender.[3]

To understand this court case, one must learn to read between the lines and discard all the otherwise irrelevant chatter meant to muddle the real issue, of *how* exactly the court could uphold the ability of Congress to issue legal tender paper currencies (given the Constitution's directives otherwise).

For sake of brevity, *Patriot Quest* will look only at three separate passages within the lengthy ruling and essentially ignore all other comments within the 230 pages of the case as irrelevant sideshows meant to confuse the real issues which are hereinafter examined.

The first passage of examination clearly admits what the court *did not do* (while the other two passages examined deal with what the court actually did).

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2. *Bronson v. Rodes,* 74 U.S. 229 (1869)*; Hepburn v. Griswold,* 75 U.S. 603 (1870)*; See also: Lane County v. Oregon*, 74 U.S. 71 (1868).

3. *The Legal Tender Cases,* 79 U.S. 457 (1871). This supreme Court case was a joint ruling of two lower court cases, *Knox v. Lee* and *Parker v. Davis*.

One method used within the ruling to help hide significance of the passages was to list key thoughts in very long paragraphs.

The many following sentences from this first passage of study were all presented as (only part of) one long paragraph within the ruling (but the sentences will be here shown separately for easier examination).

The Legal Tender Cases; Passage Number One

The first concept to examine within *The Legal Tender Cases* begins with the following two sentences of the court opinion:

> "(W)e 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 of conferring a power to coin money and regulate its value."[4]

This comment of course refers to the Article I, Section 8, Clause 5 power of Congress "To coin Money, regulate the Value thereof, and of foreign Coin, and fix a Standard of Weights and Measures" as specified in the U.S. Constitution.

The court passage continues with a third sentence, which ultimately asks a question:

> "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 itself has no value?[5]

The first three sentences from this first passage of study thus offer a simplified restatement of the case from a strict-constructionist's viewpoint (which viewpoint the court thereby directly acknowledges).

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4. *The Legal Tender Cases,* 79 U.S. 457 @ 552 - 553 (1871).

5. *Ibid.*, Page 553.

Since *Patriot Quest* is written from a strict-constructionist's viewpoint, the court's answer in the next sentence is of great interest to us:

> *"This is a question foreign to the subject before us."*[6]

By the court's surprising answer to their own question, monetary purists must realize that if they ask such questions regarding this particular court case, then they are wholly on the *wrong* page and understand *nothing* about what or how the court is actually ruling.

The court — thankfully for those of us who are a little dense — continued further, saying:

> *"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."*[7]

By these crucial admissions, *The Legal Tender Cases* Court — the first supreme Court case to ever uphold the legal tender nature of paper currency in the case before them — nevertheless expressly admitted that even the paper currency they were upholding as legal tender:

1. is not 'coinage';
2. is not 'money';
3. is not emitted as a 'regulation of the value of money'; and
4. does not even have inherent 'value'.

In case anyone doubts such conclusions, the court next pointedly declared:

> "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."[8]

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6. *Ibid.* (Italics added).

7. *Ibid.* (Italics added).

8. *Ibid.,* Page 553 (Italics added).

And for those of us who are really dense, *The Legal Tender Cases* Court elsewhere commented (referring to the Article I, Section 8, Clause 5 grant of power to Congress to coin money and regulate its value) that:

> "We do not…rest our assertion of the power of Congress to enact legal tender laws upon this grant."[9]

The first supreme Court case to ever uphold the emission of a legal tender paper currency did not rest that ruling on the power of Congress to coin money or regulate its value, and legal tender paper currencies had nothing to do with fixing a standard of weights or measures (including the establishment of a determinable measure of Value [which alone is yet reserved to our gold and silver coin]).

These admissions of the first supreme Court case to ever uphold the ability of Congress to emit legal tender paper currencies form a very important basis upon which one may begin to develop a proper understanding of the ruling, for these admissions begin to set the proper stage for what the court actually did in their ruling (which isn't easily-decipherable, by intention).

No Patriot should ever willingly concede anything to arbitrary government which isn't absolutely 'pried from their cold, dead hands'; and being ignorant of what precedent-setting cases actually ruled is a luxury which shouldn't ever be afforded (for this is where government violently detours away from America's founding principles and begins to roam freely about in unchartered territory).

From our examination of the first passage thus far, we now know that the supreme Court did ***not*** do what most Americans of the 21st century would otherwise naturally believe — that the court upheld legal tender paper currency as our new form of money (adding to [and later replacing] gold and silver coin).

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9. *Ibid.,* Page 547.

The final sentence of this first passage of examination (of what the court admitted they did *not* do) actually gives us a brief glimpse of what they did (but without here actually informing us *how* they acted), stating:

> "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 value determined by the coinage acts, or to multiples thereof."[10]

There are several important points within this sentence of gibberish which must be analyzed. The first is to realize that *The Legal Tender Cases* referred to paper currency as:

> "[T]he government's promises to pay money;"[11]

Looking at the earlier *Hepburn* case, one finds that the court therein called paper currency:

> "[M]ere promises to pay dollars;"[12]

The *Bronson* Court similarly stated that:

> "The note dollar" was a "promise to pay a coined dollar."[13]

Thus, by repetitive court rulings, one discovers that paper currency is "the government's promises to pay money", "mere promises to pay dollars", and that a "note dollar" was a "promise to pay a coined dollar."

Paper currencies (whether or not held to be a legal tender as claimed) were held in all three court cases (even of differing results) to be legal I.O.U.'s; legal obligations of the U.S. Government to someday pay coined money of gold or silver coin — the only 'things' which are coinage, the only 'things' which are money, the only 'things' which are struck in a precisely-determinable and therefore 'regulated' value, the only 'things' which have inherent value, and, in fact, which *are* the standard of value.

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10. *Ibid.*, Page 553.

11. *Ibid.*

12. *Hepburn v. Griswold*, 75 U.S. 603 @ 625 (1870).

13. *Bronson v. Rodes*, 74 U.S. 229 @ 251 (1869).

And, of course, the first legal tender government I.O.U.'s did promise to later pay coined money to pay off that debt security.[14]

Looking further into the last sentence of the first passage of examination (of what the Court did not do), we again read:

> "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 value determined by the coinage acts, or to multiples thereof."[17]

It is now important to examine the word "power" found within this sentence. This is because the Constitution is nothing if not for the delegation of power (from the State governments which ceded specified powers over to the Congress and U.S. Government).

It is proper for the court to discuss the *power* of Congress and the U.S. Government in their ruling; after all, one will note that our U.S. Constitution expressly discusses 'power' repeatedly.

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14. The single question which the 1884 legal tender case of *Juilliard v. Greenman* sought to answer was:

> "whether notes of the United States, issued in time of war, under acts of Congress declaring them to be a legal tender in payment of private debts, *and afterwards in time of peace redeemed and paid in gold coin at the Treasury*, and then reissued under the act of 1878, can, under the Constitution of the United States, be a legal tender in payment of such debts."[15]

15. *Juilliard v. Greenman,* 110 U.S. 421 @ 437 - 438, 1884. Italics added.

That the supreme Court acknowledged in this 1884 case that the (1862-era) legal tender notes had actually been "redeemed and paid in gold coin at the Treasury" provides confirmation that these I.O.U.'s were ultimately paid as promised, in gold coin.[16]

16. *See*: the public domain books *Dollars and nonCents* (beginning at page 71) and *Monetary Laws of the United States*, Volume I (beginning at page 234), both by Matt Erickson, at www.PatriotCorps.org, www.Archive.org, or www.Scribd.com/matt_erickson_6 for further discussion of the important legal tender case of *Juilliard v. Greenman* which will not be herein further discussed due to brevity concerns.

17. *The Legal Tender Cases,* 79 U.S. 457 @ 553 (1871). Italics added.

For example, **Article III, Section 1** specifically invests "The judicial ***Power***" of the United States:

> "in one supreme Court and such inferior Courts as the Congress may from time to time ordain and establish."

Article II (Section 1, Clause 1) similarly vests "The executive ***Power***" in "a President of the United States of America," who shall hold his office for a term of four years.

Article I (Section 1), however, is worded somewhat differently (but yet along the same lines), stating that:

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

A simple compare and contrast between Articles II and III with Article I shows the similarity of discussion (discussing the delegation of government authority to the three branches of government), yet the clear divergence in Article I must be properly noted and understood.

While the whole of the judicial power and the whole of the executive power are vested within the respective judicial and executive branches of the U.S. Government, *only* the specific legislative powers which were "herein granted" were vested with the Congress of the United States.

It is vital to note that the whole of the legislative power — "power" worded singularly — was *not* *ever* delegated to Congress, but only the specific *individual* legislative "powers" ("powers" worded in plural form with an added "s") which were therein *enumerated* within the written Constitution were delegated to and vested in the Congress.

Since only the specific legislative powers which were therein enumerated were actually vested in a Congress of the United States, all other legislative powers not therein delegated were retained by the States which ratified the Constitution under terms delineated in Article VII (except those legislative powers retained by the people, which were not delegated to *any* American government [as later specifically expounded upon in the 10th Amendment {ratified in 1791}]).

To specifically understand *how* the supreme Court was able to remark that members of Congress have the power (to enact) that the government's promises to pay money are equivalent in value to value which had heretofore been determined only by the coinage acts, one must understand the criminal jurisdiction of the United States as expressly detailed within the U.S. Constitution, which includes:

1. **Treason** (via Article III, Section 3, Clauses 1 & 2);
2. **Counterfeiting** the Securities and current Coin of the United States (via Article I, Section 8, Clause 6); and
3. **Piracies** and Felonies committed on the high Seas and offenses against the Law of Nations (via Article I, Section 8, Clause 10).[18]

Although *The Legal Tender Cases* had nothing to do with any alleged crime (including counterfeiting, treason, or even bribery, etc.), it is proper for us to examine the federal government's express criminal authority under the Constitution *because that is the specific example The Legal Tender Cases Court used to actually show how they upheld Congress as having the power to issue legal tender paper currencies*.

***The Legal Tender Cases*; Passage Number Two**

The Patriot Quest will now transition over to an examination of the second passage in *The Legal Tender Cases*, to learn what that Court actually relied upon to rule as they did.

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18. Article III, Section 2, Clause 3 also informs us that impeachment is a crime, but Article I, Section 3, Clause 7 advises us that "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."

These and other impeachment clauses listed below allow sufficient federal jurisdiction for a wide variety of State or federal crimes only for federal *political* judgment (while not precluding separate judicial "Indictment, Trial, Judgment and Punishment, according to Law," [even if that law and judicial proceedings otherwise happen to be found under State criminal jurisdiction]).

See also: Article I, Section 2, Clause 5; Article I, Section 3, Clauses 6; and Article II, Section 4.

One will again find all of the following quotes within one (even longer) paragraph (but they will again be looked at individually for easier examination).

In *The Legal Tender Cases*, the supreme Court correctly stated that Treason, Counterfeiting, Piracy, and Impeachments are, in the Constitution:

> "the extent of power to punish crime expressly conferred."[19]

Next the court also correctly commented that:

> "It might be argued that the expression of these limited powers implies an exclusion of all other subjects of criminal legislation."[20]

Obviously, in a government of delegated powers, all actions in excess of delegated powers (except those powers necessarily and properly incident to the implementation of the delegated powers) are necessarily retained by the original delegating body (bodies).[21]

By these comments, the court again directly acknowledges the strict constructionist's argument that a government of delegated powers does not have *inherent* powers; that a government of delegated powers may not do things other than as delegated (except for those things necessarily and properly incident to the implementation of the enumerated powers).

The court next narrowed that general line of thought down to the specific case before them, writing:

> "Such is the argument in the present cases.
>
> "It is said because Congress is authorized to coin money and regulate its value it cannot declare anything other than gold and silver to be money and make it a legal tender."[22]

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19. *The Legal Tender Cases,* 79 U.S. 457 @ 535 - 536 (1871).

20. *Ibid.*, Page 536.

21. *See:* Article I, Section 8, Clause 18 of the U.S. Constitution and the 10th Amendment.

22. *The Legal Tender Cases,* 79 U.S. 457 @ 536 (1871).

The court thus again directly acknowledges the strict constructionist's argument, here regarding legal tender money of any "thing" other than gold and silver coin; that since Congress "is authorized to coin money" and especially "regulate its value" that Congress "cannot declare anything other than gold and silver to be money and make it a legal tender."[23]

But look at how the court responded to that wholly-reasonable assertion in the very next sentence in this passage, easily the most important sentence within the whole ruling, which response was worded:

> "Yet Congress, by the act of April 30, 1790, entitled "An act more effectually to provide for the punishment of certain crimes against the United States," and the supplementary act of March 3d, 1825, defined and provided for the punishment of a large class of crimes other than those mentioned in the Constitution, and some of the punishments prescribed are manifestly not in aid of any single substantive power."[24]

To better-understand the whole second passage of examination — and thereby the whole ruling — *and therefore the whole actual basis of arbitrary omnipotent action by American government* — it is helpful to delete out as many of the less-important words of this sentence as possible.

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23. A 'regulated' value absolutely necessitates determinable, objective standards while *precluding* arbitrary 'measure'.

Of course, the Article I, Section 8, Clause 6 power of Congress "To provide for the Punishment of counterfeiting the Securities and current Coin of the United States" and also the Article I, Section 10, Clause 1 passage that "No State shall…coin Money, emit Bills of Credit; (or) make any Thing but gold and silver Coins a Tender in Payment of Debts" also play significant factors in the strict constructionist's argument against a legal tender of anything other than gold and silver coin.

See the public domain books *Dollars and nonCents* and *Monetary Laws*, both by Matt Erickson, at www.PatriotCorps.org, www.Archive.org or www.Scribd.com/matt_erickson_6 for further support of the argument for a legal tender of only gold and silver coin for the whole U.S. of A.

24. *The Legal Tender Cases,* 79 U.S. 457 @ 536 (1871).

