The Root Problem

Chapter Eleven

SOVEREIGNTY & SEPARATION OF POWER

Sovereignty

The Merriam Webster online definition of "sovereignty" is

a) Supreme power especially over a body politic.
b) Freedom from external control**:** autonomy.
c) Controlling influence.

We the People of the United States of America are sovereign, individually and severally. We were endowed by our creator with certain unalienable rights. We created a government, a limited form of government, designed to protect our sovereignty. Our founders feared that the government might one day seek power over the unalienable rights of the people and established certain protections to ensure this did not happen. They wrote these protections into the Constitution and added the Bill of Rights.

These protections have failed. It is clear that the founders underestimated the government's thirst for power and its ability to ignore the obvious such as *unalienable* rights. The executive, legislative and judicial branches have taken broad views over the years of certain clauses in the constitution such as the "necessary and proper clause" and the "commerce clause" that have infringed upon the sovereignty of We the People and the several states. Particularly vexing is the fact that the federal courts, including the Supreme Court have gone along with this expansive view and ignored the obvious infringements.

Nowhere in the constitution does it say that any right can be infringed under this or that or any condition. Folks, *rights are absolute*, hence our sovereignty. The most recent and egregious example of such infringement is the Patriot Act. The continuing states of government emergencies and the threat of martial law are ongoing examples of same. Following is the text of both the 9th and 10th Articles of Amendment to the Constitution:

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

My continuing mantra throughout this Manifesto has been We the People come first and that this is our show. I am now going to teach you about a doctrine that will permit the states and We the People to put this government back in its proper place.

Nullification

Nullification is a doctrine that is expounded by advocates of states' rights. According to the Columbia Electronic Encyclopedia, it holds that states have the right to declare null and void any federal law that they deem unconstitutional. The doctrine is based on the theory that the Union is a voluntary compact of states and that the federal government has no right to exercise powers not specifically assigned to it by the U.S. Constitution (see the 10th Amendment above).

A Bit of History

The doctrine of nullification arose early in our history. In 1798, the Kentucky and Virginia Resolutions were passed in opposition to the Alien and Sedition Acts. The resolutions, written by Thomas Jefferson himself, led to another resolution in 1799 that declared nullification to be the rightful remedy by the states for all unauthorized acts done under the pretext of the Constitution.

In 1832, after enactment of the tariff act, South Carolina called a state convention, which passed the Ordinance of Nullification. This ordinance declared the tariff laws null and void, and a series of enactments in South Carolina put the state in a position to resist by force any attempt of the federal government to carry the tariff act into operation. President Andrew Jackson in reply issued a strong proclamation against the nullifiers, and a "force bill" was introduced into the U.S. Senate to give the President authority to use the armed forces if necessary to execute the laws. Jackson, however, felt that the South had a real grievance and, behind his show of force, encouraged Henry Clay, to prepare a compromise bill that the South would accept. This compromise tariff was rushed through Congress, and after its passage in 1833, the South Carolina state convention reassembled and formally rescinded the ordinance nullifying the tariff acts. However, to preserve its prerogative it adopted a new ordinance nullifying the force bill.

That was the end of the nullification issue until the election of Abraham Lincoln, when acts of secession came to the fore. Over the years, the doctrine of state nullification has essentially been opposed by the courts with regard to the sovereignty of the states vis-à-vis the constitution. They have done this by rightfully elevating the sovereignty of the people with regard to the doctrine of nullification (see the chapter on The Crux of It All). The bottom line is that state nullification as a doctrine has its place and it has its impact. See Appendix VIII - A Brilliant Exposition on the Effectiveness of Nullification.

Jury Nullification

Jury nullification is a *de facto* power of juries that judges rarely inform them of. The power of jury nullification derives from an inherent quality of most modern common law systems, that of a general unwillingness to inquire into jurors' motivations during or after deliberations. A jury's ability to nullify the law is further supported by two common law precedents: the prohibition on punishing jury members for their verdict, and the prohibition on retrying defendants after an acquittal.

