

The United States of America

What went wrong with our Republic

And how to fix it

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9/8/2010

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Why is our country headed in the wrong direction?

Is it because “the other party” is in control? Is it politics as usual or is it something more? We all love our country and there are very important social issues like separation of church and State, abortion, social security, welfare, health care, etc; all worthy of the political debate across this country. The problem we face today transcends social politics and strikes directly to the heart of our very republic. Every citizen of this great country should at least be given the information to decide where he or she stands. In this paper we will examine the structure of our government, specifically the part that safeguards our freedom.

I am going to take you on a brief tour of the problems to highlight the most self-evident facts; but first I would like you to note that democracy as a form of government was tried and failed before the republic was invented. The republic is an improved democracy because it has a set of laws for the lawmakers called a Constitution. This is very important because a Constitution cannot be altered by a simple majority but requires a super-majority to alter the laws for the lawmakers. Unique to America; the U.S. Constitution was written by bodies independent of the Federal lawmakers and can only be approved by them.

The United States republic was created as an alliance to safeguard freedom and liberty for the member republics. Article 4 section 4 of the U.S. Constitution says in part “*The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion.*”

The Constitutional process in action

Witness the year 1919 when the 18th amendment was ratified; or prohibition of alcohol as it was also known.

Before World War 2 it was understood the Federal government only had the authority to act where the power had been specifically granted to the Federal government in the Constitution. This is actual Constitutional law clearly written in the 9th and 10th amendments and has never been repealed.

When the people wanted to prohibit the sale of alcohol on a nationwide scale through the Federal government they were required by the Constitution to propose an amendment to the Constitution which required a two-thirds super-majority in both the house of representatives and the senate plus three-quarters

Amendment IX

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

Amendment X

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

of the State Legislatures had to approve it through a process known as ratification as defined in the U.S. Constitution article 5.

A clear departure from the Constitutional process

Today the Federal government is prohibiting the sale of drugs. It does not matter if you agree or disagree with the cause; what matters is the lack of Constitutional process or amendment to the Constitution for this to happen. Why was a Constitutional amendment required for the prohibition of alcohol but not for the prohibition of drugs? Did the Constitution change to allow this power?

Why should we care? Our republic in its simple form is modeled after the Roman Republic. The founders knew that after 450 years Rome was taken over from within by one of its presidents who accumulated too much power “Julius Caesar.”

In an effort to prevent any one person from accumulating too much power the founders created a decentralized or compound republic with separation of powers. James Madison explained in the Federalist papers what the role of the Federal government is.

What changed?

Today the Federal government routinely creates laws outside the powers granted in the Constitution with a simple 51% majority vote. The office of the president is more powerful than ever before and none of this through the Constitutional process. How can the Federal government ignore the Constitution?

There was a four part assault on the separation of powers over the course of one hundred years with the last forty being a gradual and ever increasing Federal power shift so as to not alarm the population with drastic changes all at once. In the last 10 years we have seen a drastic acceleration in this power shift from local to Federal control.

“The powers delegated by the proposed Constitution to the Federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.”

*James Madison
Federalist papers # 45*

The Supreme Court and the meaning of words

The Supreme Court was stacked with judges who favor the Federal government over the States. In 1942 the Supreme Court ruled that the power to regulate commerce “among the several States” included the wheat a farmer was growing on one part of his farm to feed livestock on another part of his farm. They ruled that if the farmer did not purchase the wheat from the open market that would affect the interstate price of wheat therefore this was subject to the Federal commerce clause.

“To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes”

*The commerce clause
article 1 section 8*

This was the first time since 1789 the Federal government asked for power to regulate the behavior of an individual on his own farm where the Federal Supreme Court actually granted it. Keep in mind the farmer had no intention of engaging in commerce with that wheat at all and certainly not “among the several States”.

Who granted this power to the Federal government? Was it the Constitution? Absolutely not; the wording in the Constitution makes a clear distinction between the people and the State. It also outlines the process of increasing Federal power in article five; it happens through the ratification process not the Supreme Court. You just witnessed one branch of the Federal government tell the other two branches “Ok, go ahead.” And all of our elected Federal representatives accepted it like it was a ratified amendment. Indeed they write laws based on it. They are just as guilty as the judges because they know where the authority came from.

