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# ILLEGALITY OF FOURTEENTH AMENDMENT!

## PART 2

By Albert Burns  
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In our previous article on this subject, we discussed the incredible manner through which the 14th Amendment was maneuvered into the Constitution. The **ostensible** reason why the Republican radicals worked so hard to get the 14th Amendment to the Constitution *DECLARED* as ratified (however spurious that ratification might be) was to guarantee the freedom and rights of former slaves. However, history has shown that to have been of negligible concern to those in power.

It is interesting to note that Alexis DeToqueville, in his book "***Democracy In America***", published in 1835, wrote that racial prejudice was stronger in the North than in the South. He stated: "***The prejudice of race appears to be stronger in the states that have abolished slavery than in those where it still exists.***"

Northern states enacted discriminatory "*black codes*" long before they came into being in ANY southern state. Illinois, in 1848, Oregon, in 1857, Indiana, in 1862, all had laws severely restricting the rights of blacks and mulattos who were not allowed to enter into legal contracts, could not testify in court against whites, were not allowed to immigrate, legally, into these states or if they did come in had to post a \$1,000 bond to guarantee that they would behave "*properly.*"

Other northern states and cities had similar laws. Northern newspapers such as the *Philadelphia Daily News*, the *Daily Chicago Times*, and even the New York Times were printing blatantly racist editorials. Some of the radical legislators in Congress who forced through the 14th Amendment had previously supported the discriminatory laws in their own home states. **No**, Southern racism was **NOT** the primary reason for the 14th Amendment!

Almost as soon as the ink was dry on the document declaring that the 14th Amendment was officially a

part of the Constitution, efforts began to be made to use Section 1, of the amendment, as a weapon to destroy the rights of the individual states or the citizens therein.

Section 1 of the 14th Amendment states: “**All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**” (Emphasis added)

As previously stated, the Constitution was designed to regulate the power and activities of the **FEDERAL** government. The Bill of Rights was added to the Constitution to further spell out the activities which the FEDERAL government could **NOT DO!** Amendments 9 and 10 were deliberately added to **PROTECT** the States and their affairs **FROM** interference by the federal government. For instance, it was universally recognized that while Congress could **NOT** make any law respecting the establishment of religion, several of the individual **STATES** which ratified the Constitution AND the Bill of Rights **DID** have established **STATE** religions.

With the addition of the 14th Amendment, groups and individuals began to file cases in federal courts claiming that this amendment **GAVE** the federal government **AUTHORITY** to supervise the activities of both state and local governments — **an exact reversal of the original intent of the Founding Fathers.** The first case which advanced this doctrine reached the Supreme Court in 1873. That Supreme Court held that the 14th Amendment did **NOT** grant such authority to the federal government.

There was a clear intent in succeeding years to transform our “*federal*” system into a “*centralized*” government system by transferring all rights and powers of the individual States to Washington. Those who wanted to achieve this result kept bringing cases attacking states’ rights to the Supreme Court in an effort to get the Court to change its position on this vital point. According to a study called “***The Constitution of the United States of America: Analysis and Interpretation: Annotations of Cases Decided by the Supreme Court of the United States to June 30, 1952,***” also known as Senate Document No. 170, the position of the Court began to weaken at the beginning of the 1900s, and by the 1930s the Supreme Court had begun to, tentatively, assume jurisdiction under the 14th Amendment to act as “ ***censor upon...legislation of the States.***”

With the appointment of Earl Warren as Chief Justice of the Supreme Court by Dwight Eisenhower, the Court began to simply **USURP** power under the “*equal protection*” phrase of the 14th Amendment, to do **ANYTHING** desired by a majority of the Court. The “*equal protection*” doctrine has been used by the Court to impose **FEDERAL** mandates upon the States in such areas as education, voting rights, abortion, religious instruction, labor disputes, and the list goes on and on. Precisely the kind of judicial tyranny which Thomas Jefferson warned of when he described federal judges as those who would be “***constantly working underground to undermine the foundations of our confederated fabric.***”

In our next article we will examine how previous Supreme Courts viewed such usurpation and some of the consequences of that usurpation to our current society.

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*Albert moved to Lima, Peru as Assistant Supervisor of Construction, with the U.S. Foreign Buildings Division of the State Department. Worked on the construction of the new U.S. Embassy Office Building in Lima. After completion, he was transferred to Mexico City to work on the construction of the new Embassy.*

*Joined the John Birch Society in 1967. Was a chapter leader, section leader and eventually served for several years as the Coordinator in Hawaii. Once he got on the Internet about ten years ago, he began writing articles in an effort to alert fellow Americans to what was taking place in America which the vast majority were unaware of. He has been studying and writing, ever since.*

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