



The Bill of Rights: 221 Years and Counting?

On June 8, 1789, James Madison, the congressman representing Virginia's 5th District, rose to speak in a session of the First Congress and advocated passage of the slate of amendments to the Constitution to be known to history as the Bill of Rights. On December 15, 1791, the requisite number of states (three-quarters, or nine states) ratified the amendments and thus the Bill of Rights became the constitutional law of the land.



On December 15, 2012, we celebrated the 221st anniversary of the birth of the Bill of Rights.

If we continue along our current trajectory, however, we may soon begin celebrating the anniversary of the death of those same slate of protections of our God-given civil liberties.

The National Defense Authorization Act (NDAA), for example, all but obliterates the Fifth and Sixth Amendments, as well as threatening the First Amendment by exposing journalists to the indefinite detention provisions of the act if they are assumed to be helping suspected terrorists by way of stories they publish.

Anyone suspected by the president of aligning himself with al-Qaeda, the Taliban, or "associated forces," may be arrested by the military and confined in a federal prison until the end of the "War on Terror." These suspects will be denied due process all in the name of national security.

The surveillance state being built by the federal government is rapidly growing in size and sophistication, as *The New American* chronicles almost every day.

For example, in a recent story we reported how regulations recently signed into effect by Attorney General Eric Holder allow the [National Counterterrorism Center](#) (NCTC) to monitor records of citizens for any potential criminal activity, without a warrant and without suspicion.

According to a report in the *Wall Street Journal*, the records that will be subject to seizure and examination by the NCTC include "flight records, casino-employee lists, the names of Americans hosting foreign exchange students and many others."

Prior to the promulgation of these new regulations, such records were stored on only those citizens suspected of terror-related activity or as part of ongoing criminal investigations.

Furthermore, this information could be stored for only five years; that information will be stored indefinitely, so that the data can be analyzed by federal agents for signs of potential criminal behavior.

These sweeping new powers resulted from a debate among Obama administration intelligence officials, the story reports.

"The debate was a confrontation between some who viewed it as a matter of efficiency — how long to keep data, for instance, or where it should be stored — and others who saw it as granting authority for unprecedented government surveillance of U.S. citizens," the *Wall Street Journal* reports, claiming that the newspaper received this insight into the process through Freedom of Information requests and



Written by [Joe Wolverton, II, J.D.](#) on December 17, 2012

interviews with representatives at several agencies familiar with the events.

In a historic and unconstitutional way, the new directives grant NCTC the power to place every American under the constant surveillance of the federal government, not because these people have ever merited the attention, but because someday they might.

Then there is H.R. 347, the Federal Restricted Buildings and Grounds Improvement Act of 2011 signed into law in March by President Obama.

A straightforward reading of this bill reveals the real threat to the First Amendment's protection of the freedoms of association and speech. As written and passed by the Congress, there is nothing that would prevent the application of the relevant provisions of this new act to an innocent person protesting against this or that policy position of a presidential candidate while standing outside a debate venue.

For example, in one section of this new legislation, individuals are expressly forbidden under penalty of law from trespassing onto the grounds of the White House. Of course, such an encroachment was already illegal, so why the new provision?

There is already a D.C. ordinance that prosecutes White House trespassers. Violation of this provision of the city code was a misdemeanor.

The penalties for such trespass are much more severe, now, however. Under H.R. 347, Congress may, at its discretion, impose federal criminal charges on not only those who enter the White House grounds without prior permission, but on anyone who participates in protests at or near a location falling within the greatly enlarged scope of this new prohibited zone.

In addition to the increased legal ramifications for trespassing on White House grounds, the penalty for protesting within the shifting high security zone is enough to give pause to those contemplating participation in a protest against a government official or policy.

It is possible under applicable provisions of H.R. 347 that a person could attend a political speech by one of the GOP contenders or by Attorney General Holder, for example, and unintentionally find himself within the prohibited parameters and be subject to federal fines and imprisonment.

The climate created by H.R. 347 is inhospitable to protest and demonstration, thus it is the very definition of the "chilling effect" on speech that should concern all citizens, regardless of party affiliation.

The Second Amendment is being targeted by the United Nations and President Obama is behind the globocrats' efforts to control private ownership of weapons and ammunition.

