UNLESS A LONG-STANDING CONSTITUTIONAL CRISIS IS RESOLVED, THE CONTROVERSY OVER ILLEGAL IMMIGRATION AND "*AMNESTY*" WILL DEGENERATE INTO CIVIL WAR

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1866: The Stockton Affair

During the final days of the War Between The States, the Legislature of New Jersey met to elect a United States Senator, as was their duty under the Constitution prior to the 17th Amendment. The term of Republican John Conover Ten Eyck was expiring and by a plurality, Democrat John Potter Stockton was selected and presented his duly sworn credentials to the Senate on March 15th of 1865. He served in the U.S. Senate for a little over one year.

Stockton was the son of Robert F. Stockton and the grandson of Richard Stockton, both of whom served as U.S. Senators from New Jersey, and his father was also Military Governor of California for two years (1846-1847). His father was also a veteran of the U.S. Navy in the War of 1812. Few men ever entered the U.S. Senate with better credentials, as he had studied at Princeton (originally known as the College of New Jersey), and had served as the Minister of the United States to the Papal States for three years. By training and by family tradition, he was well prepared to stand for New Jersey in the Senate.

Following the assassination of President Abraham Lincoln and the ratification of the Amendment abolishing slavery (December 18, 1865), which garnered seven approvals from States which had formerly been in rebellion, the radical Republicans set about creating a new Joint Resolution to Amend the Constitution. The final form of this Amendment is set in the language currently employed for the Fourteenth Amendment.

There was an enormous controversy over this procedure, as eleven States formerly in rebellion were prohibited from having both of their U.S. Senators seated, including the seven States which had given approvals to the abolition of slavery !!

Senator John P. Stockton refused to vote for the Joint Resolution to Amend then being proposed, an in an action that was without precedent in the country's history, the radicals in the Senate forcibly ejected Stockton. After having served for a year as the duly sworn Senator from New Jersey, the Senate suddenly decided that the plurality with which Stockton was elected by his Legislature was invalid. This was done despite the fact that New Jersey's legislative rules allowed for plurality as a method of electing a Senator.

Stockton was removed from his office on March 27, 1866.

Two years later to the day, the Legislature of New Jersey issued a resolution of protest against Stockton's removal saying that this had been done "without any pretext or justification, other than the possession of power, without the right, and *in palpable violation of the Constitution, [to eject] a member of their own body, representing this State*, and thus practically denied to New Jersey its equal suffrage in the Senate ... thereby nominally securing the vote of two-thirds of the said house".

This changed the dynamic and the number of Senators in attendance, and on June 16th, 1866, the Joint Resolution to Amend was sent out to the States for ratification by their legislatures. In other words, Stockton's forcible removal brought the number of Senators down by one, and thus those radicals who were in favor of the Joint Resolution to Amend obtained the two-thirds majority needed in this way.

In Proclamations issued on April 2nd and again on August 20th of 1866, President Andrew Johnson affirmed that all of the States of the union formerly standing in insurrection had terminated their rebellions and once again had lawful governments.

In fact all of the secessionist States had been brought out of insurrection by April, excepting Texas, which was declared to be out of rebellion on that August date.

The key factor is this: when the southern States and Texas rose in rebellion, they were in a state of insurrection, and they were never lawfully "out" of the union, by the legal standards of that day and time. The War Between The States was an insurrection of sovereign States, not a true civil war in the classical sense of things.

Following Stockton's eviction from the U.S. Senate, and the issuance of the radicals' Joint Resolution to Amend, now styled as the Fourteenth Amendment, seven southern States' legislatures rejected the proposal by the end of December, 1866. Both of the pro-union States Delaware and Kentucky rejected the Amendment in early 1867. Maryland also rejected it on March 23, 1867. And one year later on the 24th of March, New Jersey reversed its previous decision to approve the Joint Resolution and then voted its protest of the ejection of Stockton by an official Act.

In response to the fast-moving rejection votes, the radical Republicans drafted The Reconstruction Acts and then passed them between March 7th and July 19th of 1867, over the veto of President Johnson. Reconstruction set up military districts over ten of the eleven States which had been in rebellion, and military authorities then evicted the elected State legislatures of seven of those States. Six of those legislatures had previously voted to approve the abolition of slavery but their members were kicked out anyway, and replaced with "rump" legislators who were instructed to approve the Joint Resolution to Amend, the same one which had been denied.

Between April 6th and July 21st of 1868, most of these seven "rump legislatures" took up the previously rejected Amendment and ratified it, except for Alabama, where the official

history of the so-called Fourteenth Amendment shows that it was approved by the Military Governor !!

Needless to say, nothing in the fifth Article of the Constitution allows for any such chicanery, and there is definitely no provision for allowing a Military Governor to approve anything relating to the Constitution for these States united !!

The 40th Congress then took the unprecedented step of usurping the Secretary of State, by a Joint Resolution adopted on July 21, 1868, declaring that three-fourths of the several States had ratified the 14th Amendment. Again, this is not prescribed in Article Five and it is a usurpation of the authority placed on the Secretary of State by the Act of April 20th, 1818 (as amended in 1820), requiring the Secretary to issue a Certificate of Ratification listing the approvals of three-fourths of the States as set in Article Five.

