

CONSTITUTION CORNER #6

[Reminder, that the teacher/reader has instructions in red italics -- not to be read aloud. Be sure you have printed and distributed copies of the handout used on lessons #4 and #5, "Congress Has the Power To". We'll be using the bottom half of that today.]

Welcome, great Patriot Women to your Constitution Corner, and congratulations for reaching Lesson Number 6, which is the very LAST lesson on the very LONGEST article in the Constitution (Article One.)

[If you have enough time for the speedy memory shout outs, have handy Constitution Corner #4 for yourself. Find the "shout outs" at the beginning. If the class can do it without hesitation, it takes one and a half minutes.]

Our Constitution is becoming less and less acknowledged by our government and at the same time more and more precious to us! Let's see if we can bring it back by teaching it to ourselves and our children!

Please get out your notebook and pencils, your "ONE Page Outline", your handout of "Congress Has the Power To" from last time, and of course your own personal Pocket Constitution. Turn to **Article One, Section 9.**

If you haven't already labeled Section 9, try to fit in the important label, "Powers FORBIDDEN to Congress." Or, just the word "FORBIDDEN."

In this section, we'll read of things that the US Federal Congress absolutely cannot do! Let's examine these things and see if our own Congress is doing anything that is forbidden by our Constitution. (Be sure to label these clauses or paragraphs with a small circled number.)

SECTION 9

Clause 1: THE GREAT COMPROMISE to rid our country of SLAVERY. You won't see the word "slavery" in this clause because the delegates to the Constitution did not want that word in our Banner of Freedom! They hoped to slowly and completely eliminate slavery from our new Country. Congress wouldn't yet prohibit slaves from coming in, but they hoped to discourage it by charging a \$10 fee for each.

Perhaps this first clause doesn't count for a test of Congress in our day, since it pertains to slavery. This clause gave companies and heads of families 20 years, or until 1808, to settle all mortgages of slaves with European banks so that in 1808 they could relinquish their slaves forever, without an enormous loss. This was a huge kindness to slave owners -- most in the southern states. So in return, the southern states had to agree to interstate commerce, something they loathed to do. They wanted to be able to trade their prized

cotton and tobacco with England and Europe, for higher profits than they would receive by selling only to the northern states. As we all know, the 1808 promise to free all slaves was not kept and caused our devastating Civil War.

Clause 2: FOUR WORDS TO DEFINE, or FIVE! -- use the last half of your handout on "The Powers of Congress" to add to the definition of these 1787 ancient words.

Habeas Corpus is a Latin word meaning "has the body". It has become a privilege and a law given to all Americans as a guarantee to be able to come out of jail and be heard, seen, and NOT be left in prison for years or even for life. This first word to define is the only good law of the five. The next four 1787 words are all terrible laws and very much forbidden. But in the case of the Habeas Corpus law, Congress was forbidden to EVER suspend its use, by law.

Hmmm....do we not have "Jan 6" arrestees lingering in federal prison, with no trial, separated from family and public life, forgotten by most?

Clause 3: Bill of Attainder -- *a what???* Well, "Attainder" means -- "to point the finger of accusation." This terrible ancient legislative act is one we DON'T want. It was used in England and other countries for political and financial benefits to the king. The horrible act imposed DEATH, without a trial. It extended to the condemned man's home and property, punishing his family also. The sad story of Thomas Wentworth, who was eventually beheaded by King Charles, is an example of someone, even an advisor to the king, who was served a Bill of Attainder. This act is strictly forbidden to Congress!

An **Ex Post-Facto** law is also strictly forbidden to be passed by Congress. This is simply a law that would impose punishment to those who had already, but unknowingly, "disobeyed" the law before it was even enacted. Congressional laws must always have a date for punishment that begins *after* the law is passed, not unfairly before! If a drug addict smoked marijuana the day before a law was passed that prohibited it, he could not be arrested, unless he continued of course.

Clause 4: A **Capitation Tax** is an income tax -- a tax on a person's privately earned money or property. In an emergency where the government might need money fast (i.e. war) this direct tax would be strictly forbidden *unless in proportion to their state's population. It could not be used according to wealth.*

Ummmmmm---- I think the Founding Fathers would be rolling over in their graves to see what we have done with this important law that was most definitely not allowed to Congress! Congress could tax a state as a whole, but not an individual. Each state was to come up with its own taxing system in paying their dues to our government's legitimate needs, such as defense and buildings, etc., but Congress was forbidden to tax an individual, which would mean a thorough search into peoples' papers, etc, etc, etc ad nauseam by the Federal Government. We have turned this law upside down and on its head when we passed the 16th Amendment, allowing the federal government through the

IRS to meddle in our private lives every day, rifling through every wallet and every computer.