Following is a blurb published by Carolina Academic Press with regard to Jury Nullification: The Evolution of a Doctrine by Clay S. Conrad:

> Central to the history of trial by jury is the right of jurors to vote "not guilty" if the law is unjust or unjustly applied. When jurors acquit a factually guilty defendant, we say that the jury

"nullified" the law. The Founding Fathers believed that juries in criminal trials had a role to play as the "conscience of the community," and relied on juries' "nullifying" to hold the government to the principles of the Constitution. Yet over the last century and a half, this power of jurors has been derided and ignored by American courts, to the point that today few jurors are aware that an important part of their role is, in the words of the Supreme Court, to "prevent oppression by the government."

Common Law Precedent

The early history of juries supports the recognition of the *de facto* power of nullification. By the 12th century, common law courts in England began using juries for more than administrative duties. Juries were composed primarily of "laymen" from the local community. They provided a somewhat efficient means of dispute resolution with the benefit of supplying legitimacy.

The general power of juries to decide on verdicts was recognized in the English Magna Carta of 1215, which put into words existing practices:

> No free man shall be captured, and or imprisoned, or disseised (i.e. those dispossessed of property) of his freehold, and or of his liberties, or of his free customs, or be outlawed, or exiled, or in any way destroyed, nor will we proceed against him by force or proceed against him by arms, but by the lawful judgment of his peers, and or by the law of the land.
>
> For a trivial offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not so heavily as to deprive him of his livelihood. In the same way, a merchant shall be spared his merchandise, and a husbandman the implements of his husbandry, if they fall upon the mercy of a royal court. None of these fines shall be imposed except by the assessment on oath of reputable men of the neighbourhood.

Constitutional Background

The Fifth Amendment prohibits defendants from being tried for the same crime twice. This means that when a jury finds someone not guilty, there can never be a re-trial. This is so even if the judge disagrees with the jury's verdict or if there is compelling new evidence of guilt. The Supreme Court has ruled that this doctrine gives juries the power to nullify the law. If jurors believe the law is unjust, they don't have to apply it. There is nothing that anyone can do to prevent jurors from nullifying. Under the Constitution, when it comes to acquittals, jurors have the last word.

Nullification works only in one direction, in favor of acquittals. If a jury finds someone guilty, and there is compelling evidence that the person is innocent, judges have the power to overturn the jury's conviction (that doesn't happen a lot in the real world). Giving jurors more power to acquit is based on the constitutional principle that it's better to let guilty people go free than to allow the innocent to be punished.

This strategic nullification is perfectly legal, and has two great benefits. First, it helps the community by safely reducing the number of incarcerated people. Second, it sends the message that "We the People"

want fundamental change in our criminal justice system. This message is intended for both lawmakers and prosecutors.

Not only is jury nullification legal, it is a basic part of our justice system that is upheld by basic principles of the Constitution. The idea that jurors should judge the law, as well as the facts, is a proud part of American history and the concept that jurors decide justice has become an important part of American jurisprudence.

The Fugitive Slave Act of 1850

Perhaps the most shining example of nullification occurred during the shameful time in US history when slavery was legal.

Before abolition it was a federal crime (a violation of the *Fugitive Slave Act*) to help slaves escape or to harbor them once they had escaped. People who helped slaves escape committed a federal crime. However, when persons were charged with violations of the law, Northern jurors sat in judgment of these "criminals." They would often acquit, even when the defendants admitted their guilt. Legal historians credit these cases with advancing the cause of the abolition of slavery.

Legal, But Secret

In a lecture on law at the Philadelphia College in 1790, James Wilson, signer of the Declaration of Independence and one of the six original Supreme Court Justices appointed by President George Washington, laid out the American perspective on the role of a jury:

> *Suppose that, after all the precautions taken to avoid it, a difference of sentiment takes place between the judges and the jury with regard to a point of law... What must the jury do? The jury must do their duty, and their whole duty. They must decide the law as well as the fact. This doctrine is peculiarly applicable to criminal cases, and from them, indeed, derives its peculiar importance.*

Soon after, the Supreme Court reaffirmed Wilson's perspective. In Georgia v. Brailsford, a Supreme Court opinion issued in 1794, John Jay, America's first Chief Justice, made clear that a jury's duty includes determining the facts and weighing the justness of the law. He wrote to the jury that:

> *You, [the jury, have] a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy... [B]oth objects are lawfully, within your power of decision.*

Since then, the Supreme Court has ruled on jury nullification only once. In 1895, in the case of Sparf v. United States, a criminal defendant appealed his conviction because the trial judge refused to allow the jury to challenge the judge's interpretation of the law. The Supreme Court reaffirmed the "physical power" of juries to nullify, but held that *federal judges need <u>not</u> inform jurors of their right to do so*.

