

The Constitution for the United States of America

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"...a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities." – *Thomas Jefferson*

Preface

On the following pages is the complete, current United States Constitution, with comments that I hope you'll find useful.

*From citizens' perspective, this constitution is a one-sided political covenant, since citizens don't get to "sign" it (I think that's a shame). But from the States' perspective, after ratification by State officers, it's the law of laws, "...the supreme Law of the Land" (Article VI:2), that limits the authority and scope of a federal government to **only** what's written herein (clarified by Amendment X). As affirmed in its breach by both Madison and Jefferson through their Virginia and Kentucky Resolutions, our federal government's legitimacy - and existence - depends upon keeping the terms of this social contract (called a "compact" in the resolutions).*

You ought to read the Kentucky and Virginia Resolutions; they're a little wordy and florid, but they sternly declare the constitutions' true purpose, and practical effect. The main point is that any federal establishment, agent, tax or action existing outside the authority granted in this covenant is legally null and void; no more valid than if I'd decreed it in PJ's from my Lazy Boy.

Keep in mind that constitutions govern politicians, not you. But over the past generations we've allowed politicians to stray ever more, and ever faster, from their legal boundaries. So you'll be hard-pressed to see any resemblance between our dying New Deal, and what this Fair Deal demands.

Here're some highlights:

- 1. Our government-issued money is to be backed by gold or silver!*
- 2. Most of what we call "federal" agencies, powers, laws and actions (including taxes and wars) are unconstitutional, and therefore legally **null and void**!*
- 3. State and local government should be much, much more relevant to your daily life; you should scarcely **detect** a federal government. That was by very thoughtful design.*
- 4. There are only **five** federal crimes that citizens can commit! (and disarming the airbag in your car isn't one of them)*

*Our ancestors knew that politics is inherently violent. Nothing related to "government" happens without at least the threat of violence. The IRS doesn't pass the hat and say "please;" and you could get killed if you resist an arrest for so much as a seat belt violation. **Practically every political action hurts somebody.** Don't forget this. It is the reason we have constitutions ...and make politicians swear to obey them.*

Politicians tend to break laws that protect you from them. This makes the laws that protect them from you null and void; but before you think any violent thoughts, remember that about 97% of us have repetitiously chosen this ungoverned government throughout (mostly) the past hundred years.

The constitutions didn't fail; we did.

Here's to hoping we learn our lesson and do better...

*Andy Horning
Freedom, IN
January, 2011*

*Through the following pages **all my comments are in italics**. They'll be **in a box like this one**, or (added subtitles are in parentheses).*

Everything else is the constitution itself. I can't rule out typos; but I also didn't attempt to correct archaic spellings like "chusing," or the punctuation and capitalization that seem odd today. I've done my best to present the law as written and signed into law.

*One more thing before we start ...just a little history: In 1787 there were some, like A. Hamilton, that argued that the government operating under the Articles of Confederation was too weak (hmmm...this is a common excuse for power grabs¹), and that, for our survival, we needed a strong central government. Not everybody agreed. The colony had whupped the global superpower under near-anarchy, after all. So state delegates were authorized to only **amend** the Articles.*

But there were two problems:

- 1. Under the Articles, states had to unanimously agree to any amendments. That was horribly unlikely.*
- 2. There was a conspiracy afoot. In fact, it was to be a power grab, from the State perspective. There were basically three opposing factions (royalists, federalists and anti-federalists), and the arguments became pretty fierce. Royalists were many, some federalists were smart, and the anti-federalists were ...well, they turned out to be exactly right. It's a shame they didn't win.*

But the resulting compromises, and social contract, turned out better than anybody could've expected. Better, indeed, than any national charter before ...or since.

¹ "Was it not necessity which had always been the plea of every evil exertion of power, or excessive oppression? Was not necessity the pretense of every usurpation? Necessity is the plea for every infringement of human freedom. It is the argument of tyrants. It is the creed of slaves."—William Pitt, *Speech in the House of Commons, November 18, 1783*

The United States Constitution

Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I (*The Legislative Branch*)

Section 1 (*Exclusive Authority*)

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

*This is crucial. "All legislative Powers herein granted shall be vested in a..." means that **no other** federal entity has any power to make law. IRS "regulations" aren't law. Executive Orders are not law. Judicial rulings/judgments aren't law (really!).*

*This one sentence nullifies a huge percentage of our federal government, its actions and powers. Executive bureaucracies like the FDA, IRS, EPA, individuals like the President or a judge, and private corporations with governing power like the "Federal Reserve" **illegally** make "regulations," Executive Orders or rulings with effect of law, and actions that seize property and make policy.*

Section 2 (*The House of Representatives*)

1: The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

This section leaves many details to the states regarding the selection of federal reps. It does specify popular elections (chosen ... by the People), but we typically ignore this mention of "Electors," which in Article II (President's election by electors) comprise the so-called "Electoral College." Are Electors voters in this context? This same wording resurfaced in Amendment 17.

