What is the Real Problem?

What the Patriot movement has been doing over the past few decades besides growing has been reacting to federal over reach. We have been missing the boat because of an intricate web of lies, deceit, and abuses that has saturated our education system. The realization has been a slow process, especially for one who has a formal education in Law and the Constitution. The recent epiphany has turned into a discovery of what is the real problem is? The Patriot focus has been upon some of the policies and regulations we knew were harmful and violations to our liberties, but these policies and regulations are not the real problem; these were the symptoms.

To prove this end, let's connect the dots on just one of these "symptoms" or so called "problems." A big issue to the Patriot movement is the right to bear arms or what people commonly called our 2nd Amendment Rights. Here in Washington State we just fought to defeat a symptom we called Initiative 1639 and what we were doing was fighting the symptom. In Washington DC the federal government just placed a ban on bump stocks. Ironically, this initiative is not a Second Amendment issue and to understand the problem we have to really back out and actually analyze the framework of the Constitution as it was defined to the States.

First we need to place actual context to the Second Amendment.

The Second Amendment is a portion of our Bill of Rights. But what is the Bill of Rights? The Bill of Rights was and is restrictions placed upon the general (i.e. federal) government ONLY. We know this because in the preamble of the Bill of Rights states:

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

The first eight amendments of the Bill of Rights were restraints placed upon the general government to protect what many refer to as our civil rights, which is why States did not have to abandon their State sponsored religions or abide by the Bill of Rights. In essence, States did pass laws that infringed on religious freedom, and could have passed laws that infringed upon ones right to bear arms as long as the State maintained a well regulated Militia. This is because the Militia was integral in the design of the Constitution; the Militia is the only Constitutional mechanism to enforce Constitutional federal laws. The last two amendments of the Bill of Rights were assertions of supremacy over ALL "powers not delegated to the United States by the Constitution." Stated differently, if a role, responsibility, or power was not formally delegated to the general government in the Constitution or a constitutionally ratified amendment then the general government has no authority or jurisdiction over anything not formally delegated to it in the Constitution. In other words these assertions RESERVED all things not delegated to the general government by the States and the people. This is what many refer to as States rights.

We know this because of several testimonies defining the Constitution; in essence the terms of the contract, during the States Ratification Debates on the Constitution. These testimonies prove the point in fact regarding strict limitations upon the general government because they argues that a Bill of Rights

were not needed due to the fact that the Constitution granted defined and limited powers instead of general powers. Here are just a few:

1. “The gentleman has wandered out of his way to tell us — what has so often been said out of doors — that there is no declaration of rights; that consequently all our rights are taken away. It would be very extraordinary to have a bill of rights, because the powers of Congress are expressly defined; and the very definition of them is as valid and efficacious a check as a bill of rights could be, without the dangerous implication of a bill of rights. The powers of Congress are limited and enumerated. We say we have given them those powers, but we do not say we have given them more. We retain all those rights which we have not given away to the general government. The gentleman is a professional man. If a gentleman had made his last will and testament, and devised or bequeathed to a particular person the sixth part of his property, or any particular specific legacy, could it be said that that person should have the whole estate? If they can assume powers not enumerated, there was no occasion for enumerating any powers. The gentleman is learned. Without recurring to his learning, he may only appeal to his common sense; it will inform him that, if we had all power before, and give away but a part, we still retain the rest” (Mr. MacLaine, July 28 1788, Debates in the Convention of the State of North Carolina, on the Adoption of the Federal Constitution).

2. “Did any man ever hear, before, that at the end of a power of attorney it was said that the attorney should not exercise more power than was there given him? Suppose, for instance, a man had lands in the counties of Anson and Caswell, and he should give another a power of attorney to sell his lands in Anson, would the other have any authority to sell the lands in Caswell? — or could he, without absurdity, say, "'Tis true you have not expressly authorized me to sell the lands in Caswell; but as you had lands there, and did not say I should not, I thought I might as well sell those lands as the other." A bill of rights, as I conceive, would not only be incongruous, but dangerous. No man, let his ingenuity be what it will, could enumerate all the individual rights not relinquished by this Constitution” (Mr. James Iredell, July 28 1788, Debates in the Convention of the State of North Carolina, on the Adoption of the Federal Constitution).

3. “Whoever views the matter in a true light, will see that the powers are as minutely enumerated and defined as was possible, and will also discover that the general clause, against which so much exception is taken, is nothing more than what was necessary to render effectual the particular powers that are granted” (Mr. James Wilson, December 4, 1787, Debates in the Convention of the State of Pennsylvania, on the Adoption of the Federal Constitution).

