

The Constitution

A Study Guide

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Lesson 1

Introduction

These classes are intended to be used as a study guide to help an individual to navigate the Constitution and to hopefully ignite the passion for the cause of liberty. When you take an oath to uphold and defend the Constitution you should really understand what you are promising to do. For the first time in history we had a government which was tied down from mischief, limited in power and scope, which placed the individual and individual rights as the ultimate power. Liberty is ours to lose. We still hold the power, for now, but it will be gone if enforcers do not understand and honor their oath to uphold and defend the Constitution. It has been said, If we choose to not govern ourselves then we will be governed by our inferiors. Self-government goes far beyond the ballot box, it is our day to day lives, living in liberty and taking responsibility for our actions. And especially never asking the government to operate outside of the law.

Liberty/Responsibility

Why is liberty important? If we were to draw a spectrum with evil on the left and good on the right, most people would place liberty toward the ‘good’ end and it’s opposite (bondage) to the evil end. Socrates is credited with saying, “There is only one good, **knowledge**; and one evil, **ignorance**.” (Please read the first few chapters of “[The Law](#)” by Fredrich Bastiat in order to move away from the evils of ignorance with regard to proper laws). Most people would prefer to be left alone to make the decisions over their own lives. There is a little bit of tyrant in us all as we think we know better how someone should live their life. Historically governments were the oppressors, they would enslave their own citizens to serve the interests of government. To act against these interests would get one branded as a “criminal”. The mythical Robin Hood stole the taxes back from the oppressive Sheriff John and returned it to the people from which it was stolen. Our founders recognized that the real criminals are those that oppress and steal from their fellow human beings. The collectivists (“leftists” or “statists”) are **ignorant** of the exhaustive history of evil government abuse. They advocate for socialism, which is the death of humanity through government tyranny. Collectivists believe they can manage your life better than you can; that they can allocate scarce resources better than the free market can. Hundreds of examples of socialist failures shows how tragically wrong the collectivists are. They always believe it will somehow be different this time, but human nature doesn’t change.

Our society has become divided as we have deviated away from the clear intended limits of the Constitution. Collectivists have taken over the education of the youth and we now have a generation that advocates for socialism. This is causing a rift, a civil war, as violence is rampant and collectivist politicians yield passive support for the socialist rioters. At the same time firearms and ammunition are flying off of the shelves as people’s fears mount and they prepare for a guerilla war. Once again, we prepare to fight and win the previous war, but this one is not limited in geography as was the previous civil war. These fears of social unrest have in the past brought about an increase in the powers of the central governments (think brown shirts, red shirts, black shirts, krystalnacht, pol pot, etc.). This war could have been avoided if we the

people had just understood **that the Constitution limits the power of government**, and if we had forced the federal government to never act outside of those limits we would be better off. One of the flaws in this sacred document is there is no penalties associated with bureaucrats and politicians legislating outside of the limits of the law.

We must win the hearts and minds of the younger generation or else socialism will eventually take over America. Even if we win this battle, we may lose the war unless we understand the limits placed on government at all levels by the Constitution. Home school your children, do not send them to the government to learn about freedom. It is a conflict of interest to expect the government to teach that its powers are limited.

Us and Them

There are two parties to this contract we call a Constitution. There is “We the People”, individuals on one side and this newly formed legal entity called the united States of America (that is, the individual states united in a common cause which created the federal government) on the other. This Constitution ties the federal government down to an explicit set of tasks that they are allowed to do, **designed to protect individual liberty**. To say it another way, We the people allow government (local, state, federal) to do certain things as our inherent **rights** are delegated in the form of limited political **powers**. To act in our collective interest. This is the first critical principle which you must understand, people have inalienable **rights**, and governments have alienable **powers**.

This Constitution is a machine designed to secure individual freedom.

When we study the Constitution, we must read each section and clause with this in mind. What future unlawful government actions were the founding fathers trying to avoid?

The most recent election cycle has seen our nation clearly divided on the proper role of government. Should government be limited to the Constitution as written (known as “strict constructionism”, which creates a free and prosperous society where self-governance and local limited government is under the control of the local populace) or is there no limit to federal powers? (Collectivism in all of its various forms). Either the government is limited to the explicit list of powers or there is no limit to its powers. We have placed our nation in hazard because we have allowed government to outgrow its proper limits and therefore we seek out a modern day Moses to carry us out of our self-imposed bondage. It would be wise to re-read the account in Genesis and Exodus. The failure of money in Genesis chapter 47 verse 15; the selling of livestock or the means of production in verse 17; the selling of land in verse 20; a 20% tax rate in verse 26; and finally the selling of their very liberty for bread in verses 18, 19 and 23. The fact that all of this was done by their “friend” Joseph in service to the Pharaoh. “Bondage” may be defined as financial or economic slavery. Unfortunately, we have followed the well worn path into a situation where most things are mandated or only allowed by permit (license) from the modern day pharaoh and told that this is the only way by our “friends” in politics. We have sold our birthright of liberty for a bite of bread.

Any discussion of the United States Constitution must start with an understanding of the historical struggle of the **individual** versus **government**. Individuals and therefore individual rights, preceded any and all governments. The books that the founders read to avoid repeating the same hazards of preceding republics; books which preceded the formation of the united States, should be considered for a more in-depth background (suggested reading will be

included in the bibliography, read what the founders read). Our founding fathers were students of history and worked hard to avoid the failings of previous republics, building in ‘remedies’ for those failings. The definitions of certain words have changed over time so it behooves us to use the original definitions when seeking meaning from the written statements. **The most important principle is WHY this complex mechanism was designed. It was designed only to secure the rights of the individual from intrusion by government.** The government is prevented from taking our rights and liberty, but unfortunately there is nothing preventing us from placing ourselves in bondage voluntarily. We do this when we demand government solutions for problems outside of their purview.

The Glorious Declaration of Independence

The glorious Declaration of Independence is considered by many to be the “Bones” of the law. This formed the structural philosophy prevalent in the American colonies at that time. It introduces the notion that there are natural laws, which supersede man’s feeble attempt at forming a peaceful society. Remember that a war against the world’s only super power and many years lay between the Declaration and the crafting of the Constitution. They were not sure that they would win against the seemingly overwhelming forces of Great Britain.

Freedom and the free market creates spontaneous organization and cooperation. **Government steps in to fill the gap created when people choose to not respect each other’s rights.**

The Glorious Declaration

Everyone should read this in its entirety. It is excerpted here.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed,”

Let’s break it down into individual concepts.

These notions are so ‘self-evident’, so obvious as to not demand restating but so important that they must be clearly stated.

“All men are created equal.” Volumes have been dedicated to this statement, which I will leave to the reader to investigate. Suffice it to say that our founding generation was stating to the world that royals and noblemen were no different from colonial farmers when it comes to the notion of self-governance and natural or inherent rights.

“Unalienable” simply means something that cannot be given away, cannot be sold (liened), cannot be taken away; it cannot be made ‘alien’ or foreign to them. It is intrinsic to human life. This was the revolutionary idea. The “divine” rights of Kings, emperors and popes is undermined and threatened by this idea. Every person has natural rights granted by their creator (whatever their individual notion of what a “creator” is) and it is not dependent upon government granting those freedoms. To paraphrase Jefferson-one group is not born with spurs on their heels and another with saddles on their backs.

“Life, Liberty and the pursuit of Happiness” was a variation from the writings of John Locke where he advocated for life, liberty and property. Also immediately preceding the Declaration of

Independence, we have the greater detail offered by the Virginia Declaration of Rights which states, “Section 1. That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.”

(<https://www.archives.gov/founding-docs/virginia-declaration-of-rights>)



This image is from Simon Sinek’s book “Start with Why”. The “Why” is Liberty. The “How” is Life. The “What” is Property. This is why people will sacrifice their lives for the cause of liberty, because it is more important than life itself. The aim of our founders was for the center of the bullseye, liberty. It is hoped that we should all like to leave this world more free than when we arrived. This can happen if we give our lives to the service of liberty and understand the clear limits of government’s powers. We must stand up against unlawful acts at all levels of government.

