

Republicae: The Republic of Sovereigns

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It is common for many people, especially politicians and judges, to think of the Constitution in fragmented terms, isolating this part and that part to suit the particular needs of any given situation however, the entire Constitution is, when properly construed, consistent throughout. If we take the Bill of Rights, for instance, those Amendments do not add or subtract anything from the Original Constitution, the fact is that they were already Rights prior to the writing and ratification of the Constitution. The federal government ONLY POSSESSES those powers delegated to it, this fact is evident in Article 1, Section 1 when it declares those powers to be VESTED in Congress. The word VESTED is defined as FIXED, meaning the powers of Congress are cannot be based on any contingency authority except those which are expressly delegated, this, by definition, would exclude the idea that there can be a broad interpretation of implied powers available to Congress.

The structure of the entire Constitution is articulated concisely within the 10th Amendment, it defines the foundation of limited government, it reinforces the doctrine of the federal system that the Constitutional Compact, agreed to and ratified as a Contract between the States, created. It is not merely that the 10th Amendment acts as a barrier against federal intrusions on the liberties of the individual and the authority of the States, the 10th Amendment expounds the entire Constitutional Compact of federalism. Without doubt, the Congress and Supreme Court have used an extremely broad interpretation through the doctrine of implied powers, yet there is no other principle that serves as the foundation of the entire purpose and plan of the original Constitution and it is fully expressed in the 10th Amendment. That principle is that the federal government only possesses those powers that are specifically delegated to it by the Constitution and no others. When the Framers wrote the 10th Amendment, all they were doing was reiterating the entire principle upon which the government of the United States rests.

The Constitutional Compact, created by the States, deputized the federal government and delegated to it certain limited and enumerated powers. Many of the Framers believed that since those powers were indeed limited and were enumerated within the Constitution that the Bill of Rights was unnecessary and could, in fact, cause several issues in the future due to the specificity of the Bill of Rights. They were concerned that the Bill of Rights would be interpreted as the only Rights or that they would be used to limit the Rights of the People and the States through a broader interpretation that there were no other negatives issued against federal powers except those first 10 Amendments. Of course, the 9th Amendment, the sister to the 10th, gave an extremely broader view of the Rights reserved to the People, explaining that there were Rights that were not enumerated within the Constitution, but were nonetheless, just as as exacting as though they were enumerated.

Therefore, since it is completely impossible to list all the Rights of the Citizens of these States united in a Compact of Union, there exist Rights that the government cannot define or legislate to contravene. The fact that there is an absence of those Rights enumerated does not, in any sense or construction, deny the fact that those Rights do indeed exist and are just as inalienable and therefore,

un-restrainable as those that are enumerated within the Bill of Rights. Indeed, James Madison stated: "It has been objected also against a bill of rights, that, by enumerating particular exceptions to the grant of power, it would disparage those rights which were not placed in that enumeration; and it might follow by implication, that those rights which were not singled out, were intended to be assigned into the hands of the General Government, and were consequently insecure. This is one of the most plausible arguments I have ever heard against the admission of a bill of rights into this system; but, I conceive, that it may be guarded against. I have attempted it, as gentlemen may see by turning to the last clause of the fourth resolution."

The solution to this potential problem is the 9th Amendment to the Constitution: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Of course, the 9th Amendment has been essentially ignored by the Courts, and, I might add by those who, for whatever reason, would deny all manner of Rights to other Americans. This denial of Rights has occurred on both the right and the left of the political spectrum. It is therefore, beyond doubt that the Framers of the Constitution believed and asserted that there are additional fundamental rights, that are protected from governmental infringement, which exist along with those fundamental rights specifically mentioned in the first eight Amendments to the Constitution.

Since the Constitution only conferred those limited powers that are enumerated in the Constitution itself, it was assumed that the federal government could not reach beyond that which was granted to it. The Framers of the Constitution, using the normal rules of statutory construction, insisted that by forbidding the federal government within certain areas, would allow it to act in areas that were not specifically forbidden by the Constitution. The remedy to such a possibility was the 10th Amendment, which is a bulwark against the government using implied powers to deny or restrain the limitation of any of the Bill of Rights. Thus, as a statutory construction or interpretation, this rule, the 10th Amendment to the Constitution, prevents the inference that the Bill of Rights might, in an instance of misconstrued interpretation, imply that the federal government has powers other than those enumerated, and as such, could be used by the government to limit or infringe upon the Rights declared within the Bill of Rights.