Since *Sparf* was decided, Indiana, Georgia, and Maryland have adopted statutes requiring that judges in criminal cases inform jurors of their capacity to nullify. However, in most jurisdictions, the law

of *Sparf* remains the law of the land: Jurors have the ability to nullify, but they don't have the right to be told of their ability.

Folks, you are all familiar with the dictum that “ignorance of the law is no excuse.” How can ignorance of the law not be an excuse when the system goes out of its way to make sure you are ignorant and remain so? Our laws are written in legalese and are about as clear as mud. This has everything to do with controlling the system and We the People while elevating lawyers and judges to an exalted status. As mentioned in the chapter on Manifestations and which will be further discussed in Part III, the whole of our legal system must be simplified to serve its primary purpose of justice and establish a level playing field for all.

Rights & Sovereignty

To secure our sovereignty we must know our rights. In today’s world, unfortunately, most people do not know what their rights are. To be able to restore our government back to the vision of our founders, as spelled out in this Manifesto, We the People must relearn just what our rights are.

Chief Justice Warren Burger of the Supreme Court is quoted to have said, “If you don't know what your rights are you don't have any.” And it’s true folks. Consider that in the penultimate, all of your rights derive from your sovereignty which is bestowed by your creator, whatever you believe that to be.

Separation of Power

Sovereignty imparts power. The sovereign people empowered the sovereign states. The sovereign people of the sovereign states empowered the three branches which comprise the federal government. By their very empowerment, the people retain the right of Nullification which represents the *check of last resort* with regard to the activities and actions of the three branches of the Federal Government, individually and severally. The whole notion of separation of power and checks and balances derives from sovereignty and is all about control.

Checks and Balances

The three branches of the federal government created by the Constitution are a system of separate institutions that share powers. Because the three branches of government share powers, each can (partially) check the powers of the others. This is the system of checks and balances. The major checks possessed by each branch are listed below.

Congress

1. Can check the president in these ways:
    a. By refusing to pass a bill the president wants
    b. By passing a law over the president's veto
    c. By using the impeachment powers to remove the president from office
    d. By refusing to approve a presidential appointment (Senate only)

e. By refusing to ratify a treaty the president has signed (Senate only)

2. Can check the federal courts in these ways:
    a. By changing the number and jurisdiction of the lower courts
    b. By using the impeachment powers to remove a judge from office
    c. By refusing to approve a person nominated to be a judge (Senate only)

President

1. Can check Congress by vetoing a bill it has passed
2. Can check the federal courts by nominating judges

Courts

1. Can check Congress by declaring a law unconstitutional.
2. Can check the president by declaring actions by him/her or his/her subordinates to be unconstitutional or not authorized by law.

In addition to these checks provided for in the Constitution, each branch has informal ways of checking the others. For example, the president can withhold information from Congress (on the grounds of executive privilege), and Congress can try to get information from the president by mounting an investigation.

Liberties Guaranteed in the Constitution

Before the Bill of Rights was added to the Constitution, the following liberties had been already guaranteed:

- Writ of habeas corpus may not be suspended (except during an invasion or rebellion).
- No bill of attainder may be passed by Congress or the states. This clause was intended as an implementation of the separation of powers, a general safeguard against legislative exercise of the judicial function or more simply - trial by legislature.
- No ex post facto law may be passed by Congress or the states. Same clause as the bill of attainder.
- Right of trial by jury in criminal cases is guaranteed.
- The citizens of each state are entitled to the privileges and immunities of the citizens of every other state.
- No religious test or qualification for holding federal office is imposed.
- No law impairing the obligation of contracts may be passed by the states.

The Bill of Rights

Following is the first ten amendments to the constitution *grouped by topic and purpose*:

Protections Afforded Citizens To Participate In The Political Process

Amendment 1: Freedom of religion, speech, press, and assembly; the right to petition the government.

Protections Against Arbitrary Police And Court Action

Amendment 4: No unreasonable searches or seizures.
Amendment 5: Grand jury indictment required to prosecute a person for a serious crime.