Although the title of the 1790 Act is important to be able to find the correct legislative Act for further examination, once one finds it, one may thereafter safely ignore the title temporarily (and the 1825 supplement).

Thus, deleting out less-important words, the following words remain:

> "Yet Congress, by the act of April 30, 1790…defined and provided for the punishment of a large class of crimes other than those mentioned in the Constitution, and some of the punishments prescribed are manifestly not in aid of any single substantive power."[25]

To best understand the court's deft reference to the actual power the Congress could actually use which would allow the supreme Court to uphold the issuance of legal tender paper currencies given the Constitution of delegated powers which didn't reach to bills of credit, it helps to restate this passage from the court's ruling in an easier-to-understand form:

1. First, the court began their admission by correctly acknowledging that Treason, Counterfeiting, Piracy, and Impeachments are "the extent of power to punish crime expressly conferred" (within the Constitution).

2. The court next admitted the normal principle of a government of expressly-delegated powers, that "It might be argued that the expression of these limited powers implies an exclusion of all other subjects of criminal legislation."

3. The court then brought the general discussion of a government of delegated powers to the specific case before the court, repeating the strict-constructionist's argument that Congress "cannot declare anything other than gold and silver to be money and make it a legal tender."

4. But (never-mind otherwise valid arguments normally associated with a government of expressly-delegated powers [both general and specific to this case]) that Congress "by the act of April 30, 1790" nevertheless "*defined and provided for the punishment of a large class of crimes other than those mentioned in the Constitution*" even though "some of the punishments prescribed" therein were "manifestly not in aid of any single substantive" or named power.

The Legal Tender Cases Court thus points out the actual historical fact that even considering the general rule for a government of expressly-delegated powers, Congress had earlier "defined and provided for the punishment of a large class of crimes *other than those mentioned in the Constitution*" — <u>and no one at that time had cried 'foul'</u>.

But notice how the court phrased the most important words found of this paragraph; that the 1790 and 1825 crime Acts defined and provided for the punishment of a large class of crimes "other than those (crimes) *mentioned* in the Constitution."[26]

This precisely-worded phrase is our first clue that this 1871 court wasn't perhaps being completely forthright in their ruling.[27]

Neither is this first instance of strict attention to detail the only one; this same court elsewhere also stated that those 1790 and 1825 crime Acts defined and provided for the punishment of a large class of crimes *other than* those crimes which had "direct *reference*… in the Constitution."[28]

The Legal Tender Cases reiterated for a *third* time that the 1790 and 1825 crime Acts defined and provided for the punishment of a large class of crimes *other than* the criminal jurisdiction which was "expressly *conferred*" in the Constitution.[29]

With three separate examples of precisely-worded phrases dealing with the same (otherwise irrelevant) subject in this case, it becomes increasingly evident that *The Legal Tender Cases* Court was being very careful when it chose its words (to imply something without actually stating it).

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25. *Ibid.*

26. *Ibid.* (italics added).

27. While strict attention to the proper delegation of authority is wholly appropriate and common in those who strive toward and practice limited government, beware of what comes next when those who constantly yearn for more government power start paying such particular care to their actual delegated authority (for they will surely next be pushing those limits).

28. *Ibid.,* Page 545 (italics added).

29. *Ibid.,* Page 536 (italics added).

That the court uses the phrases "*mentioned*" in the Constitution, "*reference*(d)" in the Constitution and which discussed the criminal jurisdiction which was "*expressly conferred"* in the Constitution, one begins to see clever legal maneuverings being implemented to make it appear and perhaps even imply that at least some of the crimes covered in the 1790 and 1825 crime Acts couldn't find direct constitutional support (without actually ever legally stating such a false assertion).

But it should be readily apparent that if the Constitution otherwise provided for alternate criminal jurisdiction within its clauses even without specific mention, explicit reference or the express conferring of such power, that these other criminal punishments could *still* find direct constitutional support (without making the court wrong [and without ever resorting to any type of creative 'interpretation' of the Constitution]).[30]

By such precisely-worded phrases, one begins to understand the author's assertion in Chapter 1 that proponents of a progressive, all-powerful government necessarily hold the Constitution up to its *strictest* terms (all while they brilliantly appear to otherwise ignore its mandates [for one is thus witnessing truly evil masters of the profession at work]). But careful examination of their tactics under the bright light of full disclosure shows that they necessarily take great and even monumental pains to ensure that one clause of the Constitution — *held to it strictest terms* — supports their actions.[31]

It is now necessary to examine the April 30, 1790 crime Act to see if all of its sections can nevertheless find proper constitutional support, even if there happens to be a large class of crimes therein listed which wasn't expressly mentioned, referenced or where the criminal jurisdiction therefore wasn't directly conferred in the Constitution.

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30. Again, when the roles of the proponents and opponents of omnipotent government action seem to be reversed (one using words and phrases more commonly attributed to the other), pay special attention to whatever comes next, for it surely will be important.

31. Without such ultra-precision, proponents of omnipotent government power could not actually ever hope to get away with what they have.

Upon examining Sections 1, 2, 23, 24, 29, 30, and 32 of the 1790 crime Act, one will find the discussion regarding Treason, which of course finds direct support in Article III, Section 3 of the Constitution.[32]

Section 14 also deals with Counterfeiting (the securities of the United States), which also finds express constitutional support.[33]

Sections 8, 9, 10, 11, 12, 13, 16 and 28 deal with Piracy, which again finds explicit support within the Constitution.[34]

The many sections of the 1790 crime Act which cover treason, counterfeiting and piracy all find direct mention and direct reference within the Constitution, and the criminal jurisdiction for those crimes are all directly conferred within the Constitution (thus those particular sections of the 1790 Act may be ignored).

But then one comes across sections such as **Section 3** of the 1790 crime Act, which declares:

> Section 3: "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."[35]

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32. 1790, April 30; Chapter 9 (1 Stat. 112 @113-119)

See also: Monetary Laws, Volume II, Appendix K, Pages 590 - 595. 2012. www.PatriotCorps.org

33. *Ibid*. *See* Article I, Section 8, Clause 6.

The first coinage act wasn't until 1792; thus there wasn't any mention of counterfeiting the 'current' coin of the United States within the 1790 Act.

34. *Ibid*. *See* Article I, Section 8, Clause 10.

35. 1790, April 30; Chapter 9, Section 3. (1 Stat. 112 @113).

See also: Monetary Laws, Volume II, Appendix K, Page 590. 2012. www.PatriotCorps.org

Since the crime of '*wilful murder*' which is found in Section 3 of the 1790 Act wasn't expressly *mentioned* or directly *referenced* in the Constitution, nor was the jurisdiction for punishment of that specific crime otherwise directly *conferred* in the Constitution, the court's comments are obviously not wrong — i.e., they are not false. There is at least one crime listed in the 1790 Act which fits the court's stated parameters.

The same goes for **Section 7**, which is worded:

> "That if any person or persons shall within any fort, arsenal, dock-yard, magazine, or other place or district of the country, under the sole and exclusive jurisdiction of the United States, commit the crime of manslaughter, and shall be thereof convicted, such person or persons shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars."[36]

It is also true that nowhere in the Constitution is there any express mention of the power of Congress to punish the crime of '*manslaughter*'; thus there are at least two crimes listed in the 1790 Act which fit the court's stated parameters.

Numerous other sections of the 1790 Act follow the same rules of Sections 3 and 7, but add nothing further to our point; this author therefore readily admits there is a 'large class' of crimes listed within the 1790 Act (and also the 1825 Act) which fit the court's stated parameters and thus the court is clearly correct on their literal legal point.

But just because the court's actual comments are not literally false doesn't necessarily mean that they were actually wholly and completely true, that they contained the whole truth and nothing but the truth.

While the court was correct with what they legally stated, their inference however is utterly *false* (that a large class of crimes found in the 1790 [and 1835] crime Act[s] couldn't find actual constitutional support but that Congress could nevertheless enact those laws).

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36. 1790, April 30; Chapter 9, Section 7. (1 Stat. 112 @113).

See also: Monetary Laws, Volume II, Appendix K, Page 591. 2012. www.PatriotCorps.org.

To properly understand the (1790 and 1825) crime Acts and *The Legal Tender Cases* Court, it is absolutely mandatory to begin by pointing out that this large class of crimes which were not *mentioned* in the Constitution, which were not directly *referenced* in the Constitution, or where the jurisdiction for this class of crimes was not *expressly conferred* in the Constitution actually all dealt with crimes occurring:

> "within any fort, arsenal, dock-yard, magazine, or other place or district of the country, under the sole and exclusive jurisdiction of the United States."[37]

It is therefore vital to learn more about this phrase, to find if it is supported constitutionally.

Consistent advocates of strict construction of the U.S. Constitution should be well-versed with its words. If they are, then the phrase "fort, arsenal, dock-yard, magazine, or other place or district of the country, under the sole and exclusive jurisdiction of the United States" should already be readily familiar, because such words and concepts are expressly discussed within **Article I, Section 8, Clause 17** of the Constitution which reads:

> "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."

This clause, of course, authorizes a unique federal district — the government seat — the District of Columbia.

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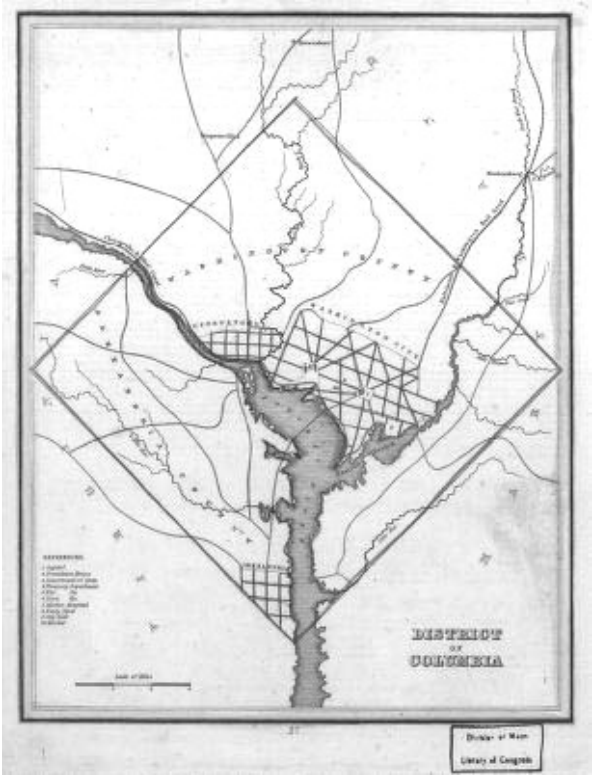
37. *Ibid.*



The seventeenth clause of the eighth section of the first article of the U.S. Constitution empowers Congress to exercise exclusive legislation "in all Cases whatsoever" in the district which shall become the seat of government of the United States and to exercise "like Authority" over all places purchased with 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."

Importantly for our explicit purposes here, it is vital to realize that the express wording (that Congress may exercise exclusive legislation) "in all Cases whatsoever" *readily acknowledges the power of Congress to enact both civil and criminal legislation in the government seat and in forts, magazines, arsenals, dock-yards and other needful buildings*; such that the wording 'in all *Cases* whatsoever' *therefore necessarily include cases both civil and criminal in nature*.

Thus the Constitution fully delegates to Congress the power to provide for the punishment of crimes committed within the District of Columbia, and also in forts, magazines, arsenals, dock-yards, and other needful buildings (which were ceded to the federal government with the consent of the respective State legislatures).

That crimes committed within exclusive legislative lands aren't specifically named within the Constitution *isn't relevant to the actual grant of criminal jurisdiction therein*.

Even after only a brief discussion, it should be becoming patently obvious that *The Legal Tender Cases* Court nevertheless sought to take great advantage of the inherent differences between the named crimes which are federal crimes *wherever* they happen to occur in the United States and exclusive legislation jurisdiction crimes which are federal crimes *only when committed* "within any fort, arsenal, dock-yard, magazine, or other place or district of the country, under the sole and exclusive jurisdiction of the United States."[38]

The Legal Tender Cases Court in effect ruled that since Congress in 1790 and 1825 could provide for the punishment of crimes which weren't *mentioned* in the Constitution, thus Congress could exercise that same level of discretion (on a different topic) again in 1862 and 1871.

But the ruling necessarily has an important caveat which absolutely cannot be separated without actually nullifying the court's ruling, which is that Congress could only act with such degree of discretion again in 1862 *as they actually did in 1790* (which was *only* under and within the exclusive legislative jurisdiction of Congress).

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38. Even if one counterfeited government securities in some city in one of the States of the Union, it would nevertheless be a *federal* crime because the U.S. Constitution *explicitly makes such activity a federal crime* (wherever it occurs).

However, whether any other matter be federal (beyond treason, counterfeiting, and piracy [impeachment-related crimes which may only be federally-punished in a political manner may otherwise have their own set of here-not-relevant parameters]) *depends on <u>where</u> that activity occurs* (in the government seat or within forts, magazines, arsenals, dock-yards, or other needful buildings ceded for exclusive legislative jurisdiction purposes).

Just as Congress could not act in 1790 or 1825 without proper constitutional authority, neither could they act apart from that authority in 1862 or 1871. And the authority ultimately resorted to in 1862 and 1871 (despite clever implications otherwise) rested *solely* upon Article I, Section 8, Clause 17 (just like a large class of crimes in the 1790 and 1825 Acts as explicitly cited by *The Legal Tender Cases* Court).

Since the States which ceded exclusive legislative lands cannot any longer enact State legislation for these areas which are now under the "exclusive legislation" control of Congress, it is of course important that someone enact (civil and criminal) legislation in those lands.[39]

While the Constitution does not ever expressly *mention* or directly *reference* crimes such as *willful murder* or *manslaughter*, the Constitution nevertheless explicitly does provide for punishment of these crimes *when they occur within exclusive legislation areas of Congress*, as part of the "all Cases whatsoever" wording of Article I, Section 8, Clause 17.