Vanhorne's Lessee v. Dorrance, 2 Dallas 304 at 308 (U.S. Cir. Ct. Pa.1795)

"What is the Constitution? It is a form of government delineated by the mighty hand of the People in which certain first principles of fundamental law are established. The Constitution is certain and fixed: it contains the permanent will of the People, and is the Supreme Law of the Land; it is Paramount to the will of the legislature, and can be revoked only by the Authority that made it. The life-giving principle and the death-doing stroke must proceed from the same hand. What are legislatures? Creatures of the Constitution; they owe their existence to the Constitution; they derive their powers from the Constitution. It is their commission ; and, therefore, all their acts must be conformable to it, or else they will be Void. The Constitution is the Will of the People themselves in their original, Sovereign, and unlimited capacity. Law is the work of the legislature in their subordinate and derivative capacity. The one is the work of the creator, and the other of the creature. The Constitution

fixes the limits to the exercise of the legislative authority, and prescribes the orbit within which it must move. In short, gentlemen, the Constitution is the sun of the political system, around which all legislative, executive, and judicial bodies must revolve. Whatever may be the case with other countries, yet in this there can be no doubt that every act of the legislature repugnant to the Constitution is ABSOLUTELY VOID."

This federal government is federal in name only, it bears not a single strand of resemblance to the system of federalism upon which this Republic was Founded. The functionaries of federalism, created to prevent both consolidation and the resulting tyranny, have all but been removed from this government. This government claims corporate capacity, acting independently of its original duty and authority; it assumes to act with discretion outside the Constitution, providing itself with illicit prerogatives and political emoluments never intended or authorized, all to the detriment of the well-being of this Republic.

This government, acting as a self-formed, self-inferred corporate body, does so with a will and purposeful characteristic not unlike all other autocratic regimes, disguised with all the trappings of federalism, but without the limitations or demands of federalism. Our government was intentionally created as a cumbersome institution, the intention was to put as many obstacles in the way of legislation as possible; the Framers of this government feared the propensity of government to abuse power therefore, they made it as difficult as possible.

Today, we are subject to a myriad of commentaries, various political platforms and interpretations that essentially present nothing more than a simulacrum of Constitutionalism, yet these internal enemies of the Republic are engaged in the overthrowing of the Constitution, administering in its place a shell, a sham, leaving the People with little more than the near-lifeless corpse of Liberty. There is no greater treasonous claim than that of the absolute supreme authority of the federal government demanding, as it were, the allegiance of the Several States under the spurious assertion that the States are subordinate to the federal government and that the powers reserved to the States is limited and restrained under the supremacy of the federal government. Such assertions are simply instruments providing the federal government a mere facade of Constitutional legitimacy, serving only to conceal the acts of usurpation and tyranny in which it engages.

Currently, under this simulacrum of Constitutionalism, the States are reduced to provinces, insignificant monads that are allowed to continue with a limited functionary, but ultimately no real power except that which is, as a matter of privilege, granted by the federal government and administered by satraps. While the People, as the body politic, continues to imagine that the electoral process, that their votes change anything of substance within this government, they should realize that all they are doing is electing officials that become little more than a directory of a corporate autocracy. Only cosmetic changes take place, but essentially the policies remain relatively constant from Administration to Administration. This process has been transformed into a mockery of suffrage and self-government, where authorities other than the People control this country, presenting, as it

were, a stage play to benefit the People, causing them to think that they still live under a republican form of government, all the while the imperial policy of a supreme governing body insidiously lords over them. Despotism can take many forms, the one that we are now subject to appears benign, it is anything but.

Under the guise of legal proprieties, this government misleads the People with a fraud that has the outward trappings of legitimacy and has, in a very real sense, deluded the People into thinking that all the images and concepts they have of their country is, in fact, the way the Founders of this country intended, yet the internal workings of this government betray the reality. This government has used every instrument possible to maintain its power, to assert its claim of supremacy and to reconcile the People with their plight as subjects to the "divine right" of this government. The People, no longer aware of their position, have been deluded into ignoring the real meaning and import of the Constitutional Compact made between the States as well as, the massive reservoir of power inherent within the States and the People. This government, draining resources from the People in the form of taxes, only to be squandered through excess that provide those in political office with lavish fare which those holding office act with indifference to the Will and Consent of the People.

This government has involved itself in preserving its present existence and the powers it claims are inherently absolute. These usurpers of Constitutional Order, are always ready to use pleaded necessity, they invoke the welfare of the People, the public good or safety, but they do so all in the effort to preserve and expand the power of government. Those within government are eager to subvert the system of federalism, for within such a system, even the definition of the word federal decries the very actions of this government. For, it is absolutely incontrovertible, under a system of federalism, that the States must always be Sovereign, and as such, they are superior to the government they created through such a system because that is the nature of federalism. We must never forget that this federal government is, in fact, the government of the States; the Constitution is the Constitution of the States that acted in their Sovereign capacity.