No double jeopardy - being tried twice for the same offense.
Forcing a person to testify against himself or herself is prohibited.
No loss of life, liberty, or property without due process.

Amendment 6: Right to speedy, public, impartial trial with defense counsel and right to cross-examine witnesses.

Amendment 7: Jury trials in civil suits where value exceeds $20.

Amendment 8: No excessive bail or fines, no cruel and unusual punishments.

Protections Of States' Rights And Unnamed Rights Of People

Amendment 9: Unlisted rights are not necessarily denied.

Amendment 10: Powers not delegated to the United States or denied to the states are reserved to the states.

Other Amendments

Amendment 2: Right to bear arms.

Amendment 3: Troops may not be quartered in homes in peacetime.

Constitutional Vocabulary

Bill of Attainder - A legislative act that declares the guilt of an individual and doles out punishment without a judicial trial. The state legislatures and Congress are forbidden by Article 1, sections 9 and 10 of the Constitution to pass such acts. This is an important ingredient of the separation of powers.

Executive Privilege - The claimed right of executive officials to refuse to appear before, or to withhold information from, the legislature or courts on the grounds that the information is confidential and would damage the national interest. For example, President Nixon refused, unsuccessfully, to surrender his subpoenaed White House tapes by claiming executive privilege.

Executive Order - This critical instrument of active presidential power is nowhere defined in the Constitution but generally is construed as a presidential directive that becomes law without prior congressional approval. It is claimed that the power for the executive order is implied in Article II of the Constitution when it allots "executive power" to the president:

The executive power shall be vested in a president of the United States of America. - Article II, section 1.
[The President] shall take care that the laws be faithfully executed... - Article II, section 3.

Executive orders represent an overly broad interpretation of the constitution. The president is not above the law. The constitution does not say nor does it imply that that in order to “take care that the laws be faithfully executed” requires that the president make laws to do so. The making of laws is reserved to the Legislative Branch. Simply put, if the constitution doesn’t say you can - you can’t!

Double Jeopardy - The guarantee in the Fifth Amendment to the Constitution that one may not be tried twice for the same crime. For example, an individual declared not guilty of murdering a neighbor cannot be tried again for that murder. The person is not, however, exempt from being tried for the murder of another individual.

Habeas Corpus - A court order directing a police officer, sheriff, or warden who has a person in custody to bring the prisoner before a judge and show sufficient cause for his or her detention. Designed to prevent illegal arrests and unlawful imprisonment. A Latin term meaning "you shall have the body".

Impeachment - A formal accusation against a public official by the lower house of a legislative body. Impeachment is merely an accusation and not a conviction. Two presidents have been impeached, Andrew Johnson in 1868 and Bill Clinton in 1998. Neither was convicted. In the case of Johnson, the Senate failed by one vote to obtain the necessary two-thirds vote required for conviction. In the case of Clinton, fifty senators voted for conviction, again missing the two-thirds requirement.

Ex Post Facto Law - A law that makes criminal an act that was legal when it was committed, or that increases the penalty for a crime after it has been committed, or that changes the rules of evidence to make conviction easier; a retroactive criminal law. A Latin term meaning "after the fact." The state legislatures and Congress are forbidden to pass such laws by Article I, section 9 and 10 or the Constitution.

1913

Oftentimes it is the juxtaposition of events that helps to explain their reality. Let us revisit the three key events of 1913 and which by now you should know to be part of the long running banking conspiracy.

1. The 16th Amendment to the U.S. Constitution (income tax) was declared ratified.
2. The 17th Amendment to the U.S. Constitution (election of senators) was declared ratified.
3. The Federal Reserve Banking Act of 1913 was passed (only two senators present and accounted for).

Folks, neither of the 16th and 17th Amendments were properly ratified. They were needed and that was that. The income tax amendment was critical. It was needed to feed the privately owned consortium of banks called the Federal Reserve. Remember that this amendment was used to subvert the constitution via legal gamesmanship. It infringed on the sovereignty of We the People and shifted more of the balance of power to the federal government. The 17th Amendment represented a bit of governmental sleight of hand. Since the 16th Amendment took from the people, there needed to be an offset to balance things out and so the people could now elect their own senators. However, the real reason for the 17th Amendment was to infringe on the sovereignty of the states by removing the right of the states to choose their own senators and thus losing the right to command equal representation in the U.S. Senate.