*I don't understand, but I confess I've never researched it. After all, the bigger problem is that we ignore the whole constitution! But if anyone knows more about the story behind "Electors" versus "the People" as it relates to legislators, please **let me know**.*

2: No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

3: Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.

The phrase "...three fifths of all other Persons" is almost always totally misunderstood. It was an attempt to reduce the disproportionate power of southern states by discounting slaves for the apportionment of US House reps. To be fairer, slaves shouldn't have been counted at all.

I point this out mostly because we're violating this principle of citizen representation today! Our census counted everybody in the USA, including illegal alien, so states with more illegal aliens have gained disproportionate power in Congress. States that have controlled their illegal alien population have been, in effect, penalized.

Of course, since illegal aliens are also encouraged vote illegally (don't even try to tell me this doesn't happen...I've seen it!), I suppose my point is muddled a bit...

The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

*Above is the mandate for a decennial census. It's for **only** the apportionment of representatives.*

A case could be made that the founders would consider us under-represented today – averaging only one rep for ~717,110 people! There wasn't a very good reason to lock in the number of reps a hundred years ago; and with fewer reps, I believe the monied mighty have disproportionate power. At least with more reps, it'd cost more to buy them all. And maybe reps wouldn't be such celebrity/lifetime royalty icons if the districts were smaller, with less power each.

Who knows; with 5000 reps maybe we'd save enough money that the extra paychecks and a new meeting place for them would seem like a bargain... Hmmm...

4: When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

5: The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

#5 does grant a lot of leeway in the devising of rules and powers within the House of Reps. In fact you should notice that, unlike the following rules for the Senate, it's not unequivocal that each representative may have only one vote!

But nowhere in this constitution will you find any authority to grant power to anything other than human beings. This is constitutionally very important, in that political parties are non-constitutional entities (not forbidden, but not authorized in any way) that have, in effect, constitutional powers (minority/majority) as if they were specially authorized people.

The wiser founders warned us about political parties! In fact in George Washington's 1796 Farewell Address he said,

“...I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

...The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty.

...The common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.”

Section 3 (The Senate)

1: The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

*Federal Senators were to be **directly** chosen by **state legislators** until the 17th Amendment. There were very good reasons for this, I think.*

Most voters obviously disagree with me that the 17th Amendment (popular election of senators) destroyed states' rights, and the whole point of a bicameral house. I'm agnostic about the Electoral College versus purely popular elections for Presidents (perhaps sour grapes over my experiences with elections), but to have all politicians chosen in the same populist way by the same bored, uniformed/ disinformed and discouraged voters within the same elections is, I think demonstrably, a bad idea.

But the 17th amendment also reincarnated the odd wording about Electors as in Section 2.

2: Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

3: No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

4: The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

5: The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

6: The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice

shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

7: Judgment in Cases of impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

The procedural details were given attention here because our founders assumed that impeachment would be an important occasional cleansing, and the details reflect their intentions of division and separation of powers, and firm limitation of same. Sadly, we've pushed all that aside. ...Sigh...

Section 4 (Meeting Times and Places)

1: The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

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

*Here's proof that our government had gone stupid by the time of Amendment XX. They didn't have to go through amendment to change meeting days; they could have simply written legislation. It says so here. But they went through the trouble of amendment ...and to the amendment added, "...unless they shall by law appoint a different day." ...What **were** they **thinking**?*

Section 5 (Internal Rules)

1: Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

2: Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

The self-policing powers have obviously proved to be next to worthless (would your boss let you show up the equivalent of less than 1 day a week? Could you get away with skimming money and taking lavish trips on the company card? Could you use company stationary to apply for other jobs, or to solicit personal donations? I didn't think so). But if voters don't mind, who am I to complain?

3: Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

4: Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6 (Pay, Conflict of Interest)

1: The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

2: No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

This is a terrible problem in Indiana's part-time legislature, where teachers, police and lawyers, keeping their other jobs while also in political authority roles, are taxpayer-supported, yet have unfair power over the domain of their career.

But at the federal level, the perky pay and benefits, combined with distance and the unlikelihood of even wanting the second job, make this a lesser problem. However, the revolving door between government office, and banks or other high-politics businesses, demonstrates that the founders didn't close all the loopholes in their quest to leash the double-dipping, two-faced sharks among us.

Section 7 (Bicameral Rules)

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

2: Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

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

Pay close attention to the following section. It delimits the authority of Congress. If it isn't written in plain English here, it's forbidden:

Section 8 (Legislative Authority)

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

*The above “general Welfare” is where there’s trouble (not from the same phrase in the Preamble). This really **does** authorize Congress to “provide for the...general Welfare of the United States.” I won’t lie; this wording is problematic for those who’d argue that “welfare programs” are entirely, inherently unconstitutional. You have to read elsewhere in this constitution to see that politicians can’t rob us for just any “common good.” The phrase proved troublesome from the start:*

James Madison said: “With respect to the words general welfare, I have always regarded them as qualified by the detail of powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators.”