It is critical to our understanding that **these three rights** are the basis for all of our other rights. Like a three-legged milk stool, you must have all three in order to have stability. Self-ownership is to take responsibility for your own life, your own liberty and your property. Do you truly own property if you are not at liberty to use it or the power to defend it? Life without liberty is slavery at best and prison at worst. How could liberty exist in the absence of life or property? All three are connected to responsibility. See Amendment 5.

The enemies of individualism work to erode these three in order to assume power over the individuals. They take these three freedoms with the promise to assume the responsibility over the problems of life.

Ownership of your **Life** is replaced by government mandates by way of universal health care and the monopolistic ‘modern’ medical field, social security, public debt, mandatory schooling, zoning ordinances, etcetera ad nauseum.

Liberty-we are required to pay for licenses and permits before any action can exercised, witness business licenses, building permits, concealed weapons permits, et cetera where “rights” must be purchased from the government. It is a truism of the law that “license” is merely government permission to do that which would otherwise be illegal. Only that which is permitted (by government permits) is allowed. This places the hierarchy of political powers on its head, government moves from servant to master and individuals move from a free people to a people in bondage. **Liberty and responsibility are two sides of the same coin, when we give government the responsibility we lose that much of our liberty.**

Property-building permits, property taxes, zoning ordinances are examples of the notion that property (and your life) is really owned by the government.

“As originally interpreted, the United States Constitution denied government the right to regulate and control the citizen in the use of his property. Over the years the commerce clause and the general welfare clause have been so interpreted as to permit both the state and Federal governments to regiment labor, agriculture, manufacturing, transportation, communication, finance and all other forms of economic activity. Today, if there is any limit on the power of government to regulate, no one knows what that limit is. (*Many Are Called But Few Are Chosen*) H. Verlan Andersen”

Karl Marx, the father of modern Communism was asked to summarize his philosophy-he stated, “The elimination of private property.” This collectivist philosophy recognizes that a free person must be a property owner, and that all of our rights could be considered to be property rights. That in order to control humanity they must remove property and limit life and liberty to “permitted” actions only. The collectivist view is that anything not under government control is by their definition in chaos. Anyone that has a differing opinion in a collectivist state is killed. When we see any of these three basic freedoms under attack we must respond quickly and viciously to preserve them. Our lives, our children’s lives depend upon us to defend our rights. Can we logically choose death over life? We have ownership in our rights and theft, even theft by government, is wrong.

The democidal plague of collectivism (<https://www.hawaii.edu/powerkills/MURDER.HTM>) is a story of transitioning through various ‘-isms’ on the path to international socialism which is Communism. From a democracy to progressivism to fascism to socialism to communism. Democracy is mob rule. No one’s rights are secure. Progressivism and democratic socialism are euphemisms for the short lived transitional period of time. Fascism is government control over private property-you can still own it, but the government will tell you what you can do with it. Socialism does not allow private property ownership but you are still at “liberty” to choose to do as the government mandates-or starve. Finally, Communism eliminates individualism you become lost in the collective. This is the slippery slope to collectivism and it invariably creates scarcity. To the Socialist, Fascism is extremely ‘right wing’, which ignores the vast majority of the political spectrum. Government schooling has it’s roots in socialism. Read John Taylor Gatto’s books. We are now living through the inevitable consequences of generations of government schooling.

The Constitution stands in the way of the international collectivists goals of enslaving the individual. They have proven tactics in other country’s from street violence, to revolution, to democratic overthrows. The collectivists cannot enslave the human race as long as America exists under the Constitution. The Constitution and limited government is the great hope for all of humanity. The free market (which is the greatest economic engine for efficiently dispersing scarce resources and creating prosperity) by direct comparison demonstrates the inefficiencies of the government controlled market. Black markets are simply free markets driven underground by government edicts. Nothing fails with greater regularity than government programs. You can trust the government to do the right thing but only after it has exhausted every other option.

“That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.”

This was a truly revolutionary idea, that **Governments are created to secure our individual rights**. The only legal AND lawful statutes and government actions should secure individual rights or be considered unlawful and illegal. Governments are historically the

enemies of individual rights, as shown by colonialism and imperialism throughout history, but as we will discover, our founders had a very different idea of the proper role of government. Limiting it to an itemized list of delegated powers and building in tools to place a check on power through counterbalances between the branches of government in order to maintain those rights. All political powers originate with the individual rights, we the people cannot delegate that which we do not own, and government cannot create powers out of thin air. Again **all government powers are delegated from individual rights**. Think of all of the things that the Federal government does. How many of those are really securing individual rights? Please make a list of things that the federal government does better than the free market could do. Or better yet, make a list of federal actions that secure our explicitly listed rights (in the Bill of Rights) or other rights understood but not written. They have placed us in bondage, and future generations as well, what good have they done with all of those trillions in dollars and millions of lives wasted on interest payments to the international bankers? Seriously, make a list.

We will be analyzing each section of the Constitution, but only excerpts, or a summary. An in depth research is encouraged but hopefully this guide will offer the reader a basis for further study.

The Constitution

Lesson 2

Introduction

The preamble can be thought of as a thesis statement, that is, a statement that tells the reader the intent of the paper in question. It gives us an idea of **who** they are, **what** to expect, and **how** to interpret what we read and **why** they are doing it.

The Constitution was the second of three secessions in American history; the first being the Declaration of Independence with which the colonies seceded from Great Britain; the third being the ultimately unsuccessful separation of the southern states due to the financial abuse by the north. The representatives went against their charter when they seceded from the Articles of Confederation rather than simply modify them and then created the Constitution. The ([articles of confederation](#)) were found to be lacking certain powers, some felt it was imperative to create and limit a federal government with such powers-mostly having to do with repayment of the debt assumed during the revolutionary war, while assuring that tyrannical powers were not possible.

The 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.”

Who are they? “We the People of the United States...” rather than the “delegates” in the articles of confederation, it was hoped that the whole of the people would support the republic created by this Constitution. A reading of the anti-Federalist papers ([anti-federalist](#)) is enlightening in learning the arguments in opposition to the new Constitution and the rather libertarian spirit common in the colonies.

Why did they do it? “in Order to form a more perfect Union,” this is hopefully more perfect than the Articles of Confederation, or indeed, more perfect than any other government which to that point existed. They also understood that anything crafted by men would be less than perfect and had to have built in processes for reasonable amendments when unforeseen problems arise. They also recognized that spontaneous order occurs and that it is a natural consequence of individual freedom, self-interest and the free market. This spontaneous order is called “chaos” by the collectivists because it is outside of government control.

What did they want to accomplish?

1-“Establish Justice”, to establish something is to create it on a firm basis. They envisioned government as being the neutral arbiter in both civil and criminal cases. It seems like they prioritized these intents, which would make Justice a top priority. Again, government exists to fill the gap created when individuals fail to respect one another’s rights. This gap was filled with a court system. This power has been usurped in the form of our current bureaucratic nightmare and legions of enforcers which destroy freedom. ([tiny dots](#))

2-“Insure domestic Tranquility”,

Insure-to make certain-especially by taking necessary measures and precautions. It is less forceful than a guarantee or mandate.

domestic-as compared to 'foreign'; within our own country.

Tranquility-quiet and peaceful, which is a natural consequence of liberty.

3-“provide FOR the common defence” (emphasis added). Notice that it is not to ‘provide the common defense’ but rather to provide FOR it. We will delve more into the workings of this as we research the body of the Constitution (See article 1 section 8 clauses 12 to 16).

4-“promote the general welfare”

Promote-to elevate something in this case the nation. Again, not a mandate or command, more something to which to aspire, or which might naturally occur in the absence of government interference.

General-the whole nation, everyone, not limited to any one class or any other division.

Welfare- “the state of doing well especially in respect to good fortune, happiness, well-being, or prosperity” (from Merriam-Webster dictionary online). This does not grant any powers to government to provide charitable acts to individuals. Charity must remain in the private sector or else it will be enforced by government mandate and not longer beneficial to those it was intended to help.

