

# **“Constitutional Confusion”**

## **an Epidemic Afflicting our American-National Body-Politic.**

To first begin this Argument, All Honorably Concerned & Patriotic Americans Must be Made Aware of an “Epidemic” of “Constitutional Confusion” amongst the highest-ranking Constitutional-Scholars of our precious American Nation. That’s Correct, this is not a mis-print. The allegedly best and the brightest College-Educated Bar-Monopoly-Licensed Lawyers, Constitutional-Scholars, Law-Professors, & Supreme-Court Judges; are afflicted with the disease of “Constitutional Confusion” amongst their obscenely-wealthy ranks.

And to that end we begin with a very nicely insightful quote from Professor Fletcher, as follows:

**“Unsound Constitution”**; an article by George P. Fletcher, Professor of Jurisprudence at Columbia Law School; in “The New Republic” magazine, June 23, 1997.

**“Yale Professor Bruce Ackerman, a liberal, argues that the People retain the authority to legitimate illegal constitutional transformations, such as the adoption of the constitution itself, which was illegal under the amendment provisions of the Articles of Confederation, and the transformation of Supreme Court jurisprudence after FDR’s high handed court-packing threat. ...**

**Writing in the Yale Law Journal in 1991, Yale law professor Akhl Amar interpreted the First Amendment’s “right of the people to peaceably assemble and to petition the government for a redress of grievances” as “an express reservation of the right to alter or abolish our government by a simple majority vote.” The thought ... goes the heart of our constitutional confusion.**

**The “original republic” - the one for which our forefathers fought “face to face & hand to hand” - exists only in the minds of academics and fundamentalist patriots. The republic created in 1789 is long gone. It died with the Civil War. ... The original republic died because it was grounded on a contradiction. ... Those ... could simply dismantle the United States - it was merely a creation of the present. It was Jefferson, after all, who wrote that no Constitution should be valid past nine years.**

**The recognition that the People are one group, an American nation, makes possible the sustained campaign to convert the ... Constitution of 1789 into a ... constitution of popular suffrage ... Lincoln was a good lawyer, and lawyers always seek to camouflage conceptual transformations as the continuous outgrowth of language used in the past. ... the significance of the People had changed. They no longer exist as the guarantors of the Constitution, the bestowers of legitimacy. States and individuals can no longer set themselves apart from the nation.**

**The relevant concept in the new constitution, then, is not “We the People” but “We the Citizens of the nation” - and this transformation is apparent in the post-Civil War amendments. The Fourteenth Amendment, for example, gives us our first concept of national citizenship. Prior to the Civil War, we allowed each state to define for itself who could become a citizen of the state and, on that basis, a citizen of the country.**

**The new definition of who belongs to the polity marks a new beginning. The Fourteenth Amendment ... clauses account for an enormous expansion of Judge-made constitutional law, particularly in the field of criminal justice. ... The Thirteenth Amendment is the first direct intervention into the private affairs of the citizens. ...**

**For the fundamentalists, the most threatening aspect of the new constitution is that it necessitates an activist federal government ... the government must intervene in the states and in private affairs ... Early efforts in this direction (were) the income tax amendment, prohibition ...**

**Some constitutional fundamentalists ... explicitly reject the new Constitution ... They**

maintain that everything that comes before the Thirteenth Amendment - is the only legitimate one, and they believe that their task as freemen is to protect the People against “usurpers” who would have the federal government exceed its minimalist origins. ...

Why is (this distinction) foreign to the rest of us? Quite simply because the we do not teach this historical rupture - not in our grade schools, not in our law schools. We are all good lawyers and therefore, like Lincoln, we pretend that the second Constitution is simply the natural condition of the founding document. According to the official story, we corrected the racist mistakes of 1789 and got the Constitution on the right track. “We the People” are still in power. Our constitutional situation would be much clearer if we marked the discontinuity ...

The basic question is whether we as a legal and intellectual community will face up to the truth about the false view of the Constitution ... We have propagated myths about the binding force of the 1789 Constitution ...”

Yes. There you have the broad “Core-Issue” out-line of our American “Constitutional Confusion” in a nutshell. Professor Fletcher is a Liberal, who generally supports the increased centralization of power, which the Officers of the Federal Government have exercised over the States, at least since the years of Abraham Lincoln.

But “credit where it is due”, Professor Fletcher has fairly accurately out-lined the “Core Issues” in our American-National “Constitutional Confusion”.

In the “bigger picture”, the Leaders of our new & more “Organic” form of “Constitutional Government” in our Body-Politic have Unanimously Agreed that this present problem of our Nation's “Constitutional Confusion” will Continue, indefinitely, in-to the never-ending future; at least until Concerned Patriotic-Americans exercise our Right to “Act Judicially”, & there-under, to “Take the Law in-to Our Own Hands”. We will be Acting with Constitutionally-Lawful Authority when we do this, because our Constitutions & Statutes Recognize, that, “We the People” Are the “Higher-Source” of “Law” in our once-great American Nation.

You Honorably Concerned & Patriotic Americans who are willing to act to remedy these most critically serious organic body-politic problems, welcome to the real battle-zone for the saving of our American Nation.

The rest of you, just go away, & leave us alone. If & when you finally recognize the value of your entering in-to the social-compact which we are offering, you may humbly take your inferior place in our lower ranks, in our more perfectly engineered & more organically accountable Union of our America States.

For those still honorably with us, please move ahead to the accompanying article, entitled as:

**“Assembling, Organizing, Legitimizing, & Certifying,  
our Organic/Constitutional Common-Law Township Jurisdiction's: 'Peace Officers'”.**

Charles Stewart.

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