*But the greatest limitation of this phrase is in federalism itself. The federal government has no authority at all over **citizens’** daily life; the phrase “...of the United States” is key.*

The federal government’s jurisdiction is over the union as defined throughout this contract. The only power the feds have over individuals is in its authority to tax, to punish violation of federal crimes (of which there are only five!), or over what happens in federal lands or international waters.

*One early, seemingly benign stretch of this jurisdiction was the 1798 law, “An Act for the Relief of Sick and Disabled Seamen” which initially applied to only those operating on the open seas (outside of state jurisdiction/ in federal jurisdiction). It started as (deep breath) a mandatory health-insurance scheme (!), but it eventually dropped into the general budget. It was, in fact, **socialized healthcare!** And it grew, as all government things do, into what is now the Public Health Service.*

2: To borrow Money on the credit of the United States;

*Yes, a national debt **is** constitutional! But for what? Aye, there’s the rub... Most of what is **spent** is unconstitutional. Read on...*

3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

*There’s no doubt from the wording here that the federal government has jurisdiction over trade **between** states – but certainly **not within** states. The feds have no authority over any commerce that takes place entirely within a state. So goods made in Indiana and sold in Indiana are constitutionally free of any federal regulation at all.*

*Amendment XVIII changed this; alcohol was a prohibited product in every state by legitimate, constitutionally authorized federal law. **But the amendment was repealed, and nothing similar has replaced it.** This “commerce clause” has been stretched so far beyond what’s legitimate that the violations and usurpations are now absurd.*

4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

OK, so “an uniform Rule of Naturalization” has been established, though it’s not enforced. But where in this contract do you see any federal authority to usurp States’ internal rights and laws regarding borders, citizenship and state-funded privileges? Read the Indiana Constitution (or, for another take on current events, the constitutions of Arizona or Texas) and you’ll see just how much voters have allowed the feds to fib, and fail us, in a very key responsibility.

5: To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Here, ironically, the feds do not exert the full measure of their authority. They’ve left certain key issues of weights and measures (like time zones) up to the states, or private industry (which has largely gone metric). Much worse, however, they’ve delegated away their power over money (now just paper coupons) to private, and often foreign, banker/ moneychangers.

It’s worth repeating Thomas Jefferson’s warning: “The central bank is an institution of the most deadly hostility existing against the Principles and form of our Constitution. I am an Enemy to all banks discounting bills or notes for anything but Coin. If the American People allow private banks to control the issuance of their currency, first by inflation and then by deflation, the banks and corporations that will grow up around them will deprive the People of all their Property until their Children will wake up homeless on the continent their Fathers conquered.”

President James Garfield warned us just two weeks before he was shot: “Whoever controls the volume of money in our country is absolute master of all industry and commerce...and when you realize that the entire system is very easily controlled, one way or another, by a few powerful men at the top, you will not have to be told how periods of inflation and depression originate.”

6: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

OK, here’s one federal crime that applies to citizens; counterfeiting. But it should apply to the Fed...

7: To establish Post Offices and post Roads;

Notice that only “post Roads” are authorized. All other roads, canals (and starting in the 1820’s, railways), were in private or state jurisdictions. Indiana, for example, went broke with canal building, though it was forbidden by the Indiana Constitution of 1816.

I wish people knew the true history of private roads and railways – the best quality, lowest cost, fastest innovation occurred in private hands. That this made some people rich wasn’t actually a problem.

8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

9: To constitute Tribunals inferior to the supreme Court;

10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

Above is a citizen's federal crime #2 through 4; piracy, felony, and offense against the Law of Nations. It's debatable what "Felonies committed on the high Seas" entails because we've greatly stretched the meaning of "felony" since the Prohibition Era. But note that it doesn't grant authority over felonies on land, which would be under other jurisdictions (e.g., States). At the time it was written, the "Felonies" clause meant serious crimes (crimes violate actual victims; offenses violate only laws) committed at sea. Presumably, we should amend this to include the air space above the high seas today – perhaps it'd still be rash to add deep space. But the clause does not even imply power over fishing practices or safe boating rules. Such authority could exist only by amendment.

"Offences against the Law of Nations" is very abstract and hopelessly wide-open. The theory behind the law of nations (jus gentium) is a lofty presumption that all sovereign states can share a basis of civility according to treaties, customs and general principles of justice. But this theoretical sketch of a hazy outline creates an opening by which nefarious foreigners (or, for the past 90 years, apparently, American leaders) can twist our laws against us. I wish it weren't in our constitution at all.

11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

This is a pretty big deal. We've not had a year's peace since the War to End All Wars, but there's not been a constitutionally declared war since WWII! This makes laws related to war moot; hence so many legal issues related to Blackwater, Guantanamo Bay, "terrorism," etc.

The so-called "War on Terror" could have been handled through Letters of Marque and Reprisal against specific people/groups (whether even that is sensible is another subject), since no official government can be named an enemy lately. But Congress dodged its responsibility and gave it to the President. That's illegal. And illegal war is...what, exactly?

