

A CAPSIZED CONGRESS



BY DAVID JEFFERS

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A Capsized Congress

“All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”ⁱ

So begins Article I, Section 1 of the United States Constitution. The Random House Dictionary defines the verb *legislate* as to “make or enact laws.” This means that no other department in the federal government has the constitutional authority to make laws. Is that the state of government today or do we have something different? Sadly, we shall see that the latter is true.

How did we get to the point that when the Supreme Court gives a ruling it becomes “the law of the land?” How is it that the President of the United States can deploy the armed forces into a prolonged combat environment without a congressional declaration of war?

Only one way; Congress has abdicated its constitutional responsibilities. It is time for both citizen and elected representative to learn the constitutional powers enumerated to the Congress.

Enumerated Powers

Article I, Section 8 states:

*The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;*ⁱⁱ

Taxation: It is Congress' responsibility to collect revenue for the purpose of running the federal government and that operation is simply to defend the nation and provide for the general welfare. It is the general welfare provision that has become the focal point of many tea party and citizen activists.

What the general welfare has meant is always a point of contention. The Constitution purposely gives wide berth to the discretion of Congress.

The legal definition for general welfare is defined as “the concern of the government for the health, peace, morality, and safety of its citizens.”

That level of “concern” is what has many Americans concerned.

As for taxation, Congress was originally allowed to tax the states equally throughout the U.S. This meant the states

would pay its fair share. For example, Rhode Island makes up .34% of the nation's population; that is 1/3 of 1%.ⁱⁱⁱ Under the original constitutional design, that would be Rhode Island's share of the national budget.

In 2011, the federal government spent 3.456 trillion dollars, so under the old system Rhode Island would owe the federal treasury \$11,751,080—just under 12 million dollars. A great deal for Rhode Island!

And if for some reason Rhode Island thought that government spending was out of control, under the original constitutional construct, Rhode Island could make its two senators answer to its state legislature. That was the brilliance of the Constitution. Uniform taxation and states represented by its two senators elected by the state legislatures. This gave the smaller states equal representation in Congress.

Both uniformed taxation and state representation in the Senate was demolished by the [16th](#) and [17th](#) Amendments, respectively. The damage wrought on our republic by these two amendments is fodder for another pamphlet. These two amendments have rendered our nation no longer a true republic.

Article I, Section 8, Clause 2 states:

To borrow Money on the credit of the United States;

Congress has the constitutional power “To borrow Money on the credit of the United States.” Our Founding Fathers, as is the case today, disagreed on the amount of credit, if any, should be accrued against the good name of the United States.

The Founders were right fully concerned about the amount of debt they would leave their posterity. Here is a quote from our 3rd President Thomas Jefferson:

“Then I say, the earth belongs to each of these generations during its course, fully and in its own right. The second generation receives it clear of the debts and incumbrances of the first, the third of the second, and so on. For if the first could charge it with a debt, then the earth would belong to the dead and not to the living generation. Then, no generation can contract debts greater than may be paid during the course of its own existence.”

Thomas Jefferson in a letter to James Madison
September 6, 1789^{iv}

What about today’s legislators? Do they have the same concern? Not so much! By a vote of 218-210, the House of Representatives approved a debt increase of at least \$2.1 trillion, and our national debt recently exceeded the \$15 trillion mark. Clearly Congress has no concern for the succeeding generations. They have kicked the proverbial

debt can down the road. This means WE the People need to kick out of office every elected official who voted to increase our national debt.

Declaring War: Article I, Section 8, Clause 11 gives the power to declare war solely to the Congress. While Article II designates the President as Commander-in-Chief, war-making power is left to the branch of government closest to the people.

Out the outset of our Constitution, arguments against a standing Army rang loud from all the colonies.

These arguments had some merit in that Americans remembered the abuses of the forced quartering of British troops whilst they were still colonies. This concern was eventually addressed in the 3rd Amendment:

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.^v

Notwithstanding, the arguments against both a standing army and the possible abuse of powers from such an Army was no small objection to overcome. Anti-Federalists on this issue were bringing much mischief.

Alexander Hamilton addressed these arguments and mischief in Federalist Papers 24 through 26. In Federalist 26 we find strong argument against any legislation turning

over war-making powers to the Executive, both for liberty and monetary reasons.