Neither does the Constitution ever directly confer named *criminal* jurisdiction for crimes committed within exclusive legislative jurisdiction lands, but the Constitution nevertheless does explicitly provide for criminal jurisdiction in the exclusive legislation areas of Congress, as part of the "all Cases whatsoever" wording of Article I, Section 8, Clause 17.

The justices of the supreme Court in 1871 certainly understood all of the relevant facts and knew precisely what they were doing (including those justices who nominally ruled against the majority, but who didn't scream and shout at the top of their lungs what was actually going on).

Yes, these scoundrels all took an oath or affirmation to support the Constitution and in theory they were doing so, but only under the strictest of terms (supporting but one clause of the Constitution [which allows for government tyranny] against the remainder of clauses [which prohibit it]).[40]

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39. It is not like willful murder or manslaughter could ever go unpunished in the government seat or within a federal fort, after all.

40. Again, such actions follow the strictest letter of the law and as such do not violate oaths, laws, or even the Constitution; although such actions necessarily violate the spirit of each of them.

The true implication of *The Legal Tender Cases* Court pointing to the 1790 and 1825 crime Acts was to show *how* they actually upheld paper currencies as legal tender without ever actually coming directly out and letting everyone know.

Thus *The Legal Tender Cases* Court upheld paper currencies as a legal tender only in the same manner as the Congress could provide for the punishment of 'wilful murder' and 'manslaughter' in the 1790 and 1825 Acts — which was only "within any fort, arsenal, dock-yard, magazine, or other place or district of the country, under the sole and exclusive jurisdiction of the United States."

Careful examination of the precedent-setting *Legal Tender Cases* shows that this 1871 court upheld paper currency as legal tender in the same manner as Congress was able to provide for the punishment of crimes other than those expressly mentioned, directly referenced or directly conferred within the Constitution, which in reality rested only upon Article I, Section 8, Clause 17 of the U.S. Constitution which allowed Congress to act "in all Cases whatsoever" for the government seat and exercise 'like authority' for forts, magazines, arsenals, dock-yards, and other needful buildings.

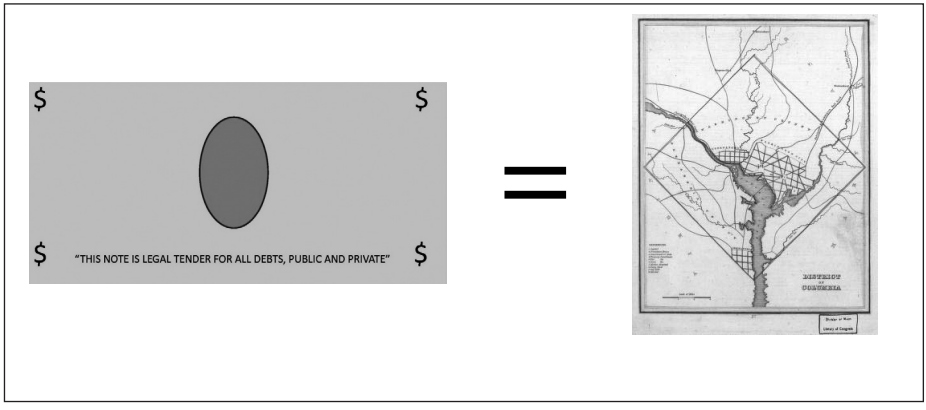
Thus, paper currencies may truly be a legal tender, but *only* in the District constituted as the Seat of Government of the United States and federal forts, etc., for these are the only 'places' where members of Congress may exercise the level of discretion necessary to reach beyond their delegated powers for the whole country (which delegated powers for the whole country only allow Congress to coin legal tender money of gold and silver coin [as effectually ruled *three* times by the supreme Court!]).

Thus the 1871 court really only ruled that the 1862 legal tender Act created a second form of money within the District constituted as the Seat of Government of the United States (and within forts, magazines, arsenals, dock-yards, and other needful buildings under the similar exclusive legislative jurisdiction of Congress). Within exclusive legislative areas, the form of legal tender money wasn't any longer limited only to gold and silver coin, but also now included paper currency.

But neither the 1871 ruling by the supreme Court nor the 1862 (and later) legal tender Act(s) by Congress could actually ever modify the Constitution's existing requirement that the only legal tender for the whole country — all of the States within the Union — remain *only* gold and silver coin of specified weights and purities.

Such forms of legal tender money other than gold and silver coin at congressionally-determined weights, measures, and values would yet require a constitutional amendment ratified by the States, which hasn't ever been done.

This is why the supreme Court answered their own question (discussing constitutionally-authorized money [with values which must be properly regulated in a strictly-determined manner {i.e., without arbitrary discretion}]) was "foreign to the subject before us" — because their ruling did not address constitutionally-authorized money for the whole country under the pertinent monetary clauses of the U.S. Constitution which were never invoked for authority (because those clauses *cannot* authorize paper currencies emitted by arbitrary government fiat).[41]



Within the remainder of the United States of America, the only 'things' which are a legal tender are — according to the whole of the U.S. Constitution beyond Article I, Section 8, Clause 17 — gold and silver coin!

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41. *The Legal Tender Cases,* 79 U.S. 457 @ 553 (1871). *See also* Footnote 6 of Chapter 3 on Page 51.

Our initial examination into the extreme levels of discretion necessary to justify a legal tender paper currency shows that paper currency can *only* be made a legal tender within the exclusive legislative jurisdiction of Congress for the District constituted as the Seat of Government of the United States (and federal forts, etc.).[42]

In coming to such conclusion, it is important to recall that neither members of Congress nor U.S. Government officers of the executive or judicial branches may themselves ever *change* their delegated governmental powers; therefore *all* discretion they exercise *must* ultimately come from at least *one* of their delegated powers.

The greatest ability to exercise 'discretion' necessarily comes from and by the words "in all Cases whatsoever" found in Article I, Section 8, Clause 17 of our U.S. Constitution.

While this conclusion perhaps remains less-than-readily-apparent, a deeper study into America's founding documents provides further evidence that this phrase "in all Cases whatsoever" actually has a much deeper, far more sinister meaning than would first be evident from our brief examination into *The Legal Tender Cases*.

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42. *See*: the public domain books *Dollars and nonCents* and *Monetary Laws*, both by Matt Erickson, at www.PatriotCorps.org, www.Archive.org, or www.Scribd.com/matt_erickson_6 for more extensive theoretical support to the conclusion that only gold and silver coins remain legal tender for the whole of the United States of America.

This deeper meaning in turn actually casts further light on *The Legal Tender Cases* ruling, helping provide greater understanding and fuller ramifications of this precedent-setting case.

Discovering the deeper meaning of the four-word phrase found in Article I, Section 8, Clause 17 of our U.S. Constitution "in all Cases whatsoever" is the topic of the next chapter.

Chapter 3. In all Cases whatsoever

The previous chapter shed important light on the four-word phrase found in Article I, Section 8, Clause 17 of the U.S. Constitution, "in all Cases whatsoever."

To discover more information about this all-important phrase, it is necessary to examine our nation's founding document — our Declaration of Independence — our "Unanimous Declaration of the thirteen united States of America."

At the beginning of the Declaration, one finds various declarations of universal truth being uttered, such as that we Americans are endowed by our Creator with certain unalienable rights, including life, liberty and the pursuit of happiness.

Importantly, the principle that American governments are instituted among man to protect such God-given rights is expressly stated as the fundamental purpose of government.

There is also acknowledgment that governments of man occasionally go bad; and when they do, that it is the right of the people to alter or abolish these forms of governments to which they are accustomed, as necessary.

One soon finds within the Declaration of Independence a long listing of various facts of "repeated injuries and usurpations" which were being submitted to "a candid world" to prove that the then-present King of Great Britain was a tyrant who sought to establish "an absolute Tyranny over these States."

Thereafter follow thirteen short paragraphs which begin with the phrase "*He has…*" which begin to enumerate the specific injuries.

The thirteenth of these paragraphs (which discusses "Acts of pretended Legislation") is next broken into nine sub-paragraphs which further elucidate these Acts of pretended Legislation, which all begin with the preposition "For…" including the last, which is worded (italics added):

> "For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us *in all cases whatsoever*."

Remarkably, the last four words of this sub-paragraph *repeat the same exact phrase* found in Article I, Section 8, Clause 17 of our U.S. Constitution, "in all Cases whatsoever."

This is remarkable because this phrase is found within the Declaration where it was listing the many grievances against a tyrant who sought to establish an absolute tyranny over these States!

Thus, it should come somewhat as a surprise to find this particular phrase within our U.S. Constitution which otherwise guaranteed a Republican Form of Government in Article IV, Section 4 to every State of the Union (representative government of our elected peers who are empowered to act only within delegated powers).

An even more dramatic use of this same four-word phrase is found in one of the founding documents of one of the original 13 States.

South Carolina's 1776 State Constitution begins with the following words (italics added at the end):

> "*Whereas* the British Parliament, claiming of late years a right to bind the North American colonies by law *in all cases whatsoever*…"

South Carolina's first Constitution actually shows just how far the claimed ability leads, stating more fully (italics added at the end):

> "*Whereas* the British Parliament, claiming of late years a right to bind the North American colonies by law in all cases whatsoever… *without the consent and against the will of the colonists*..."

South Carolina's 1776 State Constitution clearly shows that the claimed ability of the British government was that they could actually "bind the North American colonies in all cases whatsoever" extending even to the point of nullifying American consent, and implementing governmental actions even against the colonists' will.

Both references in the Declaration of Independence and South Carolina's first Constitution to the claimed right and power of the British King and Parliament to be able to "bind the North American colonies in all cases whatsoever" actually point to the infamous Declaratory Act by British

Parliament which was signed into law by King George III on March 18, 1766, which stated in pertinent words:

> "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*."[1]

And there in the final four words of this passage one again sees the ominous phrase "in all cases whatsoever."

Here the British King and Parliament asserted their claimed right and absolute power "to make laws…of sufficient force and validity to bind the colonies and people of America…in all cases whatsoever."

This 1766 Declaratory Act was enacted on the same day the notorious 1765 Stamp Act was finally repealed by British Parliament under pressure exerted by powerful British merchants because of the successful implementation of American non-importation agreements (under which the colonists agreed with one another not to buy specified goods imported from Great Britain).

Thus, due to the extended perseverance of the colonists despite the corresponding hardship of doing without, the British merchants suffering lowered profits (or actual losses) eventually pressured their own representatives in British Parliament (for the American colonists had no representation in Parliament) to eventually drop the dreaded Stamp Act.

But the disgruntled Parliament would not drop the Stamp Act without directly stating their case in the Declaratory Act of their ultimate power and might over the colonies.

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1. A.K.A.; *The American Colonies Act.* 6 George III, c. 12, *The Statutes at Large*, ed. Danby Pickering (London, 1767), XXVII, 19 - 20. Italics added.

Note the Declaratory Act's claim of (inherent) government "rights" (under the concept of the Divine Right of Kings), versus American governments which are *delegated* only 'power' (and [unalienable] rights belong only to people).

This 1766 Declaratory Act was thus actually the true, root cause of the Revolutionary War; the stated position of a stubborn mindset of the British government to absolutely refuse to acknowledge any rights of the colonists and a firm insistence on absolute British power over the American colonies.

In reality, the remainder of the Declaration of Independence merely lists a multitude of different symptoms of the same viewpoint (of the ability of Parliament to act in all cases whatsoever, being able to bind the North American colonies and colonists however Britain saw fit).[2]

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2. Tragically, Americans in 2015 are suffering from the same exact fate as suffered by Americans in 1775, from a government which strictly implements its power to act "in all Cases whatsoever," even against the will and consent of We The People (only we now have a new king [King Fed]).

Thankfully, however, we 2015 Patriots needn't again fight this absolute form of tyranny with bullets and cannon balls (because we won that war and we already implemented limited government as the solution to safeguard that secured freedom [sadly, we've simply misunderstood our rulebook]).

Thus our 21st-century Freedom Fight is only a war of knowledge and understanding (of how to disarm misplaced tyranny).

The American Civil War has also showed the ultimate imprudence of resorting to physical violence (of storming Article I, Section 8, Clause 17 properties [Fort Sumter]).

Even though the South was unwilling in 1861 to overtly initiate violence against the North and the North was unwilling to overtly initiate violence in the South, neither was opposed to aggressively defending their own interests against any initiation of force by the other.

When the South saw Northern troops occupying Fort Sumter in the Charleston Harbor (otherwise within South Carolina) even after succession from the Union, they were incensed.

The South mistakenly figured that by assuming control of Fort Sumter, they would be properly defending the South's interests, rather than actually beginning armed aggression against Northern interests.

But South Carolina had willingly ceded the land which ultimately became Fort Sumter to Congress and the U.S. Government decades earlier.

Any disputes over ownership and governmental control over this land had already been long settled.[3]

3. American State Papers, Military Affairs, Volume 5, Pages 463 – 472, 23rd Congress, 2nd Session, Document #591, "*The Construction of Fort Sumter, Charleston Harbor, South Carolina*."

http://memory.loc.gov/ammem/amlaw/lawhome.html.

If South Carolina had desired to resume State jurisdiction over Fort Sumter while she was yet a part of the Union, it would have taken a formal retrocession of the property by Congress (just like when Virginia in 1846 received back the county and town of Alexandria which she had originally [in 1791] ceded as part of the 10-miles-square area for the District of Columbia [IX Stat. 35]).

Of course, after succession, it would have taken a formal treaty of cession between the two now-separate governments (the U.S.A. and the Confederate States of America), just like when *His Britannic Majesty* King George III in 1783 signed the Definitive Treaty of Peace ending the Revolutionary War (wherein Great Britain "relinquishes all claims to the government, propriety and territorial rights of the same, and every part" of the United States [VIII Stat. 80, Article I]).