4. “the powers of the federal government are enumerated; it can only operate in certain cases; it has legislative powers on defined and limited objects, beyond which it cannot extend its jurisdiction.” (Mr. Madison, June 6 1787, Debates in the Convention of the State of Virginia, on the Adoption of the Federal Constitution).

5. “In England, in all disputes between the king and people, recurrence is had to the enumerated rights of the people, to determine. Are the rights in dispute secured? Are they included in Magna Charta, Bill of Rights, &c.? If not, they are, generally speaking, within the king's prerogative, In disputes between Congress and the people, the reverse of the proposition holds. Is the disputed right enumerated? If not, Congress cannot meddle with it” (Mr. George Nicholas, June 10 1787, Debates in the Convention of the State of Virginia, on the Adoption of the Federal Constitution).

> 6. “Can they make laws affecting the mode of transferring property, or contracts, or claims, between citizens of the same state? Can they go beyond the delegated powers? If they were to make a law not warranted by any of the powers enumerated, it would be considered by the judges as an infringement of the Constitution which they are to guard. They would not consider such a law as coming under their jurisdiction. They would declare it void.” (Mr. John Marshall, June 20, Debates in the Convention of the State of Virginia, on the Adoption of the Federal Constitution).

In addition, it is imperative to point out that there is “NO TESTIMONY” in ANY of the Ratification Debates that conflict with the above testimonies. The powers usurped over the last two centuries by general government has been based on lies and opinions used by soothsayers to unconstitutionally strip away the States power and authority. Such as a living Constitution, or the federal government can do anything it deems necessary and proper, or the federal government is supreme in all things it deems imperative to the needs of the nation. In the most succinct manner possible, James Madison points to the boundary limitations of the general government to only the “limited objects” in the Constitution in the fourth citation above. Even Supreme Court Chief Justice John Marshall echo’s this limitation of jurisdiction and asserts that the Supreme Court “would declare it void” in referring to any law outside the enumerated powers in the Constitution.

Getting back to Bill of Rights and the Second Amendment… how is it that State governments are now constrained by the Bill of Rights? You see previously to the Civil War, the Bill of Rights were only restrictions on the general government. This is because of the Fourteenth Amendments’ second clause in Section 1. After the Civil War, the Southern States were passing laws to oppress the freemen from assembly, speech, owning and bearing arms, etc. Consequently, Ohio Congressman John Bingham the author of this portion of the Fourteenth Amendment that states: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.”

This text was inserted to apply the privileges or immunities protected by the Constitution and the Bill of Rights to the States as well as the general government. Constitutional scholar Professor Kurt Lash in the second part of his three part scholarly article “The Origins of the Privileges or Immunities Clause, Part II: John Bingham and the Second Draft of the Fourteenth Amendment,” stated:

> “One cannot go by the volume of opposition on the floor of Congress when they are debating an issue or a Bill such as this Amendment. This is because the opposition typically attempts to barrage the passage of a Bill with either their opposing arguments or they will add interpretations to skew the true perspective. In this case this is why Bingham clarified the intent of the Amendment later, on March 31, 1871, on the House Floor and stated:
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> “Mr. Speaker, that the scope and meaning of the limitations imposed by the first section, fourteenth amendment of the Constitution may be more fully understood, permit me to say that the privileges and immunities of citizens of the United States, as contradistinguished from citizens of a State [the language of Article IV], are chiefly defined in the first eight amendments to the Constitution of the United States” (Kurt T. Lash, February 28 2010, The Origins of the Privileges or Immunities Clause, Part II: John Bingham and the Second Draft of the Fourteenth Amendment).

Thus, all laws referring to speech, search and seizure, or what they referred to as the privileges and immunities clause now protects ALL citizens from ALL State, and local governments from violating these fundamental rights that the Bill of Rights and the Constitution protects us from the general government. A very important differentiation is the fact that the clause in the First Amendment known as the "Establishment Clause" restricting the use of Churches with State government and the clause "freedom of the Press" that restrict controls of the Press (i.e. news/media organizations) are not citizens. This is because these are organizations. States are only bound to protect the individual privileges and immunities per the Fourteenth Amendment and not bound to abide by the "Establishment or Freedom of the Press" clauses. Again this nugatory check on these institutions is only placed on the general government. This is why the general government did not shut down the Churches that the States still operated as sponsored churches after the Fourteenth Amendment was passed. Subsequently, States were still using taxes to give to the church to operate compassionate services such as education for the citizens of the State. In addition, States can and should look at regulating and setting standards for the Press.

