

The Most Powerful Man In America

There once was an America that was moored to its foundational charter, the United States Constitution. I remember that America and I remember watching as it drifted ever farther away from it. Watching as totally unconstitutional programs and an endless war were promoted, funded, and perpetuated while I wondered how sane and rational men could think that these things were constitutional when they clearly weren't. Unfortunately, the reality was that neither party cared about what was constitutional or not. All politicians cared about was the success of their embraced agendas.

That situation, instead of being ameliorated has become exacerbated, and I think I know why. In 1866 when freed slaves were in a sort of citizenship limbo, the Civil Rights Act of 1866 was passed by Congress to make them citizens, along with the children of immigrants. But those who supported the act knew how much opposition it faced from the states of the disbanded Confederacy, and so they worked to make their right of citizenship permanent by making it the lead section of a new amendment to the Constitution. By hook and crook they managed to get the amendment passed by three quarters of the states, and now, by its misconstrued words, any baby born on U.S. soil is unconstitutionally deemed to be a U.S. citizen. But I digress.

What that episode shows is that there is Congressional law, -and then there's Constitutional law (even though accurately speaking amendments are not part of the Constitution). Citizenship that is bestowed by Congress can be repealed by Congress, but citizenship bestowed by a constitutional amendment cannot be repealed by Congress but only by the People.

That is the format on which our nation is founded. It's primary application has been the granting or withdrawing of individual rights. Constitutional rights are more enduring than rights Congressionally granted or officially acknowledged. This is due to the difficulty of getting three quarters of the states to agree on anything.

That difficulty was seen in its full force during our lifetime when twice there were concerted efforts that failed to pass the Equal Rights Amendment for Women. I'm no historian but I doubt that had ever happened before with the possible exception of getting women's right to vote passed as the 19th Amendment. Such an extremely close but unsuccessful attempt was very disheartening to its supporters and that disappointed resulted in a permanent change of attitude toward constitutional amendments.

One of the reasons for its failure was the fact that women were already protected by Congressional legislation in most of the ways that the amendment would have covered. When the dust had finally settled and the ruffled feathers re-straightened it dawned on people, liberals, that amendments are not really even necessary to bring about fundamental change. Majority-rule Congressional legislation was sufficient due to the fact that it's human nature to accept the status quo, if it's beneficial, and move on.

So good old inertia and indifference will prevail once a right or benefit is granted, and its beneficiaries will be opposed to overthrowing what they've come to expect and depend on, and being voters, elected representatives don't want to offend any of their possible supporters. So why bother with the nearly impossible route of trying to pass an amendment when a simple majority-passed law will do? (-60% in the Senate now for fiscal legislation)

So that's where we are today. The process by which fundamental change was meant to be legitimized has been essentially abandoned, ignored, and forgotten. A super-majority of the American people is no longer required. Congress, the party in power and those who pull their strings, can do it all. The American People need no longer be consulted nor depended on to legalize and legitimize anything. All power is removed from their hands. The majority can do anything that it's pressured to do. And that not only includes granting "rights" that no one possessed beforehand, but to rescinding rights that everyone possessed from before the Constitution was written.

Recognize this, at the core of the American resentment toward the tyranny of England was the requirements of The Stamp Act. It mandated that Americans *must* buy stamps that were required to be placed on publications of all sorts, with the revenue not remaining in the colonies but going straight to England. We went to war over

that usurpation of liberty, but now we (the socialcrats in Congress) have passed a law equally egregious and abrogating of American freedom which they pushed through by one single vote unread by any representative of the American people. I speak of the massive healthcare bill that mandates that all American adults must buy stamps, -correction, make that insurance, whether or not they want to have or need to have health insurance.

So with the abandonment of the amendment process, we have "progressed" from the unconstitutional granting of rights, to mandating commercial contracts, to rescinding the right to be free from being forced into commercial contracts against our will. So without the approval of the People, fundamental change has been enacted, and their consent is irrelevant. Congressional majority rules.

While many understand that a fundamental American right has been beheaded, how many have asserted that such an enormous change can only be justified via an amendment to the Constitution? None. None of the fools in Congress (or the media, or former government officials or representatives, or pundits, or law professors) have vociferously cried out about the insidious, egregious, illegitimate violation of the process that is as fundamental to the republic as the Constitution itself. Speaking of which, since they no longer respect the Constitution, and violate their oath to preserve and protect it with nearly everything they pass, how can they be bothered with being concerned about the amendment process? Let someone else worry about that.

The problem is that there is no one else. No one in the media even acknowledges the violation. It's as if the Constitution no longer exists, and along with it the process to amend it and add to it. There's no one on the American stage to preserve, protect, and defend the American way. But there is a body that is not on the stage that can. And that body is the U.S. Supreme Court.