12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

No standing armies! State militias had separate funding/training/maintenance authorizations. The following provision of the Navy could be amended to cover more modern costly armaments inherently dedicated to trans-border disputes (bombers, ICBMs, etc.) But the founders were very clear in their fear of permanent national armed forces dependent upon transnational conflict for their livelihoods.

13: To provide and maintain a Navy;

14: To make Rules for the Government and Regulation of the land and naval Forces;

*So state militias must **conform** to national standards...*

15: To provide for calling forth the Militia² to execute the Laws of the Union, suppress Insurrections and repel Invasions;

16: To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the

² "...What is the militia? It is the whole people except for a few public officials." – George Mason

Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

No amendment changed what you read above. Whether you like it or not, it's still law that militias are State forces. When no properly declared state of war exists, the Indiana Militia (just for example) is under their state Commander in Chief – the Governor of Indiana! (Art. 12, sec. 2 of the Indiana Constitution...even after the 1974 amendments!) Only when – and for only as long as – Congress calls forth the militias are they “federal” armed forces.

The “Militia Act of 1903,” or the so-called “Dick Act” should've been annulled long ago, as it was a totally anti-constitutional establishment of a permanent, transnational war machine.

17: To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;--And

18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

This created Washington, D.C., and provided the authority to make law pertaining to its buildings and such. This authority doesn't exist over any other square inch in any State.

Section 9 (Enumerated Limitations)

1: The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

2: The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

We should strike the last phrase from the above. When Habeas Corpus was suspended it was a painful travesty that did no good at all.

3: No Bill of Attainder or ex post facto Law shall be passed.

A “Bill of Attainder” is legislation that specifically calls out an individual or group as, literally, tainted; and essentially judges and punishes without a trial. This was mostly written to reinforce the separation of powers; legislators are herewith prevented judicial/executive powers. Most obvious violations of this principle were not actually committed by Congress. It's been Executive and bureaucratic actions (like the FBI/FDR's 1939 Custodial Detention Index that was used for the internment of Japanese, Italian and German citizens) that've been the worst violations.

But as with England's “bills of pains and penalties,” which included special taxation/fees that could be applied to disfavored groups like churches or sects, our corporate laws (many written for/against specific corporations/ unions/ churches) and tax rates are legislative branch violations.

An ex post facto law is a retroactive law. Some argue that some laws and practices like “three strikes” or certain sex-offender laws violate this. Many tax laws and regulations have retroactive implications.

4: No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

Amendment XVI killed off this reasonable limitation and instituted, instead, our genuinely evil and destructive income tax.

5: No Tax or Duty shall be laid on Articles exported from any State.

6: No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

7: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

This one’s been stretched and pulled like toffee. I won’t here describe the laundering between “The Fed” and the Treasury, but you should educate yourself on the workings of those moneychangers in the temple we call the Federal Reserve System. And what happens with “security” and (euphemistically) “intelligence” spending is appalling.

8: No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

*You know, this **includes** titles like “The Honorable...” and “Esquire.” If we were to clean out our titled nobility, there’d be only beggars and museum curators left in DC.*

Pay close attention to the following section, as it encompasses the limitations placed on states within the union. No other limitations on citizens/states exist other than what’s constitutionally delegated to the federal authority, and denied state authority in the following section.

Section 10 (State Limitations)

1: No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

The seeming opposition of, “No State shall ...coin Money;” and, “... make any Thing but gold and silver Coin a Tender in Payment of Debts” is confusing unless you consider the Indiana Constitution as well. There was a tug of war going on here between the Hamiltonian central

bankster/moneychangers and the sound money proponents like Jefferson, et al. The short answer is that sound money won at both state and federal levels, but the language was muddied by the conflict.

This is an academic point, however, since we have no longer have constitutional money at all. The constitution's dead; the question is, really, whether we want it back.

2: No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

3: No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Governors and Secys of State are always traveling these days to enter "Agreement or Compact with another State, or with a foreign Power." But otherwise, the states have stayed limited as described above. Worse, though, is that illegal alien invasion (to an astounding scale) happens without any state action, which is clearly in their jurisdiction.

Article II (*The Executive Branch*)

Section 1 (*Exclusive Authority, Term and Election*)

1: The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Section 1 of the first three Articles makes plain the separation and exclusivity of powers. Only legislators may legislate. Only executives may execute. Only judges may judge.

2: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

3: The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

We never elected a President this way. Amendment XII doesn't legitimize how we elect Presidents today. We probably should fix this...after electing better politicians, of course.

4: The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

5: No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

C'mon, "birthers," the preceding is among the least significant sentences in this whole constitution. If you really care for the constitution, you've got much better ammo to use against its enemies than this...

6: In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and

the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

7: The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

8: Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:--“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

The preceding oath/affirmation is at least equivalent to signing the contract. The greater the power, the greater the responsibility...and the USA President is absolutely accountable to the enforcement of the USA Constitution, as written.