We were warned in 1788 how the downfall of our republic would happen, slowly and incrementally through redefining the very words that are used in the Constitution. No amendment is needed; ratification by the States is not needed. The power of perversion by the judiciary was not the only plan set in motion to destroy the republic.

“Perhaps nothing could have been better conceived to facilitate the abolition of the State governments than the Constitution of the judicial. They will be able to extend the limits of the general government gradually, and by insensible degrees, and to accommodate themselves to the temper of the people. Their decisions on the meaning of the Constitution will commonly take place in cases which arise between individuals, with which the public will not be generally acquainted. One adjudication will form a precedent to the next, and this to a following one. These cases will immediately affect individuals only, so that a series of determinations will probably take place before even the people will be informed of them.”

Anti-Federalist papers “Brutus” - 1788

This 1942 Supreme Court ruling is where our Federal lawmakers derived the power for the prohibition of drugs. Under this ruling the Federal government could enact the prohibition of anything they like without a Constitutional amendment. Why was no one able to stand up to the Supreme Court? How could the framers of the Constitution have neglected this loophole?

The 17th amendment and the balance of power

Witness the year 1913 when the 17th amendment was ratified; previously the State Legislatures appointed Senators to the Federal government but the 17th amendment changed that to direct election of Senators by the people of the State. It sounded like such a good idea; More Democracy means more freedom right?

"Democracies have been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their death."

James Madison

The Federal government was created as a military and economic alliance between the States. Congressmen were to represent the interests of the people, and Senators to represent the interests of the State. As "the people" we already have representation in the Federal government through the House of Representatives.

The original purpose of the Senate was to safeguard the separation of powers as Thomas Jefferson outlined. There was no Federal income tax, and no Federal social programs. The only Federal involvement with the daily lives of the people of the United States came from foreign relations, foreign and interstate commerce, and the declaration of war. There was no Federal pot of gold to be split amongst the States where the most powerful Senators brought home the most bacon paid for by other States.

"The way to have safe government is not to trust it all to the one, but to divide it among the many, distributing to everyone exactly the functions in which he is competent....To let the National Government be entrusted with the defense of the nation, and its foreign and Federal relations..... The State Governments with the Civil Rights, Laws, Police and administration of what concerns the State generally. The Counties with the local concerns, and each ward direct the interests within itself. It is by dividing and subdividing these Republics from the great national one down through all its subordinations until it ends in the administration of everyman's farm by himself, by placing under everyone what his own eye may superintend, that all will be done for the best."

Thomas Jefferson

After the 17th amendment recalling a Senator who turns bad is now a State wide project requiring months of campaigning, petitions, signatures, and lots of money. The bar for recalling a bad Senator has been raised to an almost unattainable level whereas before the 17th amendment recalling a Senator was a simple meeting of the State Legislature.

It's not the power of choosing that is important; it's the power of recall that keeps them good, time has proven they can tell us anything we want to hear to get elected then do whatever they want when they are in office. We have been like the old story of the dog carrying a bone in its mouth that sees his own reflection in the pond; barking at the other dog and wanting both bones we have lost the one we had. It was our lust for total power over the Federal Government that caused us to unwittingly shift the balance of power towards the Federal Government. Face it; we were duped, for whom among us as an individual can replace the power the State once had? Sure, there was corruption and some senate seats were sold to the highest bidder but there was also accountability to the Legislature; they were like ambassadors for the States. You did not see the wholesale shift of power towards the Federal government back then like you do today.

The senate as originally intended was a powerful tool to protect us from this consolidation of power; and up until the 17th amendment it did the job of protecting the balance of power well. For example take the 1942 Supreme Court ruling: Under the U.S. Constitution the President has the power to appoint Supreme Court judges but it requires the advice and consent of the Senate; it also stipulates that judges "shall hold their offices during good behavior." If the 1942 ruling had happened before the 17th amendment the States would have acted to preserve the balance of power and demanded their senators remove the Supreme Court justices who blatantly violated the Constitution. If their senators decided to not act, they would have been replaced. After the 17th amendment those Senators have no vested interest to defend the balance of power and actually have incentive to increase the Federal power and thus make themselves more powerful.

The 16th amendment and the power of the purse

Witness the year 1913 when the 16th amendment was ratified allowing the creation of the IRS. Originally there was no IRS, and for 124 years the Federal government raised revenue from foreign tariffs; they also had the ability to raise revenue from the States but it had to be by apportionment meaning the Federal government would declare how much money it needed and the sum was divided amongst the States by population leaving each State to determine how to get the money.