5-“and secure the Blessings of Liberty to ourselves and our Posterity”

Secure-free from danger or worry, more of a mandate or limitation on government. Government is historically the enemy of liberty. This Constitution builds a box of limited powers around the federal government specifically as well as local governments.

Blessing-not only is a blessing expected from divinity but also it is anything that is conducive to happiness and prosperity.

Liberty-from the root word ‘liber’-free, libertas-civil or political freedom. Liber is also the root for books, hence ‘library’ and **assumes that a freeman is educated**. Liberty is an individual attribute and it presumes responsibility and consequences are carried by the individual. When the responsibility is usurped away, so is the liberty. They are two sides of the same coin. Ignorance is the great evil, you cannot be free and ignorant. Collectivism is ignorant of recent and distant history.

“To ourselves and our posterity”-them and us.

How are we going to do it? “...do ordain and establish this Constitution for the United States of America.”

Ordain is to bestow certain sacred powers. A minister may be ordained by someone in greater power within a church, you cannot ordain from below. Who ordains the federal government? Who has the greater power? We the People. This shows the progression of power from we the people to government.

Establish is to lay the foundation on which to build something, or to begin something.

With these few intentions in mind let us move on to the body of the Constitution where the delegated powers are divided among the Legislative, Executive and Judicial branches of the federal government, thus forming a constitutionally limited republic.

The Constitution is organized into Articles, then sections and clauses. We approach them in the order written and notice that the order is similarly important in describing the locations of political powers.

The Constitution

Lesson 3

The Legislature-Article 1-excerpts

Article 1 Section 1

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

Article 1 Section 2

“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.” (emphasis added)

The rest of the section is the mechanics of operation for the House of Representatives. The house directly **represents the people** of the state.

Article 1 Section 3

Clause 1-“The Senate of the United States shall be composed of two Senators from each State, (**chosen by the Legislature thereof**.) (The preceding words in parentheses superseded by 17th Amendment, section 1.) for six Years; and each Senator shall have one Vote. (emphasis added)

The 17th amendment changed the senate from **representing the state’s interest** to being popularly elected. This makes the senate just another house of representatives. The effect of this is that the state’s have lost the power to counterbalance federal powers. The sequence of events is that God created the people, the people have individual rights from God, the people delegate certain limited powers to form local and state governments. The states then formed the federal government. The 17th amendment is an attempt to allow the creature to be more powerful than the state governments which created it.

The next clauses divide the newly formed senate into three classes serving for 2 years, then 4 years then 6 years so that there are always ‘experienced’ senators after the first election. Only one third are ever up for re-election at a time.

Clause 4-“The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.” This also comes into play with the electoral college, see the 12th amendment.

Clause 6-places the power of impeachment in the Senate (remember they were originally state’s representatives).

Article 1 Section 4

Clause 1- “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof;..”

Clause 2-“ The Congress shall assemble at least once in every Year, and such Meeting shall (be on the first Monday in December,) (The preceding words in parentheses were superseded by the 20th Amendment, section 2.) unless they shall by Law appoint a different Day.”

That’s right sports fans, they are only required to meet one day out of the year. They can’t get into too much trouble in just one day.

Article 1 Section 5

Clause 1-the two houses oversee the electoral process.

Clause 2-the houses may punish its own members.

Clause 3-documentation of actions taken are to be kept and published-transparency.

Clause 4-Each house must gain consent of the other house in order to adjourn.

Article 1 Section 6

Clause 1-Congresscritters to be compensated and be (mostly) privileged from arrest. The intent here was to avoid the possibility of using intimidation against legislators.

Article 1 Section 7

Clause 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. The House hold the purse.

Clause 2-how a bill becomes a law

Now let us move on to Article 1, Section 8, the most important Article of the Constitution.

The Constitution

Lesson 4

Delegated powers

Article 1 Section 8

Introduction

The whole of this section is included, with comments added for clarification. Notice that this section is one long run on sentence, separated by semi-colons and ending with a period. Our founders placed a great deal of faith in that smallest of punctuations. This is a list of lawful powers delegated to the Federal government, **both the upper and lower limits** of powers. If this were not true, then what are the limits to federal powers? Anything more or less than this therefore is by definition “unlawful”. Where are the penalties listed for not adhering to these limits?

Each clause starts with the word “To”. This assumes the introductory words “The Congress shall have the Power...” in Clause 1 to precede every “To”.

Clause 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;

Here we clearly see reference back to the “why” in the preamble, provide FOR common defense and general welfare. **What** are they allowed to collect? ONLY taxes, duties, imposts and excises. **Why** are the funds collected? To pay the debts and provide For the Common defence and general welfare. **How**? Are taxes now uniform throughout the United States? No, in 1913 we adopted the Marxist principle of a progressive direct income tax-the more you make the more taxes you pay. (For more information on the unlawful 16th amendment please read <https://www.thelawthatneverwas.com/>). Does a wealthy man get more “common defence” for his money? Taxes should lawfully be uniform, a head tax wherein the budget is simply divided by the number of tax payers is the most fair. That which you subsidize you get more of, that which you tax you discourage. Is income tax there to discourage income or to place us all at risk of breaking regulations? Taxes should not be used to modify individual behavior as found in alcohol, tobacco and firearms taxation.

Clause 2-To borrow Money on the credit of the United States;

This has grown out of control. The illegal creation in 1913 of the Federal Reserve-a private banking house, is the axis upon which unlawful actions pivot and are funded. Read “The Creature from Jekyll Island” by G. Edward Griffin. Our founders mistakenly assumed that reasonable human beings would serve in the legislature. The current level of borrowing is placing present and future generations in bondage. This crony capitalism and strong federalism and their inherent corruption is the folly of Alexander Hamilton. All of Congress’ powers are delegated to it from we the people, does it have the power to re-delegate a power to a private banking house? The answer is no.

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

The word “regulate” meant at that time to make regular or to normalize and standardize. To put in good order. So one of the federal government’s delegated powers is to make sure that we can freely buy and sell with each other and with other entities. It has come to mean the opposite as bureaucracies and enforcement agents limit commerce (“regulate”) rather than encourage it, weighing commerce down with regulations, fees, taxes and licenses.

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

Immigration laws and bankruptcies are under their purview. Who will carry out these laws? It assumes the creation of an enforcement corps. Immigration you can understand but why Bankruptcies? I am sure they wanted to avoid people moving from state to state that were practicing poor or criminal economic actions. This federalizes bankruptcies.

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

“Coin” is a particular manufacturing method wherein a piece of metal is ‘struck’ on all sides and edges. Money is to be made out of metal, specie based. Standardized weights and measures are as important as a common language in order to ‘regulate’ or standardize commerce. Imagine having to exchange currency when you cross into another state, or if an inch in Massachusetts measured differently than an inch in New York, how could commerce be standardized or “regulated”?

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

Counterfeiting is the first of the few federal crimes listed.

Clause 7-To establish Post Offices and post Roads;

Establish means to found or build something permanent. It is not clear if the roads built are to be permanently funded by the federal government or, once built, maintained by the states and local governments wherein they exist. This goes along with Clause 3, commerce among the various players.

Clause 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;

This mandates the patent office. This has proven to be a source of questionable value and potential corruption.

Clause 9-To constitute Tribunals inferior to the supreme Court;

This clause creates ‘article 1 courts’ which are all of the courts except the Supreme court.

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

A few more federal or constitutional crimes. Piracy is defined as illegal violence on the high seas. This is in comparison to legal violence? Common law felonies at that time were murder, rape, manslaughter, robbery, sodomy, larceny, arson, mayhem and burglary. Fraud was added later by statute. Which of these can be made 'legal' by government? Only by an official declaration of war. For more on the Law of Nations, see bibliography.

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

War making powers are in the hands of the legislature because they are servants answerable to the people directly. The people are the ones that must fight the wars.