Section 2 (Executive Authority)

1: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

*Do not glide by **this**: “The President shall be Commander in Chief ... when called into the actual Service of the United States.” Do you see the significance of “...when called into the actual Service...?” Here, again, it is clear that he’s the CIC **only** under a constitutional declaration of war. Again, that hasn’t happened since WWII!*

2: He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Just because the President can appoint “other Officers of the United States, whose Appointments are not herein otherwise provided for” does not mean that those officers somehow gain powers that aren’t provided for in this constitution. In fact, there is no federal authority beyond what’s authored here. So if you want to legitimize the unconstitutional powers of the EPA, IRS, FBI, etc., etc., et cetera; you’ll have to amend the constitution!

One scary huge power that, unfortunately, offers an easy path to overthrowing the constitution, is the power of making treaties . It really is constitutional, though self-destructive, to make treaties that cede authority to foreigners (see Article VI, Sect.2). It has been done, and it’s being done now.

3: The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3 (*Enforce the Laws*)

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4 (*Removal From Office*)

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Violating the oath of office by violating this critical social contract is more than just a misdemeanor. I'm not sure why it you couldn't call it treason. But at the very least, we could remove most politicians currently in office with this one.

But remember; they're there because We The People put them there. Our politicians reflect who we are as citizens. I wish we'd get a lot better.

Article III (*The Judicial Branch*)

Section 1 (*Exclusive Authority*)

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

*Just a reminder...this authorizes **judicial** powers only. No legislative or executive powers at all. Here's what even the "big government" guy among the founders, Alexander Hamilton said about this in Federalist #78: "The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments."*

Section 2 (*Judicial Power*)

1: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State; -between Citizens of different States, --between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Amendment XI actually narrows the jurisdiction of the courts from what's above.

2: In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

3: The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3 (*Treason*)

1: Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

OK, treason is the third federal crime by my count that could apply to citizens. I don't find any others specifically described, since "Bribery, or other high Crimes and Misdemeanors" would generally fall under State jurisdiction, or not apply to citizens unless it's a lesser species of treason against the USA. Bribery, as mentioned in the constitution, applies to politicians.

Politicians are accountable to the crimes, “Bribery, or other high Crimes and Misdemeanors,” and by my judgment, most politicians are guilty! (I wish we’d quit voting for the guilty ones over and over and over again!)

2: The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Did the preceding section on the power of courts seem short to you?

Yeah, it is short. The courts have very little legal power, actually.

Article IV (States)

Section 1 (Uniform Applicability)

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2 (Citizen Rights)

1: The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

This makes clause 1 of Amendment XIV totally unnecessary.

2: A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

So you can commit treason against a State too? Yes. We should ponder what this means.

3: No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Amendment XIII essentially removed the above; but raised another question: What's involuntary servitude? Isn't an income tax payer, or more extremely, an income tax payer/ child-support-payer, forfeiting a huge percentage of labor involuntarily? Only a "deadbeat dad" once convicted, is actually guilty of even a statutory "crime." Amendment XIII allows for "Neither slavery nor involuntary servitude, **except as a punishment for crime.**"*

If you don't consider income tax payers involuntarily indentured, then who could be so considered? The law allows for no threshold percentage. Involuntary servitude is prohibited. By my reading here and elsewhere in this contract, only sales and property tax could constitutionally payable by citizens.

** At the time of the constitution's signing, a crime required a victim, and was thus much more serious than a statutory offense.*

Section 3 (Jurisdiction and Statehood)

1: New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

2: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

What constitutes constitutional “Property belonging to the United States?” This is beyond the scope of my annotations, but beyond those early acquisitions (Louisiana Purchase, for example) and lands deeded in trust (typically parklands, and typically deeded in perpetuity), the federal government shouldn't “own” very much at all.

Section 4 (Republican Government)

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Of course you understand that “Republican Form of Government” does not mean GOP forever! Republican means government by proxy, or representatives under the assumption that citizens actually retain all power, and can recall/replace proxies at will. It's a theoretical form, actually; republican representatives eventually become despots when “the people” lose their wits...as we have done.

*Also, when the feds **don't** protect States against invasion, the states have an already enumerated right to self-protection (Article I, Sec. 10:3). And please don't confuse our current notions of “domestic violence” with this “domestic Violence,” which is about insurrection.*

Article V (*Amendment Process*)

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose [Amendments](#) to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

It's supposed to be hard to amend this contract. It shouldn't be undertaken thoughtlessly or with poor punctuation and grammar. Some amendments were both necessary and well-done. ...Others? Sigh...

Article VI (*Legal Binding*)

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

2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

3: The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Clauses 2 and 3 are no throwaways. #2 declares the force of the contract. #3 demands that all constitutional officers promise to obey the constitution!

Article VII (*Ratification*)

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Well, that's it for the constitution's main body. What follows are the amendments, which are just as much The Law as the preceding words.

The Amendments

Many of the constitution's signers thought that a Bill of Rights was unnecessary, since they felt it obvious that federal government had only the powers specifically granted to it within the text of the US Constitution.

