

Patriotism or Nationalism

the Aftermath of 09/11

by David L. Miner

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Patriotism or Nationalism – *the Aftermath of 09/11*

Thank you so much for that kind introduction – you read what I wrote quite well.

I learned quite some time ago that you must read introductions carefully. Back when most of you were knee-high to a cereal bowl, I was the vice president of a management consulting firm in central Florida. I was given the job to introduce a speaker at a very important dinner meeting. The man was quite wealthy and influential, and he was to give a presentation to a large group of business leaders from the area. I received by fax a short biographical sketch of the man, and I typed it all into my new computer. I re-worded things, proofed it and then ran the spell-checker. Understand that the year was 1983 and I was using the brand new Compaq portable, which weighed about the same as a truck and was as intelligent as a cash register. For those of you who know something about antiques, this was just about the time IBM introduced the Personal Computer. The Compaq used MS-DOS 2.0 and I had just installed WordStar 1.1. WordStar was the only word processing software available for PCs at the time, and the new version 1.1 was the first to use a spelling checker. Having just installed the software, I had never used a spell checker before, and was unfamiliar with the potential problems of using that software feature. I spell checked the document, printed it out, and left for the meeting. I never noticed until I was actually making the introduction that the software had corrected the spelling of the speaker's name. It had changed the man's name from Hugo Walters to Huge Walrus.

As you have noticed, I am speaking today on ***Patriotism vs. Nationalism***. Some of you will kind of groan about the title, muttering “what's the difference?” Well, we are going to discuss the difference. And some of you will wonder ***why*** it is so important to understand the difference between patriotism and nationalism. By the time we are finished today, I believe you will understand why the difference is so important. You may not agree with everything that is said, and you may not like some of my points, but you will understand, some of you for the first time, why the difference between patriotism and nationalism is so important. We will explore these issues thoroughly before we finish here.

How many of you took a Civics or American Government class when you were in 9th or 10th grade? How many of you have read the Declaration of Independence that started our Great Nation? How many of you have taken the time to read through the Constitution for the United States of America in one sitting? I don't mean reading parts here and there, but actually reading the whole thing, front to back? I mean, it's only one page, people!

Just to clarify things, I have taken an oath to protect and defend the Constitution from all enemies, both foreign and domestic, even to the point of my death. So I am radically committed to the Constitution, and to the core values on which that Great Document is based. And I take that oath very seriously. Supposedly, our national leaders, including everyone in Congress, have taken that same oath.

So, how many of you actually believe that our national leaders are committed to protect and defend our Constitution, even to their own deaths?

How many of you actually believe that our national leaders are more committed to their next election than to the Constitution?

How many of you actually believe that our national leaders are personally knowledgeable about what the Constitution actually says?

If, as some of you believe, our national leaders do not know what the Constitution says, then how can we expect them to protect and defend that Constitution?

If, as some of you have admitted, so many Americans do not know what the Constitution says, how do you expect them to be committed to the core values the Constitution embraces?

In November of last year, I was standing in line at our local grocery store. There were a couple of women behind me, discussing the 09/11 terrorist attack. They started talking about what had changed for them since the attacks, and what they were doing differently. One of the women seemed excited and said something like, *"Have you noticed how many people have flags on their cars? I think that is so cool. I put one on my Explorer last week."* At that point, I could remain silent no longer and I injected myself into their conversation. I started by complimenting them for displaying the American flag. But I added, "I think it is truly horrible that so many Americans waited until three thousand innocent Americans had to lose their lives before flying the flag they supposedly believed in so much." As you could imagine, they did not appreciate my comments and obviously turned their backs to me.

It's time for another question. Did that woman demonstrate Patriotism or Nationalism?

Let me offer a definition of the word "**Nationalism.**"

Commitment to the nation, to the people within that nation, and to its leaders. Often results in people following a leader with whom they may not agree on important issues for the sake of unity. Produces a unified voice, often at the cost of honest debate. Tends to view disagreement with the majority as "bad," and maybe even as treason. Results in loud cheering at national sporting events.