Now, when it comes to the right to bear arms, if a State is passing a law to infringe upon ones rights to bear arms for ANY REASON, then THIS is strictly a Fourteenth Amendment protection issue. If the general government is passing a law that infringes upon ones rights to bear arms then this IS a Second Amendment protection issue.

Now that we have placed context to connect which part of the Constitution is the real issue, when it comes to the right to bear arms, there is a lot more to this particular issue then simply ones right to bear arms. Based on the Constitution this is not just a right, it is an obligation. This is because this "right" is directly tied to the Constitutional responsibility of ALL citizens to participate in a beautiful thing we call self-government. If one reads the Constitution, one will find there are three Constitutional responsibilities "We the People" or what some may refer to as the citizen guard (more aptly called the Militia) are accountable for in Article I Section 8 in providing for our States' defense and the defense of the Republic. To be clear, this has never been a hunting issue, it is an enforcement and defense issue which is why the different members of the Militia possessed military grade weapons during the years the general government and the States truly complied with this part of the Constitution.

Everyone has probably heard before, that the framers fear a standing army and in the "new government" they DID NOT want to allow A STANDING ARMY within the general government. Too few people know or understand that the framers actually made it impossible for a standing Army to exist, well at least without significant changes to the Constitution OR blatant violations to the Constitution. You see the general government WAS NOT granted or delegated the power to enforce their own laws. You may be surprised but the design of the Constitution was to create a symbiotic relationship with the States and the People. Therefore, for the American people to be oppressed by a "Standing Army" like the people of Britain were at the time, it would require changes to be made to the Constitution through an Article V Amendment.

James Madison was one of many framers who explained the importance of the Militia by stating "a standing army is one of the greatest mischiefs that can possibly happen. It is a great recommendation for this system, that it provides against this evil more than any other system known to us, and, particularly, more than the old system of confederation" (Saturday June 14th 1787 Virginia Ratification Debates of the Constitution).

For clarification, the Constitution created two disparate forces, the U.S. Military and the State Militia forces. The former was established and directed by the Department of War and considered regular service. This force was strictly for fighting external enemies and the dominant force was the U. S. Navy. Technically the Militia was the Army for internal Defense, which is why the Army or Militia was NOT allowed "no appropriation of money to that use shall be for a longer term than two years," according to Article I Section 8 subsection 12. The Militia was a set of multiple forces established, operated, and directed by the States (both the organized and unorganized) and when necessary they were called upon to serve the federal government.

In Article I, Section 8, Subsections 11 to 16 the Constitution lays out precisely how our national security was designed and how these disparate security forces were to act. In Article I, Section 8, Subsection 15, the internal or State security forces are to "repel invasions" these forces still are to this day (per the Constitution) the Militia. Just in case you are wondering who should be guarding the Southern Border per the Constitution that would be the Militia, not an unconstitutional agency referred to as the Border Patrol. Now this role again only covers one third of the roles of the Militia in this subsection. Another role in this same Subsection is to "suppress insurrections." During the aforementioned Virginia Ratification Debates this specific role was further clarified by James Madison who asserted that "A riot did not come within the legal definition of an insurrection. There might be riots, to oppose the execution of the laws, which the civil power might not be sufficient to quell. This was one case, and there might probably be other cases." The third role of the Militia was considered its primary responsibility, which is why it was listed first in this clause. This role was for Congress "to provide for calling forth the militia to execute the laws of the union."

As a point in fact when the general government began taxing distilled beverages the citizens of Western Pennsylvania rebelled against this tax. During what was called the Whiskey Rebellion, the President of the United States, George Washington, called upon the Militia and went to Pennsylvania and arrested primary culprits to obtain compliance to the execution of this law. The primary reason why the framers had the Militia execute federal laws (that are Constitutional) was the framers knew that family members, friends, neighbors, and associates who serve in the Militia would not oppress their own family and citizenry. You see the brilliance in the design was "self-government," which placed the responsibility on the citizenry to police and enforce "our" or "We the People" laws.