Since Congress and the U.S. Government never relinquished exclusive legislation over Fort Sumter, when South Carolina succeeded from the Union in 1861, only the lands which were yet under the jurisdiction of that State could possibly have been removed from U.S. jurisdiction.

Thus, when the South fired on Northern soldiers occupying Fort Sumter in 1861, the fort was legally yet a U.S. federal fort under Article I, Section 8, Clause 17 of the Constitution, and the South actually initiated physical aggression against Northern interests.

Even if one were to argue that the U.S. didn't actually "purchase" the land as Article I, Section 8, Clause 17 specifies as a condition for proper cession (at least for private lands), such legal argument is a matter to be argued and settled through judicial means. The resort to physical violence by the South abandoned any measure of diplomacy and chose to settle the issue by direct confrontation in armed conflict (and she ultimately lost that battle of force).

We 21st-century Patriots must become far-better-armed in knowledge than the 19th-century South, for surely we citizens cannot over-power U.S. military forces who are there to defend us, not for us to war against!

There is solid reasoning that the First Amendment is listed before the Second…

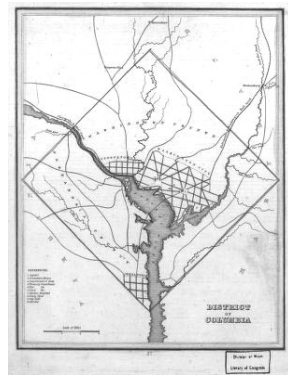
We must never give up the moral high ground and resort to armed conflict through insurrection; we must simply learn how to expose to the purifying light of day power-hungry frauds who exercise arbitrary government power (for truth is wholly on our side) — after all, we wish to *enforce* the Constitution, not subvert it.

From the actual history of the phrase "in all Cases whatsoever," one should begin to understand the extensive power it references. Yet it is still undoubtedly difficult to fathom its true extent without further examination.

With the express ability of Congress to act "in all Cases whatsoever" over the district constituted as the seat of government of the United States (and like authority over exclusive legislative jurisdiction forts, magazines, arsenals, dock-yards, and other needful buildings), one must realize that the U.S. Constitution has thus always actually authorized *two opposing, wholly separate and utterly distinct forms of government*!

Under every other clause of the Constitution beyond Article I, Section 8, Clause 17, Congress may only exercise their delegated powers — for a limited form of representative government throughout all the States of the Union — a Republican Form of Government as acknowledged under Article IV, Section 4.

Under Article I, Section 8, Clause 17, however, members of Congress have the omnipotent power to act in all cases whatsoever, to do most everything within the government seat (and federal forts, etc.) except what is specifically prohibited — tyranny.



Readers may understandably object to or at least question the strongly-worded form of government for the District constituted as the Seat of Government of the United States being described as that of tyranny, of omnipotent government which may act except as prohibited.

But let's ask a few questions to see if the description is apt:

Question 1. Who is empowered to exercise *exclusive Legislation in all Cases whatsoever*, over such District which shall become the Seat of the Government of the United States?

Answer:

Article I, Section 8, Clause 17 of the U.S. Constitution acknowledges that:

> "**Congress** shall have Power…To exercise exclusive Legislation in all Cases whatsoever, over such District…as may…become the Seat of the Government of the United States..."

Question 2. And Congress consists of what two entities?

Answer:

Article I, Section 1 of the U.S. Constitution informs us that:

> "Congress…shall consist of a **Senate** and **House of Representatives**."

Question 3. And the House of Representatives is composed of Members chosen by the people of what entity?

Answer:

Article I, Section 2, Clause 1 of the U.S. Constitution details that:

> "The House of Representatives shall be composed of Members chosen every second Year by the People of the several **States**."

Question 4. And the Senate is composed of Senators chosen by what entity?

Answer:

Article I, Section 3, Clause 1of the U.S. Constitution:

> "The Senate of the United States shall be composed of two Senators from each **State**..."

And the 17th Amendment declares:

> "The Senate of the United States shall be composed of two Senators from each **State**..."

It is important to realize that the District constituted as the Seat of Government of the United States is not a State, but was instead created out of States.

The District constituted as the Seat of Government of the United States elects no Senators or Representatives to Congress, because it is not a State.

Since the District constituted as the Seat of Government of the United States is not a State, this district is ***not*** guaranteed a Republican Form of Government under Article IV, Section 4 of the U.S. Constitution.

The District constituted as the Seat of Government of the United States has no Legislative Representation for its citizens (subjects), *even though Legislative Representation is the fundamental building block of these United States of America*, as properly acknowledged within our Declaration of Independence.[4]

And finally:

Question 5. So, what did the Declaration of Independence call the form of government whereby one people (suspended the legislatures of another people and then) acted with full power and authority to bind these other, non-represented people in all cases whatsoever?

Answer:

The Declaration of Independence called the form of government whereby one people acted with full power and authority to bind another people in all cases whatsoever as "*absolute Tyranny*" and "*absolute Despotism*."

So, this author's statement that our U.S. Constitution allows (for a federal) tyranny in the District constituted as the Seat of Government of the United States (and exclusive legislation jurisdiction forts, etc.) was, if anything, too mild (it should have been correctly labeled *absolute* tyranny and *absolute* despotism).

U.S. Senators and U.S. Representatives elected by States are the ultimate purveyors of law within the District of Columbia. No resident of the District of Columbia has any voice in electing these people. No resident of the District has any legislative representation in Congress.[5]

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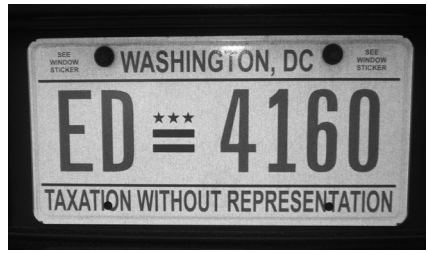
4. In its pertinent words, the Declaration declares that the "right of Representation in the Legislature" is a right "inestimable" to the people and calls for its relinquishment are "formidable to tyrants only."

5. Motor vehicle license plates within Washington, D.C. today properly complain of "Taxation Without Representation", acknowledging residents' lack of representation.



Looking again at the electoral process for choosing a President and Vice President is helpful to clearly understand that the District constituted as the Seat of Government of the United States is not a State (and that Congress is not a State government).

Again, **Article II, Section 1, Clause 2** of the U.S. Constitution directs that (italics added):

> "Each *State* shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors…"

The **12th Amendment** (ratified June 15, 1804) also details that (italics added):

> "The Electors shall meet *in their respective States*, and vote by ballot for President and Vice President…"

Of course, since the District constituted as the Seat of Government of the United States is not a State, residents therein were long wholly unable to have any voice in selecting our President and Vice President, at least before ratification (on March 29, 1961) of the **23rd Amendment** which now reads, in part (italics added):

> "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…"

(5 cont'd). A non-voting delegate to Congress has no actual say — no actual voting rights (which is the only voice which ultimately counts).

Any delegation of local governing authority to a mayor and city council or other form of local government within the District of Columbia is also immaterial, as the Constitution specifically vests "exclusive" legislative power "in all Cases whatsoever" with the Congress of the United States and thus by express constitutional mandate, all government power in the government seat ultimately and conclusively always rests with those members of Congress elected by States (until or unless unchanged by the States through a ratified amendment).

The 23rd Amendment clearly shows that the District of Columbia is decidedly not a State when it declares that residents therein are now entitled to the number of electors (not more than the least-populous State) for which the district would be entitled "*if* it were a State."

But the District of Columbia is not a 'State' which is able to select Senators or Representatives or to ratify Amendments.

The District of Columbia was formed by cessions of States and was created out of States, but decidedly is not a 'State'.

Neither is the District of Columbia a 'State' for Article I, Section 10 purposes, including the prohibition to States from emitting bills of credit or making any 'thing' but gold and silver coin a tender in payment of debts.

Within their delegated powers for the whole country, Congress may not emit bills of credit nor declare anything besides gold and silver coin a tender in payment of debts because such powers were never delegated (nor would such purposes fit within the "necessary and proper" means for implementing a delegated power [as earlier acknowledged by the court]).[6]

However, that same Congress may nevertheless, under Article I, Section 8, Clause 17 of the U.S. Constitution, emit bills of credit and declare them a tender within the District constituted as the Seat of Government of the United States and for forts, magazines, arsenals, dock-yards, and other needful buildings — because Congress may there exercise exclusive legislation in all cases whatsoever, and no express prohibition is anywhere listed within the Constitution which expressly keeps Congress from doing so *here in the Government Seat* (as now correctly acknowledged by *The Legal Tender Cases* Court).

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6. "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."

Hepburn v. Griswold, 75 U.S. 603 @ Page 625 (1870).

See also: Bronson v. Rodes, 74 U.S. 229 (1869) and *Lane County v. Oregon*, 74 U.S. 71 (1868).

The U.S. Constitution authorizes *two* opposing, wholly separate and utterly distinct Forms of Government:

— versus —

1. A limited government of delegated powers (a Republican Form of Government for the whole country under the whole of the Constitution *except* Article I, Section 8, Clause 17);	2. Omnipotent government of all powers except those prohibited (tyranny, under Article I, Section 8, Clause 17) for the government seat.

Stated another way, throughout all the States of the Union, Congress may exercise their delegated powers as detailed throughout the Constitution.

But in the district constituted as the seat of government of the United States, Congress may here exercise sovereign government powers (i.e., without the limits imposed upon States by the U.S. Constitution).[7]

Looking at this issue from a slightly different angle, one must realize that with the ratification of the U.S. Constitution, governmental authority became divided into State and federal authority, by the express terms of the Constitution.

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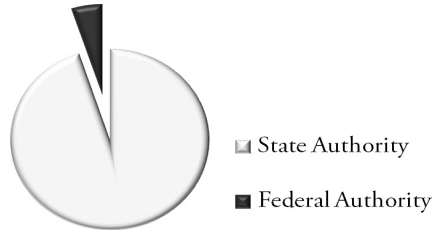
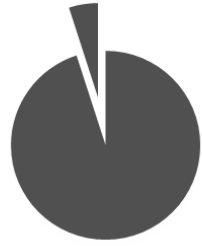
7. *See* the public domain books *Dollars and nonCents* and *Monetary Laws,* both by Matt Erickson, at www.PatriotCorps.org, www.Archive.org, or www.Scribd.com/matt_erickson_6 for further discussion on *sovereign* government powers within *The Legal Tender Cases* and *Juilliard v. Greenman*.

This division of government power may be represented in a pie chart; the larger piece of the government 'pie' being that extent of government power retained and originally exercised by the various State governments within their respective locales. The smaller piece then is the small sliver of federal authority being delegated to Congress, the President, and the courts as evidenced by the Constitution.[8]



But in the District constituted as the Seat of Government of the United States (and ceded lands for forts, magazines, arsenals, dock-yards and other needful buildings), there is no division of government power *between* the federal and State governments — Congress here in these areas exercises *all* legislative jurisdiction *exclusively*.



Thus, only in the District of Columbia (and ceded lands for forts, etc.) is one American government now responsible for *all* government functions.

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8. For our purposes, the actual proportion of pie shown allotted to the State governments and that allotted to the U.S. Government is here immaterial — the importance here is only that there is an actual division of government power between the two different governments by the Constitution.

Although everywhere else in America governmental power has been divided into State and federal jurisdictions, in the government seat, all legislative power *is unified within Congress*.[9]

While such authority does not perhaps at first appear ominous, upon deeper contemplation one must absolutely realize the serious implications. For example, answering a few questions should bring awareness of a few ramifications:

Question 6. What is the source of authority for the *federal* powers found within the first pie chart, the chart of *divided* government powers?

Answer:

The U.S. Constitution, of course.

Question 7. What is the source of authority for the *State* powers within that same pie chart?

Answer:

The respective State Constitutions and the U.S. Constitution, where pertinent (such as the prohibitions to States in Article I, Section 10).

Question 8a. And with regards to the second pie chart (the pie chart showing *unified* government powers for the District constituted as the Seat of Government of the United States), what again is its source of authority of the *federal* powers?

Answer:

For the small sliver of federal authority (even in the government seat), the answer again is the U.S. Constitution.

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9. Any delegation of local governing authority to a mayor and city council or other form of local government within the District of Columbia is again immaterial, as the Constitution specifically vests "exclusive" legislative power "in all Cases whatsoever" with the Congress of the United States and thus by strict construction of the U.S. Constitution, all legislative power in the government seat ultimately and conclusively always rests with those members of Congress elected by States (until or unless unchanged by the States through a ratified amendment).

Question 8b. But in the second pie chart showing unified government powers, what about the *large* sliver, the authority ceded by the respective State governments — what is the written source of that *State-like* authority as it now pertains to Congress which is not a State?

Answer:

The answer is but *one* clause of the U.S. Constitution, the clause which empowers Congress to act "in all Cases whatsoever" *without further enumeration*!

The authority for the large portion of local powers normally exercised by State governments according to their voluminous (individual) State Constitutions (and the U.S. Constitution) is, for the government seat, *only* covered by Article I, Section 8, Clause 17 of the U.S. Constitution.

To properly realize the ultimate source of authority for these exclusive legislative lands, one must realize that when individual States cede land to Congress and the U.S. Government for authorized Clause 17 purposes, *included with that cession* of land is the cession of State *governing* authority *which may now be exercised only by or through Congress*, but with *none* of the express limitations on 'States' imposed by the U.S. Constitution and without any constitutional restraints imposed by any State Constitution which may be found in the hundred or so pages of any State's written Constitution!

Thus, due to the State cessions of governing authority, there cannot be any transgression against the 10th Amendment when Congress legislates for the government seat or federal enclaves, because Congress is there exercising *the normal State-like powers* in place of a State which no longer can!

Almost everything is up for grabs in the District constituted as the Seat of Government of the United States, because there is no legislative representation here and the only firm rule ever enumerated is that Congress may exercise exclusive legislation in all Cases whatsoever. When court cases speak of *sovereign* governmental powers, nothing could get any more 'sovereign' than this!

