



Constitution Day 2013: 226 Years; Will We Make It to 227?

On this day, 226 years ago, 39 of the original 55 delegates to the Constitutional Convention signed the document they'd been debating during the summer of 1787.

These men represented many vocations and many political philosophies. Although they often disagreed on fundamental matters of how to establish a perpetual republican form of government, there was not a single man among them — no matter how ardent a nationalist or advocate of a powerful central government — who would have remained a day at that august gathering had they known that the government they were creating would have become the most serious threat to the liberty it was meant to protect.



Reports are filed daily of the manifold ways that the federal government exceeds its enumerated powers, willfully depriving Americans of the fundamental rights it was explicitly forbidden from approaching.

There is not a single amendment among those included in the Bill of Rights that is not under assault by the federal authority established by the Constitution.

ObamaCare, the singularly most unconstitutional piece of legislation passed in a generation, mandates not only that every American purchase an approved health insurance policy regardless of will or ability, but it forces private enterprise to fund contraceptive services regardless of religious opposition to such measures. This is an open and hostile violation of the First Amendment's prohibition on laws restricting the free exercise of religion.

The federal government's efforts to abolish the right to keep and bear arms as protected by the Second Amendment are well publicized. Using tragedies as pretexts for tyranny, the Obama administration has declared that "we cannot wait" on Congress to curtail this right that ultimately may guarantee the continuing enjoyment of the others. To that end, the president has issued dozens of executive orders usurping powers not given him in the Constitution.

As for the Fourth Amendment, these past few months could be called the summer of surveillance. At least, it was the summer where so much of the surveillance that has been carried on for years was brought to light through the leaking of a trove of sensitive National Security Agency (NSA) documents describing the breadth and depth of the unwarranted, unconstitutional monitoring of Americans and others.

In fact, the intelligence community is so disdainful of the Constitution and the restraints on its power propounded in it that it admits that millions of those whose personal data and record of electronic communications have been seized are innocent and not connected in any demonstrable way with any criminal activity.



Written by [Joe Wolverton, II, J.D.](#) on September 17, 2013

It is now beyond dispute — and again, it is notably not disputed — that every e-mail, every social media post, every text message, and every phone call is potentially within the power of the NSA to search and seize. This is the rub, as the Fourth Amendment explicitly forbids such behavior by the federal government in absence of a qualifying warrant based on probable cause and describing precisely the things to be searched.

With his signing on December 31, 2011 of the National Defense Authorization Act (NDAA), President Obama effectively repealed the Fifth and Sixth Amendments.

Anyone suspected by the president of posing a threat to national security can be apprehended by the military and sentenced to an indefinite imprisonment without the due process of law required by the Fifth Amendment.

Those same prisoners will be denied the right to assistance of counsel as protected by the Sixth Amendment. Or, as Senator Lindsey Graham (R-S.C.) screamed from the Senate floor, “Sit down, shut up ... you don’t get a lawyer!” No charges, no judge, no jury, no opportunity to answer those charges and no access to an attorney trained to defend your rights.

Americans anxious to return our Republic to the rule of law and the Constitution need to know that with the cooperation of the Congress, the NDAA ordains the president judge, jury, and executioner.

And execute he has. To date, at least three American citizens have been assassinated on the order of the president by way of missiles fired from U.S.-controlled drones.

Regardless of the reprehensible acts purportedly committed by these victims (one of whom was a 16-year-old boy who made the mistake of being related to someone whose name came up on the president’s infamous kill list), they should never have been killed by the federal government without first being afforded the due process described above and made inviolate by the Fifth Amendment.

The Seventh Amendment protects the right to a trial by jury, a right so basic that it has been included in the list of Anglo-American civil liberties for nearly 1,000 years. What was once believed to be an unassailable endowment of Providence is now treated by Congresses, courts, and presidents as a privilege that can be revoked or restricted at their will and on any whim.

Finally, the Ninth and 10th Amendments are regarded by the federal government as relics of a time when states were sovereign and when the Constitution’s limitations on power actually mattered.

Across several decades, states allowed themselves to be bribed by the federal behemoth into abdicating their role of “bulwarks of freedom” and being relegated into nothing more substantial than administrative units of the federal government.

This arrangement is the very “great madness” that James Madison believed state legislators and their constituents would never permit. Madison knew that if such a condition were to come to pass it would be the portent of a “gathering storm” that would rain despotism on the heads of citizens of this once free Republic.

To their credit, a small, but significant cadre of state lawmakers have proposed and occasionally passed bills declaring this or that unconstitutional act of the federal government to be “null, void, and of no legal effect” within the sovereign borders of their state. Nullification is the “rightful remedy” to the growth of the tyrannical tumor that is the all-powerful federal government and the accompanying centralization of all power.

Perhaps most pernicious of the wrecking ball variety demolition of the Constitution is the fact that the



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mandates, penalties, and punishments that are central to two of the most unconstitutional acts passed in recent history — ObamaCare and the NDAA — do not apply to the men and women who imposed them on the American people.

Congress, for example, is exempt from most of ObamaCare's economically eviscerating provisions. The president and Congress are likewise not held accountable for approving millions of dollars and shipments of weapons to known agents of al-Qaeda working within the Syrian resistance. This substantial support of a named enemy of the United States violates Section 1021 of the NDAA and should result in the indefinite detention of President Obama and of every lawmaker who voted in favor of the respective bills.

Despite the length of the federal government's rap sheet, there is still time for the people to hold our government accountable for its crimes against the Constitution. The recommended approach is three-pronged: First, find and elect wise and good people to represent us in Washington, D.C. We, the people, must be duly diligent and vote for those who will adhere to the oath to protect the Constitution they would swear to as elected representatives.

The second tactic is to take power away from the federal government and restore it to the states and to the people. Electing courageous state legislators and governors would go a long way toward accomplishing this goal, but the repeal of the 17th Amendment would accelerate the process.

Finally, all unconstitutional acts passed by Congress and signed by the president (any Congress and any president) should be nullified by state governments and repealed by the current corps of congressmen. ObamaCare, the NDAA, the IRS, and the Federal Reserve should all be marked for immediate dissolution.

When and if we, the people, remember and reclaim the power that is inherent in us, then and only then will we be worthy of the legacy of liberty bequeathed to us that long, hot summer 226 years ago today.

Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels frequently nationwide speaking on topics of nullification, the NDAA, and the surveillance state. He can be reached at jwolverton@thenewamerican.com



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