Needless to say, there has never been an amendment that has removed this responsibility from the general government or the Militia, nor has there been an Amendment delegating the enforcement powers to the general government. In accordance with Article I, Section 8, Subsection 16, the general government is responsible for the "arming" of the Militia. Because these matters regard our national defense, these arms should be military grade weaponry. In the aforementioned debates the general government was not the sole provider or arming the citizenry and Mr. Davie injected on the 1st of August that:

> "the people have a right to keep and bear arms; that a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free state; that standing armies, in time of peace, are dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit; and that. In all cases, the military should be under strict subordination to, and governed by, the civil power. That each state respectively shall have the power to provide for organizing, arming, and disciplining its own militia; whensoever: Congress shall omit or neglect to provide for the same" (William R.

> Davie, August 1st 1787, Debates in the Convention of the State of North Carolina, on the Adoption of the Federal Constitution).

Isn't it interesting that the language used by Mr. Davie, is almost the same as what was inserted into the Second Amendment? Keep in mind North Carolina was not a member of the union while Madison was drafting and passing the Bill of Rights through Congress. North Carolina Ratified the Constitution November 21, 1789; therefore, they had no Representation in Congress at the time. Accordingly, one must deduce that this language and paradigm was the prevailing thought of the time.

In spite of the Constitution, Congress began neglecting their constitutional responsibility in "organizing, arming and disciplining the militia," after the Treaty of Ghent. This should have given the States cause to suspect the general government in doing the unconscionable thought of beginning to create a standing Army. Unfortunately, both governments, the general and the State governments, have blatantly ignored their responsibility and now claim that the Militia has been replaced or irrelevant, but not according to the Constitution. Again, self-government was the principle design of this Republic and the Constitution. Therefore, many people make an incorrect connection that the National Guard has constitutionally replaced the Militia; however, to lawfully and constitutionally replace the Militia would require an Amendment to the Constitution.

As an aside, here is legal or Constitutional precedence as to the requirement to Amendment Constitution, when there is any change however slight to the implication or execution of the Constitution and the delegated powers and processes:

When the framers first realized that there was a problem with the process of electing the President in the 1800 election of Thomas Jefferson, those serving in the general government did not even consider using statute or regulation to correct the process. This is because statute or regulation are not a Constitutional process for making a change to the Constitution or a process defined in the Constitution such as the process of choosing a President. Instead, they were obligated to follow the prescribed process in making what were considered minor changes to Article 2, Section 1, and Subsection 2 of the Constitution. Therefore they followed the known and only legitimate process to change the process of choosing a President by amending the Constitution; thus, with State ratification we have what is known as the Twelfth Amendment, which modified the process of choosing the President and Vice President. If one reads Article 2 Section 1 Subsection 2 and the 12th Amendment and look at the process we use today one will find that we are no longer following the Constitution to change the process.

Back to the point at hand, in context to the National Guard and the critical role the Militia plays in the Constitution, the general government violated the Constitution by not using the Article V process to institute these changes to the Constitution. Therefore, the National Guard is not and cannot suppress insurrections or execute the Constitutional federal laws or repel invasions. To be clear, the National Guard is not nor can it be a replacement of the Militia without an Amendment to the Constitution. Consequently, only the Militia has the Constitutional "authority" to "to execute the laws of the union, suppress insurrections and repel invasions."

Instead, the general government has 1) simply ignored the Constitution, 2) violated the Constitution by not amending it, 3) unconstitutionally created federal bureaucracies to enforce unconstitutional laws, and 4) coerced the States to go along with these violations. To date the general government has created the Bureau's of: Land Management, Reclamation, Indian Affairs, and the Alcohol Tabaco and Firearms, Federal Bureau of Investigations, the Internal Revenue Service, Environmental Protection Agency, along

with even more federal enforcement agencies. This was all done with a slight of hand, because we do not call these enforcement agencies an Army. Apparently the citizens of this Republic are none the wiser to the fact that they are being oppressed in the name of unconstitutional government that the framers would have called a standing Army. By the very definition, this is tyranny.

