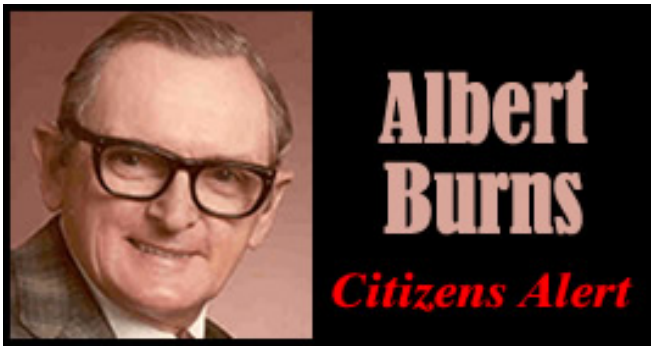


# ILLEGALITY OF FOURTEENTH AMENDMENT!

## PART 3

By Albert Burns
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In the early 1950s, the U.S. Senate commissioned a study of U.S. Supreme Court Cases, paid for by Congress and published by the Government Printing Office. That document which we have previously mentioned was *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 3, 1952. It was published as Senate Document 170.

Study of that document by Constitutional scholar, Dan Smoot, revealed that the Supreme Court had actually converted the Bill of Rights into a weapon to destroy the powers of state governments and for abridging or abolishing the rights of our citizens. This was done, primarily, through claiming that the never properly ratified 14th Amendment had "**absorbed**" the Bill of Rights (the first ten amendments to the Constitution) making them applicable to state governments!

Several earlier decisions, the first in 1833, by the Supreme Court had emphatically stated that the limitations on governmental power contained in the Bill of Rights **applied strictly to the federal government** and did **NOT** apply, in any way, to state governments. A simple reading of those first ten amendments makes that abundantly clear to any honest reader.

In our previous column, we mentioned that the first time a U.S. Supreme Court considered the implications of the 14th Amendment was in 1873. In that case, the Supreme Court, as recorded in Document 170 ruled that the real purpose of the 14th Amendment was: ***"... to centralize in the hands of the Federal Government large powers hitherto exercised by the States ... . This expansive alteration of the Federal System was to have been achieved by converting the rights of the citizens of each State as of the date of the adoption of the***

***Fourteenth Amendment into privileges and immunities of United States citizenship ...”*** That court ruled that would have been ***“to transfer the security and protection of all the civil rights ... to the Federal Government ... to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the states”*** and to ***“constitute this court a PERPETUAL CENSOR upon the legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve ...”*** (Emphasis added.) The jurists of that court could clearly see what the implications of the 14th Amendment were.

In 1877, the Supreme Court again reaffirmed the constitutional doctrine from the 1873 case. It was a case dealing with state power to regulate rates charged for the transportation of grain. In this 1877 case, the court stated: ***“We know that this power may be abused; but ... for protection against abuses by (state) legislatures the people must resort to the polls, NOT TO THE COURTS.”*** (Emphasis added)

By 1905, the Supreme Court had heard and decided at least twenty more cases involving the 14th Amendment, ALWAYS reaffirming the fact that it **DID NOT** extend the prohibitions of the Bill of Rights to state governments. In 1905, the Supreme Court finally overturned a STATE laws (Lochner v. New York) on the grounds that the law violated the “*due process*” clause of the 14th Amendment.

It was the beginning of the end for our original Constitutional system. In highly prophetic words, Justice John Marshall Harlan dissented, saying: ***“No evils arising from ... [state] legislation could be more far reaching than those that might come to our system of government if the judiciary, abandoning the sphere assigned to it by the fundamental law, should enter the domain of legislation, and upon grounds merely of justice or reason or wisdom annum statute that had received the sanction of the people’s representatives.”*** In 1925, the Supreme Court, in the case of Gitlow vs. New York, fully implemented the doctrine that the 14th Amendment had “*absorbed*” the Bill of Rights and extended the prohibitions of the First Amendment to include state governments. This gave the Supreme Court the power to supervise the legislation of state governments. In that case, the Court stated: ***“For present purposes WE MAY AND DO ASSUME that freedom of speech and of the press — which are protected by the First Amendment from abridgement by Congress — are among the fundamental PERSONAL rights and “liberties” protected by the due process clause of the Fourteenth Amendment from impairment by the States.”*** (Emphasis added)

Finally, in a burst of arrogance, in 1954, in the Brown vs. Topeka case, the Warren Supreme Court, using the 14th Amendment “*absorption*” doctrine, abandoned the principle of Stare Decisis (that the court should be guided by previous Supreme Court decisions) and **fabricated a wholly new doctrine:** that the Supreme Court could **CHANGE** the Constitution at will, **taking no regard for law, the clear meaning of words or former precedent**.

From the date of that decision, American citizens have not really had a Constitution at all. Until we, the people of this country, force Congress to use its power to rein in the Supreme Court, **our Constitution is WHATEVER an oligarchy of NINE men and women in Washington SAY it is!!!**

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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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