The year 1913 represented a hugely successful power grab by the federal government from both the people and the states.

The usurpation by the federal government of State sovereignty, jurisdiction, and authority continues to worsen. To learn more about the issue of state sovereignty and its effect upon the balance of power we recommend visiting www.tenthamendmentcenter.com.

How is the Power Grabbed?

How does the federal government and the individual branches thereof keep getting away with their grabbing of power? It should not come as a surprise that the one document that expressly limits the powers of the branches of the federal government is the document that is exploited to justify the expansion of power; the U.S. Constitution.

There are any number of clauses contained within the constitution that have been ignored, misunderstood or misapplied. Following is a list of ten of the most troubling clauses:

1. The Commerce Clause
2. The Contracts Clause
3. The Due Process Clause (Amendments 5 and 14)
4. The Privileges Or Immunities Clause
5. The Equal Protection Of The Laws Clause
6. The General Welfare Clause
7. The Necessary And Proper Clause
8. The Supremacy Clause
9. The Takings And Tax Clauses
10. The Enumeration Of Rights Clause (Amendment 9)

Appendix IX - Troubling Clauses in the U.S. Constitution contains an intelligent and cogent discussion of each of these clauses. It was prepared by Peter Namtvedt of Seattle, Washington in November of 2007.

The continuing power grab occurs because these clauses and others perhaps, were viewed and interpreted in an expansive or overly broad manner as opposed to a narrow view, more in line with what our founders intended. See the chapter on The Final Solution to learn how this can be resolved.

About Executive Orders

Then there are Executive Orders. They have evolved as the result of an overly broad and twisted interpretation of the two clauses which are used in the main to justify them.

U.S. Presidents have issued Executive Orders since 1789. Although there is no Constitutional provision or statute that explicitly permits Executive Orders, there is a *vague* grant of "executive power" given in Article II, Section 1, Clause 1 of the Constitution. This vagueness is furthered by the declaration "take care that the laws be faithfully executed" made in Article II, Section 3, Clause 4. At the minimum, most Executive Orders use these clauses as the authorization allowing for their issuance to be justified as part of the President's sworn duties.

Folks, in today’s world executive orders are as laws. The constitution specifically endows the Legislative Branch and *not the Executive* with the power to make laws. The President is not empowered to make laws in order to “take care that the laws be faithfully executed.” Neither is the president above the law; talk about overreach and expansiveness.

Essentially, there are three different types of presidential proclamations that may have force of law:

1. Those which are directed to the employees or agents of the executive branch;

2. Those which result from specific authorizations of Congress; and
3. Those in connection with the role as commander-in-chief.

An End Around

For many years, the average American was completely unaware of the existence of Executive Orders. They operated quietly in the background of government operation; useful tools in the hands of a capable executive for the administration of his employees. Recent attention has been focused on Executive Orders because they no longer operate only on the employees of the administrative agencies of the Federal Government but on average citizens who perceive what appears to be an end-run around the Constitution.

An Executive Order is a unilateral decision. It is without the consent of Congress, the Supreme Court, or anyone else for that matter. Its legality is based on the idea that in times of crisis (wars, invasions, attacks, and so forth), Emergency Powers may need to be assumed which would give the President of the United States dictatorial powers.

In writing the Constitution, James Madison said that States, in order to enhance their power, often resorted to "the old trick of turning every contingency into a resource for accumulating force in the government." The idea is to foster an emergency, and then step in to "save the people" by drastically increasing the power of the state. This was precisely the scenario following 9-11 but, it can also involve the response to droughts, floods, depressions, acts of war, etc. There is virtually no natural or man-made disaster which cannot be used to garner greater power into the hands of an increasingly greedy-for-power government.

History of the Executive Order

The first Presidential Executive Order was issued by George Washington in 1789, but no numbering system or uniformity was applied until 1907 when the Department of State retroactively designated an Order issued by Abraham Lincoln in 1862 as Executive Order 1. Circa 1873, President U.S. Grant established the form of the Executive Order that is similar to the one used today.