Stated differently, the Constitution delegated the enforcement (i.e. the "execution") of federal law, in accordance to Article VI of the Constitution, these are laws that in "pursuance" (i.e. congruence) to the Constitution for the "Militia" and ONLY the Militia. This is because the Militia is a "State" controlled entity that is constitutionally required to be available to serve the needs of the Republic; as long as those needs are in harmony to the Constitution. Consequently, if the federal government or those power brokers trying to control the general government has plans to violate and ultimately discard the Constitution, those in control need to obfuscate Article I Section 8 Subsection 15 and "sell" "We the People" on the idea that they have the Constitutional authority to do anything they deem necessary and proper. To be clear, the Constitution only grants the general government to do what is necessary and proper "for carrying into execution the foregoing powers." Those "foregoing powers" are the enumerated powers listed in Article I Section 8. To illuminate this point in fact, during "The Debates in the Convention of the Commonwealth of Virginia, on the Adoption of the Federal Constitution," George Nicolas clarified the terms of this clause in the Constitution by asserting:

> "This dreaded clause runs in the following words: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers Vested by this Constitution in the government of the United States, or in any department or officer thereof. "The committee will perceive that the Constitution had enumerated all the powers which the general government should have, but did not say how they were to be exercised. it therefore, in this clause, tells how they shall be exercised. Does this give any new power? I say not. Suppose it had been inserted, at the end of every power, that they should have power to make laws to carry that power into execution; would this have increased their powers? If, therefore, it could not have increased their powers, if placed at the end of each power, it cannot increase them at the end of all. This clause only enables them to carry into execution the powers given to them, but gives them no additional power" (George Nicolas, June 10th 1787, Debates in the Convention of the State of Virginia, on the Adoption of the Federal Constitution).

The States Militia's at the time of the establishing the U.S. Constitution and forward were broken into to different entities. The first was an organized or formal Militia and the second was an unorganized Militia as mentioned before. Keep in mind, in accordance with the Declaration of Independence, that the concept of self-government was the bedrock of our government and that "when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security" (Thomas Jefferson, July 2 1776, Declaration of Independence). In other words all people are granted the right to bear arms to either join the organized Militia to "execute the laws of the union" or the stand within the unorganized Militia to exercise "their right, it is their duty, to throw off such government" or to join the unorganized Militia for reason to be covered next.

How was it impossible for the people of America to be oppressed by federal tyranny? If by chance the Militia becomes corrupt and begins executing laws that are not in congruence or pursuance to the Constitution the unorganized Militia would be the organized Militia's well armed family, friends, neighbors, and community and would engage them and convince them that they must comply with the Constitution and not the general government or the people we call public servants and or bureaucrats.

Thus, the brilliance in the system we received was the protection the framers gave us from the formation of a standing Army. More importantly, the authority vested in the States and the people in this system made it possible to rectify the breeches of the compact or Constitution without ever having to fight another revolution with arms unless we have become so complacent that we actually allow the general government to create a standing Army…

In connecting the dots, it not really about one's right to bear arms, it's about one's responsibility to enforce the Constitution using force if necessary. Hopefully at this point you too have sufficiently connected the dots to understand how we have been and still are losing our liberties at break neck speed. Furthermore, we are living under the tyranny of a Standing Army, in palpable violations to the Constitution. Again, our problem is not a law or ruling, but a long train of violations to the Constitution. One should now be able to back out and see that the problem isn't really about abortion, the 2nd Amendment, or that long laundry list of unconstitutional powers. The problem simply stated is: our general government is not complying with the Constitution in so many ways that we have lost sight of the importance of the Constitutional protections the framers gave us. The magnitude of this problem can also be quantified by the outlays (i.e. spending) in the federal budget and that magnitude equates to well over 80% of what the federal government is spending money on is unconstitutional.

If one can begin to fathom the extent of the problem; before one begins to take action one needs to shift their paradigm to accurately react. To do this, one needs to examine the process that Thomas Jefferson and James Madison initiated in 1798 in response to the federal government's violations to the Constitution. The process they attempted is referred to as Republic Review today and this is the only way to solve the real problem once and for all. Consequently, the solution is Republic Review, especially considering the disparity in arms, technology, and employment – only a fool would consider an armed intervention as a plausible solution to rectifying these breeches and I believe the Divine Hand of Providence knew and understood both the disparity and what we would require to rectify the government He endowed this Republic with. Bottom line:

We do not need an Article V amendment or an Article V Convention.

We do not need to engage in an armed conflict as stated before this would be a loss of unnecessary life especially when the good Lord has given us everything we need within the Constitution and our founding documents.

More importantly, we do not need to surrender because of unconstitutional government. This means we do not need people burying themselves into prepping for a final collapse. We also do not need people surrendering to the Sovereign Citizen movement both prepping and the Sovereign Citizen movement are tantamount to giving up the fight as a Patriot and surrendering to the idea of abandoning the Constitution.

The argument for Republic Review along with the description for the process can be found on this webpage: http://reclaimingtherepublic.org/CA.html

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