How's that for absolute tyranny and absolute discretion?

The authority for the District constituted as the Seat of Government of the United States is, of course, shaped over the centuries by hundreds and thousands of laws enacted by Congress, by a like number of court cases, and by similar numbers of executive department rules and regulations.[10]

The U.S. Government's apparent *Multiple Personality Disorder* is fully explained by understanding that the U.S. Constitution has always authorized *two* opposing, wholly separate and utterly distinct Forms of Government, even if few members of the general public have ever understood this (and those who do are typically motivated by private gain to keep such facts quiet).

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10. Remember, there is no Republican Form of Government guaranteed to the District constituted as the Seat of Government of the United States or enclaves, and thus there is no direct (or even indirect) constitutional conflict when executive agencies here 'create' their own administrative 'law' or when court justices effectively here legislate from the bench.[11]

11. In *Marbury v. Madison*, (5 U.S. 137 [1803]), Chief Justice John Marshall laid down his infamous principle of judicial review being a court function. But it is not by mere coincidence that this ruling dealt with the commissioning of a Justice of the Peace *for the District of Columbia,* the Seat of Government of the United States!

The real point in understanding *Marbury* is to realize that in and throughout all the States of the Union, 'the United States' as that term is understood by the Constitution, it is the States collectively which have the ultimate authority to determine the Constitution and its meaning (but in Art. I:8:17, the States withdrew all their say for the government seat [so someone else must do so here {with the courts, since *Marbury* in 1803, taking that lead}]).

Throughout the U.S., this author would argue that constitutionally-required oaths and affirmations (under Article VI Clause 3 [and Article II, Section 1, Clause 8 for the President]) require *every* person empowered with any federal authority to always ensure the Constitution is always followed (and not any legislative Act or executive or judicial action to the contrary).

Neither do oaths and affirmations seem to offer court justices any special consideration or trump card, but each person exercising federal authority has the constitutional duty (and ultimate power) to deny the validity of anything and everything which opposes the Constitution.

Chapter 4. The Bank of the United States

It is helpful to examine the first historical instance where Article I, Section 8, Clause 17 made a significant political impact to better-understand this clause, to realize its awesome power which enables Congress to act "in all Cases whatsoever."

Not even two full years would pass after government first began under the Constitution in 1789 before Article I, Section 8, Clause 17 would raise its ugly head, the issue being the charter of the bank of the United States.

The proposed bank bill landed on President George Washington's desk for his signature to become law.

But President Washington had also been President of the Constitutional Convention of 1787 which drafted the proposed Constitution before it was sent to the several States for ratification. Thus the President undoubtedly recalled the actual history of the convention regarding an explicit proposal to delegate an express power to enable Congress to charter corporations.

The main discussion at the convention occurred on September 14th, 1787, when the convention delegates took up the topic after Benjamin Franklin moved to add after the words "post roads" in Article I, Section 8 "a power to provide for cutting canals where deemed necessary."[1]

James Madison next suggested an enlargement of Franklin's motion (which followed Madison's August 18th recommendation which apparently never made it out of committee):

> "to grant charters of incorporation where the interest of the U.S. might require & the legislative provisions of individual States may be incompetent."[2]

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1. *The Records of the Federal Convention of 1787*, Edited by Max Farrand, Yale University Press, New Haven, Connecticut. 1911, Volume II, Page 615, as originally reported by James Madison in his *Notes of Debates in the Federal Convention of 1787*.

2. *Ibid*.

After Colonel George Mason stated he was for "limiting the power to the single case of Canals," the motion was "so modified as to admit a distinct question specifying & limited to the case of canals."[3]

Since the question was bifurcated, when the more-limited case of chartering corporations only for the purpose of opening canals failed upon its vote which first occurred, the second (and larger) part necessarily failed.

Although the proposed power to charter corporations was debated but stricken from ever being included within the proposed Constitution at the 1787 convention, in 1791 a proposed legislative bill was nevertheless laid on the President's desk which sought to charter a government corporation for the express purpose of establishing a national bank.

Seeking input, President Washington required written opinions (in proper accordance with Article II, Section 2, Clause 1 of the Constitution) on the proposed banking bill from Secretary of State Thomas Jefferson, Attorney General Edmund Randolph, and Secretary of the Treasury Alexander Hamilton.

Jefferson replied among other things that the bank would "break down" our "most ancient and fundamental laws" which "constitute the pillars of our whole system of jurisprudence."[4]

The Attorney General responded in like manner and wholly denied that members of Congress were empowered to charter corporations (and Congressman James Madison had likewise been a vocal opponent of the banking bill when it was earlier argued in the House of Representatives).

But Secretary of the Treasury Alexander Hamilton — the primary advocate for chartering the national bank — knew he had to support his proposed bill, even creatively if need be, for it was a key component of his government-funding scheme.

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3. *Ibid.*, Page 616.

4. George Washington Papers at the Library of Congress, Series 2, Letterbook 32, Page 115:

http://memory.loc.gov/ammem/gwhtml/gwseries2.html.

It is noteworthy to mention that before Hamilton responded as noted below, he first *affirmed* "that the power of erecting a corporation is not included in any of the enumerated powers" and he specifically *conceded* "that the power of incorporation is not expressly given to Congress." [5]

But with deft precision, Hamilton moved past government of defined powers and responded to Jefferson's and Randolph's responses, 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." [6]

But Hamilton was not finished making his point, the point necessary for Congress nevertheless to be able to charter a banking corporation which Hamilton so desperately sought (even if he had to otherwise lay his cards on the table and plainly show his source of authority), stating:

> "Here then is express power to exercise exclusive legislation in all cases whatsoever over certain places, that is, to do in 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." [7]

Concluding his thoughts on this matter, Secretary of Treasury Alexander Hamilton pointed out:

> "As far, then, as there is an express power to do any particular act of legislation, there is an express one to erect a corporation in the case above described." [8]

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5. *Hamilton's Opinion on the Constitutionality of the Bank of the United States*.

George Washington Papers at the Library of Congress, Series 2, Letterbook 32, Pages 121 & 136:

http://memory.loc.gov/ammem/gwhtml/gwseries2.html.

6. *Ibid.,* Page 137. Italics added.

7. *Ibid.* (But never expect such open admission today).

Whereas the Secretary of State and the Attorney General didn't ever allow for any exception to their assertion of unconstitutionality (because members of Congress weren't expressly empowered to charter corporations), Hamilton correctly pointed out that Congress could do so under their authority for the District which shall become the Seat of Government of the United States.

It was in that place that Congress could "do all that any government whatsoever may do," for "language does not afford a more complete designation of sovereign power than in those comprehensive terms."

Powerful words indeed…

President George Washington signed the proposed bank legislation on February 25, 1791.[9]

With continuing inspection of government operating beyond normal restrictions, readers should begin to see a repeating theme.

Just like the 1871 supreme Court would later uphold the ability of Congress to emit legal tender paper currencies (only for the government seat), Alexander Hamilton pointed out that Congress could actually charter a government corporation under that same exclusive legislative jurisdiction, and thus Congress could therefore charter the Bank of the United States.

But Hamilton's 1791 banking opinion tragically did not stop there: Hamilton instead enumerated his bold new standard for omnipotent government which has forever since haunted America, fostering arbitrary government of nearly unlimited discretion.

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8. *Ibid.*, Page 138.

9. Volume 1, Statutes at Large, Page 191.

Chapter 5. Arbitrary Government

It is necessary to delve even further into the ability of Congress to exercise nearly unlimited discretion, to be able to act in all cases except where they are expressly prohibited from acting.

This tyranny allowing for arbitrary government action can be traced directly back to Secretary of Treasury Alexander Hamilton's *Opinion on the Constitutionality of the Bank of the United States*, the same opinion where Hamilton showed President Washington that members of Congress were actually empowered to charter a banking corporation under their power for the District constituted as the Seat of Government of the United States.

In his 1791 Secretary of the Treasury's opinion on the constitutionality of the Bank of the United States, Hamilton ominously also laid out his arrogant new standard allowing for arbitrary government means (at least when pursuing authorized government ends), asserting:

> "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."[1]

For sake of brevity adequate for our purposes, Hamilton's assertion may be paraphrased:

> "All obvious measures within comprehended ends which are not forbidden, are constitutional."

Those well-versed in early American history may recall that Alexander Hamilton was one of three authors writing *The Federalist* (under the pseudonym '*Publius*') urging ratification of the proposed Constitution as it lay before the several States for ratification (along with James Madison and John Jay [later first Chief Justice of the United States]).

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1. *Hamilton's Opinion on the Constitutionality of the Bank of the United States.* George Washington Papers at the Library of Congress, Series 2, Letterbook 32, Page 130-131:

http://memory.loc.gov/ammem/gwhtml/gwseries2.html.

It was Hamilton writing in ***The Federalist*, #84** just three years earlier, in 1788, where he commented on a lack of Bill of Rights in the original constitution, writing:

> "I go further, and affirm that bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution, but would even be dangerous. They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed? I will not contend that such a provision would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretense for claiming that power. They might urge with a semblance of reason, that the Constitution ought not to be charged with the absurdity of providing against the abuse of an authority which was not given…"

In *The Federalist*, #84, Hamilton correctly argues for limited government of *delegated* powers. He correctly points out that a Bill of Rights would "contain various exceptions to powers not granted," which therein would provide a "colorable pretext to claim more (powers) than were granted."

Hamilton reasonably asserts that it would be absurd to provide "against the abuse of an authority which was not given."[2]

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2. Which shows how distrustful our founding fathers were of government power — they went so far as to attempt to provide protection even against the absurd.

It must be noted that the limitations on federal power listed within Article I, Section 9 of the U.S. Constitution do <u>not</u> follow this standard, of limiting "authority which was <u>not</u> given."

The limitations enumerated within Section 9 are all limitations of powers elsewhere expressly granted within the Constitution (i.e., they are *specific* exceptions to *general* powers which <u>are</u> elsewhere given).

Yet, *after* ratification of the Constitution, Hamilton just three years later boldly now asserts that all obvious measures within comprehended ends *which are not forbidden* are constitutional!

That Hamilton could originally argue for limited government of expressly delegated powers *before* ratification of the Constitution, but argue *after* ratification for government of sufficient discretion which was now able to act *except as expressly prohibited* provides extensive evidence of a debased moral character, of his end justifying the nearly-unlimited means he was now proposing.[4]

Of course, in the first instance — in *The Federalist* — Hamilton was (correctly) talking about limited government under the whole Constitution; i.e., *except* for Article I, Section 8, Clause 17.

But in the latter instance, Hamilton was actually talking *only* about the government for the District which shall become the Seat of Government of the United States (although he purposefully implied — again without actually ever legally stating — that this was the proposed standard for the whole country under the whole of the Constitution).[5]

(2. cont'd). For instance, the prohibition in Article I, Section 9, Clause 1 against the importation of such persons as the existing States shall think proper to admit before 1808 (i.e., importations of slaves in the foreign slave trade) was but a temporary exception to the delegated power of Congress to otherwise regulate commerce in Article I, Section 8, Clause 3.

Article I, Section 9, Clause 1 thus exempted the foreign slave trade from any regulation of commerce by Congress for a term expiring at the end of 1807.[3]

3. A March 2, 1807 legislative Act (with the effective date of January 1, 1808) abolished the slave trade, thereafter forever prohibiting further legal importation of slaves into the United States from abroad. (II Stat. 426).

A May 15, 1820 legislative Act made the foreign slave trade an act of piracy, punishable by death. (III Stat. 600).

4. With such political expediency of the moment, it is perhaps small wonder Hamilton made numerous enemies and was later shot and killed in a duel (by Vice President Aaron Burr, in 1804).

5. Remember, those who push for unlimited government discretion are actually the most exacting of legal purists who must tread very carefully to remain legally correct while always implying an opposite meaning (of nearly unlimited power).

Hamilton's proposed new standard providing for government tyranny — being able to do all except what is forbidden — unfortunately is far from the end of the discussion.

The 1871 supreme Court case (*The Legal Tender Cases*) earlier-examined herein cites an early 1819 supreme Court case which followed Hamilton's tragic lead.

The Legal Tender Cases; Passage Number Three

It is therefore time to finally examine our third and final passage of *The Legal Tender Cases*. This passage again indirectly acknowledges how *The Legal Tender Cases* Court actually upheld its ruling (allowing for a legal tender paper currency) with the following statement:

> "a corporation known as the United States Bank was 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 of accomplishing one or more of the ends for which the government was established…Yet this court, in *McCulloch v. Maryland*, unanimously ruled that in authorizing the bank, Congress had not transcended its powers."[6]

But before examining this passage to understand its implication, it is important for our present discussion merely to note that the 1871 supreme Court expressly references an earlier precedent-setting case — *McCulloch v. Maryland.*

It is in the 1819 supreme Court Case of *McCulloch v. Maryland* that Chief Justice John Marshall famously delivered another of his most-quoted assertions:

> "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."[7]

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6. *The Legal Tender Cases,* 79 U.S. 457 @ 537 (1871).

7. *McCulloch v. Maryland,* 17 U.S. 316 @ 421 (1819).

It is also helpful to paraphrase this statement for easier understanding, which may be shortened adequately for our purposes to:

> "All appropriate means to legitimate ends which are not prohibited, are constitutional."

Paraphrased in such manner, it is perhaps easier to see that it is nearly a carbon-copy of Hamilton's earlier assertion that:

> "All obvious measures within comprehended ends which are not forbidden, are constitutional."

Although Marshall widely-popularized this concept allowing for arbitrary government, Alexander Hamilton is the original architect.

Reading the standards for allowable government action asserted by Hamilton and Marshall, it is important to look to the U.S. Constitution to discover what is its actual standard for 'allowable means' for implementing the delegated powers for the whole of the United States, which is covered therein at **Article I, Section 8, Clause 18** which reads (italics added):

> "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."