Teddy Roosevelt greatly expanded the use of Executive Order in terms of both quantity and reach. He declared certain lands set aside for military reservations or wildlife refuges. He made dozens of people available for appointment to government offices without regard to whether they met Civil Service requirements. Following Roosevelt, President Taft also made wide use of the Executive Order, although he generally did not stray from boundaries established to that point.

Remember the great power grab of 1913 that I discussed earlier? Woodrow Wilson's administration began in 1913 and he used the Executive Order more broadly and prolifically than any of his predecessors. Important agencies such as the Food Administration, the Grain Corporation, the World Trade Board, and the Committee on Public Information were set up by Executive Order. Using World War I as an excuse, Wilson used the Executive Order to restrict radio frequencies, seize radio stations for military use, provide for collection and redistribution of food for the war effort, set prices and other

far-reaching orders. Wilson's administration qualitatively and quantitatively expanded the role of the federal government which has never been fully reversed.

While Wilson's expansion may have been justified because of the war, one should be able to clearly articulate solid constitutional principles with regard to the necessity of these wartime measures. No matter how prudent his actions might seem in retrospect, it is clear that having broken this new ground, many subsequent presidents have not been constrained by their professions of loyalty to the U.S. Constitution. As you will see shortly, they have preferred the path of least resistance, choosing to maintain the status of permanent “emergency” and the immense power that comes with that status.

Wilson's use of the Executive Order still deferred to Congress and after the War, he handed back the powers to Congress and the people. But, the programs he initiated did not die.

Increased Abuse

Franklin Delano Roosevelt charted new territory when it came to the use of the Executive Order. Declaring a state of emergency, *which no one has bothered since to rescind*, this president created dozens of new federal agencies and charged them with overseeing dozens of new federal programs designed to relieve the burdens of depression, war, labor disputes, and other social ills. Roosevelt used the Executive Order 2055 times in his first six years in office.

Since March 9, 1933, the United States has been in a state of declared national emergency. The vast range of powers resulting from the emergency, confer enough authority to rule the country without reference to normal constitutional processes. Under the powers delegated by emergency related statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all of We the People.

Harry S. Truman became president when FDR died. Truman, like FDR, had notions of an “evolving” Constitution. (Authors note: it evolves according to how one thinks it ought to be.) These notions began influencing the legal landscape as new Supreme Court Justices occupied the highest court in the land. The "evolutionary constitution" idea has been elevated to canonical status at prestigious law schools across America since then. Today, it is easier to find a needle in a haystack than to find a sitting judge who interprets the constitution according to “original intent” (i.e. the original intent of our founders).

Truman was followed by Eisenhower who presided over a nation struggling with a sluggish economy and post-war adjustments. Although he didn’t feed the monster created by his predecessors, he didn’t slay the dragon either. Eisenhower, a popular war hero, on leaving office warned of the growing “Military-Industrial complex.” See Book II, Part 3, the chapter on National Security.

John F. Kennedy was sworn in as President on January 20, 1961, and in his inaugural speech, asked the world community to join together to oppose "the common enemies of man: tyranny, poverty, disease and war itself". These ideals, although noble and worthy of pursuit, are arguably not within the scope of legitimate federal authority as contemplated by the U.S. Constitution. Kennedy, however, embraced the expanded concept of the Presidency as articulated by FDR and Truman and reflected these ideals in many of his Executive Orders (the Peace Corps; the President's Committee on Equal Employment;

Equal Opportunity in Housing). Other E.O.'s by Kennedy involved domestic issues and civil rights. It is highly possible that one of his Executive Orders led to his demise: E.O. #11110 authorized the Treasury Department to print silver certificates thereby stepping on the toes of the Federal Reserve and the banking cartel.

Lyndon Johnson and Richard Nixon both used the Executive Order to conduct the war in Vietnam and Johnson ordered the CIA to infiltrate the "peace movement" in America, an unprecedented abuse of executive power. Unprecedented, that is, until President Jimmy Carter created the Federal Emergency Management Agency (FEMA) in 1977.

FEMA

FEMA was created by President Carter under Executive Order #12148. Its legal authorization is Title 2, United States Code 5121 called the "Stafford Act." Within that piece of legislation in Subchapter IV, section (B), is the following: "Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications)." Former Chief of FEMA's Civil Security Division, General Frank Salzedo, once stated that his interpretation of FEMA's role is, among other things, "prevention of dissident groups from gaining access to U.S. opinion, or a global audience in times of crisis." Who defines "dissident" groups? Just what kind of ideas should the government protect We the People from? What kind of speech is *not* protected by the U.S. Constitution?