Letters of Marque and Reprisal is defined as;

“A commission granted by the government to a private individual, to take the property of a foreign state, or of the citizens or subjects of such state, as a reparation for an injury committed by such state, its citizens or subjects. A vessel loaded with merchandise, on a voyage to a friendly port, but armed for its own defence in case of attack by an enemy, is also called a letter of marque.” <https://legal-dictionary.thefreedictionary.com/Letter+of+marque+and+reprisal>

Think 'wanted dead or alive' posters.

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

This forms the time limited federal or 'regular' army. The time limit is an attempt to prevent a standing army which our founders recognized as a threat to a free and open society. It is understood that an official declaration of war eliminates this term limit. One study states that we have been at war for 222 out of 239 years of our nations existence. Warfare is the welfare of the state.

Clause 13-To provide and maintain a Navy;

Notice no time limit as specified by clause 12. It took time and skill to operate a ship. The marine corps was the only full time infantry established in February 1776, before the Declaration of independence as well as the Constitution. Notice also that the word provide is not followed by 'for' as it is in the preamble. This empowers a permanent Navy.

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

Uniform military Rules, standards, and regulations are a legislative responsibility. Once established they are maintained by the executive branch. See Article 2, Section 2, Clause 1.

Clause 15-To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

The militia may be defined as an army of regular citizens armed for their own defense. As it states the militia can be used for certain actions. The select state militia's became

part of the ‘regular’ army when it became the national guard in 1903, once again tipping power away from the states and toward the federal government and toward the very thing our founders were against, namely a standing army. The unorganized militia are citizens armed for their own defense. This is referenced in the second amendment. It should be noted that the militia is different than the regular army or the navy. Again notice the word “for”.

Clause 16-To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Again that word “for” which places the responsibility to standardize in the hands of the legislature but not the financial support forever. This links to the first clause in the second amendment. It is interesting to notice that the army and navy get one clause each and militia gets two. Also notice that they are separate and distinct from one another. The navy isn’t the army and neither one of them are the militia. The militia exists for the states to counter a standing federal army. These four clauses describe how the federal government provides FOR the common defense; an army when at declared war; a full time federal navy supported by all states even if they do not border the ocean and finally a militia organized by the states. The placement of the responsibilities between the states and the general or federal government was debated and the idea is clarified in Madison’s journal during the convention:

THURSDAY IN CONVENTION AUG: 23, 1787^e

The Report of the Committee of Eleven made Aug: 21. being taken up, and the following clause being under consideration to wit “To make laws for organizing, arming & disciplining the Militia, and for governing such parts of them as may be employed [279] in the service of the U. S. reserving to the States respectively, the appointment of the officers, and authority of training the militia according to the discipline prescribed.”

Mr. Sherman moved to strike out the last member “and authority of training &c. He thought it unnecessary. The States will have this authority of course if not given up.

Mr Elseworth doubted the propriety of striking out the sentence. The reason assigned applies as well to the other reservation of the appointment to offices. He remarked at the same time that the term discipline was of vast extent and might be so expounded as to include all power on the subject.

Mr King, by way of explanation, said that by *organizing*, the Committee meant, proportioning the officers & men—by *arming*, specifying the kind size & caliber of arms—& by *disciplining*, prescribing the manual exercise evolutions &c.

Mr. Sherman withdrew his motion.

Mr Gerry. This power in the U. S. as explained is making the States drill-sergeants. He had as lief let the Citizens of Massachusetts be disarmed, as to take the command from the States, and subject them to the Genl Legislature. It would be regarded as a system of Despotism.

Mr. Madison observed that “*arming*” as explained did not extend to furnishing arms; nor the term “*disciplining*” to penalties & Courts Martial for enforcing them.

Mr. King added to his former explanation that [280] *arming* meant not only to provide for uniformity of arms, but included the authority to regulate the modes of furnishing, either by the militia themselves, the State Governments, or the National Treasury; that *laws* for disciplining, must involve penalties and every thing necessary for enforcing penalties.

Mr. Dayton moved to postpone the paragraph, in order to take up the following proposition.

“To establish an uniform & general system of discipline for the Militia of these States, and to make laws for organizing, arming, disciplining & governing *such part of them as may be employed in the service of the U. S.*, reserving to the States respectively the appointment of the officers, and all authority over the militia not herein given to the General Government.”

On the question to postpone in favor of this proposition; it passed in the Negative.

N. H. no. Mas. no. Ct no. N. J. ay. P. no. Del. no. Maryd ay. Va no. N. C. no. S. C. no. Geo. ay.

Mr. Elsworth & Mr. Sherman moved to postpone the 2d. clause in favor of the following.

“To establish an uniformity of arms, exercise & organization for the militia, and to provide for the Government of them when called into the service of the U. States.”

The object of this proposition was to refer the plan for the Militia to the General Govt but to leave the execution of it to the State Govts.

[281]

Mr. Langdon said he could not understand the jealousy expressed by some Gentlemen. The General & State Govts. were not enemies to each other, but different institutions for the good of the people of America. As one of the people he could say, the National Govt is mine, the State Govt is mine. In transferring power from one to the other, I only take out of my left hand what it cannot so well use, and put it into my right hand where it can be better used.

Mr Gerry thought it was rather taking out of the right hand & putting it into the left. Will any man say that liberty will be as safe in the hands of eighty or a hundred men taken from the whole continent, as in the hands of two or three hundred taken from a single State.

Mr. Dayton was against so absolute a uniformity. In some States there ought to be a greater proportion of cavalry than in others. In some places rifles would be most proper, in others muskets &c.

Genl Pinkney preferred the clause reported by the Committee, extending the meaning of it to the case of fines &c.

Mr Madison. The primary object is to secure an effectual discipline of the Militia. This will no more be done if left to the States separately than the requisitions have been hitherto paid by them. The States neglect their Militia now, and the more they are consolidated into one nation, the less each will rely on its own interior provisions for its safety & the less prepare its Militia for that purpose; in like [282] manner as the militia of a State would have been still more neglected than it has been if each county had been independently charged with the care of its Militia. The Discipline of the Militia is evidently a *National* concern, and ought to be provided for in the *National* Constitution.

Mr L. Martin was confident that the States would never give up the power over the Militia; and that, if they were to do so, the militia would be less attended to by the Genl. than by the State Governments.

Mr. Randolph asked what danger there Could be that the Militia could be brought into the field and made to commit suicide on themselves. This is a power that cannot from its nature be abused, unless indeed the whole mass should be corrupted. He was for trammelling the Genl. Govt. whenever there was danger, but here there could be none. He urged this as an essential point; observing that the Militia were every where neglected by the State Legislatures, the members of which courted popularity too much to enforce a proper discipline. Leaving the appointment of officers to the States protects the people agst. every apprehension that could produce murmur.

On Question on Mr. Elsworth's Motion

N. H. no. Mass. no. Ct. ay. N. J. no. Pa. no. Del. no. Md. no. Va. no. N. C. no. S. C. no. Geo. no.

A motion was then made to recommit the 2d. clause which was negatived.

[283]

On the question to agree to the 1st part of the clause, namely.

“To make laws for organizing arming & disciplining the Militia, and for governing such part of them as may be employed in the service of the U. S.”

N. H. ay. Mas. ay. Ct no. N. J. ay. Pa. ay. Del. ay. Md. no. Va. ay. N. C. ay. S. C. ay. Geo. ay.

Mr. Madison moved to amend the next part of the clause so as to read “reserving to the States respectively, the appointment of the officers, *under the rank of General officers.*”

Mr. Sherman considered this as absolutely inadmissible. He said that if the people should be so far asleep as to allow the most influential officers of the militia to be appointed by the Genl Government, every man of discernment would rouse them by sounding the alarm to them.

Mr. Gerry. Let us at once destroy the State Govts. have an Executive for life or hereditary, and a proper Senate, and then there would be some consistency in giving full powers to the Genl Govt. but as the States are not to be abolished, he wondered at the attempts that were made to give powers inconsistent with their existence. He warned the Convention agst pushing the experiment too far. Some people will support a plan of vigorous Government at every risk. others of a more democratic cast will oppose it with equal determination, and a Civil war may be produced by the conflict.