The States had absolutely no competition with the Federal government for their source of revenue. This means that each State was free to have and pay for their own social programs if they so desired.

AMENDMENT XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Today most people can't understand how the Federal government could function without the IRS. They have been led to believe the IRS has always been there and essential to the function of the Federal government. Because of the IRS the Federal government has decided to lower tariffs; their original source of income. Think about how manufacturing jobs were shipped overseas because the cost of labor in developing countries plus shipping was less expensive than labor here in the United States. This was all made possible by lowering tariffs because the Federal government was now taking money from the same source as the States; the citizens.

In the time between 1913 and now the Federal government has taken such a large portion of personal income taxes to create a ceiling for State revenue. Think about it; they are competitors in the same market for revenue. When there is a conflict and both sides want to raise taxes guess who wins? The State representatives are closer to the people and more sensitive to the wrath of the voters so they cannot win a tax battle with the Federal government. In the end the State must lower its tax burden so the overall tax burden on the people is within tolerance. It is in this way the Federal government is financially strangling the States.

Starting with seemingly harmless precedents like interstate highways and mandating speed limits of 55 miles per hour in order to receive Federal funding for roads. The relationship between the States and the Federal government began to change; now the Federal government takes more than needed for their own charter explicitly for the purpose of using that money to financially bribe our State representatives into making State laws for the Federal government. This turns the power structure of our government upside down where distant Federal officials have more sway over your local state representatives than you do. This is a very powerful piece of the puzzle, no less than judicial perversion or direct election of Senators.

Whereas before the 16th and 17th amendments Senators were guardians of the balance of power they have now become nothing more than guardians of Federal power. Today the Federal government through financial means manipulates large portions of State spending and laws associated with that spending. Each incentive to enact certain State laws brings the State further into debt and more dependent on the Federal government.

"Government is not reason; it is not eloquent; it is force. Like fire, it is a dangerous servant and a fearful master."

George Washington

Not only has the 16th amendment created a criminal relationship between the State and Federal government; it has been instrumental in reducing the voice of the people, their power over their own lives, and the ability of the States to stand up for the people, again consolidating power to the Federal government and away from the people. What part of this new power structure created by the 16th and 17th amendments safeguards our freedoms; for whom now is the master? Is it us or is it the Federal government?

The Federal Reserve and social programs

The time has come for social issues to be taken from the Federal government and returned to the States because of the financial and Constitutional abuses that have occurred regardless of which party has been in power.

The Federal government has proven it's self incapable of balancing compassion and the budget; as a result we see year after year an ever expanding reliance on the Federal Reserve to plug the deficit gap. What exactly does this mean? What impact does it have on the future of our children?

In short the Federal Reserve changed our dollar from a paper representation of actual gold in an actual vault into something more akin to stock in a corporation but tied to nothing. For those who are familiar with stock I need say nothing more; but for those who do not understand stock I will give a brief explanation:

Stock is a representation of a company's actual and projected earnings divided by the number of shares available in the market. Corporations have the ability to create stock "out of thin air" with approval from the government; but they do not generally exercise that power because it has negative market effects like angry stock holders. If you hold 100 shares of stock in company X where the company has a total of 1,000 shares on the market you hold 10% of the company. When the company decides to create another 1,000 shares out of thin air you now only hold 5% of the company and all of your 100 shares just lost 50% of their value. The Federal government calls this inflation.

"If the American people ever allow private banks to control the issuance of their currencies, first by inflation and then by deflation, the banks and corporations that will grow up around them will deprive the people of all their prosperity until their children will wake up homeless on the continent their fathers conquered."

Thomas Jefferson - 1802

It is in this manner the Federal government has been compassionately selling our children's future for expedient political gains today. For a direct application of this problem consider my real life career as a professional contractor. Twenty two years ago when I entered the job market microchip contractors made the same hourly rate they do today, gas was about \$0.85 cents a gallon, a can of soup was \$0.50 cents, and minimum wage was about \$3 dollars. You know the prices today. Minimum wage has been raised and sold as compassion for the poor but when you compare the minimum wage with the cost of life's basic needs you find they have actually done nothing for the poor yet claimed credit for advancing their needs. In reality they have robbed the middle class and taken that opportunity from every child who would ever aspire to earn a decent living.