And let me offer a definition of the word "**Patriotism.**"

Commitment to the core principles and values of the nation, the values on which the nation was established. Results in knowing and holding to the Constitution and its principles and limits. Tends to view violations of the Constitution as treason. Results in loud cheering at national sporting events.

Let me try to give an example to further illustrate the difference between the two words. During WWII, most of the German people stood with their leaders. Over the years, I have met a number of German people, some of whom were soldiers and some of whom were civilians during that war. All of them have admitted that they either didn't know about the atrocities committed by their leaders, or else they had heard about them but chose to not believe them. But all of them felt it was important to present a unified front to the world and its people at that time. On the other hand, the actual leaders of Germany not only knew about these atrocities, but believed in them. The leaders were committed to the idea of the Master Race and to the need for purging their country of those people who were not part of this Master Race. Killing millions of Jews, gypsies and other races that might pollute the bloodline was a necessary step to creating this great nation to which they all were committed.

I believe that the leaders of Nazi Germany were patriots, believing in and committed to the core values of their nation. The bulk of the people were nationalistic in their perspective, not really believing in the core values of their nation but still committed to following their national leaders.

In many ways, I believe contemporary Americans are similar to those German citizens. They may be committed to their country and their national leaders, but they are largely not familiar with the core values that our Founding Fathers shared between each other, and built into this Great Nation at its birth. Many Americans are committed to what America is today, not what America was created to be more than two hundred years ago.

To make a more current point, nationalism would call Americans to support our leaders and hammer Iraq, in support of President Bush. Patriotism, on the other hand, would call Americans to stop and consider if military action against Iraq is consistent with and allowed by the federal Constitution.

So what are America's core values? What is it that true Patriots should be committed to protect and defend today?

Our Nation is NOT What You Think It Is!

More than two hundred years ago, our nation was created to be a Constitutional Republic. Over time, America has become a socialistic democracy. There has been a quiet and subtle revolution over the past 240 years. Our Year of Capture was 1866, and the instrument of capture were the *Reconstruction Acts*. Our Year of Submission

was 1933, and the instrument whereby we submitted was *The New Deal*. And the nails sealed our coffin in 2002, through the *Homeland Security Act*.

The *Reconstruction Acts* were a horrible set of bills. At the time of the War Between the States, President Lincoln claimed that the Southern States never lawfully succeeded from the Union, and that the war was fought to preserve the Union and not to change the politics of the South. One year after the War was over, Congress passed the first set of *Reconstruction Acts*, and then passed the second set of *Reconstruction Acts* the following year. So after the War was over, the South was punished for their supposedly unconstitutional involvement in what many from the North called an insurrection.

The *Reconstruction Acts* accomplished several steps. They totally dissolved the Constitutions and the governments of the Southern States, and declared Martial Law in those States. Federal military representatives were appointed to rule in each county and most cities throughout the 10 Southern States, and the elected representatives of those States were sent home. With no Constitutions or State governments in place, those States were no longer considered part of the Union. Again, according to then President Abraham Lincoln, the Southern States never left the Union. But through the *Reconstruction Acts*, the Southern States were kicked out of the Union for a time.

Further, the *Acts* allowed the Southern States back into the Union only after they re-wrote their Constitutions according to detailed requirements listed in the *Acts*. One of those conditions was that the Southern States had to assist in the passing of the 14th Amendment. How a State that was no longer a State could help ratify a Constitutional Amendment is still a fair question that is unanswered. The *Reconstruction Acts* created government-sponsored schools, health clinics, hospitals and other forms of welfare. And the *Acts* also created several forms of government-sponsored mortgage and housing programs. All these various forms of welfare were made available only to freed slaves who were living within the Southern States. These welfare benefits resulted in almost a million freed slaves moving from the Northern States to the Southern States within the next few years so they could participate in these federal give-away programs.

And perhaps the most important provision of the *Reconstruction Acts* was to remove State authority and grant that authority to the federal government. From that point on, the federal government had authority over almost all State issues. Some of those functions were still carried out by the States, but the authority of the States was all but eliminated by those *Acts*. For a detailed description of the clear and obvious unconstitutionality of the *Reconstruction Acts*, you can read the dozens of detailed claims written by President Andrew Johnson, expressing his severe and complete condemnation of the *Reconstruction Acts* in his veto of the *Acts*.