Hamilton counters arguments against a permanent standing Army based on funding. He writes:

The legislature of the United States will be OBLIGED, by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter, by a formal vote in the face of their constituents. They are not AT LIBERTY to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence. As the spirit of party, in different degrees, must be expected to infect all political bodies, there will be, no doubt, persons in the national legislature willing enough to arraign the measures and criminate the views of the majority. The provision for the support of a military force will always be a favorable topic for declamation. As often as the question comes forward, the public attention will be roused and attracted to the subject, by the party in opposition; and if the majority should be really disposed to exceed the proper limits, the community will be warned of the danger, and will have an opportunity of taking measures to guard against it. Independent of parties in the national legislature itself, as often as the period of discussion arrived, the State legislatures, who will always be not only vigilant but suspicious and jealous guardians of the rights of the citizens against encroachments from the federal government, will constantly have their attention awake to the conduct of the national rulers, and will be ready enough, if any thing improper appears, to sound the alarm to the people, and not only to be the VOICE, but, if necessary, the ARM of their discontent.^{vi}

Hamilton is reminding those who wish to put excessive restraint the federal government when it comes to the military as unnecessary.

Article I, Section 8, Clause 11 puts appropriation of the military to no longer than 2 years. This is no arbitrary number. The House of Representatives facing renewal every two years, so any mischief by Congress can be addressed at the ballot box, including misappropriation and misuse of the military.

The purpose for a congressional declaration of war is not to limit the Executive's ability as Commander-in-Chief to defend the nation against aggression. This right of the Executive was well recognized by most 18th Century citizenry.

The purpose of requiring Congress to declare war is for offensive purposes. Should we as a nation desire to preemptively strike a growing threat, or to invade a nation that had attacked upon international waters, a congressional declaration of war is required.

It was James Madison who asked the Constitutional Convention to change the word "make war" to "declare war" in Clause 11.

This author's main reasoning for demanding of Congress declarations of war for any protracted wars such as those in

Afghanistan and Iraq is to preclude the despicable political gamesmanship displayed by primarily the Democratic Party.

To use our most valuable resource, our children whom take up arms in defense of our nation, as political pawns is below disgust. It is to be loathed and punished at the ballot box.

To right our capsized Congress will mean a reeducation of WE the People. It will mean as a minimum [reading](#) our Charters of Freedom and understanding the original intent therein. We always demand that our judicial appointees be constitutional originalists but I daresay with great confidence that most petitioners are ignorant of that meaning.

It is becoming more apparent in daily conversations with patriotic citizens and devout Christians that most are in serious need of a civics lesson. This is for good reason.

Since the 1930's American History has been rewritten to look at our founding through an economical lens instead of a religious, spiritual one.

While it is true that some colonists came to America to make a personal fortune, it is historically indisputable that the 17th Century sojourners came to the American continent

seeking religious freedom for the furtherance of the Christian gospel.

If we so easily forget the original purpose of our American Revolution, which resulted in our nation's birth certificate—the Declaration of Independence, and our governing document—the US Constitution, then we should not be surprised at the state of our Union.

That is the primary goal of Aletheia Group L.L.C., providing the truth about the founding of our nation and the relationship of politics and religion.

Too many godless legislators have been elected to Congress and this has resulted in the powers enumerated to the Legislature being handed over to the Executive and Judiciary.

It is up to WE the People to right the ship. It is our hope and prayer that you will use our valuable resources to do your civic duty in that righting.

NOTES

ⁱ “The Constitution of the United States: A Transcription,” NARA—The Charters of Freedom—“A New World Is At Hand.” [Online version, www.archives.gov/exhibits/charters/constitution_transcript, National Archives and Records Administration, October 25, 2011.]

ⁱⁱ Ibid.

ⁱⁱⁱ “State and County Facts.” U.S. Census Bureau. [Accessed online, <http://quickfacts.census.gov/qfd/states/44000.html>, U.S. Census Bureau, October, 25, 2011.]

^{iv} Thomas Jefferson, “The Earth Belongs to the Living” from a letter to James Madison, dated September 6, 1789: Paris. Thomas Jefferson Letters, 1743-1826, Electronic Text Center, University of Virginia Library. [Accessed online, <http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=81&division=div1>, November 11, 20110

^v “The Constitution of the United States: A Transcription”

^{vi} “Federalist No. 26,” FoundingFathers.info [Online version, <http://www.FoundingFathers.info/federalistpapers/fed26.htm>, February 18, 2012.]