In addition to the above, FEMA sees its role as a "new frontier in the protection of individual and governmental leaders from assassination, and of civil and military installations from sabotage and/or attack."

There are tons of Executive Orders associated with FEMA that would suspend the Constitution and the Bill of Rights.

FEMA's powers were consolidated by President Carter when the following were brought into the fold in 1979:

- National Security Act of 1947 - Allows for the strategic relocation of industries, services, government and other essential economic activities, and to rationalize the requirements for manpower, resources and production facilities.
- 1950 Defense Production Act - Gives the President sweeping powers over all aspects of the economy.
- Act of August 29, 1916 - Authorizes the Secretary of the Army, in time of war, to take possession of any transportation system for transporting troops, material, or any other purpose related to the emergency.
- International Emergency Economic Powers Act - Enables the President to seize the property of a foreign country or national.

National Emergency

As to what constitutes a national emergency; "A state of national crisis; a situation demanding immediate and extraordinary national or federal action." Congress has made little or no distinction between a "state of national emergency" and a "state of war." - Brown v. Bernstein, D.C. Pa., 49 F. Supp. 728, 732. [*Black's Law Dictionary*]

Therefore, in a State of national emergency (e.g. a "War on Terrorism"), the government has the authority under Executive Orders to:

1) Place all food resources under the Secretary of Agriculture (EO #10998),

2) Place control over all means of transportation, public and private, under the Secretary of Commerce (EO #10999), and

3) Establish under the Secretary of Labor's discretion, all manpower resources, with the authority to "claim" services (labor) and involuntarily relocate workers (EO #11000). Collateral authority for this conscription of labor is given in Title 50 app. United States Code, Section 2153 "WAR AND NATIONAL DEFENSE" under the section addressing civilian disposition entitled, "DEFENSE PRODUCTION ACT OF 1950" in which is set forth that civilian personnel may be assigned work without regard to payment or reimbursement.

Folks, the list goes on and on. Lincoln's Executive Order #1 declared a state of emergency (Civil War). Was it reasonable back then? There was Roosevelt's declared state of emergency (economic & social ills). Was that reasonable? Interestingly, the United States has never ended either State of Emergency and therefore, Executive Orders are considered as a legal prerogative of the President regardless of the constitutionality. Consider that Bush/Chaney had dictatorial powers and so does Obama.

Nature of the Executive Order

During my research I came across Kennedy's executive order for the Treasury to print silver certificates. It may have gotten him killed and yet every indication I could find was that the order was still on the books to this very day. I started tracking, tracing and digging and eventually found that it was finally overturned during the Reagan administration. For approximately 15 years the E.O. was in force and yet no silver certificates were printed following Kennedy's assassination. Do you think that was an oversight or perhaps fear of the Federal Reserve and the banking cartel?

Regardless, what I found during my research was that E.O.'s reference any number of previous E.O.'s to change one word in the third sentence of paragraph 2 and/or delete paragraph 4 and/or add a phrase here and there. It is insane to try and follow. Folks, do you remember as kids when sometimes you would open a text book and there would be a note in the margin to see page 76. In the margin on page 76 is a note to see page 105 where there is a note to see page 16 and so on ad infinitum. That is what it was like and the IRS Code is like that as well. Indeed, our laws are like that. I direct you to http://www.archives.gov/federal-register/executive-orders/disposition.html where you can access all executive orders since 1933. Have fun, you will quickly see what I have been talking about.

None of it is meant to be understood by We the People. Consider that a lot of bright and intelligent people have been involved in this over the years. All of this does not represent acts of stupidity. It is purposely done that way to obfuscate things. Most of our laws need to be assembled from lengthy audit trails to be understood and even then understanding is questionable. As I have said before, the degree of detail is absurd. Common sense is not welcome as it would lead to transparency, something this government cannot embrace in general.

You tell someone that you recently read that there is a race of blue people on an island in the Pacific. Word spreads until someone asks where you read that. Your answer is that *you wrote it down and you read it*. The President though cannot do that. When the President wants a legal opinion to do something that otherwise smells like rotten eggs, he asks *his appointee*, the attorney general, for one. The President then reads what *his attorney general wrote down*: division of labor and all that.