More than seventy years later, another set of federal government encroachments occurred. Present Roosevelt forced through Congress a series of bills in 1933 and 1934. He called it the *New Deal*, and these bills were so unconstitutional that the American people should have tried him for treason.

FDR took over the Oval Office a couple years after America began recovering from what history calls the Great Depression. If left alone, America would have totally recovered before his first term would have been over. But Roosevelt used the Great Depression to declare war against the American People. The *Trading With The Enemies Act* had been passed by Congress many years earlier, giving the President unconstitutional powers during times of war. FDR claimed that Americans were in a war of economics that was every bit as serious as any military war America ever faced. And one of the enemies in this war was the American people. He claimed that so many Americans were taking their Gold Certificates and cashing them in for gold that they were endangering the very life of the nation. So he declared a State of Emergency, invoked the *Trading With the Enemies Act* against the American people, and, declaring the *War Powers Act* to be in force, he took over this country.

He made it illegal for Americans to own gold except in the form of jewelry and coins. He also created the Federal Reserve, no more federal than Federal Express, giving a private corporation owned mostly by extremely wealthy European families, absolute control over the American economy. The Federal Reserve then created a new form of money, the Federal Reserve Note, recalling all Gold Certificates. This new economic system, radically different from the one called for in the Constitution, was forced through Congress in only a few minutes without allowing hardly any elected representative in Congress to even read the bill, much less debate this sweeping change. On the floor of Congress, where our elected representatives participated in less than 20 minutes of debate before giving FDR what he wanted, the value of the new FRN was questioned. In answer to this challenge, FDR's representative proclaimed, "*These Federal Reserve Notes will be backed one hundred cents on the dollar by a mortgage on all personal property.*" In other words, at that point Americans no longer owned their houses and lands – these were figuratively confiscated by the federal government and used as collateral to back the new currency created by the European-owned Federal Reserve. The old currency was backed by gold – the new currency was backed by all personal property. To further document the government's claim on our personal property, the US Senate declared: "*The ultimate ownership of all property is in the state; individual so-called 'ownership' is only by virtue of government, i.e., law, amounting to a mere user; and use must be in accordance with law and subordinate to the necessities of the State.*" [Senate Document No. 43, "Contracts payable in Gold" written in 1933.]

So what does this *State of Emergency* really mean? In 1973, Congress appointed a committee to answer this question. In their report to Congress, *Senate Report 93-549, 93rd Congress, November 19, 1973*, they stated: "*A majority of the people of the United States have lived all of their lives under emergency rule. For 40 [Note: it is now 70] years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency... from, at least, the Civil War in important ways shaped the present phenomenon of a permanent state of national emergency.*"

Congressman James Beck gave his take on this State of Emergency, when he stated: *"I think of all the damnable heresies that have ever been suggested in connection with the Constitution, the doctrine of emergency is the worst. It means that when Congress declares an emergency there is no Constitution. This means its death... But the Constitution of the United States, as a restraining influence in keeping the federal government within the carefully prescribed channels of power, is moribund, if not dead. We are witnessing its death-agonies, for when this bill becomes a law, if unhappily it becomes law, there is no longer any workable Constitution to keep the Congress within the limits of its constitutional powers."* [Congressional Record, 1933]

And this State of Emergency, declared by FDR against the American people, is still in force today, renewed by each President for almost seventy years. The President today has unconstitutional powers based in a declaration by him that America is still experiencing emergency conditions from the Great Depression.

The New Deal, created by FDR, accomplished a number of unconstitutional goals. Most of them could be summed up in one statement. Until FDR and the New Deal, America was restricted by the Constitution to being **Protector** – protector of American rights, lives and borders. After FDR and the New Deal, America became **Provider** – guaranteeing income, health benefits and retirement for each and every American Citizen. Through FDR, the values which the Founding Fathers wrote into the Constitution of limited government, personal freedom and individual responsibility, were replaced by a program specifically designed to foster individual dependence on the government.

So I ask, when we fly our flags today,

What Are We Being Patriotic About?

Are we being patriotic about the Constitutional Republic created by our Founding Fathers? Or are we being patriotic about the socialistic democracy America has become?