But perhaps our wisest founder, George Mason, refused to sign the Constitution without such a declaration of rights (thus angrily ending his friendship with George Washington), and in 1791 (four years after the Constitutional Convention), a Bill of Rights was grafted onto the Constitution as the first ten amendments.

Good thing, too, since what was once considered a declaration of minimum freedoms has become a tattered remnant of our liberties. In reading these you'll see very clearly just how far we've fallen.

You can't pick and choose which freedoms you want; you get them all as written, or you've got only conditional, and vanishing, privileges. In other words, you don't have any protection under law when politicians feel free to break laws!

Amendment I (Authority Denied)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

“Congress shall make no law respecting...” is the operative phrase. Congress is forbidden to write laws about any of the freedoms listed in this amendment. Congress is the only federal lawmaking body, so there can be NO federal laws respecting these six (most claim only five) enumerated (see Amendment IX) freedoms. Without laws, there is nothing for the executive branch to execute, and nothing for the judicial branch to judge.

This is a total gag order upon any federal authority in matters of religious institutions, religious practices, speech, press, peaceful assembly, and petitions to the federal government.

There are of course literally thousands of laws, prohibitions, restrictions and provisos to each of these freedoms. And in embarrassing particular, the freedom of religion has morphed into freedom from religion; completely the opposite of what was intended and plainly written as law... And ironically, exactly the opposite of the interpretation the media gives to freedoms #2 and 3 in this amendment (and separated by only the word, “or“)!

Do you think for a minute that the media would allow any politician to treat reporters like Ten Commandment displays or Christmas trees; with “a veil of separation between the government and the press?” Do you think they'd like “Free Press Zones” the way we have “Free Speech Zones?” Do you think they'd like it if government issued press licenses, made public communication rules and created restrictive tax laws for the media the way politicians have done to churches, political candidates and “special interest groups?”

Amendment II (Citizen Militia)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

*The founders wrote exhaustively on this subject, and there is really no room for equivocation. The founders wanted us to be at least as heavily armed as the Swiss, and ready to “refresh the Tree of Liberty with the blood of patriots and tyrants.” They intended that we’d fight tyrannical government ...with the best weapons possible! And the inclusion of “Militia” here underlines the fact that this amendment was to prohibit the **states** from limiting citizens' right to arm themselves!*

This is not about hunting or target practice. This is the amendment considered for generations as the one that guarantees the rest.

Most of us can't fathom that anymore. That's a criminal shame, because we're ignoring all the lessons of human history and human behavior since Cain slew Abel when we get this wrong.

It is historically spooky when a nation that trusts its citizens with the right to vote no longer trusts them with the power to protect that right.

Consider the facts of US history; particularly in the racist, oppressive origin of gun control laws, and the number of times the 2nd Amendment served minorities (In 1957, this right saved the NAACP in Monroe, North Carolina at a key time in the Civil Rights movement). Consider the frighteningly rapid militarization and expansion of our civilian-focused armed forces.

Turn around a common phrase you've no doubt heard before... "If they aren't doing anything wrong, then they have nothing to fear from armed citizens" ...right?

Amendment III (Military Occupation)

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Here's one amendment that I'm not worried about right now. The related issue of eminent domain is a concern, but that's addressed in Amendment V.

Amendment IV (Security and Privacy)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendments 4 and 5 have always been under attack of course. But during the first Prohibition (between amendments 18 and 21), renegade police tactics became accepted to the point that they now make for popular hero movies. We apparently like to watch angry, stubble-faced rogue cops with a dysfunctional family break sissy rules as they break doors and bad guy skulls.

That's not good. But the founders weren't worried about twisted cops so much as renegade rulers. A thousand "make my day" cops can't cause the trouble that a single Stalin or Hitler does.

Until fairly recently, people had increasingly begged police to ignore these amendments in order to catch pot smokers and pimps. But now that politicians are expanding civilian policing power to campus security guards, or to firemen (who don't feel the need to get search warrants before they enter your home), I hope that we are getting wise to what's at stake, and why we so desperately need to defend this vital law.

Anybody, including government, who peeks through your stuff, or takes your stuff, or kicks in your door and drags you out of your home without having a darned good, documented and properly authorized reason, is a criminal. We should never think otherwise.

Amendment V (Liberty, Process and Property)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

*Yes, people have been forced to sell their property to a mall developer or sports team. But the "War on Drugs" had really lifted all inhibitions in this area. You could lose your car or other property if somebody **else** commits a drug offense in it! ...Without any compensation!*

Since 9/11, you can be called a "terrorist," captured, interrogated and otherwise "processed," without any paperwork, notice, thank you, or please. Everything you do can be recorded. Of course your income tax form is forced testimony that is used against you; but now, so is your library book history.

Amendment VI (Prosecution Rights)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

When does the term speedy ever apply? Impartial jury? ...what do you think jury selection is all about?