It could change everything over night. And it could do it by a single vote. The liberal women and men that have lifetime appointments can alter the future of the nation for better or for worse, depending on whether or not they view themselves as above and wiser than the Constitution which they sit to defend.

They can do that in many ways. It was done during the Roosevelt presidency when they declared his National Recovery Act to be unconstitutional because Congress is granted no authority to pass such a thing. They could have done it with the Vietnam War and the war in Afghanistan, which were never Congressionally declared wars. They could have done it with the Space Race since it had no national defense implications and was purely a matter of national pride. The list of programs goes on and on and the costs have added up to multiple trillions of dollars.

Taking money from the public, or borrowing it from the future for vain projects with no legitimate constitutionally supported purpose could have been stopped by a successful lawsuit contesting such a program. But no one brought such a lawsuit because no one cared about keeping Congress within the bounds of the limitations the founding fathers wrote into the Constitution.

After the unlimited power the federal government assumed during the Great Depression and World War II, including incarcerating over 100,000 American citizens in total violation of the Constitution and Bill of Rights, everyone was conditioned to thinking that the government possess the authority to do big things, and questioning whether or not all of those things are really constitutional no longer occurred to anyone. And it still no longer occurs to those who are elected to represent us and protect our liberty and our Constitution from usurpers who would violate it by ignoring it in every vote for their agenda which would otherwise not even take place. That includes Republicans as well as Democrats, "Conservatives" as well as Liberals. (bases on the Moon? where is that sort of thing authorized in the Constitution?)

So we now live in a country with little respect for its foundation or its founding fathers' wisdom, -the wisdom that understood the self-serving, arrogant, inconsiderate nature of those imbued with power, -the power to pass the things that selfishly suit them and the power to block the things that they selfishly oppose.

But the Supreme Court has the last word on anything that's brought to them and Congress must accept their decision, whether or not it's constitutionally correct. So nothing is over until the fat lady sings and the Supreme Court is that fat lady.

America's future is ultimately in their hands but only to the extent that opposition to unconstitutional congressional mandates are brought all the way to them. Which makes one wonder why there were no lawsuits brought by those offended by the unconstitutional elements of TARP and the Auto Bailout, among others. Does the rule of law no longer matter even to those who are victims of constitutional violations? This is a very disturbing trend.

The Constitution no longer matters to Congress, the amendment process no longer matters to the American public, and constitutional violations no longer matter to many of the victims because they no longer are among those who respect the Constitution and its authority. This is a dire situation because of what it portends for the future.

But the Supreme Court could turn things around with rulings that not only upset the apple cart but actually destroy it. They could rule that the health care act is totally unconstitutional, -in part due to the individual mandate and the lack of severability of the other portions of the act.

They could rule that no state has the authority to impose same-sex "marriage" on its population without an amendment to the state constitution.

They could rule that the federal government has no business sticking its camel-nose into the matter of education, or intra-state natural drug usage, or tobacco usage, or gun manufacturing, or farming, or air quality, or water quality, or a thousand other issues that the federal government has no constitutional authority to regulate.

They could do that. But will they? Will they save America from the full-speed gallop toward the ever-greater power and reach of federal mandates and unelected bureaucrats? They won't if they can avoid it because they are a group of people who have never been forced to prove they have a spine. What kind of case would require that? The one that they hope they'll never have to confront, and that is the unconstitutionally presidency of Barack Obama.

If they are ever forced to face that fact in a lawsuit brought before them, it will be like the world has stopped turning, -like time is standing still, because the outcome of their decision will be of a magnitude so great that it can only be compared to an atomic bomb in the body politic.

If they were to cave in and take the easy way out by ruling that a visiting foreign citizen is capable of fathering a natural 100% American then you would know that the future is lost.

If they were to rule that the son of a temporary foreign visitor is absolutely not born as a natural American then there might be hope for the future because that would mean that the Constitution will be followed no matter how serious the consequences are of enforcing it.

Only a far stricter adherence to the Constitution's limitations will save us from an inevitable fate of turning out to be another Greece but on a scale so vast that there is no way to fix us or bail us out.

When that day arrives, it will be the end of the world as we know it. And it *will* arrive unless either the Supreme Court or the People grab our Congress and Executive Branch by the neck and set them back on the tracks that our forefathers wisely laid for us. Neither scenarios is very likely, but if lawsuits would be brought to the Supreme Court to oppose the violations of the Constitution that are putting us firmly on the path to doom and serfdom, then there's a chance that one Justice of the Supreme Court will cast the deciding vote that will either make or break our chances of saving the future. That man would be the most powerful man in America.

by a.r. nash feb 2012 <http://obama--nation.com> ~for public dissemination