At this point, many of you might say, "Well, I thought America was a democracy, fighting several wars to maintain our democracy and helping other countries to become a democracy?" To answer this question, let's take a closer look at the characteristics of a democracy.

President James Madison and one of our Founding Fathers, once proclaimed, *"Democracies have ever been spectacles of turbulence and contention, have ever been found incompatible with personal security or the rights of property, and have in general been as short in their lives as they have been violent in their deaths."*

For many years the federal government published a training manual for training military officers and many of our national leaders. In that manual, democracy and republic were both defined. Not too long after FDR left office, this manual was secretly destroyed and a new manual was written, radically changing the definitions of these two words. Let's see what the federal government believed for the first hundred and forty years of our Great Nation.

American Military Training Manual, 1928

DEMOCRACY : A government of the masses. Authority derived through mass meetings or other forms of direct expression. Results in mobocracy. Attitude toward property is communistic, negating property rights. Attitude toward law is that the will of the majority shall regulate whether it be based upon deliberation or governed by passion, prejudice and impulse without restraint or regard to consequences. Results in demagogism, license, agitation, discontent, anarchy. (TM 200025, 118120)

REPUBLIC : Authority is derived through the election of public officials best fitted to represent them. Attitude toward property is respect for laws and individual rights, and a sensible economic procedure. Attitude toward law is the administration of justice in accord with fixed principles and established evidence, with a strict regard to consequences. A greater number of citizens and extent of territory may be brought within its compass. Avoids the dangerous extreme of either tyranny or mobocracy. Results in statesmanship, liberty, reason, justice, contentment and progress. (TM 200025, 120121)

It isn't too difficult to see that, in the past, our government did not approve of a democracy. Further, the Founding Fathers all made it abundantly clear that they had considered a democracy as a possible form of government for our new nation, but had totally rejected it. And, perhaps even more important, the Constitution requires America to have a republic form of government, and not a democracy. Yet when was the last time you heard America being referred to as a republic? It has probably been many years since most of you here have heard of America being referred to as a republic. And when was the last time you heard of America being referred to as a democracy? It was probably this morning that a professor, a politician or someone quoted by the media described America as a democracy.

Benjamin Franklin once referred to a democracy as "Two wolves and a lamb voting on what to have for lunch." Not one of the Founding Fathers had much that was positive to say about a democracy. Not one of them wanted America to be created as a democracy. And not one Citizen or State voted to create a democracy when they approved and ratified the Constitution almost two hundred forty years ago.

So why were our Founding Fathers so set against creating a democracy? What about a democracy was so abhorrent to them that the Constitution explicitly requires America to be a republic and not a democracy? I submit that the true difference between the two forms of government can be most easily seen by asking one question:

Where does the federal government get its powers?

This is a question that few, if any, Americans ever ask themselves. And it is a question that even fewer politicians *want* us to ask ourselves. Yet it is possibly the most important question we should ask whenever we look at governments in general, and when we look at our government in particular. Let's try to answer that question.

We will start with where the Founding Fathers believed that rights come from. Every one of the Founding Fathers shared this view of rights, as can be seen in any of their comments on the subject, and as recorded in their personal and public documents.

All through history, governments have been founded on the belief that all rights rested in the government and were handed out by those governments to the people ruled by those governments. America was founded on a totally unique concept: rights came from God and were given to mankind. The Founders believed and taught that governments could not grant the people any rights at all, because the people had those rights to begin with.

Our Declaration of Independence stated this clearly – *“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 Rights are Life, Liberty and the pursuit of Happiness.”*

Our Founding Fathers believed that all rights came from the Creator and are vested in mankind. This is not a pulpit and I am not preaching a sermon. I am reporting to you what the Founders believed and what they canonized in our National Documents.

Not only did they believe that all rights came from our Creator and rest in We The People, they also believed that We The People delegated only *some* of these powers to our central government. They went on to say that those powers not explicitly delegated to the central government are explicitly withheld from that central government. In the eyes of those great men, the government had no rights and can bestow no rights. What Americans like to so warmly describe as “civil rights” are not rights at all, but privileges handed out by the government which can be modified or eliminated by the government just as easily as they were created by the government.