Clause 5 & 6: Congress is forbidden to tax articles exported from both states and ports. All ports in the United States are to be equal, in allowing vessels to move freely from place to place and in equal regulation of commerce in each – no favorites allowed!

Clause 7: Congress is forbidden to draw money from the national treasury unless it is by law, and unless the amount (plus how it was spent) is published publicly from time to time. Hmm... Thoughts anyone? We wonder how our taxes are actually spent. We can guess on some things, but the details of the almost \$32 trillion of debt would undoubtedly astonish us. A handout for an upcoming lesson, giving salaries and budgets for the President's Cabinet, will leave you speechless. Want to watch America's debt clock as it gets higher and higher? Go to [US Debt Clock.org](http://USDebtClock.org) and be ready to be seasick.

Clause 8: Congress is strictly forbidden to use any "title of nobility" such as King, Queen, Knight, Earl, Duke, Lord, etc. The delegates hoped to wipe out the divisive gulf between upper and lower classes. They hoped for unity and equality for all.

Also, these titles were forbidden to be given by *foreign leaders* to any of USA's official leaders. That includes gifts, which could be seen as a bribe. These could only be overridden with Congress' consent.

SECTION 10 -- the last section of Article One!!!!!! Check that you have labeled this section as "Powers Forbidden to the STATES."

Clause 1-3: -- These last three paragraphs are self-explanatory and easily understood, except for our last word to define, and that is "granting letters of **Marque and Reprisal**": Since our new Country barely had a navy and a ragtag one at best, official permission, or letters, was given to a privately owned vessel to engage in warfare against enemy ships. These official government letters would allow fighting during war and capture, on behalf of our government. But of course a state was forbidden to issue these letters. This was only set up for the Federal government. Also it makes sense that no STATE could use the cruel Bill of Attainder, nor pass an Ex Post Facto law, nor use titles of nobility.

An important detail tucked into this first clause is that states cannot coin money, or even use anything but gold and or silver coin for payments. Our coins and paper dollars today are not backed up by gold or silver as they used to be, thanks partially to President Lyndon Johnson and then finished off by President Nixon. We use our money as a matter of concept only, not gold or silver. By the way, where is all our gold and silver then? 4, 581 tons of gold, only half of it, are stored at Fort Knox Kentucky.

Of course, with no gold or silver backing, this has lessened the value of America's money, and we wait for an important Constitutional amendment to bring the value back.

STATES are forbidden to lay imposts or duties on imports and exports. Nor can STATES lay duty of tonnage nor keep troops or ships of war in time of peace, nor enter into any agreement with another state or foreign power.

Here's an interesting item in the last sentence -- STATES are forbidden to engage in war, "unless actually invaded or in such imminent danger as will not admit of delay." One wonders if Arizona or Texas has read this interesting last sentence of Article One! Article Four has some very revealing comments on this!

FIVE FACTS FROM CONSTITUTION CORNER #6

1. Most of the Constitution delegates wanted to rid our Country of slavery, and stipulated the year of 1808 to be the last day for owning slaves.
2. "Habeas Corpus" is a law that allows prisoners to be seen, heard, and to be given a trial. It was to be strictly enforced.
3. The 16th Amendment (which gives power to Congress to collect income taxes without regard to census) goes against our original Constitution law of 1.9.4. It needs to be repealed!
4. Our money system is by law supposed to be backed by gold and silver so that it has value. This has been eroded by President Lyndon Johnson and finished off by President Nixon.
5. STATES are forbidden to engage in war UNLESS actually in such imminent danger as will not delay action! Our hearts go out to Arizona, California, and Texas...

Congratulations on wading through the last part of Article One. We now know and hopefully understand a huge and important part of our Constitution on Article One. Now read again the actual Section 9 and 10 in your Pocket Constitution and see if it doesn't make more sense.

Stay tuned for an easy, fun, and exciting lesson coming up. You deserve a break.

Please text me if you have any questions or suggestions or corrections!!!!

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