But the condition of this law has actually stayed about the same for generations. While I'm by nature suspicious of trial lawyers, they do at least protect their (profitable) turf; and that's been a good thing for the most part. I'll raise no new alarm bells on the 6th. Not yet, anyway.

Amendment VII (Common Law)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

There's a great deal of misunderstanding regarding law, and the meaning and nature of civil, common, and case law. Case and common law amount to law written by courts. We've come to think that all law is case law in that we've been told by judges (not surprisingly) that judges have the final say regarding the meaning, applicability and validity of written law. This is totally false.

Civil law is law simply as written; without "interpretation," so that we all understand how to live within the law. The constitution is a civil law contract that means exactly what it says. Judges have no power over it; and in the context of constitutional law, judges are empowered to judge only other laws against the constitution, or the case at hand against the applicable law.

The wiser founders knew about judges, and their tendency to acquire power over time. This amendment is just one provision intended to keep common law in touch with the public...and with civil law.

While the heart of this amendment is totally ignored, the issue isn't it's application to Common Law (or the now-paltry \$20 provision). The issue is that all courts are now, in essence, Common Law courts; and that's not at all what Courts of Law are supposed to be.

Amendment VIII (Limited Punishment)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

In most ways I'm not concerned about the health of this amendment. The terms, "excessive" and "cruel and unusual" do leave a great deal of wiggle room.

But far too many non-violent, victimless behaviors are illegal, and we therefore have too many people in jail. The Land of the Free has the world's highest percentage of citizens in prison, you know. And half of them are there on "victimless crime" charges related to taxes and so on. They've called it a federal felony to disarm the airbag in your own car! That's pretty excessive, and certainly unusual, by itself.

We need to reconsider when and why it's necessary to ruin people's life forever by throwing them into a prison.

Amendment IX (Enumerated Rights)

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Here's where the real trouble starts.

Have you ever noticed that our leaders and activists often try to force-fit a behavior into the category of “free speech?” What they’re doing, in essence, is denying the existence of this amendment, which gives people all of the rights not specifically taken away by the constitution!

Flag burning isn’t speech – it is flag burning; and we have the right to do it until that right is taken away by constitutional amendment. Smearing dung on an image of Virgin Mary may be offensive, but it’s neither speech, nor prohibited, by any federal law. On the other hand, we had full rights to our income until the 16th amendment arguably took them away. Politicians had no power to regulate the sale of any product until the 18th amendment...a power that, by the way, they relinquished with the 21st amendment!

Amendments 9 and 10 provide an easy key to understanding the purpose and power of the US Constitution. These amendments nullify the “expansive” view of the “general welfare clause” in that government cannot give without first taking away. And when you rob Peter to pay Paul (government’s #1 of 2 modi operandi [the other being violence]), you violate Peter’s constitutional rights!

Amendment X (Federal Leash)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This means that our federal government has only the powers specifically granted to it by the US Constitution. By most reasonable estimates, at least 80% of what our federal government does is therefore illegal!

*In fact, we no longer have a **federal** government, since this term describes a limited, distributed government with sovereign states; more like the EU than the current USA. We now have a **unitary**, or centralized almighty government.*

What to do about it? Well, the clear intention of this amendment is to declare limits on federal power. Exceeding that power inherently nullifies the authority of that power. Nullification is, in fact, the inherent remedy to the breach of any of these constitutional delegations. I’d already mentioned the Kentucky and Virginia Resolutions as examples of the founders’ views on nullification.

But there were controversies, of course! In general, it was situational. Those who wanted to nullify something were strong proponents of nullification. But the same people, when they wanted power denied them by constitutions, became opponents of the whole idea. Even one of my favorite anti-bankster firebrands, Andrew Jackson, opposed nullification when it ran against his interests.

There was something of a “nullification crisis” circa 1828-33 that, unfortunately, didn’t lead to much nullification. Instead, it led to stewing resentments, and the War Between the States.

That was the Bill of Rights. A total of ten fairly simple sentences. We should know them all.

Amendment XI (*Limited Jurisdiction*)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

As previously mentioned, this amendment actually more tightly limits the power of courts.

Amendment XII (*Electors*)

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;--The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. --The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Notice that all previous amendments were one-sentence apiece, and dealt more with authority than detail. The effect of this amendment could have been achieved by legislation; though in this case, very little was achieved at all.

Amendment XIII (*Slavery Prohibited*)

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have power to enforce this article by appropriate legislation.

*I've mostly said my piece on this one in regards to Article 4, Section 2, clause 3. I suppose you **can** choose to avoid any work, and thus avoid the involuntary servitude inherent in income and payroll taxes. But then, others are involuntarily forced to support you. In any case, XIII is violated.*

Amendment XIV (Reconstruction)

1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This part of this long, multi-issue amendment has been destructively, incorrectly “interpreted.” Prior to this amendment, a state could at least theoretically impose any sort of oppression on its citizens as long as,

- 1. All states did the same thing uniformly, and,*
- 2. Such oppression didn't defy the limitations imposed on states by Article IV, Sect. 2.*

*In other words, a state could theoretically deny a state citizen any rights to free speech, to bear arms, etc. Those rights were previously **limits on only the federal government**. That part is commonly, though dimly, understood.*

But what most conclude from this amendment is that the federal government herewith assumes sovereignty over the states in civil rights; the states becoming subunits of the greater central government. That's not true. It's an affirmation that citizens are sovereign over their government!