Obviously, the standard of allowable government action authorized by the Constitution to be "necessary and proper" is a wholly-different and opposing standard as espoused by Hamilton and Marshall, of "all appropriate means to legitimate ends which are not prohibited."

Before discussing further these opposing standards of allowable government action, it is proper to resume examination of the last of the three passages from *The Legal Tender Cases*, which again reads:

> "a corporation known as the United States Bank was 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 of accomplishing one or more of the ends for which the government was established…Yet this court, in *McCulloch v. Maryland*, unanimously ruled that in authorizing the bank, Congress had not transcended its powers."[8]

In this 1871 quote, *The Legal Tender Cases* Court is all but bragging that the (second) United States bank (chartered in 1816) was unanimously held 'constitutional' (by the 1819 court in *McCulloch v. Maryland*) "*for no other reason* than it was deemed…*convenient*."

Obviously, "convenient" can in no way be held to the "necessary and proper" standard for allowable means (for implementing one of the delegated powers), despite a lengthy court ruling which went to great lengths to supposedly show how words really have no meaning except as expounded from upon high by those who wear long black robes.

In his 1791 opinion on the constitutionality of the (first) bank of the United States, Hamilton formulated his standard for allowable government action (for the District constituted as the Seat of Government of the United States [but cleverly and deceptively inferred it was the standard for all government action everywhere]).

It is not by mere coincidence that Chief Justice John Marshall later detailed a nearly-identical government-means-test in his 1819 supreme Court ruling (which examined the constitutionality of the [second] bank of the United States).

Just as the first Bank of the United States could *only* be upheld in 1791 *only* under the authority for the District constituted as the Seat of Government of the United States, the second Bank of the United States chartered in 1816 was upheld by the supreme Court in 1819 actually *only under that same jurisdiction*.

That the 1871 court pointedly declared that the 1819 court upheld the constitutionality of the second bank merely because it was "convenient" can *only* be held as appropriate *only* under the 'standards' for tyranny espoused by Hamilton and Marshall for the government seat.

Of course Congress in 1816 didn't actually "transcend its powers" — because the members of Congress were actually operating under Article I, Section 8, Clause 17 which allowed them to legislate in all Cases whatsoever — and no constitutional parameters prohibited them from there incorporating a bank (as earlier shown by Hamilton).[9]

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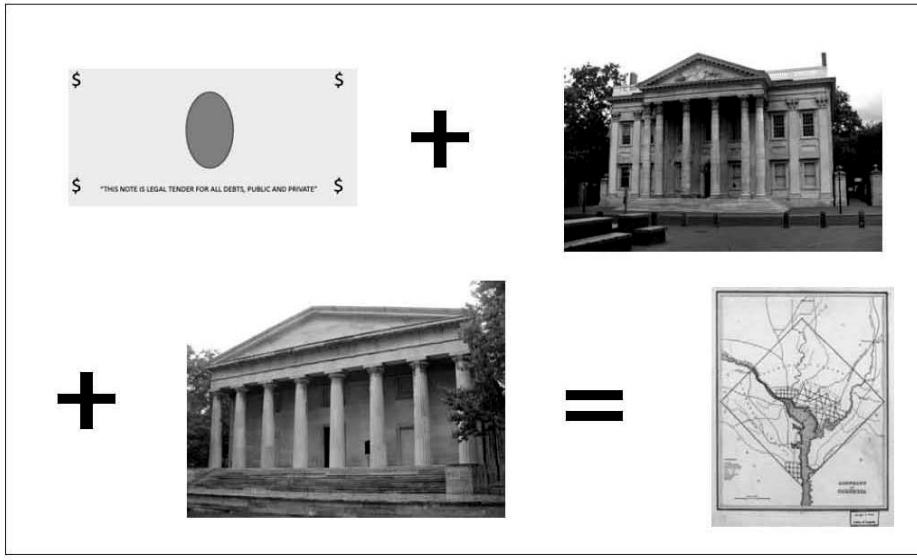
8. *The Legal Tender Cases,* 79 U.S. 457 @ 537 (1871).

The Constitution, for the whole country, however, requires a much stricter, opposing standard; of those means which are both *necessary* and *proper* for implementing one of the *delegated* powers.

This last of three quotes examined from *The Legal Tender Cases* again shows that legal tender paper currencies can be upheld only in the jurisdiction where Congress may exercise exclusive legislative jurisdiction "in all Cases whatsoever."

Just like both the first and second banks of the United States (as well as the 1863 national banking associations and the 1913 Federal Reserve banks not hereinafter discussed), legal tender paper currencies can only be upheld under Article I, Section 8, Clause 17 of the Constitution.



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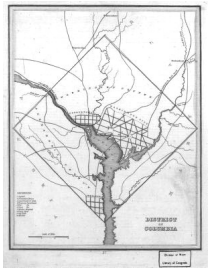
9. The supreme Court in 1869 and 1870 had already ruled that Congress had no constitutional power to emit legal tender paper currencies (for the whole country [and no new amendment was ratified to change those powers in 1871]). *See* Footnote 6 of Chapter 3 on Page 51.

The U.S. Constitution has always authorized TWO opposing, wholly separate and utterly distinct Forms of Government; the most-restricted government on earth as well as the least-restricted government on the planet *which has but one authorizing statute*, which is worded to give Congress "exclusive" legislation "in all Cases whatsoever."

The TWO opposing, wholly separate and utterly distinct Forms of Government authorized by the U.S. Constitution are:

–versus—



1. A limited government of delegated powers (a Republican Form of Government for the whole country under the whole of the Constitution *except* Article I, Section 8, Clause 17);

2. Omnipotent government of all power except those prohibited (tyranny, under Article I, Section 8, Clause 17) for the government seat.

Everywhere beyond exclusive legislative properties, government has but delegated authority which government officials and members of Congress are powerless to expand upon, at least except by deception over a populace not understanding their devious actions.

Chapter 6. Government By Deception Through Redefinition

The picture below of a dog which is approaching his dog bowl in anticipation of eating his Dog Chow™ helps Patriots understand how government has long been able to successfully keep Americans in the dark and therefore rule oppressively.

While the photograph of the dog below may perhaps confuse some Patriots, this is simply because some people evidently don't realize that dogs may have flat noses (such as found in a Bulldog), or short, squatty legs (such as a Dachshund).

But likely far more people may perhaps become confused simply because they didn't know dogs may have tusks and cloven hooves (evidently some breeds of dogs are quite unique).

But perhaps the source of confusion may be quickly alleviated by a proper reference to its source material (which allows alternate classification to normally-established rules), shown below (which example also helps show the importance of always checking sources of [government] authority):

The Honorary Title of

Dog

is hereby conferred upon

Harley the Potbellied Pig

and all future members of the Portland Potbellied Patrol
conferred with the Federal rights and privileges
reserved for drug sniffing dogs.

By order of

The Vice President of the
United States of America

December 5, 1994

Al Gore

The background to this 1994 proclamation by our then-Vice-President Al Gore was that the Portland, Oregon, police bureau wanted to see if they could get federal funds available for drug-sniffing dogs for their pot-bellied pig named Harley.

Pigs, after all, have excellent olfactory skills and it was perhaps inevitable that someone should see if these animals could be useful in sniffing out drugs.

But there were no federal funds available for drug-sniffing pigs: enter V-P Gore and his proclamation calling Harley a 'dog' and presto, federal money available for drug-sniffing dogs was suddenly available for drug-sniffing *pigs called dogs*.

While this provides a humorous example of *calling things by another name*, the same scenario is far less funny when things are far more serious.

For example, we earlier saw how Section 3 of the April 30, 1790 crime Act was actually well-supported constitutionally, even though it stated without express constitutional mention:

> "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."[1]

What if a modern-day politician wanted to 'update' this 1790 crime Act section in a new crime Act, but perhaps 'stretch it a bit further' to exercise some newfound authority — what could he or she do?

Calling things by another name allows for much greater damage than one would perhaps first realize.

If the reader allows the author to take sufficient literary license to show how a modern-day law is enacted, we begin by transposing numbers in 1790 to give us an example of (the making of) a hypothetical 1970 crime Act.

This step-by-step transformation of a legitimate early Act shows how 'modern' Acts are created which appear to give Congress "phenomenal cosmic power" otherwise within the strict commands of the Constitution.[2]

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1. 1790, April 30; Chapter 9 (1 Stat. 112 @113-119)

See also: Monetary Laws, Volume II, Appendix K, Page 590-595. 2012. www.PatriotCorps.org

2. As stated by the Genie in Disney's 1992 movie *Aladdin*, genies may have "phenomenal cosmic power," but they actually only have "itty-bitty living spaces." The 'Genie' Clause of the U.S. Constitution — Article I, Section 8, Clause 17 — provides the U.S. Government Genie with phenomenal cosmic power, but only in its itty-bitty living space not more than 10-miles-square.

But genies also have golden wristbands signifying they are actually under the command of a Master. The U.S. Government Genie's wristband shackles are the U.S. Constitution and the Declaration of Independence and his masters are the States united together in common Union.

In the original 1790 Act, we saw that the words shown in bold below were absolutely necessary for keeping the section legal, for without these words (or at least this meaning), the Act would have far exceeded the government's delegated powers and thus would have been necessarily held unconstitutional:

> "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."

Therefore, the first thing to do in this hypothetical 1970 crime Act would be to take those critical words and move them deep within the lengthy new Act to better hide them, to now read (with words underscored below newly-added):

(Step #1)

> "That if any person or persons shall, within the United States, commit the crime of wilful murder, such person or persons on being thereof convicted shall suffer death."
>
> …
>
> …
>
> …
>
> "Definitions:
>
> " '*The United States'* means 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."

Of course, if careful readers happened to stumble across the definition even though it had been buried deep within the lengthy new 1970 law, perhaps they would still be able to figure out what is going on ('means' is such a direct word, after all).

Thus the next modification needed to 'modernize' the old 1790 Act is to replace the word 'means' found in the first draft with the far-more-generic term 'includes' to better confuse the real issue of actual government authority.

(Step #2)

Thus the second draft of our hypothetical 1970 crime Act now reads:

"That if any person or persons shall, within the United States, commit the crime of wilful murder, such person or persons on being thereof convicted shall suffer death."

…

…

…

"Definitions:

"The United States includes 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."

But the words "any fort, arsenal, dock-yard, magazine, or in any other place of district of the country, under the sole and exclusive jurisdiction of the United States" are such a buzz-kill for keeping quiet the actual source of power which authorizes government tyranny, that it is very important to eliminate the offending words.

Enter Title 18 of the United States Code, Section 13, where the laws of the States *are adopted by reference* in the federal codes for areas within federal jurisdiction otherwise in that State.

Because the laws of the States are now adopted 'by reference' into federal law, federal laws no longer need explicitly mention forts, magazines, arsenals, dock-yards, and other needful buildings.

Thus, activities made illegal when occurring within a State under State law are now made illegal *federally* when they occur in a federal enclave otherwise within that State, only now under 18 U.S.C. 13 (which federal law looks to specific State laws for the various particulars to pursue enforcement of a federal case).

(Step #3)

Thus, in our third revision, our hypothetical 1970 crime Act may now simply read:

"That if any person or persons shall, within the United States, commit the crime of wilful murder, such person or persons on being thereof convicted shall suffer death."

…

…

…

"Definitions:

"The United States includes the district of the country, under the sole and exclusive jurisdiction of the United States."

This latest revision is getting mighty close, but that wording "district of the country, under the sole and exclusive jurisdiction of the United States" still provides for far too many people far too much information about the actual legal jurisdiction therein involved.

To rid ourselves of that offending language, we must replace that wording with wording which points to the same jurisdiction, but less offensively.

(Final Step)

Our final version of our hypothetical 1970 crime Act will thus read:

"That if any person or persons shall, within the United States, commit the crime of wilful murder, such person or persons on being thereof convicted shall suffer death."

…

…

…

"Definitions:

"The United States includes the District of Columbia."

In reality, this final version of a hypothetical 1970 crime Act is no different legally from the original Section 3 of the 1790 crime Act, it is simply much more difficult to follow (which is *precisely* the point).

The word 'includes' can have several possible meanings, after all:

1. In the first case, 'includes' could mean 'mean', such that the definition of 'The United States" would 'mean' (only) 'the District of Columbia'. Therefore, one may substitute the true meaning in place of the elsewhere-defined words.

   Thus, when reading "That if any person or persons shall, within the United States, commit the crime of wilful murder…", it really means "That if any person or persons shall, within the District of Columbia, commit the crime of wilful murder…"

   In this possibility, one realizes that it offers no greater authority for Congress to provide punishment for willful murder in the District of Columbia in 1970 than it was in 1790; thus the interpretation of the word "includes" (to mean 'means') is legitimate.

2. In the second case, 'include' could mean other things not specifically mentioned which could also be included, such as forts, magazines, arsenals, dock-yards and other needful buildings.

   Thus, when reading "That if any person or persons shall, within the United States, commit the crime of wilful murder…", in this case it would or could (also) mean "That if any person or persons shall, within forts, magazines, arsenals, dock-yards and other needful buildings, commit the crime of wilful murder…"

   This possibility is also legitimate, for the ability of Congress to provide for the punishment of willful murder in all these ceded exclusive legislative lands is also legitimate.

3. The third possibility is that 'includes' could mean other things often associated with the word or phrase being defined but not actually legally meant so here (i.e., in this third case, 'includes' is meant to include other things which are normally understood to mean "the United States," such as the 50 States of the Union).

> Thus, when reading "That if any person or persons shall, within the United States, commit the crime of wilful murder…", it would in this case mean "That if any person or persons shall, within the several States of the Union, commit the crime of wilful murder…"
>
> But this third possibility cannot be legitimate, for members of Congress have no ability to enact criminal legislation for the punishment of willful murder within the 50 States of the Union, for those are reserved powers under the 10th Amendment which have never been delegated to the United States of America within any of the Constitution's clauses or amendments.