Since all rights come from God and rest in We The People, we need to consider the hierarchy of rights and the resultant authority that gave rise to the Great Experiment created by our Founders – the United States of America.

At the top of the hierarchy of rights and authority rests the Creator. Under that authority comes mankind. You see, We The People are the rightful owners and rulers and bosses of this Great Nation, not the President or Congress or the Supreme Court. They are merely our paid public servants given the job of protecting those rights. Under We The People comes British Common Law, a set of natural laws that were developed over hundreds of years and made the foundation of the British legal system. (It is often said that Common Law makes common sense to the common man.) Several Supreme

Court decisions declare that British Common Law was the foundation of our Constitution and made part of our legal system. Under the Constitution comes the United States Code. The USC is made up of fifty titles, or groupings of laws. As you probably know, especially during at this time of the year, Title 26 is the Internal Revenue Code. You might also know that Title 10 is the US Military Code. Under the USC comes the Code of Federal Regulations. The CFR functions as a sort of expansion on or explanation of the USC. USC Title 26, the Internal Revenue Code, comprises more than 9,000 pages and is contained in one volume. Title 26 of the CFR comprises sixteen volumes and so many pages that most likely no one has ever read all of them. And underneath the CFR comes still more regulations adopted as federal laws or "guidelines." Depending on whether we are speaking of before or after 1866, you could claim that all State laws are either above, parallel to or beneath federal statutes.

This is the hierarchy of authority in America, at least according to our Founding Fathers: God's laws -> We The People -> Common Law -> the Constitution -> USC -> CFR -> federal statutes and codes.

And to underline this authority structure, the Bill of Rights was written, passed and made part of the Constitution, with the 10th Amendment clarifying that all power not explicitly delegated to the federal government is explicitly withheld from the federal government. This means that the federal government cannot increase in size or scope without amending the Constitution.

Thomas Jefferson, one of the greatest minds in American history, clarified this limitation by stating, *"Government big enough to supply everything you need is big enough to take everything you have... The course of history shows that as a government grows, liberty decreases."*

Many would say, and the government has claimed, that in light of the many changes in our modern world, the government cannot be held within the limits of the Constitution. In fact, it was stated dozens of times within the first few days after 09/11 that Americans must give up certain rights and freedoms in order for the government to give us safety. So let us take a look at some of the rights we have given up and some of the powers the government has picked up since 09/11.

The entire attitude of the government has changed toward American Citizens in particular, and terrorist threats in general. First, the FBI wrote *Project Megiddo* and released it to the National Association of Chiefs of Police in October of 1999. In that document, the FBI claimed that Christians who looked for a return of Jesus, and those who believed the Constitution to be The Law of the Land, were no different than Neo-Nazis, skinheads, and other terrorist organizations, and should be viewed as potential domestic terrorists. Then we saw a tremendous increase in joint military and police force actions. The National Guard, the Army Reserves and the Marines have assisted law enforcement agencies all over America in police actions ranging from random roadside checkpoints to serving warrants. For the first 200 years of our history, it was considered unconstitutional (and was explicitly declared to be so by the *Posse Comitatis Act*) for the military to be used in any form of law enforcement against US

Citizens and within the borders of the several States. For several years, the federal government has ignored these restrictions. And last year President Bush took this unconstitutional usurpation of power to its logical conclusion when he requested US Attorney General John Ashcroft to research if it is possible to ignore the *Posse Comitatis Act*. The federal government started with joint training sessions, went to joint police actions, and is now looking to totally abandon the Constitutional limits placed on our military within our national borders.

It was in this environment of ever increasing government encroachment that the terrible terrorist attacks occurred on September 11. If the many existing violations of the Constitution weren't enough, President Bush forced into passage *The USA Patriot Act* and the *Homeland Security Act*, both packed with horribly unconstitutional powers that the government has decided to give to itself. These new and unconstitutional powers are, on the surface, necessary to control internal terrorism, yet they leave our borders wide open with people coming into this country illegally every day. If we were to control our national borders, like the Constitution requires our federal government to do, there would be absolutely no need for these two horribly unlawful *Acts* to exist! Let's take a closer look at these two declarations of war against our personal and Constitutional liberties.