*What this actually says and means is more like a constitutional *Roe v Wade* – it takes **away** the states' previously superior power of oppression, and makes federal **citizen rights** universal. In other words, states may no longer deny any citizen the rights to arms, religion, etc.*

It does not grant the federal government more power – it gives citizens more rights.

2: Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3: No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

4: The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5: The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The rest of the preceding amendment was written in a very difficult era. I suppose we must excuse their vindictive confusion. But it's a bad idea to make amendments more procedural and temporal than authorization.

Amendment XV (All Citizens May Vote)

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The Congress shall have power to enforce this article by appropriate legislation.

This is actually a short, sensible amendment; well in the spirit of the forefathers' design; though it was unnecessary to add that last sentence. The preceding sentence is, in fact, the authority.

Amendment XVI (Income Tax)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

*This is sad. Some argue that this amendment is null and void because it was improperly ratified, or because it violates other parts of the constitution. Others say it's null because "incomes" has been repeatedly defined as just about anything **but** wages. But that's all moot to me. In one way or another, we've let these words become law. And these words are a pretty plain authorization of tax on incomes ...from whatever source derived. Both by practice and by neglectful violations of the constitutions, what we have is what we've chosen for ourselves.*

We could theoretically nullify the IRS and the collection of income tax as it exists today because they violate other parts of the constitution. But that's a pretty weak theoretical basis of action. The correct thing to do is replace this tax with constitutional alternatives (tariffs, sales tax, property tax, corporate tax), and repeal this amendment.

Amendment XVII (Election of Senators)

1: The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

2: When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

3: This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

The idea was originally that state governments should chose senators to protect states' rights. Well, so much for that...

Amendment XVIII (Prohibition)

1: After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

2: The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

3: This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

*So much could be said here...it'd be a book in itself. But I'd already said the key point; that this amendment properly gave the federal government authority to ban the sale of something within the states and territories; and that this **authority** was **repealed** by the 21st Amendment!*

Read on; there is no longer any constitutional federal authority to ban the sale of any drugs, rockets, "unsafe" cars or...anything...within the states.

Amendment XIX (Women Are Citizens Too)

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Once again, the second sentence is superfluous. But otherwise, no problem.

Amendment XX (Presidential Details)

1: The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

2: The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

*You know, if anybody had cared to actually **read** the constitution before amending it, they'd have read these words in Article I, Section 4, clause 2: "unless they shall by Law appoint a different Day." This part of the amendment was totally unnecessary.*

3: If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

4: The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

5: Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

6: This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

This was mostly dumb. Granted, the constitution failed originally in specifying too much detail when granting authority was all that was required. This amendment didn't fix that.

Amendment XXI (Power to Prohibit Repealed)

1: The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

2: The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

3: This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

OK, fine. The 18th Amendment was dumb. But there's an insidious evil in clause 2. Of course it's unnecessary to say that violating state laws is illegal. But within the statement, "in violation of the laws thereof, is hereby prohibited" is the assumption that the federal government has authority over state laws, and that's not just unconstitutional; it's anti-constitutional. It's not "hereby" prohibited at all. State law is state law, and federal law is federal law. This amendment repealed a federal law, leaving states to do what they may within their constitutional limits.

Amendment XXII (Presidential Term Limits)

1: No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

2: This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.

Well, clause 2 demonstrates that nobody had read the constitution before writing this, but otherwise I'll not complain. In principle I have a problem with term limits since that's supposed to be what voters do. But since voters don't seem to understand their power, I wish term limits would apply to all federal officers.

Amendment XXIII (D.C. Gets Representation in D.C.)

1: The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct: A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

2: The Congress shall have power to enforce this article by appropriate legislation.

Another dumb one. But it doesn't change anything important, either.

Amendment XXIV (Poll Tax)

1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

2. The Congress shall have power to enforce this article by appropriate legislation.

This doesn't prohibit poll taxes! It says only that you can vote if you don't pay it. Perhaps it was worded like this because it was 1964 and politicians/culture had already devolved to a sad state.

Amendment XXV (Presidential Succession)

1: In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

2: Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

3: Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

4: Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office.

Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines

by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

I'm shaking my head. I'll say no more about this rambling rules rubbish. This isn't important anyway.

Amendment XXVI (Teen Vote)

1: The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.

2: The Congress shall have the power to enforce this article by appropriate legislation.

Say all you want about the wisdom of letting 18 year-olds vote; or about the justice in letting them run the country before we think they're old enough to drink. Just look at that comma-stuttered, dangling modifier mess of a sentence! (yeah, I know...like I should talk)

Amendment XXVII (Congressional Pay)

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

I'll be doggoned. The last one is OK.

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