Within hours of his securing his reelection, President Obama ordered the U.S. United Nations delegation to vote in favor of a UN proposal to fast track an international gun control treaty.

Lest anyone believe the U.S. delegation official's promise to Reuters that "we will not accept any treaty that infringes on the constitutional rights of our citizens to bear arms," consider the fact that a report issued after the conclusion of the last Arms Trade Treaty (ATT) conference in July listed the goal of the agreement to be UN control of the "manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons."

That is a very comprehensive attack on "all aspects" of gun trade and ownership. Notably, the phrase "in all aspects" occurs 38 times in the draft of the ATT.

Particulars of the proposed treaty are set out on the UN Office for Disarmament Affairs website.



Written by [Joe Wolverton, II, J.D.](#) on December 17, 2012

Information presented there reveals that the international government-in-waiting wants to start by taking away weapons from “insurgents, armed gang members, pirates, and terrorists.”

Again, key definitions are left out of the document and others are inexplicably and inexcusably ill-defined. Within the penumbras of these cleverly crafted provisions are found lurking the tools of tyranny, wrenches that one day could force anyone branded as an enemy into a predetermined “terrorist” slot.

A question that must be asked is what the UN will consider “adequate laws.” Will the globalists at the UN consider the Second Amendment’s guarantee of the right to keep and bear arms without infringement to be a sufficient control on gun ownership?

The effort at eradication of private gun ownership is more insidious than it appears, however. On page 25 of the [1997 UN Secretary General’s Report](#) on Criminal Justice Reform and Strengthening Legal Institutions Measure to Regulate Firearms (of which the United States was a signatory) a part of the regulations that we agreed to impose is a psychological test before one is allowed to purchase ammunition.

Apparently, the UN recognizes that without ammunition a gun is no more than a club, so in order to effectively disarm a population, the UN does not need to seize all the weapons; it merely has to prevent purchase of ammunition.

How does the ATT (and [the Programme of Action](#) that undergirds it) propose to enforce this anti-gun agenda?

Section III, Paragraphs 7 and 8 of the Programme of Action mandate that if a member state cannot get rid of privately-owned small arms legislatively, then the control of “customs, police, intelligence, and arms control” will be placed under the power of a board of UN bureaucrats operating out of the UN Office for Disarmament Affairs.

This provision includes the deployment of UN peacekeeping forces in a member state to seize and destroy “weapons stockpiles.”

Again, no definition of stockpile, but by that time it will be too late to make that argument.

In order to assist these blue-helmets and their disarmament overlords in their search and seizure of this ammunition, Section III, Paragraph 10 mandates that member states develop technology to improve the UN’s ability to detect stockpiles of ammo and arms.

This brings to mind the imminent deployment by the Department of Homeland Security (DHS) of [portable invisible lasers developed by Genia Laboratories](#) (a company created by CIA offshoot In-Q-Tel) that can detect even trace amounts of gun powder from over 50 yards away. The laser reportedly can penetrate walls, glass, and metal. DHS is scheduled to take possession of the devices later this month, according to [testimony presented on Capitol Hill late last year](#).

History is instructive on this point as one recalls that the “shot heard ‘round the world” on Lexington Green was fired because King George sent British troops to seize the ammunition stockpile stored outside of Lexington.

Finally, from ObamaCare and the NDAA, the Ninth and Tenth Amendments are routinely ignored by Washington, and it seems that every day Congress passes another measure aimed at reducing states to mere administrative units of the federal government.



Written by [Joe Wolverton, II, J.D.](#) on December 17, 2012

Thankfully, some state legislatures are defending the Ninth and Tenth Amendments by reclaiming their sovereignty through passage of bills nullifying unconstitutional federal acts.

The sad fact is that all of the liberties protected by the Bill of Rights are in danger. Designing lawmakers stretch some clauses on the rack of statism, while the critical freedoms safeguarded by the first 10 amendments are regularly and ignored and abrogated.

We, the People, are the ultimate sovereigns in this Republic and the Constitution does not grant rights, it simply protects them. And it will do so only to the degree that we in turn hold it inviolate and demand that its strictures be observed by those who have sworn to uphold it.

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.



Subscribe to the New American

Get exclusive digital access to the most informative, non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.

Subscribe