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# ILLEGALITY OF FOURTEENTH AMENDMENT!

## PART 1

By Albert Burns  
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*“Aware of the tendency of power to degenerate into abuse, the worthies of our country have secured its independence by the establishment of a Constitution and form of government for our nation, calculated to prevent as well as to correct abuse.”*

-- Thomas Jefferson to the Washington Tammany Society, 1809.

At a time when the Founding Fathers of this country, and the Constitution they established, are continually being denigrated and “*mean mouthed*” by educators, the mass media and others, it cannot be repeated TOO OFTEN that the Constitution is a limitation on the GOVERNMENT, and NOT on individuals. It does NOT, and was not intended to, prescribe or proscribe the conduct of private citizens, but only the CONDUCT of government and those to whom governmental power had been granted. In its most basic aspects, it is NOT a charter for government, but rather a charter of PROTECTION of citizens FROM their government.

The basic Constitution, itself, was a statement of strictly limited governmental powers. Then the great Bill of Rights was added to even further define what the government COULD NOT DO!!! Amendments 1 through 9 specify certain things which the government was NOT allowed to do and then the incredible Tenth Amendment which says, in effect, “*If we forgot anything else, you CAN’T do that EITHER!*” They did everything they could to protect future generations.

Unfortunately, as always throughout human history, there arose those who were determined to gain more and more centralized power. At the end of the Civil War (the War Between The States for you Southerners) the time was ripe for a major move in that direction. In 1865, the 13th, 14th and 15th Amendments to the Constitution were introduced in Congress by the Republican Party

(yes, the Republican Party was at it even back in 1865!). The 13th Amendment which abolished slavery was immediately ratified by the required three quarters of the States including all the southern States except Mississippi and Texas.

The 14th Amendment was never legal nor Constitutional from its very inception. The Constitution mandates that proposed amendments must be approved by two thirds of both houses of Congress. In December of 1865, the radicals in control of Congress refused to allow the legally elected Representatives and Senators from the southern States to be seated. Hence, at that point, Congress itself was unconstitutional. However, even disregarding that technicality, when the vote of those who WERE seated as part of the House was taken, out of 184 Representatives, only 120 voted in favor of the resolution. Two thirds of the 184 would have required 123 to vote in favor. In spite of the failure to get sufficient votes to constitutionally pass the resolution, the leadership of Congress arbitrarily declared the Resolution passed. Congress then submitted the 14th Amendment to all the states for ratification, INCLUDING the States which had already been DENIED representation in the Congress!

The 14th Amendment was soundly defeated when it was rejected by all but one of the southern States and all of the so-called “border” States. Iowa and Massachusetts had also failed to ratify it by the beginning of March, 1867. The radicals had only 21 ratifications of the 28 needed. What to do?

Those in power in the Republican Party which controlled the Congress at that time rammed through the Reconstruction Act of 1867. This incredible abuse of Congressional power simply abolished the legal governments of all ten of the southern States which had refused to ratify the 14th Amendment and placed all of them under military dictatorship. The generals placed in command of these dictatorships were required by the Reconstruction Act to prepare the “*rolls of voters*” for conventions which would formulate governments acceptable to Congress. Anyone who had served in the Confederate Army was denied the right to vote or to hold office — in spite of presidential proclamations by both Lincoln and Johnson granting amnesty to southern veterans who would swear allegiance to the U.S.. The Reconstruction Act provided that when these “*new*” legislatures ratified the 14th Amendment they would be admitted to the union.

In other words, this illegal Congress — for purposes of excluding Representatives and Senators from southern states — considered those states OUT of the union. For purposes of getting the 14th Amendment ratified, this Congress considered the states IN the union. When they refused to ratify the Amendment, the Congress simply abolished their governments and set up “*reconstruction*” legislatures, controlled by northern military power. Now these states were again treated as OUT of the union until they ratified the 14th Amendment — although the Constitution clearly requires that only states which are IN the union may act on Amendments.

By July, 1868, Iowa and Massachusetts and six of the “*reconstructed*” states had ratified this 14th Amendment which would have added 8 states to the original 21 states for a total of 29 ratifications. HOWEVER, the legislators of two northern states had been so incensed by the whole outrageous manner in which this amendment was being forced through that they had RESCINDED their previous ratifications. (Illinois rescinded on January 15, 1868 and New Jersey on March 24, 1868.) Therefore, there were only 27 ratifications when 28 were required.

On July 20, 1868, then Secretary of State, William Seward, proclaimed that 3/4 of the states had ratified the 14th Amendment IF the legislatures in the six former confederate states were authentically

organized and IF Illinois and New Jersey were NOT allowed to rescind their ratifications. The radical Congress did not like this equivocation and on July 21, 1868, Congress passed a joint resolution simply DECLARING that the 14th Amendment was a part of the Constitution and directing Seward to declare it legally ratified.

Such is a small part of the sordid history of the 14th Amendment as researched by constitutional scholar, Dan Smoot. In our next column, we will examine WHY the radicals of the time (and since) were so dead set on getting this change introduced into our Constitution and WHY it is essential that we recognize the consequences to all of us.

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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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