Mr Madison. As the greatest danger is that of [284] disunion of the States, it is necessary to guard agst. it by sufficient powers to the Common govt. and as the greatest danger to liberty is from large standing armies, it is best to prevent them by an effectual provision for a good Militia.

On the Question to agree to Mr. Madison’s motion.

N. H. ay. Mas. no. Ct no. N. J. no. Pa. no. Del. no. Md no. Va no. N. C. no. S. C. ay. Geo. ay. 1

On the question to agree to the “reserving to the States the appointment of the officers.” It was agreed to nem: contrad:

On the question on the clause “and the authority of training the Militia according to the discipline prescribed by the U. S.”—

N. H. ay. Mas. ay. Ct ay. N. J. ay. Pa ay. Del. no. Md. ay. Va. no. N. C. ay. S. C. no. Geo. no.

On the question to agree to Art. VII. Sect. 7. as reported it passed nem: contrad:

Mr. Pinkney urged the necessity of preserving foreign Ministers & other officers of the U. S. independent of external influence and moved to insert, after Art. VII Sect 7. the clause following—“No person holding any office of profit or trust under the U. S. shall without the consent of the Legislature, accept of any present, emolument, office or title of any kind whatever, from any King, Prince or foreign State which passed nem: contrad:

[285]

Mr. Rutledge moved to amend Art: VIII to read as follows,

“This Constitution & the laws of the U. S. made in pursuance thereof, and all the Treaties made under the authority of the U. S. shall be the supreme law of the several States and of their citizens and inhabitants; and the Judges in the several States shall be bound thereby in their decisions, any thing in the Constitutions or laws of the several States, to the contrary notwithstanding.”

which was agreed to, nem: contrad:

Art: IX being next for consideration,

Mr Govr Morris argued agst. the appointment of officers by the Senate. He considered the body as too numerous for the purpose; as subject to cabal; and as devoid of responsibility. If Judges were to be tried by the Senate according to a late report of a Committee it was particularly wrong to let the Senate have the filling of vacancies which its own decrees were to create.

Mr. Wilson was of the same opinion & for like reasons.

The art IX. being waved, and Art VII. Sect. 1. resumed,

Mr. Govr. Morris moved to strike the following words out of the 18 clause “enforce treaties” as being superfluous, since treaties were to be “laws”—which was agreed to nem: contrad:

Mr. Govr. Morris moved to alter 1st. part. of 18. clause Sect. 1. art VII so as to read “to provide for calling forth the militia to execute the laws of the [286] Union, suppress insurrections and repel invasions”—which was agreed to nem: contrad:

On the question then to agree to the 18 clause of Sect. 1. Art: 7. as amended it passed in the affirmative nem: contrad.

Mr. C. Pinkney moved to add as an additional power to be vested in the Legislature of the U. S. “To negative all laws passed by the several States interfering in the opinion of the legislature with the general interests and harmony of the Union; “provided that two thirds of the members of each House assent to the same”. This principle he observed had formerly been agreed to. He considered the precaution as essentially necessary. The objection drawn from the predominance of the large States had been removed by the equality established in the Senate.¹

Mr. Broome 2ded. the proposition.

Mr. Sherman thought it unnecessary; the laws of the General Government being supreme & paramount to the State laws according to the plan, as it now stands.

Mr. Madison proposed that it should be committed. He had been from the beginning a friend to the principle; [287] but thought the modification might be made better.

Mr. Mason wished to know how the power was to be exercised. Are all laws whatever to be brought up? Is no road nor bridge to be established without the Sanction of the General Legislature? Is this to sit constantly in order to receive & revise the State Laws?—He did not mean by these remarks to condemn the expedient, but he was apprehensive that great objections would lie agst it.

Mr Williamson thought it unnecessary, having been already decided, a revival of the question was a waste of time.

Mr. Wilson considered this as the key-stone wanted to compleat the wide arch of Government we are raising. The power of self-defence had been urged as necessary for the State Governments. It was equally necessary for the General Government. The firmness of Judges is not of itself sufficient. Something further is requisite. It will be better to prevent the passage of an improper law, than to declare it void when passed.

Mr. Rutledge. If nothing else, this alone would damn and ought to damn the Constitution. Will any State ever agree to be bound hand & foot in this manner. It is worse than making mere corporations of them whose bye laws would not be subject to this shackle.

Mr. Elsworth observed that the power contended for wd. require either that all laws of the State Legislatures should previously to their taking effect be [288] transmitted to the Genl. Legislature, or be repealable by the Latter; or that the State Executives should be appointed by the Genl Government, and have a controul over the State laws. If the last was meditated let it be declared.

Mr Pinkney declared that he thought the State Executives ought to be so appointed with such a controul, & that it would be so provided if another Convention should take place.

Mr. Governr Morris did not see the utility or practicability of the proposition of Mr. Pinkney, but wished it to be referred to the consideration of a Committee.

Mr. Langdon was in favor of the proposition. He considered it as resolvable into the question whether the extent of the National Constitution was to be judged of by the Genl. or the State Governments.

On the question for commitment, it passed in the negative.

N. H. ay. Massts. no. Cont. no. N. J. no. Pa. ay. Del. ay. Md. ay. Va ay. N. C. no. S. C. no. Geo. no. 

Mr. Pinkney then withdrew his proposition.

End of the journal entry.)

Clause 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 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

The first part forms Washington DC as a federal enclave and the second part limits the federal ownership of land to specific uses. Does this allow National Parks which are fully contained within states? Not unless they can be called a ‘needful Building’. Notice that nothing is allowed to happen within the boundaries of the states without the states consent. More on federal lands at Article 4 Section 3 clause 2.

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

This type of statement is usually added to a piece of legislation in order to clarify where the responsibility for creating the statutes necessary for the executive branch to carry out and the judicial branch to adjudicate.

The Constitution

Lesson 5

Article 1; Section 9

Still the Legislature

The list of ‘Thou shalt nots’

Clause 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.

This places a time limit on the importation of slaves. It was the great compromise between supporters and opponents of slavery. This ‘peculiar institution’ was and is a blight on our nation’s history, it is difficult to declare all men created equal while some are enslaved for no other reason than their race or financial status which was not limited to those of African descent.

Clause 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.

Habeas Corpus basically requires that a person must be present at a trial where he is the defendant. “Cases of Rebellion or Invasion”? So rebels may be tried in absentia?

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

“Bill of attainder” is punishment of a citizen without a proper trial. Sounds like fines imposed by city officials or health departments, where you are presumed guilty until you can prove yourself innocent. Or asset forfeiture statutes. “Ex post facto” is to create a law after the fact and punish people’s actions from before the law was in place.

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

The only ‘fair’ tax is a head tax, the budget dollars are divided by the number of households or adult citizens or voters. What else could the statement of ‘proportion to the census or enumeration herein...’ mean? A poll tax demands that the person pay his/her taxes before they can vote. Taxpayers are the only ones with a vested interest in the actions of government. All others are tax suckers and have a conflict of interest when it comes defending individual rights.

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

Taxes, Duties, tariffs, can be assessed on foreign imports, but interstate commerce or exports are not to be 'punished' by the federal government and indeed they are to be normalized as described in Article 1; Section 8, clause 3.

Clause 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.

One state will not be preferred over another, remember that 'regulation' at that time just meant to standardize or to make it regular.

Clause 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.

Economic transparency is mandated on government spending. The congresscritters are only allowed to spend money to carry out the powers listed in Art. 1 Sec. 8 and 9. Period. But read "The Creature from Jeckyll Island".

Clause 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.

(There is no clause in the Constitution which is more generally ignored than this one. Doctors, lawyers, Senators, Congresscritters, mayors, law enforcement, military ranks are all guilty of claiming special privileges due to their titles. Colonel Sanders, Cap'n Crunch and Corporal punishment notwithstanding.)