Upon proper examination, one realizes that despite the 'modernized' wording, the hypothetical 1970 crime Act *really offers no further jurisdiction than what was actually available in the original 1790 crime Act*, which must be the case since the Constitution hasn't changed in this regard since government began under it in 1789.

Thus, despite new wording intentionally added to confuse the issue so those exercising federal powers may exercise them more abundantly (for personal gain and the direct benefit of their supporters and friends), one only finds that the government which resorts to such scurrilous behavior is none the more powerful, only far more devious and deceptive (and therefore unworthy of our trust).

Within our hypothetical 1970 law, there were three alternate meanings of "include" (and therefore three alternate meanings of "the United States").

It is therefore important to realize that our 1970 'law' could not be considered 'unconstitutional' (in every case), *for two of the three possible meanings were here legitimate*. Thus it would be improper for any court to rule the 1970 law 'facially' unconstitutional, only unconstitutional 'as applied' improperly in particular cases arising under the third meaning (by defendants who knew how to protect their liberty from tyranny).

The process under which multiple meanings for key words are inserted within various Acts to help hide the exclusive legislative jurisdiction of Congress is referred to by this author as:

Government by Deception through Redefinition

Chapter 7. The Remedy

Previous chapters examine the single political problem actually facing America — the exploitation of an overlooked delegated power in a clever way which allows government officials and members of Congress to exercise enormous amounts of power and an extreme degree of arbitrary discretion nowhere else found within the Constitution.

But exercising the extraordinary discretion originally meant for a small area instead throughout the whole country necessarily relies upon widespread constitutional ignorance; the remedy is to therefore educate Americans of the devilish means used to circumvent 99% of the Constitution.

While education is the immediate means used to achieve our goal, the ratification of a new constitutional amendment is a longer-range goal which seeks to prevent tyranny from raising its ugly head in the United States ever again.

Since history clearly shows that ratification of a new amendment is a challenging endeavor, it is important to realize that our efforts must be thorough and may last much longer than we otherwise would hope.

Since proposing a new constitutional amendment is challenging, it is helpful to understand a few more things about Article I, Section 8, Clause 17 and the exclusive legislative jurisdiction therein authorized.

A historical look into another early supreme Court case provides us with additional insight to take into account as we propose to remedy our current situation.

As harmful were Chief Justice John Marshall's words in the 1819 case of *McCulloch v. Maryland* which popularized and effectively launched government of unimaginable discretion, he partly makes up for that transgression in the 1821 case of *Cohens v. Virginia* which examined D.C.-based lotteries.

Cohens v. Virginia; Passage Number One

The first of three important passages to examine from this 1821 case is the following:

1. The power to legislate for the district, like all other powers conferred in Article I, Section 8 upon Congress, is "conferred on Congress as the legislature of the Union."[1]

In other words, members of Congress do not step down from their national capacity even when they enact laws that would otherwise be considered local legislation for the government seat.

The impact of the Court's ruling is that otherwise locally-effective laws enacted by Congress for the District of Columbia may actually be enforced *nationwide* throughout the United States; they are not strictly-limited to the geographical boundaries of the exclusive legislation areas.

For example, if a crime is committed in the exclusive legislative area contrary to an Act of Congress, enforcement needn't stop "at the district line;" federal officers may proceed throughout all of the States to carry out that congressional law and catch the offender (unlike State or local officers who must seek extradition of any person who violated State or local law but who fled the area [and is elsewhere captured]).

That, of course, does not mean that it would necessarily be a federal crime if that same activity first occurred 'outside the gates', for such legislation must then conform to the whole Constitution for that to occur.

In other words, enforcement could not normally *start* if the banned activity *occurred* beyond the fence unless it conformed to the whole Constitution.

Nevertheless, exclusive legislation laws enacted by Congress may be enforced nationwide (as long as the activity started inside that jurisdiction), even if the perpetrators may be later found in any of the States.

These laws are only locally-effective, even as they can now be nationally enforced; i.e., *after* the laws are *locally* broken.[2]

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1. *Cohens v. Virginia,* 19 U.S. 264 @ 424 (1821).

Given the original wording and structure of the Constitution, it is difficult to argue the Court ruled incorrectly. Clause 17, after all, is within Section 8 of Article I, just like most of the remainder of the express powers delegated to Congress for acting throughout the Union.

Cohens v. Virginia; Passage Number Two

It is therefore important to look further into the ruling and examine the second passage:

2. "Whether any particular law be designed to operate without the District…depends on the words of that law."[3]

This passage informs Americans that there are few readily-identifiable differences between an Act enacted under the authority of Congress for the whole country (i.e., *outside* the District of Columbia) and an Act enacted only within or under the authority reserved for the government seat.

It is thus imperative that Americans understand well the differences between the two forms of government such that they readily recognize *from the words of the law* under which jurisdiction the legislation was or at least could be enacted.[4]

A helpful analogy for understanding improperly-constrained U.S. Government power is to view the ten-miles-square jurisdiction for the District of Columbia as a corral and government officials and members of Congress as a bunch of wild horses (readers may pick the specific species).

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2. It is outside the scope of *Patriot Quest* to examine the multitude of ways Americans inadvertently 'volunteer' to that exclusive legislative jurisdiction and therefore fall under its authority (wherever they happen to be located).

Besides, it is impractical for most Americans to safely extricate themselves from tyranny's many tentacles (thus the recommended amendment).

3. *Cohens v. Virginia,* 19 U.S. 264 @ 429 (1821).

4. Actually, a much more accurate description of whether any particular law can operate outside the District today would be that it depends *on the meaning of the words used in that law* (i.e., such as an alternate meaning for "within the United States" in the Legal Tender Act of 1862 [XII Stat. 345] to legally mean *only* "within the District of Columbia" [*see also* Page 18 of *Patriot Quest*]).

Over many generations, following the disingenuous path first laid out by several dominant stallions, these once-domesticated horses broke out of the corral after their caretakers stopped vigilantly minding the fences.

The simple goal of the modern-day Patriot is to rebuild the fence and install an impenetrable gate for a new *ten-miles-square* corral (and discard the key).[5]

Cohens v. Virginia; **Passage Number Three**

The final passage of the 1821 *Cohens v. Virginia* supreme Court case provides the critical detail in our set of instructions for rebuilding the constitutional stronghold which will thereafter properly constrain government tyranny — it is worded:

> "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 supports their contention.[6]

Unfortunately, there isn't any *existing* "safe and clear rule" within the current Constitution which would actually and directly support the contention that Acts of Congress made in pursuance of Article I, Section 8, Clause 17 do not, like all other Acts made in pursuance of all other powers, 'bind the nation' (there is only the *spirit* of the whole Constitution, which evidently doesn't go far against opponents who only pay ultra-strict attention to the *letter* of the Constitution).

Again, Clause 17 is found within the same Section (8) of the same Article (I) as the bulk of the remainder of the enumerated powers which were therein delegated to Congress for use throughout all the States.

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5. After the retrocession of Alexandria back to Virginia by Congress in 1846, the original area ten-miles-square (100 square miles) area is now more like six miles-by-ten miles (60 square miles, north and east of the Potomac River).

6. *Cohens v. Virginia,* 19 U.S. 264 @ 424 (1821).

And, of course, there is also **Article VI, Clause 2** of the **U.S. Constitution**, which declares:

> "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 of any State to the Contrary notwithstanding."

Since the seventeenth clause of the eighth section of the first article is necessarily part of "This Constitution," then it is necessarily forms part of the Supreme Law of the Land.

Since the 1790 crime Act was enacted in pursuance of that seventeenth clause of that eighth section of that first article of that Constitution, then it too was thus "made in Pursuance" of the Constitution and therefore constitutes part of the Supreme Law of the Land.

But even our hypothetical 1970 crime Act could be enacted under that same article, section and clause, *just as scores of actual legislative Acts actually have been* — all these Acts therefore *also* form part of the Supreme Law of the Land (and so the judges of every State shall be bound thereby [anything in the Constitution of any of the several States to the contrary notwithstanding {so it doesn't do *any* good to look to the State Constitutions and assert that various powers were reserved to the States and that such particular issues cannot *ever* be federal matters /as Jefferson and Randolph incorrectly argued in their 1791 banking opinions\}]).

But the Chief Justice's words still provide liberty-minded Americans the clear direction needed to restore limited government, only since we cannot clearly "show" the "safe and clear rule" which *already* supports our contention, *we need to now finally 'make' one*!

But proposing an amendment is an awesome task and responsibility; thus it is proper that we take a solemn look at history for proper guidance.

The 11th Amendment

The 11th Amendment, ratified in 1795, provides Patriots with the direction we need to propose a restorative amendment.

The background to the 11th Amendment was that the supreme Court ruled, because of strict construction of Article III, Section 2, Clause 1 of the U.S. Constitution, that citizens of a different State may sue those other States (against that State's will) in federal court (i.e., any State of which they were not a resident).[7]

After all, **Article III, Section 2, Clause 1** of the **Constitution** originally stated, with regard to the *federal* judicial power, that:

> "The judicial Power shall extend to…Controversies… between a State and Citizens of another State;"

Even under strict construction of the Constitution, without any liberal interpretation whatsoever, it would readily appear that the *Chisholm* Court was correct. But that still didn't prevent the States from changing how those words of the Constitution must thereafter be construed (including letting the States decide when they would be sued (by individuals).[8]

In 1795, the States ratified the **11th Amendment**; its pertinent words now declare (with italics added) that:

> "The Judicial power of the United States *shall not be construed* to extend to any suit…prosecuted against one of the United States by Citizens of another State…"[9]

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7. *See: Chisholm v. Georgia,* 2 U.S. 419 (1793).

8. This matter is now nearly moot, in that the several States now readily allow themselves to (sue and) be sued, as they have all descended from their sovereign 'thrones' and readily entered into the realm of commerce.

9. Article III, Section 2, Clause 1 in its original wording also declared that:

> "The judicial Power shall extend to…Controversies… between a State…and foreign…Citizens or Subjects."

The 11th Amendment therefore also corrected matters dealing with foreign citizens or foreign subjects suing a State in federal court, stating:

> "The Judicial power of the United States shall not be construed to extend to any suit…prosecuted against one of the United States by Citizens…or Subjects of any Foreign State."

The Once and For All Amendment

Following the precedent of the 11th Amendment which clarified how specified constitutional matters must thereafter be construed, the Patriot Corps thus proposes the following '**Once and For All Amendment**' to rebuild the Six-by-Ten Stronghold:

> "The exclusive legislation power of the Congress of the United States under 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 within the meaning of second Clause of the sixth Article of the said Constitution."[10]

This new amendment would simply clarify and now expressly provide that no law enacted under Article I, Section 8, Clause 17 constitutes any part of the Supreme Law of the Land under Article VI, Clause 2.

The effect of this amendment would be to finally provide the "safe and clear rule" which firmly supports the contention that Acts of Congress made in pursuance of Article I, Section 8, Clause 17 do <u>not</u>, like all other Acts made in pursuance of all other powers, 'bind the nation'.[11]

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10. While the paragraph above contains the primary 'meat' of the proposal, it is probably prudent to clarify matters further, perhaps including:

> "Every law, resolution, rule, regulation, or order enacted, passed or otherwise hereinbefore or hereinafter acted upon under the seventeenth Clause of the eighth Section of the first Article of the said Constitution shall be strictly limited to its precise jurisdictional limits strictly applicable to exclusive legislation areas as must therein be hereafter designated."

A section in the proposed amendment on formal extradition procedures for the District serving as the Seat of Government of the United States (similar to that for States in Article IV, Section 2, Clause 2) would likely prove necessary (certainly convenient), but that is but a small matter to add in (of course, laws truly national in scope would yet be executed throughout all the States, as they have always been).

11. Patriots may reflexively offer that even after ratification, government would simply ignore our recommended amendment, just as other parts of the Constitution are now 'ignored'.

(11. cont'd).

But such a protest itself ignores the fact that government may 'ignore' the Constitution now *only by resorting to its alternate authority under Article I, Section 8, Clause 17*, which is exactly what the Once and For All Amendment will thereafter prohibit (meaning that successful methods of the past will no longer work in the future [*because* of ratification of our new amendment {and government officials and members of Congress have no other ability to bypass or ignore constitutional restraints}]).

Should Congress, the courts, and/or the President yet somehow actually discover a novel method to bypass this new amendment, then another should be ratified which repeals Article I, Section 8, Clause 17 in its entirety (forever thereafter removing an alternate form of government from any chance of continued existence, even in a strictly-limited manner).

Because of the finality of outright repeal, Patriots may therefore be naturally inclined to recommend this path. While this author understands this draw, he nevertheless believes it prudent to first try the more conservative approach (as less-drastic changes to the Constitution should always be an easier-sell to an understandably-wary public [and expansive government facing utter extinction is much more likely to vehemently protest that action than one simply and finally facing proper containment]).

If Article I, Section 8, Clause 17 is ultimately repealed, however, then the District constituted as the Seat of Government of the United States would either need to be retroceded back to Maryland or a new State be allowed to form (New Columbia).

Following the precedent set as Virginia accepted back her (unused) portion of the District of Columbia in 1846, the residents of the area in question (Alexandria) were given the final say (IX Stat. 35).

However, the various exclusive legislation forts, magazines, arsenals, dock-yards and other needful buildings scattered throughout the States would necessarily be retroceded back to those respective States, as none of these areas are sufficiently established to form their own (State) governments.

In case any Patriots worry about our military suffering undue harm with retrocession of their forts, a 1956 intergovernmental study panel looked extensively into the possibility of terminating exclusive legislative jurisdiction within the States (due to the problems residents had dealing with marriage and divorce, voting, schooling, local police and fire service, driver's licenses, birth and death records, notaries, etc. [all the things that State and local governments otherwise do which they cannot perform in exclusive legislative lands]).