The *USA Patriot Act* was officially titled "*Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act.*" It almost sounds like the bill is oriented towards foreign terrorists. At least that is what our President told us. Yet when we take a closer look at the bill, we see that new and unconstitutional police powers were granted to the President by this bill. And, contrary to direct statements made by President Bush and Attorney General Ashcroft, not one of these unconstitutional police powers are restricted for use only against foreign terrorists. Every one of these new police powers the government created for itself can be used against American citizens within the fifty states. Further, the Bill lists several actions that might make someone a terrorist. One of these actions is the use of force or intimidation to cause someone to change his or her mind about official government policy. The actual wording is so diffuse that if I lean toward you and raise my voice in passionate defense of the Constitution, I could be accused of terrorism. Once that accusation is made, I am subject to every one of those unconstitutional police powers. I can be investigated without notice; I and my property can be searched without a warrant and without being notified; I can be arrested without being allowed to speak with an attorney or a family member; I can be imprisoned for as long as the government wants without trial and without letting my family know I have been arrested; and I can be convicted without a public trial. And during this entire set of actions against me, I can be restricted from presenting any evidence in my favor. During our entire existence as a nation, no American has ever been arrested and convicted without the promised benefit of an attorney and without the opportunity to offer a defense. But since the passage of the *USA Patriot Act*, many Americans have been arrested and denied these rights.

The *Homeland Security Act* is just as horrible. In this Act, the government granted itself still more unconstitutional police powers, and, again, almost none of these

police powers are restricted for use only against foreign terrorists. A single phone call can result in a complete investigation against an American citizen without any evidence presented by the defense. Police can tap land-line phones, intercept cell phone calls, read email, and track all Internet usage without a warrant. The bill also creates a totally separate database run by the military to monitor every financial transaction in America. It's not enough that the IRS has been doing this for years, but now the Pentagon can actively monitor on a daily basis every financial transaction of every American citizen, all without a warrant.

And total financial controls are not enough for this President – he has demanded to control our medical lives as well. The *Homeland Security Act* gives the government absolute control over our medical lives. I have heard a number of politicians and many Americans discuss the voluntary vaccination programs created by this Act. But fraud and deception aside, there are no voluntary vaccine programs created by the *Homeland Security Act*. If the government decides there is a possibility of a biological attack in my state, it can demand that all citizens in my area submit to mandatory vaccinations. A National Guard officer was reported in a Chicago newspaper as stating that if an elderly lady refuses to take a vaccine when mandated, they were empowered to arrest her or even use deadly force to assure the government mandate was obeyed. This wasn't some right-wing wacko making this claim; it was a spokesman for the Illinois National Guard. And FEMA, the Federal Emergency Management Agency, advertised last month for citizens with weapons training and the right attitudes to apply for a citizen enforcement program that would place Americans willing to fire on Americans in the clinics and hospitals where these forced vaccination programs were to be carried out “to keep the peace.” The Knoxville News-Sentinel recently carried an article about this program, assisting FEMA in its national recruitment efforts.

And the really bad news? The smallpox vaccine intended for use in this national program of mandated vaccines has never been used in human trials. There have been many reports in the national media about the very low risk of the smallpox vaccine, and all these stories are totally fraudulent. The statistics they are quoting apply to the old smallpox vaccine that hasn't been used in America in more than thirty years. The new vaccine has so many problems that the FDA had refused to allow human trials. In fact, the manufacturers of the vaccine told Congress they would absolutely refuse to produce the vaccine unless Congress wrote into the Act a section that declared that they would be immune from prosecution for any dangerous or deadly side-effects of the vaccine. When President Bush took his well-publicized leadership role and received the first vaccination, he took the old vaccine that we knew was relatively safe. He didn't take the new one that has had no human trials. He didn't take the vaccine that he intends to force Americans to take or face prison or a bullet for refusing.

And all this is for our safety?

In 1759, Benjamin Franklin declared, “*They that give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety.*”

These and many more totally unconstitutional powers are in the two bills that we are told by our elected leaders were passed to protect us. America has been changing from that Constitutional Republic created by our Founding Fathers for a long time. So we should ask ourselves – *Should America change even more just to fight terrorism?*

What will Americans gain by changing our basic principles of limited government, personal liberty and individual responsibility? And where will these changes take us? Closer to the Constitutional Republic America was meant to be? Or closer to the socialist democracy America is becoming?