The Constitution

Lesson 6

State's list of "thou shalt nots"

Article 1 Section 10

The structure of this section is clever. We could restate these as "No state shall" then the restriction. Note the semi colons which separate the various restrictions on the state's powers.

Clause 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 states are not allowed to infringe on federal powers. Nor are they allowed to coin their own money see Article 1, Section 8, clause 5. Only gold and silver is allowed to be used by state government for payment of debts (what about federal debts?). However, this is a limitation on government while private citizens are not legally obligated to use the federal coinage in market exchanges. A bill of attainder assumes a state declaring someone guilty of a crime without a proper trial. Ex post facto laws hold people legally liable for a law that wasn't yet written. Contract law is critical to a peaceful society, and part of the establishment of justice described in the preamble. Finally we find again the title of nobility prohibition.

Clause 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.

But what about Article 1, Section 9, clause 5? Remember that 'no tax or duty shall be laid on articles exported from any state.' So if the states aren't allowed to do it, and if the federal government isn't allowed to do it...Clearly there are costs associated with the operation of dockyards and inspection laws. The state may charge for these services but the federal Congress has the power to uniformly oversee these costs.

Clause 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.

The war making powers are the federal legislature's responsibility. The state may by inference use the militia to defend itself if invaded etc.

The Constitution

Lesson 7

Article 2

The executive branch-the president presides-the electoral college elects

Section 1; clause 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:

Clause 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.

The following is clause 3 as it appears in the original Constitution. It has been amended by the twelfth amendment, see lesson 12.

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.

(The electoral college is similar to a jury. It is assembled for that one purpose and then disbanded and those members are not used again. The electors are selected by the state legislatures. Each branch of the federal government is selected by a different group and has their interests as motivation. So the Senate was originally beholdng to the State legislature; the House has the interests of the people; the President owes no favor to anyone in particular as he represents the people as well as the states by way of the electors. The popular vote is nothing but a guide for the electors to help with their decision.)

Clause 3 Delegates the power to congress to set the date for choosing the electors as well as the vote.

Clause 4 Describes the eligibility of the President.

Clause 5- Describes the transition of power if the President cannot continue to serve. See 25th amendment.

Section 2; Clause 1-The president is the Commander in Chief of the Army and Navy and the militia of the states (when they are called to serve the federal government).

Clause 2-He can make treaties, appoint ambassadors, and appoint Supreme Court justices and others with the approval of the senate.

Section 3- State of the Union

Section 4-Reasons for impeachment and removal from office. The impeached official may remain in office until a trial takes place-if ever.

The Constitution

Lesson 8

Article 3 The Judicial

Section 1

The supreme court (justices selected by the executive branch and approved by the senate) and Article 1 (so called) inferior courts constitute the judicial branch. **Judges may hold office only during good behavior.** It is interesting that the inferior courts are beholding to the Congress to keep their jobs, but they still seem to be a counterbalancing force much of the time.

Section 2

Clause 1 Federal judiciary powers-the types of cases to be brought before federal (supreme and inferior) courts.

Clause 2 Supreme court jurisdiction over federal interests, to judge the legality of a law as well as the ultimate appellate court.

Clause 3 Right to Trial by local Jury assured. A sitting Jury of regular citizens has greater power than the president or the legislature or the judiciary. Your responsibility as a juror is to judge the evidence in a case as well as the law in question. The law (statute) is on trial. Jury nullification is a tradition which goes back many centuries. A jury can nullify a law if doing so serves justice. The lawyers and judges do not want you to understand this. For more reading on this subject go to fija.org.

Section 3

Clause 1 Defines treason as ONLY levying war against the United States, or adhering to their enemies, giving them aid and comfort. Who is legally considered an enemy? Can you have an enemy without an official declaration of war from Congress? If a country declares itself to be our enemy, is someone guilty of treason if they do business there?

Clause 2 Punishment of treason, only the person that committed the act is punished, not their families.

The Constitution

Lesson 9

Article 4 The states

Section 1-All records of one state must be accepted by other states.

Section 2-It is easiest to just quote this:

“The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.”

Section 3

Clause 1-How new states are admitted to the Union.

Clause 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.”

Before an area becomes a state, the federal government has control over the territory. Remember that the federal government is only allowed to own property for certain reasons (Article 1, Section 8, Clause 17) any other property needed to be disposed of. This was the task carried out by the land offices, the precursor to the Bureau of Land Management (BLM). Have you ever heard the statement “they were doing a land office business”? When a territory was opened pioneers would move into it. When enough moved there, cities and counties and territories have the potential to become new states. Until such time that a state is formed, the federal government has responsibility over that territory. As soon as the state exists, the federal government devolves back to its very limited role as a servant. The modern day BLM has forgotten their role to dispose of federal lands and has instead absorbed and federalized more and more land within the western states.

Section 4-Every state is guaranteed a republican form of Government and is under the protection of the United States. “Republican” is not the political party, but rather it is the political structure which has a **legislative body**, an **executive branch** and a **judicial branch** all with counter balancing powers. This may be compared to a political system of ‘democracy’ which is a system wherein all eligible voters make every decision on every subject. Democracy becomes ‘mob rule’ where even human rights are daily on the chopping block. Democracy as a notion of self-government and individual rights is a good thing and we use elements of a democratic nature in order to elect members to the house of representatives. But then we chain them down from mischief with a Constitution which only allows them a certain very narrow list of delegated powers. You will not find any founding father advocating democracy as a political form of government.

Article 5

Amending the Constitution

Amendments may be proposed by a majority of the Congress, or a majority of the state legislatures. There is a ground swell of interest in holding a Constitutional Convention, a “Con-con”. A Con-con is to be held when a problem occurs which does not have an existing Constitutional solution or when the amendment process described above is not working. The risk associated with a Con-con is that the whole of the document is placed on the chopping block, with the precedent of the Articles of Confederation (which were simply supposed to be revised) being replaced en toto by the Constitution. It is the opinion of this author that the risk associated with holding a con-con is much higher than any potential benefit, especially when the majority of our nation’s political problems are due to unlawful (outside of the Constitution) acts.

Article 6

Debts are carried over from the Articles of Confederation. **The Constitution is the supreme law of the land.** Office holders are bound by an oath to support the Constitution. No religious test is required.

Clause 1-The debts made under the Articles of Confederation will be honored.

Clause 2-The Constitution is the supreme Law of the Land. This is commonly termed the supremacy clause. Any proposed statute must be in agreement with the Constitution (the superior law) or it is void from its inception. When we recall that the purpose of this Constitution is to safeguard the rights and liberties of the people, we quickly can see how out of legal boundaries the current federal government operates.

Clause 3-Office holders both federal and state are bound be an oath or affirmation. No religious test is required.

Article 7

Ratification of the Constitution.

Article 7-“The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.”

The Constitution

Lesson 10

The Bill of Rights

The Preamble to the Bill of Rights in part reads:

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

The term ‘misconstruction’ is interesting. Constructionism is the philosophy of strictly interpreting the Constitution as written taking into account the original intention of the founding fathers. Misconstruction is when the government operates outside of the Constitutional law. The statement “abuse of its powers” refers to the federal government abusing its powers. “...further declaratory and restrictive clauses should be added:...” Declaratory is to clarify or explain. Restrictive of who? Government, both federal and local. The promise to add a Bill of Rights was demanded by a number of states before they would approve of the Constitution. So it must be remembered when studying the body of the Constitution in general and the Bill of Rights specifically that original intent of this exercise in creating a “more perfect union” was to assure that individual rights and freedoms are secured. With that said, let us proceed to the Bill of Rights. Notice that they used semi colons instead of separate clauses. (Further reading may be found at <https://www.archives.gov/founding-docs/virginia-declaration-of-rights>)

Amendment 1-“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.”

Let us break this down into its individual parts.

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;”

Governments should remain religiously neutral. Those who wish to inject their particular faith on the United States government should be very careful as this would allow any sect or religion to demand equal access to government. If a Christian gives a prayer at the opening of a legislative session then a Luciferian could successfully sue for the same access. Or in schools. And if tax dollars are used to ‘respect’ one sect over another, then other sects would be free to sue for equal access to the treasury. (Further study can be started [Virginia statute for religious freedom](#).) Of course this does not apply with the state of Utah where the secular and non-secular line is heavily blurred (sarc).