(11. cont'd).

The committee reported a large number of responses from various federal government agencies, many of which fell along the same general lines as the formal opinion of the Department of the Navy which was that:

> "the jurisdictional status of the site of an installation is immaterial insofar as any effect it may have upon the security and military control over the property and personnel of a command are concerned." [12]

The committee likewise reported the opinion of the Judge Advocate General of the Navy who offered that:

> "there is no connection between the security of a base and the jurisdictional status of the site." [13]

In addition, the study pointed out that only 41% of the number and 20% by area of Army bases in 1956 were exclusive legislative jurisdiction properties; Naval bases were 36% by number and 35% by acreages; and only 10% of Air Force bases were Article I, Section 8, Clause 17 properties (the rest were already on lands otherwise governed by States).

The committee highlighted an opinion of the Attorney General of the State of Kentucky, who replied to the committee's query of the several States:

> "The transfer of jurisdiction to the Federal Government is an anachronism which has survived from the early period of our history when Federal powers were so strictly limited that care had to be taken to protect the Federal Government from encroachment by officials of the all-powerful States. Needless to say, this condition is now exactly reversed. If there is any activity which the Federal Government cannot undertake on its own property without the cession of jurisdiction, we are unaware of it." [14, 15]

The final conclusions of the committee included:

> "(W)ith respect to the large bulk of federally owned or operated real property in the several States and outside of the District of Columbia it is desirable that the Federal Government not receive, or retain, any measure whatever of legislative jurisdiction, but that it hold the installations and areas in a proprietorial interest status only, with legislative jurisdiction remaining in the several States." [16]

(11. cont'd).

While the committee favored eliminating essentially all of the exclusive legislative lands outside of the District of Columbia (which was the only area where a municipal government had been established), this author of *Patriot Quest* must point out that even eliminating the exclusive legislative jurisdiction for the District of Columbia must also be on the table as well, if it comes to that.

With some two billion acres of land mass in the United States, it is wholly inappropriate that some 40,000 acres (roughly six miles-by-ten miles or 60 square miles [with 640 acres per square mile]) be allowed to continue to jeopardize the remainder. The single clause of the Constitution which provided for an unusual exception cannot continue to be allowed to override and nullify the remainder which established the rule.

There is, after all, no danger whatsoever that the U.S. Government cannot today maintain its legitimate power against any State where federal government buildings or personnel may be found.

12. *Jurisdiction Over Federal Areas Within The States, Report Of The Interdepartmental Committee For The Study Of Jurisdiction Over Federal Areas Within The States*. Part 1, Page 93. April, 1956. United States Government Printing Office, Washington: 1956. (KF 4625 A86).

13. *Ibid.*, Part 1, Page 47.

14. *Ibid.,* Part 1, Page 24.

15. Indeed, the primary stimulus for Article I, Section 8, Clause 17 seems to have been a historical 'incident' where approximately 70 mutinous members of the Continental Army from Lancaster, Pennsylvania, marched on Congress in Philadelphia after the conclusion of the Revolutionary War seeking payment of past-due back pay, growing in number to approximately 400 soldiers by the time of their arrival at Philadelphia.

After a few days of growing tension, the Second Continental Congress finally fled to Princeton, New Jersey (after Pennsylvania officials refused to provide protection), even though the rebellious soldiers didn't actually do anything more than otherwise intimidate a few overly-worrisome members of Congress.[17]

16. *Ibid.*, Part 1, Page 70.

17. Vol. 24, *Journals of the Continental Congress*, Page 410. June 21, 1783. www.memory.loc.gov/ammem/amlaw/lawhome.html.

Chapter 8. In Conclusion

The choice confronting Patriots today is to either continue to live under the form of absolute tyranny as Americanized by Alexander Hamilton and John Marshall or we can strive to live again under the wise rule of the remainder of the Constitution established by the likes of Washington, Franklin, Madison, Mason and others less well-known.

We can live under the arbitrary tyranny of "All appropriate means to legitimate ends which are not prohibited" while we watch our once-proud Constitutional Republic be destroyed from within or we can diligently work to live again under only those government means which are both "necessary and proper" for carrying into effect the delegated powers.

We can continue to live under our American despots who act "in all Cases whatsoever" just as America's founders had tried patiently for a decade to live under their kingly tyrant who asserted the same — or we use all lawful and just means available to us *to expose the devious methods used by the dirty, rotten scoundrels*.

The choice is to live under the clever means used to implement back-door tyranny or live under the solid wisdom of the U.S. Constitution as expressed throughout all of its terms beyond Article I, Section 8, Clause 17.

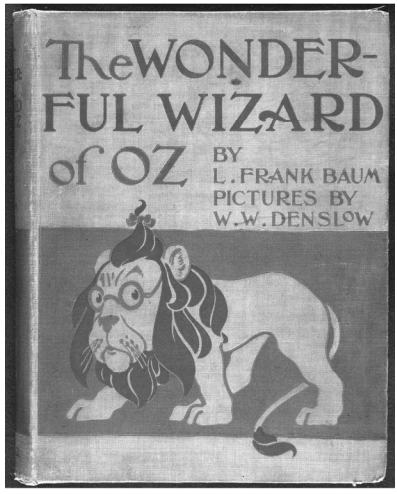
The choice is between a Democracy of virtually unlimited discretion and a Constitutional Republic of delegated powers (together with the Necessary and Proper Means for implementing them).

The choice is between omnipotent government and limited government — between tyranny and liberty.

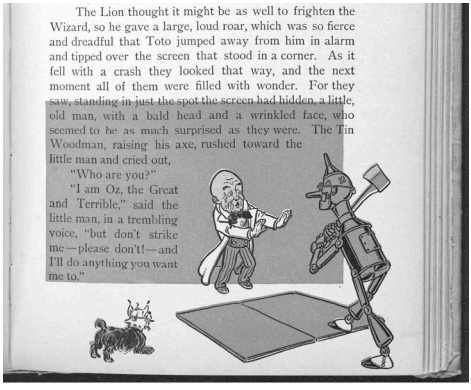
Bostonian Samuel Adams, in a speech before the Pennsylvania State House in Philadelphia in August of 1776, said it plainly to those who would choose unwisely:

> "If ye love wealth better than liberty, the tranquility of servitude than the animated contest of freedom—go home from us in peace. We ask not your counsels or arms. Crouch down and lick the hands which feed you. May your chains sit lightly upon you, and may posterity forget that ye were our countrymen."

Popular American folklore provides Patriots today with additional insight on how to proceed against a seemingly-omnipotent wizard of unlimited powers who was really nothing more than a clever fraud who used a convincing sound and light show while blowing thunderous, hot air in a forbidding manner to overwhelm unsuspecting peasants who dutifully bowed before him in humble servitude.



Although Dorothy and her travelling companions initially followed the commands of the all-powerful Wizard without question, when they come before him again, they note cracks developing in his persona of an omnipotent Wizard (when he fails to deliver on his earlier promises [because of a lack of any real power beyond deception]).



Although they were yet confident the Wizard could smite them in a blink of an eye, nevertheless they courageously begin to challenge him.

In his 1900 book *The Wonderful Wizard of Oz* (which is no longer protected by copyright), L. Frank Baum has the Cowardly Lion finding sufficient courage to roar ferociously in attempt to frighten the wizard. In response to the lion's fierce roar, the startled dog Toto accidently tips over a curtain which had heretofore hidden the meek little man who pulled the animated Wizard's strings.

In the 1939 MGM cinematic classic *The Wizard of Oz* (still under copyright protection), it is the small dog Toto with a little brain who nevertheless trusts his faithful nose who discovers the Wizard. Finding the source of the stench, Toto intentionally pulls back the curtain to expose the fraud; he may then begin to bark loudly to broadcast his important discovery far and wide.

Thus, following the lead of Toto, after properly discovering our government 'wizard' is also nothing but a monumental fraud, Patriots may also begin to B.A.R.K. loudly to draw the attention of all who will listen, as we begin to *Build Awareness of Republican Knowledge*.

Patriots may also follow the lead of the Cowardly Lion and R.O.A.R. loudly so we may boldly *Restore Our American Republic*.

In their Declaration of Independence, America's founding fathers mutually pledged their lives, their fortunes and their sacred honor to establish limited government. Restoring limited government will take no less of a commitment today.

Please consider how your personal talents may be effectively used to help *Build Awareness of Republican Knowledge* so we may *Restore Our American Republic*, *Once and For All*. Help us B.A.R.K. so we may R.O.A.R.! ***Draw proper attention to the wizard who has no true power beyond deception; help expose him as a fraud, in any way you can!***

Liberty-minded Americans have for far too long fought the wrong fight on the wrong terms, and history is clearly proving such tactics woefully inadequate. If we continue to accept our enemy's parameters, we will soon lose our beloved Constitutional Republic.

The answer is not by electing 'the right guy' (or gal) to some government office or legislative seat of unlimited power, *but working to ensure that all powers of government are properly limited*.

We cannot accept the status quo as our current starting point and simply work to come up with 'something better', for we would concede defeat and lose all of our country's founding principles in this compromise.

Patriot Quest teaches Americans precisely HOW government was able to ever ignore its limitations in the first place and act 'in all Cases whatsoever' with a power which defied limitation.

Patriot Quest teaches Americans precisely HOW we got into this mess, so we can understand our opponents' successes and discover their inherent weakness — exposure of their means of success to the bright light of day. We can then stop them with our Once and For All Amendment.

Will you help us Restore Our American Republic, Once and For All?

The books on the back page by Matt Erickson and distributed by the Patriot Corps are in the public domain and may be freely used without credit or remuneration (*see* www.PatriotCorps.org for original MS Word™ documents). If it is within your skill set, please improve upon them (especially needed are simplified works which appeal to a wider audience).

While the Patriot Corps is best-supported by contributions of *time* and *effort* directly promoting and distributing its work (or improving upon it), many busy Americans may prefer instead simply to donate *money* to directly aid *its* efforts (instead of making them *our combined* efforts). Please realize that donations of money are but a poor substitute for *added effort* (we wish to recruit *you*, not necessarily your money).

In other words, 'Boots on the Ground' are strongly preferred to the opening of the wallet…please consider getting *personally* invested in this worthy effort and also make this *your* passion, *your* cause, *your* endeavor.

Please visit www.PatriotCorps.org to learn about becoming an affiliated Patriot Recruiter, earning money as you build your own affiliated business Restoring Our American Republic, combining entrepreneurial incentive *with* good works. Be your own boss as you help save *our* country!

About the Author

Matt Erickson, proprietor of several failed businesses, is a truck driver. He lives in Vancouver, Washington, with his wife, Pam. He has two step-kids and seven grandchildren.

Erickson is the founder and president of the Patriot Corps and also the Foundation For Liberty (www.FoundationForLiberty.org), the latter of which is a 501(c)(3) non-profit, tax-exempt organization.

Patriot CORPS

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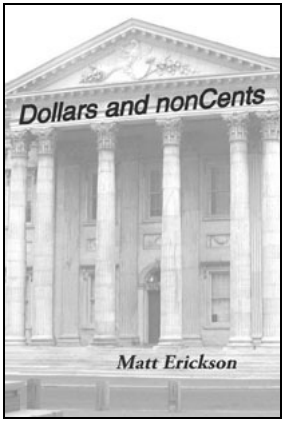
Public domain books by Matt Erickson, all freely-available electronically online at www.PatriotCorps.org:

Non-Fiction Books:

Short length
90 pages



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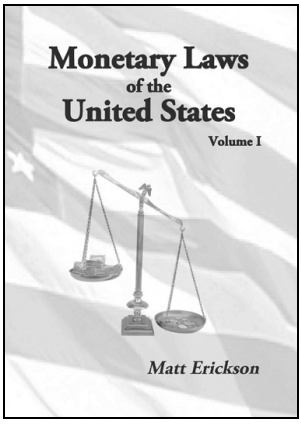

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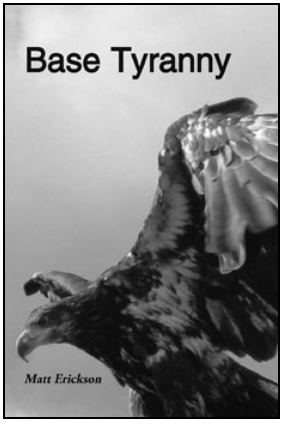

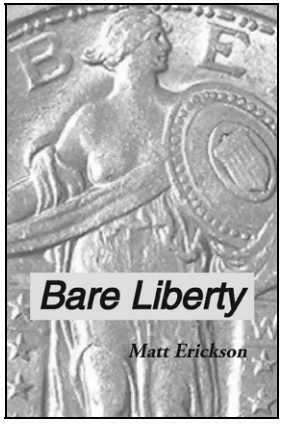

These books all examine monetary deception to varying lengths and differing depths, thereby allowing readers to understand how government is able to operate in excess of the Constitution, in all cases whatsoever. With this knowledge, we can Restore Our American Republic, once and for all.

While Patriots repeatedly complain that progressives ignore the U.S. Constitution with impunity, *The Patriot Quest* shows in reality that there is only strict construction of the Constitution, and those who act contrary to the spirit of the Constitution are, surprisingly, the ones who necessarily hold its letter up to its strictest terms.

To back up that claim, *The Patriot Quest* examines the precedent-setting 1871 Supreme Court case which first upheld paper currencies as legal tender (despite earlier court rulings which upheld a legal tender of only gold and silver coin).

Understanding how the federal government acts in this particular case actually allows Patiots to understand how government acts "in all Cases whatsoever" with arbitrary power which has defied all previous attempts to limit it.

With the knowledge of how omnipotent government has been successful to date, a blueprint may thankfully be formed to finally Restore Our American Republic once and for all; to reclaim limited government operating again under strict construction of the whole Constitution, the likes of which America has not seen for 150 years.