The Federal stimulus bill provided a dramatic example for my children; the value of the dollar dropped 4% the day it was passed and my children asked "Daddy, what does that mean?" I explained that "4% of all the money every person had in savings including the elderly was just stolen from them, in addition 4% of all the money you will make your entire life was just stolen from you. Adding insult to injury they have made arrangements to pay that money back to the people who created it out of thin air including interest using your money when you get old enough to pay taxes."

Is it compassionate to steal from our children, the elderly, and the middle class to pay for social programs? There is a better way; compassion must be tempered with reality and the solution is provided by none other than our very own founding document "The Constitution of the United States of America." According to the original intent of the Constitution it's the States who have authority to create social programs not the Federal government.

The States not having the power to coin money are constrained by an actual budget and cannot steal from future generations to give to the current one; thus compassion would be tempered by the budget. In addition with people having the power to vote with their feet if a State became too oppressive with taxation and deficits people would simply move away to another State and reality would come crashing down on just one State of the union instead of the entire nation. This seems to be a far more equitable solution than generational slavery and unrestrained compassion gone crazy.

The real problem confronting our nation

In my conversations with people from all over this nation one thing has become clear. There is an idea that our country will never fall to a dictator from within; it is this feeling that somehow the United States is immune to tyranny that must be confronted. Ask yourself why is our country immune? What makes it so special? It always comes back to the separation of powers Jefferson and Madison advocated and indeed was written in the Constitution. That separation of power between State and Federal government is the key to freedom and it has been under assault for about 100 years.

The problems I have enumerated in this document are only the most self-evident because you need to understand exactly where the problem is if we are going to have any chance to pull our country back from the edge. All other issues can be solved after we fix the balance of power, for even if you were to win all of your social preferences today on a Federal level that victory will be canceled if we lose the republic in the process.

Imagine complete social justice for all perceived wrongs in society and in the process we have given so much power to the Federal government that the States finally become nothing more than a branch of the Federal government. Who now will stand against its power? As individuals we are easily divided and conquered; the power of the State is our shield from Federal power.

Who knows how many years that will last before the final game of Russian roulette between the two parties comes to a conclusion? Who has the presidency when the time comes to finally dissolve the republic and the last president becomes the first Caesar of the United States of America? It will not matter which party Caesar comes from, tyranny has no political ally or friend other than obedience, and loyalty or death. We must forge an alliance of the people and restore the balance of power before it's too late. We must restore the republic, and State power in a way we all mostly agree with. It won't be perfect, but nothing ever is unless you are the dictator. Issues are not supposed to be Federal unless 2 out of every 3 people agree and 75% of the States agree it does not endanger that balance of power.

My Awakening

After the attack on 9.11 I considered Islam to be the greatest threat to our liberties and fully supported Bush during the 2004 election. I was awakened to these things during the 2007 presidential primaries. I was one of those people who had full faith that our republic was invincible from within and only a foreign power could destroy our country.

I still clearly remember laughing when I saw Ron Paul for the first time in the debates; thinking to myself "how did this guy get up there?" A few days later I found a news article which said Ron Paul received more contributions from the military than any other candidate.

This caused me to start thinking; because I know our military takes an oath to defend the Constitution of the United States from both foreign and domestic enemies and suddenly it hit me “If we win the war, but lose the republic in the process we have still lost!” I began to read news articles from every source I could find; even the far left and began to read the Constitution and found the Federalist papers. Over the course of the last 3 years the pattern of usurpation has come into focus and I can see with clarity the path our country is headed. It’s not Obama, Bush, Clinton, or any other previous president until you get back to the structural change of our government in the early 1900’s. It wasn’t any individual person who single handedly set our course towards tyranny; it was an entire generation of Americans who foolishly forgot the balance of power and it was every generation after who neglected it including our own. With the proper balance of power between State and Federal governments our recent presidents and congress would not have been able to ignore the constitution.

What now? Finding the common ground

I don’t agree with Ron Paul on everything; but there is one thing I do agree is the greatest threat to our freedom and the freedom of our children. In the simplest of terms we must restore the republic; but what does that mean? How can we do that in a way that everyone mostly agrees with? I hear calls from the right to abolish Federal programs, and I hear calls from the left to increase Federal programs so where can we find the middle ground?