The Three Branches of Wrong-Doing

The Congress has passed acts which establish corporate personhoods and collective groups with interests or rights superior to the rights of We the People in violation of Congresses established purpose; to protect the rights of We the People. The Congress has:

- passed "malum prohibitum" (wrong due to being prohibited) acts which ban the free exercise of certain of our unalienable rights in violation of the constitution.
- deferred its delegated powers to other entities, as well as entities inside other branches of the Federal Government thus dismantling the balance of powers established in the constitution.
- gone against the public opinion and Constitutional grants of power to fund pre-emptive strikes against sovereign nations without establishing a threat to our national sovereignty, and without declaring war.
- used distortion of the truth and subterfuge to pass spending bills and laws that no conscionable person could ever imagine, let alone vote for. It is commonly known that the bills passed through congress are no longer read. By failing to vote according to their knowledge of its contents, rather relying upon the emotional appeal of the title of a bill, Congress has failed to protect the rights of the citizenry.
- usurped the authority of the people by seeking to redefine and reinterpret the limitations placed upon it by the Constitution. By doing so, Congress has established itself as above the law of the land; the Constitution that all members swore to uphold.

The Executive branch has committed similar crimes against the sovereign people of this nation. It has:

- led us to attack sovereign nations without a Congressional declaration of war in violation of the good faith of the citizens of this nation.
- signed the unconstitutional acts of Congress into law.
- usurped the authority and rights of the people by issuing signing statements (executive orders) that are in direct violation of their Constitutional grants of authority.
- repeatedly failed to curtail the unconstitutional acts of Congress, acting in concert with them to achieve greater authority over the sovereign people than the Constitution allows for.

The Judiciary has committed similar crimes against the sovereign people of this nation. It has:

- failed utterly to protect the citizens from the steady encroachment of their rights by invalidating the unconstitutional acts passed by congress. Instead, they have relied upon errors in court procedure to relieve those complaining of mistreatment while condemning the rest of the citizenry to suffer under the fascist authoritarian laws.
- reinterpreted the Constitution to allow for the expansion of the Commerce Clause to reach every level of every citizen's life in violation of their Constitutional purpose, and often contradicting their own rulings in favor of governmental authority at the cost of individual liberty.
- failed utterly to enforce the balance of powers established by the Constitution and have aided both Congress and the Executive in their quest for power by ruling against the rights of the individual.
- failed to protect the rights of the individual from special interest groups and corporations by allowing a slow progression to corporate personhood, wherein the rights of the individual are abrogated by the claimed necessity of the corporation.
- failed to bring justice equally by creating procedural rules that deprive the common man of a fair and meaningful trial, while rewarding those with the resources to purchase their way out of punishments due to procedural errors derived from the unnecessary rules established.
- deprived the people of their rights by taking these rights and making rules against the free exercise of these rights, in violation of their Constitutional purpose. Examples include the right to a fair trial, the right to represent one's self by appointing representation to all defendants, the right to assistance of counsel by appointing representation to all defendants rather than permitting a defendant to represent themselves with the assistance described in the 6th amendment, the right to demur in all cases by the creation of Rule 12 (1).

Should all living members, past and present, of The Congress, The Executive and The Judiciary be placed on trial by jury to determine if their positions or actions in their respective positions of privilege were in violation of the Constitution as written and explained by the founders? Any rulings against the rights of the people in favor of government privilege would be punished under U.S. code title 18, Chapter 13, sections 241 and 242, as well as any other applicable law.

Section 241 - Conspiracy Against Rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Section 242 - Deprivation Of Rights Under Color Of Law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or

imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Conclusion

Folks, this is a long chapter. It is in this chapter where everything that has been discussed previously came home to roost. This is where the powers that be have been wresting our sovereignty away from us directly and indirectly: through the states, through the unbalancing of power, etc. The lack of high ethical standards, a higher morality and common sense is fully manifest as is the assault on the constitution. And yet, as has been mentioned, there are many things we can do to set things right. The Next chapter, Chapter12 - The Crux of It All, recaps Part 2 and sets the stage for Chapter 13 - The Final Solution.