There is no Constitutional coercion of the States, the States of this Union voluntarily acceded to it as an act of Sovereignty and in accordance to the Will of the People of each of the Several States. Being parties in a voluntary act, they could not, by any measure, be made involuntary parties through ratifying the Constitution, [which they are sole party to] and thereby joining this Union of States. The federal Constitution, as a stipulated Treaty between separate Sovereign States, was an instrument used by the States to settle potential foreign issues, to mediate issues arising between the States. In a very real sense, the Constitution is, as spoken of by many of the Framers, a Treaty between Sovereign Nations that chose to join in a Union based on federalism. Essentially, the Constitution legally displaced what would normally be international law pro tanto. The status, as far as the law of nations is concerned, of the States is Sovereign political bodies, each Free and Independent of the other, though within our Constitution instead of the description being labeled "nations" they are titled States. If this Treaty, this Constitution was annulled, the States would resume their full capacity in terms of their legal sphere of action as actual Nations of the world.

John Marshall, later Chief Justice to the Supreme Court, stated, in Convention: "Those who give, may take away. It is the people that give power, and can take it back; what shall restrain them? They are the masters who gave it, and of whom the servants hold it. Are not Congress and the State legislatures agents of the People?"

James Wilson, who held position in both the federal convention and the convention for the State of Pennsylvania stated what could be considered the most concise statement on the subject: "The SUPREME, ABSOLUTE AND UNCONTROLLABLE POWER IS IN THE PEOPLE before they make the Constitution, and remains in them after it is made...The absolute SOVEREIGNTY never goes from the People."

Even the nationalist Daniel Webster admitted the fact that: "The SOVEREIGNTY of government is an idea belonging to the other side of the Atlantic. No such thing is known in North America: with us ALL POWER IS WITH THE PEOPLE. THEY ALONE ARE SOVEREIGN; and will erect what governments they please and confer on them such power as they please. NONE of these governments is sovereign."

There is not a single hint in any of the writings of those who crafted and founded our Republic, that the federal government, nor even the State governments could or would have any inherent power or sovereignty. The States, being the expression of the People residing in those States bear the closest character of Sovereignty, the federal government bears no such character and acts on behalf of the States as merely an deputized agent, nothing more. The assumption is that the only Rights are those reserved to the States, but demonstrated in numerous writings, the People of the Several States are, in fact, Sovereign; as such, it is the People that have the Right of self-government, self-determination and, acting upon that Sovereignty, they can, through the States, recall their authority and power at any time, whether through the Constitutional process or Revolutionary process. Nullification, in its most elemental form is nothing more than the People exercising their Inherent Power as Sovereigns. Ordinances of Nullification must be enforced with accompanying Ordinances of Secession, giving the full import and intent of the People to defy all manner and means of illegitimate governance; defending what remains of this Republic and in the process, restoring it. This is, I fear, our last chance to regain this country and restore the Constitutional Republic as it once stood so many decades ago.

When the State of Massachusetts ratified the Constitution of these united States of America the wording was incontrovertible, they are no less valid today than when they were penned:

"That the people of this commonwealth have the sole and exclusive Right of governing themselves, as a Free, Sovereign, and Independent State; and they will Forever exercise every Power and Right, which may not be by them Expressly Delegated to the united States, assembled in Congress;

That all Power, residing originally in the People, and being derived from them, all officers of government are their Substitutes and Agents, and are at all times Accountable to them;

And, finally, that the People of the commonwealth alone, have an inalienable and indefeasible Right to institute government, and to reform, alter or totally change the same, whenever they think their safety and happiness require it."

Before the Declaration of Independence, the Thirteen Colonies were little more than provinces of the Crown, ruled and governed by the supreme power of the Crown. It is therefore, far beyond belief that the Framers of the Constitution would create a government that would subjugate the States into a similar status as they fought to gain independence, indeed, they did not. Today, the federal government has assumed the position of the Crown, with absolute supremacy that is enforced through various means of coercion and has been enforced, in the past, through the spilling of precious blood.

This government, this regime, changed itself, through force, from a deputized agency into a sovereign, the very thing our Fathers fought so vigorously from which to free this People. This Union is just that, a Union between Free, Sovereign and Independent States; this Union is not the federal government, indeed, America is not the federal government. The States meet in Congress Assembled, Congress is, or should be, the Voice of the States, not the federal government, nor is Congress employed by the federal government, although that is indeed the perverted functionary of Congress today, corrupted by powers stolen, usurped and the Law abridged.