And how can America change like this? Who gave the government the authority to grant to itself so many new and dangerous powers? Many Americans and almost all our elected representatives would say that these changes are not unconstitutional at all. They would declare to you and to me that the Constitution doesn't specifically state that they can't do these things, so it must be okay for them to do these things. They say the Constitution doesn't really mean what it says since America is so different from what it was 240 years ago. They tell us that the Constitution is a living document, changing in its meanings to meet new problems and new situations.

Is the Constitution a Living Document?

On March 13, 2001, US Supreme Court Justice Antonin Scalia made a powerful statement in a speech he was giving. "The Constitution is not an organism," the justice said, "it is a legal document."

And more than two hundred years earlier, on February 14, 1791, Thomas Jefferson made the statement that "*I consider the foundation of the Constitution as laid on this ground; That 'all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people.'* To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition."

Let's take a closer look at the concept of the Constitution being a legal document that limits the federal government.

Let's say that one of you purchased a house as an investment, and decided to rent it out. And let's say that another one of you decided to rent that house and moved in, only to find that there was a leak in the roof. After the two of you discussed what part of the roof was leaking and how you would fix the problem, you reached an agreement and hired a contractor. Your contract with the vendor required that he tear off the shingles and the tar paper, repair any damaged wood, replace the tar paper and then put on new fiberglass shingles of a specified style and color, and that everything needed to be finished by Tuesday afternoon so the renter could come home after class and the mess would all be gone. The three of you agreed on the price, and everyone signed the contract.

Now you, as the renter, came home after class just in time to see the contractor apply the finishing touches to a new garage door. You asked him why he was messing with the garage door, and he informed you that he had just completed building a garage apartment for your mother. He had overheard you talking with your mother and noted that because of her failing health that she might have to move in with you. So he took it upon himself to build a small apartment for her in the garage. And then he presented you with a bill for the additional work not required in the original contract. What would you say to the contractor?

Obviously, you would be upset. And why would you be upset? *Because building the apartment was not part of his job.* It didn't matter if you had already decided to invite your mother to live with you. It didn't matter if you had already decided to have someone build a garage apartment for her. It didn't matter if she deserved to live in her own apartment or on the streets. It didn't even matter if she were on her way with all her things and would arrive that night to move in with you. The only thing that mattered was the FACT that the contractor had no authority to do anything but fix the roof. The contract gave him the authority to perform certain specified functions and no more. The fact that your living circumstances were in the process of changing, and your needs were far different than when the contract was created, did not change the contract one whit. The only thing that mattered was the fact that the contract allowed the roof to be fixed and nothing more.

Changing circumstances do not change a contract. A legal document does not take on new meaning just because your circumstances are no longer the same.

The Constitution was a negotiated contract between We The People and the several States. It created a government body that had certain specified responsibilities and certain delegated powers. And to assure that the rights of both Parties (the People and the States) were protected, the House of Representatives was created to represent We The People, and the Senate was created to represent the States. There was no group or organization to represent the central government, because the central government had no rights, no interests and absolutely no say in anything. After it was written and ratified, the *Bill of Rights* was created and made part of the original contract to further assure the protection of the rights of the People and of the States from the created government misunderstanding or changing things. And to make it impossible that anyone could misunderstand the contract, the Founding Fathers wrote extensively about what they intended the Constitution to mean.

It is a foundational truth in law that the original intent provides the definition for terms and conditions of a legal document. To understand what our legislators intended a specific bill or phrase within that bill to mean, we go back to the discussions of the writers and legislators. This is why the *Federal Register* and the *Congressional Records* are maintained. Yet the government and most of our educators would have you believe that when it comes to the Constitution, we should not go to the original intent to interpret it but we should instead consider what the Founders *would have meant* had they written the Constitution today. They claim that the Constitution, a legal document, changes over time to more easily allow for what our legislators want or need it to mean today.

This is just so much horse feathers! The Constitution means what it says and nothing more!