The Constitution is about a process that restrains the Federal government to only acting in areas where super majorities of the people agree. Remember democracy is what you get when you remove the Constitution from a republic. Democracies are unstable and lead to Dictatorship because the Legislature becomes lawless making everything up as they go. We are on dangerous ground today because our Federal government is acting like a democracy. If you really think about it they only uphold parts of the Constitution that are politically popular; it is not treated as law but rather a suggestion or a “living document” to use their words.

We must restore the laws for the law makers; however, both sides have invested decades in hammering out the current system and whole generations have become dependent on the system that has been created outside the Constitution. The path we are on has already led to the destruction of the republic and while we are currently in the democracy stage it will not last. Already we can see the Federal government starting to impose its will on us and over 80% of the population distrust congress. The presidential elections grow more important with every passing 4 year term because the power invested in the presidency has been growing. We know how this ends!

The social wars that have been raging across this country have been like a contested divorce where the attorneys walk away with the house and every scrap of inheritance that would be left for the children. Every time we have tried to force our will on the other side we have given a little more power to the Federal government. We must reverse this process while there is still time.

The hour is late, our course is already set and our ability to control the Federal government growing weaker every year. All that remains is for people of good conscious to remain silent. If you do nothing you are voting for our path to continue in the direction towards tyranny. Remember what George Washington said of government “Like fire, it is a dangerous servant and a fearful master.”

We would be wise to heed the warning of George Washington.

The Solution:

It was provided during the founding of our country. The compromise is to allow other people in different States to live under different laws than you. Some people prefer a more libertarian society while others prefer socialist or something in between. We can have both; as long as we follow the simple law laid down in article 4 section 4: *“every State in this Union a Republican Form of Government”*

We must bundle all domestic and social programs and laws together that *“in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.”* and divide these Federal programs amongst the 50 States along with the funding for these programs which includes repealing the 16th amendment.

No change to the current programs will be allowed until one full election cycle of the State has passed thereby giving the residents of each State proper time to select State representatives who will represent their voice on how to handle this transfer of power. This means that all domestic programs would remain “as is” without change for one State election cycle, only the ownership of the programs would change from Federal to State. After one election cycle the States would be free to move domestic policy to the left, or the right.

The 17th amendment needs to be repealed but we don’t have to wait for a Federal amendment. As all power originates from the people and through the process of being delegated created the States and the Federal government, whereas the 17th amendment simply returned the power of selection to the people; therefore each State can have a direct vote by the population of that State to re-delegate selection and recall of Senators to the State. Even if only a handful of States re-delegated this authority to the State legislatures it would have a

powerful effect pulling the balance of power back into realignment. I would suggest starting with a state that did not ratify the 17th amendment.

Under the 9th and 10th amendments Congress was not given the authority to re-delegate any of its powers to non-Federal entities be it the United Nations, the world trade organization, or the Federal Reserve so it is forbidden. In addition to being unconstitutional the Federal Reserve is a tool for generational theft and an amendment needs to be proposed making a central bank unconstitutional once and for all.

Abortion was brought to the Federal level before it's time and outside the Constitutional structure by the Supreme Court. We do not have the consensus by super majority required for the Federal government to even be involved. This means under Constitutional law it remains a State issue, and we need to duke it out politically until finally we have a super majority in either direction before the Federal government should touch the issue.

Marriage has existed since before written history and the Federal government decided to write laws providing discrimination against unmarried couples. Now those very laws are used as an argument to force the religious beliefs of millions of citizens to be changed? What happened to freedom of worship? The solution here is for the Federal government to get out of religion and the problem will be solved. The answer is not to give the Federal government more power; it's not to force Federal alterations to peaceful religious practice that predates the government. A free people can create any peaceful church they want, and a free people can create a faith that is home to any peaceful group that exists and marry as they want free from government supervision.

If we can all make that great compromise, not on how we want to live but rather give up the struggle to make everyone live under our rules; realize that it's ok for Utah to have different laws than Massachusetts. I think we can all agree, and we must before it's too late.

For people on the left who fear a return of State power would mean a return to slavery or abuse of civil rights, no one is suggesting repeal of the 13th, 14th, or 15th amendments. Those arguments have no basis in reality and are intended to frighten people away from the balance of power written in the Constitution.

In Liberty,

Dan Kanna

Special thanks to my family and the New Hampshire 912 Liberty Action Team for all the encouragement and inspiration to finally sit down to write this paper; to Daniel C. Itse for certain technical and historical references; and to Nancy Dulac for reminding me who my target audience is.

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