“or abridging the freedom of speech, or of the press;”

This right is based upon the notion that a citizen should be free to speak critically of his government, that this is how improvements in the “public confidence in the Government” will be achieved. This short clause has

been stretched to assure that any speech is protected. You can yell 'fire' in a crowded theater, but only if it is on fire. As with any freedom, there are consequences associated that cannot be separated from those actions. **Rights come with responsibilities.** While the government is not allowed to abridge the freedom of speech, libel or inflammatory speech is still legally actionable. Remember that this document is there to limit government thereby securing individual rights. In other words I may disagree with what you say but I will fight to the death for your right to say it, and government is not allowed to muzzle you- even in a pandemic.

“or the right of the people peaceably to assemble, and petition the Government for redress of grievances.”

What is the purpose of the ancient right of assembly? To “petition the government for redress of grievances.” This would not be possible if a citizen did not have the right to speak freely without fear of government retribution. Assemblies were originally common law courts where grievances as well as remedies could be presented without fear. This right has been lost as we have come to accept the government judicial monopoly as our only legal recourse. Again recall that the sole purpose of government is the protection of individual rights.

Amendment 2 “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.”

There are a number of things to point out in this, the most familiar of amendments. We have learned from Article 1, Section 8, clauses 12 through 16 that the militia is different than the Army or the Navy. We also find that there is an organized or select militia as well as the unorganized militia. The word 'militia' has been demonized in modern times but it really just refers to able-bodied individuals (by law males over the age of 14 years) that own and can operate the standard infantry firearms that can help with security measures of a free State. Specifically to “execute the laws of the Union, suppress insurrections and repel invasions;” (Article 1, section 8, clause 15). We saw in the first amendment that the different portions within that amendment were separated by semi colons. We find no semi-colons in the second amendment. The subjects of the sentence are found in the first letter being capitalized. Militia, State, Arms. The fact that the individual right to bear arms cannot be legally infringed secures that political power that originates with the people remains with the people. Powers delegated to allow the federal government to operate can be taken back by the people. This is only possible because the people constitute a larger Army than the federal government can muster. Gun and ammunitions sales spike whenever government proposes a tyrannical measure. This sends a powerful message to politicians that they better get back within the safe lawful confines of the Constitution or risk forcible removal. With a neutered state government, the federalizing of state troops and the popular election of the senate there is little to fear from the militia.

The word “regulated” was previously discussed within Article 1, Section 8 clauses 15 and 16. We found that its meaning was closer to standardizing the rules and ranks and equipment of the militia while leaving the details of filling the ranks and methods, drills and practices to the states. That being said, the militia equipment must have

interoperability with the other military branches. Any infantry tool should be familiar and accessible to any branch of the military, which includes the militia. The National Firearms Act of 1934 was a response to the era of alcohol prohibition and the organized crime that was its inevitable consequence. The politicians knew that they could not legally remove the right to firearms so they simply taxed certain classes. Automatic weapons, suppressed (mistakenly labelled as ‘silenced’) weapons and short barreled rifles and shotguns became classified as ‘class 3’ weapons. All of these are currently used by the various other branches of the military and should be equally accessible by the militias of the various states. In short when the collectivists wish to remove the “scary black rifles” they are advocating to remove the very militia weapons that allow standardization with the other military bodies. Their motivation is not to secure the blessing of liberty to the people and is therefore in opposition to the reason that the government was originally formed. It is a criminal act. The NFA should be repealed immediately as an unlawful act.

Amendment 3 “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.”

The Redcoats would appropriate a house and live there. This amendment precludes the government from allowing this to happen. See Amendment 4.

Amendment 4 “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.”

This is crystal clear and describes the legal elements necessary for a proper arrest or search warrant. Mi Casa es Mi Casa. It could not be more clear that the government is to secure rights.

Amendment 5 “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.

Again we find the differentiation between the Army, Navy and the militia. Again the semi-colons separate different (but related) ideas within the amendment. Military courts are different that civilian courts.

We next find the double jeopardy clause.

The next clause which prevents someone from witnessing against himself (they can ‘plead the 5th’) and the promise of due process. The Miranda act informs the suspect in a crime that anything he says can and will be used against him in a court of law. Is there anything that he can say that will be used ‘for’ him in court? Not likely when dealing with agents of the state, you would be wise to keep your mouth shut and wait for your day in court.

The last statement precludes the current practice of 'eminent domain' wherein the government takes a private property but not for public use (such as roads or flood abatement, etc.) but rather because a commercial tenant will pay a higher tax. It also precludes the practice of civil asset forfeiture where government takes property or assets without going to court for a conviction. This practice assumes an individual's guilt, rather than his innocence. Like other 'takings' (taxes) it is theft. Notice that it is now 'Life, liberty and property' as compared to 'Life, liberty and pursuit of happiness' found in the Declaration of Independence.

Amendment 6 "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."

Some of the few areas where government can compel a person is in seating a jury and in witnesses appearance in a court of law.

Amendment 7 "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."

Appeals are legally acceptable but double jeopardy is not. The fully informed jury association (fija.org) is a great resource for learning your responsibilities as a juror where the law as well as the evidence is tested. Please study this, so that you can function effectively as a juror. Once again we must restate the **common law felonies**; murder, rape, manslaughter, robbery, sodomy, larceny, arson, mayhem, burglary and fraud added by statute.

Amendment 8 "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

I'm sure that the founders meant, "except for Guantanamo" when they wrote this amendment. Or private prisons. Our country incarcerates people at a higher rate than any nation on earth. Private prisons for hire make conditions unbearable, which cause inmates to become unruly, which tags more time onto their sentences and lines the pockets of the private prison owners. Even government run jails and prisons do not reform but rather they have become a higher education for the criminal class. Our founders intent to "establish justice" (from the preamble) has become a cruel joke as the judicial system has moved from being interested in 'justice' to its current status as a 'legal system' where the monopoly held by the American Bar Association members profit from the misfortunes and ignorance of our poorest citizens. A statute must be in agreement with the Constitution in order to be accepted as a law. A jury has the power to judge both the evidence of a case as well as the law itself. This allows common citizens to counterbalance the power of the government.

Amendment 9 "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

This amendment notes that this short list known as the Bill of Rights is not a complete and exhaustive list of all human rights. Rights do not have to be codified in order to exist or to be legally defended against government intrusion.

Amendment 10 “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 amendment makes the hierarchy of power very clear. Where do the delegated powers originate? ‘...nor prohibited by **it** to the states,’ what is “it”? The “it” is the Constitution. They could just as easily have written: “The powers not delegated to the United States by the Constitution, nor prohibited by the Constitution to the states, are reserved to the states respectively, or to the people.” Reserved means that there are powers that are kept back or retained by states or the people (who created the states). As We the People created the federal government by way of this Constitution, we also bear the responsibility to make sure that it does not outgrow the legal limits placed on it. We have become complacent in our duty and now we are left to deal with the consequences of our indifference. George Washington is quoted as saying, “**Government** is not reason, it is not eloquence,—it is force! **Like fire, it is a dangerous servant, and a fearful master;** never for a moment should it be left to irresponsible action.” The Constitution is a solid steel box designed to contain that fire. We built the fire, it is our responsibility to make sure that it remains contained. Could a corrupt government remove these amendments? It is possible, but would not be lawful and would hopefully met with immediate and vicious resistance.

Our current situation of creeping socialism is a direct consequence of allowing the fire to burn outside the box. We need a separation of school and state as desperately as we need a separation of church and state. Mandatory government schools cannot teach liberty, and indeed they have a vested interest in not educating at all. Crony capitalism and the revolving door of campaign finance and corruption of buying political favors must stop. The federal reserve is the axis of evil and must be dissolved and the power of the purse returned to the House of Representatives who are directly answerable to the people. Debt must not be allowed to exist beyond a single term of office, never more than 4 years. Usury in ancient Israel was a capital crime, now we call it fiat currency or inflation or fractional reserve banking practices. Honest money backed by gold and silver are the **ONLY** means by which government is allowed to pay their debts.