It is true that parts of the Constitution were written with words that allow some degree of flexibility, and other parts were written with verbal clarity. This fact was not to allow our current legislators to add their own meanings but instead to give them some leeway in how they would *implement* the limitations of the Constitution while maintaining the original intent of the Founders as they declared their intent.

In other words, for the first 140 years, our legislators, Presidents and Supreme Courts all agreed that the Constitution was a static legal document. It is only over the last seventy years or so, and especially over the last thirty years, that we have heard our leaders proclaim that the Constitution doesn't mean what it says.

The Constitution created the federal government, and no legal precedent anywhere in history would give that created organization the authority to define the document creating it!

If the 10th Amendment means anything at all, it means that the government cannot change its size or scope without a Constitutional Amendment. But over the past generation or two, the government has taken to ignoring the Constitution rather than going through the lawful process of amending it.

A few weeks ago, we heard our President on national television say something to the effect that the Constitution doesn't say he could *not* do something, so it was okay for him to do it. That was an intentional violation of the clear and stated limitations in the Constitution. President Bush lied to the American people, and he kept a straight face doing it!

In 1798, Thomas Jefferson declared, *"Whenever government assumes undelegated powers, its acts are unauthoritative, void, and of no force."* How could he have made that claim if the meaning of the Constitution changes every few years to fit new conditions? If the meaning of the Constitution changes over time, what effect can any limitations within that document have on the federal government? And what, if anything, should Americans do about all this? Jefferson also stated in 1806 that *"It is more honorable to repair a wrong than to persist in it."*

In the Federalist Papers #45, the Founders made things as clear as is humanly possible, when they penned, *"The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce... The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement and prosperity of a State."*

Frederick Douglas was a black man who was at the forefront in the battle to end slavery. He was always speaking out against the injustices perpetrated against his people. In 1857, he is quoted as saying, *“Those who profess to favor freedom, and yet deprecate agitation, are men who want crops without plowing up the ground. They want rain without thunder and lightening. They want the ocean without the awful roar of its waters... Power concedes nothing without a demand...it never did, it never will. Find out just what people will submit to, and you have found out the exact amount of injustice and wrong which will be imposed upon them; and these will continue until they are resisted with either words or blows or both... The limits of tyrants are prescribed by the endurance of those whom they oppress.”*

Douglas was an expert on oppression -- he understood what it meant to be enslaved by forces not of his own choosing. And he claimed that oppression extends only as far as people allow. Douglas believed that as long as people tolerate the many injustices of those who rule over them, that was exactly how long those injustices would last.

The federal government cannot change the meaning of the Constitution, cannot continue to ignore it, cannot continue to exceed its limitations, and still call itself a Constitutional government. The contract that created it has been violated, and rendered null and void by the federal government's actions.

We The People must bring our government back into its Constitutional limitations, and we must do it soon.

Mark Twain told us that *“In the beginning of a change the patriot is a scarce man and brave, hated, and scorned. When his cause succeeds, however, the timid join him, for then it costs him nothing to be a patriot.”*

Sir Winston Churchill gave us some profound wisdom when he said, *“Most people, sometime in their lives, stumble across truth. Most jump up, brush themselves off, and hurry on about their business as if nothing had happened.”*

Allow me to offer my definition of Patriotism:

“An ever-changing Citizenry believing in a never-changing creed of limited government, personal liberty and individual responsibility.”

The Declaration of Independence gives us some terrible and wonderful insight as to our responsibilities in all this. It says, in part:

“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 Rights are Life, Liberty and the pursuit of Happiness.

That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, And to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

Shortly after the federal Constitution was approved by all 13 states, a woman was heard to ask Benjamin Franklin, “What have you wrought?” His answer was, “A Republic, if you can keep it.”

The Founding Fathers attempted to create the freest nation in history, one with limited government and maximum individual liberty. They created a Constitution to define and permanently limit that government, and they wrote extensively on the issues in an attempt to assure that We The People would always hold our federal government accountable to these limits.

We have failed them.

“I don't know the future. I didn't come here to tell you how this is going to end. I came here to tell you how this is going to begin.”

-- Neo in *The Matrix*

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