The States did nothing more than federalize themselves, they did this to create a far more efficient government than that formed under the Articles of Confederation of 1778. In terms of the federal government, the purpose was extremely limited, primarily the purpose of deputizing the federal government was to act as one voice in foreign affairs, to act as a mediator between the States and the Citizens of different States, and it was to act as an agency to act for the common cause of all the individual States, but very little more. The Constitution however, was not perfect in its construction, for it was open to interpretations that gave rise to the heretical stance of implied powers, loosely translating those expressed powers, the delegated authority into a perverted open-ended albatross around the necks of the Several States that created it, entrapping them and placing upon them the burden of federal coercion and forced unity.

The Constitution of the united States was an adjunct to the Constitutions of the Several States, respective of the fundamental Laws of the States themselves. The purpose of federalizing was to avoid consolidation, the very thing that happened during the 1860's with the perversion of every Constitutional edict and principle by the federal government under the hands of corruption and vile treason. Rather than the Union being saved, the Union based on federalism, based on a republican government, was rendered outlaw, the Constitution utterly morphed into a nationalistic shell, a facade hollowed out and rendered ineffectual in terms of original Law.

In the character and nature of federalism as Article VII of the Constitution, inferentially concludes and thus proves the fact that the States, being Free, Sovereign and Independent remain so after ratifying, take notice: "The Ratification of the Conventions of nine States, shall be sufficient for the

Establishment of this Constitution between the States so ratifying the Same."; This ratification, being voluntary in nature and character rather than compulsory, only declared that those ratifying it were the only ones affected by it, thus it only took 9 of those States to ratify the Constitution, but those which did not were not forced to comply, they remained outside of the newly formed government. Had this Constitution and therefore, the Union it created been as compulsory as Lincoln asserted, then the remaining States would have been compelled to join, they were not because that was not the manner and means by which this voluntary Union was crafted.

In the system of federalism, the States would send Ambassadors to the Congress Assembled, those Ambassadors were Senators, the Ambassadors of the People, Representatives. As with foreign nations, so too were the States, sending those who best serve in the interest of the individual States, acting on their behalf and on the behalf of the People of the Several States. Until the perversion of the Senate with the passage of the 17th Amendment, which nationalized the Senate, Senators represented the Sovereignty of the States they served and the Senate itself was to act as a bulwark, preserving the Sovereignty of their respective States. There is ample evidence within The Debates of the Federal Convention of 1787, that the Framers considered the Senate, as well as the House of Representatives, in the manner described.

We must remember that at one time, the Citizens of the Several States thought of their individual States as their countries, the federal government was nothing more than the deputy of the States and the Union was simply the expression of the Association between the Several States. They did not view this country in the terms that arose later, meaning "one nation", their Allegiance was to their States, they could not swear Allegiance to anything higher than the highest Sovereignty in the Land, which was and is the States. The federal government was merely entitled to obedience for certain delegated powers under the Constitution and to only those powers delegated to it, but that was the full extent of any consideration of the federal government. In fact, you would not have seen the Stars and Stripes fly over any State, only the flags of the individual States flew over them. It was only until much, much later, actually in the late 1800's that the flag of the United States was, somehow, forced upon the States. It was the flag that denoted only the deputized agent of the States and was only flown over federal territories, military installations, and Naval vessels, but not over the Sovereign States, for there was not valid recognition of that flag as being over anything other than federally controlled territories.

Patriotism, another misused and abused term that has been essentially nationalized, just as the flag, was, for the Citizens, toward their individual States, but not a deputized agent of the States. Long since has such Patriotism been subverted, diverted to a subordinate functionary by the political tricksters preaching the fanatical religion of unionology, bowing down to Washington, D.C. as though to a sacred mountain resplendent with a burning bush, sacrificing the Constitution to the doctrine of nationalism. It is absolutely impossible to have two separate Sovereignities, the only Sovereignty is that of the People acting and expressing that Sovereignty through the Several States. A deputized agent that has limited power and limited authority cannot be Sovereign, only represent the Sovereign

that deputized it. When the British Crown was displaced by Independence, each of the former Colonies were recognized by the Crown as Free, Sovereign and Independent States, not as a nation, but as separate, individual Nations or Republics. Since that event of Sovereign displacement, the People have retained that Sovereign Status, expressed within the States therefore, it is the most fundamental principle that governs These States united, that the Absolute Right is Inherent, not in some deputized federal government, but in the People as expressed through the States where they reside. This principle points to the fact that there is no such thing as a Republic unless the People continue in their Sovereignty and can exercise the Solemn Right of Self-Government. The People, in their Sovereign Capacity never organized anything directly except the governments of the States themselves, the States then, acting on behalf of the People of the Respective States, crafted and delegated certain limited powers and authority to the federal government as a deputized agent but nothing, absolutely nothing more.

How far we have fallen from this lofty principle of Law and the nature of this Constitutional Republic?