The Constitution

The Amendments

Lesson 12

The Bill of Rights made up the first 10 amendments. A few of the states would not ratify the Constitution without the promise of the addition of statements which clearly spelled out the inalienable rights of the individual. The amendments which followed the first 10 were intended to fix unforeseeable problems or weaknesses with the Constitution as they occurred. As we review these we should once again recall that the Constitution is a liberty preserving machine, and any amendment or statute or regulation which threatens individual liberty should be considered null and void as it is in conflict with the charter of the Constitution.

Amendment 11 modifies Article 3, section 2-The states can be brought to trial by citizens in limited cases in federal courts.

Amendment 12-Clarified how the President and Vice President are elected (modifying Article 2, Section 1, clause 3). Before this amendment the President was the person that got the greatest number of electoral college votes, and the Vice President was the person that got the second greatest number. Think George W. Bush as President and Al Gore as Vice President, Trump/Hillary. The electoral college delivers their sealed ballots to the President of the senate (vice-president Article 1 Section 3 clause 4) who opens it in the presence of the full House and Senate. Then the ballots are counted. This method of sealed physical pieces of paper also makes election fraud far more difficult. That is why collectivists wish to remove it.

Amendment 13-This is the first of the so-called reconstruction amendments. These amendments were passed immediately after the Civil war using southern state legislators that were appointed by the federal (northern) government, some say under a condition of martial law. The defeated southern states were not allowed federal representation unless they accepted the reconstruction act of 1867. This war was partially fought over state's rights. Do the states (that created and formed the federal government by way of the Constitution) have the power to secede from that contract? This amendment modifies the '3/5s' rule found in Article 1, Section 2 clause 3 as well as Article 1, Section 9 clause 1. This amendment abolishes human slavery in the private sector but allows government to use involuntary servitude as punishment for crimes or during a draft. This seems to be at odds with the premise that government exists only to safeguard individual liberties. Only an unjust war will require a draft, good men will always be available to defend our country. The selective service system did not exist until 1917. A citizen can also be compelled to serve on a jury. Slavery was a 'peculiar institution' that had to be resolved in order to finally establish the integrity of founding documents.

Amendment 14-The second of the reconstruction amendments passed immediately after the Civil war Clarifies that all persons born in the US are citizens of the US. Prior to this amendment a person was considered a citizen of the state where they were born. This amendment 'federalizes' citizenship, once again tipping the balance of power away from the states.

Section 2 threatens the states with diminished federal representation if it denies the vote to any citizen. **One has to wonder if that includes electoral fraud?**

Section 3 disqualifies a person to serve an elected office if they engaged in insurrection or rebellion or gave aid and comfort to those that committed insurrection or rebellion. I wonder about the recent support given to the rioters by sitting legislators wouldn't preclude them from continuing in office.

Section 4 ensured that the US Government would not be responsible for the Confederacy's debt or the loss of assets when the slaves were freed.

Amendment 15-Guarantees the right to vote, regardless of race or previous involuntary servitude (slavery). But women's right to vote was still in the future. This is the last of the reconstruction amendments. Not all bad, but they did tip the power balance toward the federal. For more reading on this period in our nation's history read, "The Real Lincoln" by Thomas diLorenzo.

Amendment 16-This is known as the income tax amendment. This changed federal tax from being based upon the population and collected by the states to now being based upon an individual's income and paid directly to the federal government. It was allegedly passed (without the required 3/4's of the states ratification, see "[The Law that never was](#)") in 1913 with the informal assurance that the highest tax rate would never exceed 2%. The Federal Reserve was also created this year and the inevitable perpetual inflation and debt got its start (Read "The creature from Jekyll Island" by G. Edward Griffin, or watch the youtubes). This two pronged attack robbed the people of their money via taxes, of their savings via inflation and fractional reserve banking and has made slaves out of almost all American citizens.

Amendment 17-Passed only two months after the 16th Amendment, robbed the states of federal representation and the power to restrain the federal government by changing the election of senators from being selected by the state legislatures to being popularly elected. This changed the makeup of the Congress from a House of Representatives (representing the people) and a senate (representing the state's interests) to basically an upper and lower house (all popularly elected). This was a continuing consolidation and centralization of power in the federal government, and the usurpation of the rights of the citizens.

Amendment 18-Alcohol Prohibition. This was a nightmare and created federal enforcement officers which eventually led to the National Firearms act and whole slew of unintended consequences such as organized crime. Even after its repeal in 1933 we have been left with the remnants of the heavy handed federal government. The only good thing that can be said for this amendment is that they recognized that they did not previously have the power to prohibit alcohol and therefore had to go through the amendment ratification process. Also it is of interest to note that they didn't actually prohibit the drinking of alcoholic substances, but rather they prohibited manufacture, sale or distribution of intoxicating liquors. The drug war was approached from a different angle because they didn't outright prohibit various substances but they did tax them. So in 1932 you could smoke a joint, or buy medicines which contained opium, or drinks which contained cocaine but you couldn't legally buy alcohol. The National Firearms Act of 1934 taxed 'class 3 weapons (short barreled rifles and shotguns, automatic weapons and suppressors mislabeled 'silencers') as a response to organized crime violence. This is a clear infringement of the second amendment as all of the weapons listed are proper tools of the militia. Did this amendment secure the blessing of liberty?

Amendment 19-Women got the vote. Ratified in 1920, previously the states had the power to qualify voters. Usually voter qualification was based on property ownership, which made good sense as property owners are funding the government and therefore have a vested interest in its

oversight. Previously a woman could qualify to vote if she owned property independent from her husband.

Amendment 20-Shortened the time between the election of the President and the inauguration. Section 2 requires that the legislature meet one day every year. Historically this is when the president delivers the state of the union address. Section 3 discusses more details of electing the President.

Amendment 21-Repealed the alcohol prohibition amendment 18 in 1933. But it still made the distribution of alcohol subject to government control (see section 2). When this amendment was repealed there was a small army of 'revenue' enforcement officers that all of a sudden had nothing to do so they ramped up the tax revenue collection on alcohol bootleggers and other controlled substances (drugs) and certain classes of weapons. These are revenueurs or tax collectors.

Amendment 22-FDR was elected to four consecutive terms as President, this amendment limited a person to only two terms as President.

Amendment 23-Citizens residing in the Federal enclave of Washington DC do not have representation in the legislature but thanks to this amendment they can vote in the presidential election.

Amendment 24-Voters don't have to be taxpayers. The southern states were requiring voters to be taxpayers, which denied poor people, usually blacks, from voting.

Amendment 25-The Vice President becomes the President when the President dies.

Amendment 26-Voting age dropped to 18 years of age.

Amendment 27-Proposed originally in 1789 as part of the original Bill of Rights but not ratified until 1992. This amendment prevents Congress from increasing its own pay.

Bibliography/Suggested Reading

Read this one first. "The Law" by Fredrich Bastiat please read the forward by Walter E. Williams.

<https://fee.org/resources/the-law/>

Two treatises on Government by John Locke

The Proper Role of Government by Ezra Taft Benson and H. Verlan Andersen

The Federalist Papers by Hamilton, Madison and Jay <https://www.thefederalistpapers.org/wp-content/uploads/2012/12/The-Complete-Federalist-Papers.pdf>

Madison's Journals <https://oll.libertyfund.org/titles/madison-the-writings-vol-3-1787>

The spirit of the Laws, Montesquieu

The Communist Manifesto by Karl Marx and Fredrick Engels

<https://activistmanifesto.org/assets/original-communist-manifesto.pdf>

The Naked Communist by W. Cleon Skousen

The Creature from Jekyll Island by G. Edward Griffin

The Law of Nations by Emer de Vattel <https://oll.libertyfund.org/titles/vattel-the-law-of-nations-lf-ed>

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