In fact, the day that a State adds a ratification of an Amendment to the Constitution, raising the total to three-fourths of the States, is the day that the Joint Resolution becomes an Article of the Constitution. The action of the Secretary of State (as given at that time, 1868), is simply a formal announcement of the necessary number having been secured.

Whether or not the Secretary makes the announcement can not and does not change the facts of ratification, nor does it have an impact on the date that the Article becomes foundational law.

Yet it is absolutely clear that the radicals in Congress, having locked out the Senators from the formerly rebellious States, and having overturned legitimately elected State legislatures by the Reconstruction Act, and then having usurped the authority vested in the Secretary of State by a previous law ... makes the so-called Fourteenth Amendment three different kinds of wrong.

It was not lawfully passed by a sitting Congress, it was not lawfully ratified by freely-elected Legislatures, and its very announcement as "ratified" was tainted. Yet it sits on the pages of every book of the Constitution in circulation, now, and the Supreme Court has refused to ever rule on its validity.

Fraud confuses all and taints everything

And what, precisely, is the most onerous provision of this fraudulently created Amendment, falsely called the 14th ?

Section 1. 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.

"The citizen was not, under the theory of States' rights, in contact with the National Government. He owed allegiance to his State, and the State dealt with the Nation. That theory was definitely set aside by this Amendment ..." So said Thomas James Norton, in

his exquisite study of the Constitution, first published in 1923 and revised for publication again in 1940 by The World Publishing Company of Cleveland.

The problem with Norton's otherwise excellent analysis of the first five Articles of the Constitution and the Amendments, was his ignorance of the original Thirteenth Amendment of 1819, proposed in 1810 by a Senate which was not truncated by a lock out of any of the Senators from the seventeen States. The text of that Joint Resolution to Amend consists of seventy-seven words and was considered to be valid for a period of more than forty years, or until the hostilities of The War Between The States put everything into confusion. It reads --

> "If any Citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any Emperor, King, Prince, or foreign Power, such person shall cease to be a Citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

The final clause of this older Amendment clearly shows that the Congress has authority and lawful power over "citizenship" in either of its octaves, wherein a person lives as a State resident in a legal situation, or as a Citizen of the United States itself.

The onerous parts of that Amendment, suppressed by the pro-slavery cabal of James Buchanan, Judah P. Benjamin and the Slidell brothers of Louisiana, relate to the penalties for taking bribes -- "emolument," and "pension" -- from foreign Powers. The true history of the suppression of this Amendment clearly indicates that James Buchanan, as Secretary of State and later as President, was in the pay of a foreign Power – Great Britain -- from about 1845 onwards.

The original Thirteenth Amendment does not nullify the powers of the States to set the terms of residence for a "person," but when combined with the authority of Congress to set the standards for naturalization, it does show that there are two octaves of American Citizenship. It is a fairly broad grant of legal authority over a very important legal issue, which is the legal status of those who come to this country, and by the nature of human life, the children that they might bring with them or conceive when they are living here.

It is the most extreme example of irony imaginable, that the pro-slavery cabal, in seeking to crush down the knowledge of this lawful Amendment to protect slave-dealing traffickers, opened the way for the "corporate dominance" of all people, Citizen or not.

Illegal immigrants and anchor babies

Fast forward from the turbulent 1860s to the problems of mass migration from Mexico and from Central America, which were supposed to be rectified by the Simpson-Mazzoli Act of 1986. Twenty years after that Act, which granted Amnesty to millions of people

who had entered the country illegally, the same issue is back in spades. Where there was once a problem with three million illegal immigrants, the numbers have skyrocketed.

The best estimates are now at the twelve to thirteen million mark, for illegal immigrants, with perhaps 68 % of them having come over the southern border from Mexico and Guatemala. Some substantial numbers of the illegals now here have come from Asia, with only about ten percent having come from Europe.

Critical to the highly impassioned debate over these new and recent arrivals, are the families of Mexican and Guatemalan immigrants, wherein so many "undocumented" have children born in this country. The fraudulent 14th Amendment says that they are citizens (not Citizens), without regard to where they reside legally or how their guardians or parents arrived here.

That is a prescription for disaster. In fact, the fraud of the 14th Amendment has created nothing but problems and contradictions throughout its checkered history.

> "After the Fourteenth Amendment was adopted a woman in Missouri, where the right to vote was limited to males, sued the registrar because he refused (1872) to put her name on the list of voters. She considered that as she was a "citizen of the United States" under the Amendment, the State could not "abridge" her right as such citizen to vote for the presidential electors.
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> "The Supreme Court," wrote Thomas James Norton, "denying her claim (1874), said that as she was a citizen born of citizen parents before the Amendment, her status with respect to voting was not changed by it, because the right to vote before the Amendment was not necessarily one of the privileges or immunities of citizenship."

In other words, the Amendment did not really mean what it was purported to mean when it was written, and said "persons born".

The long and sorry history of Jim Crow Laws, which effectively prevented freedmen and native born men, and then women, of African-American heritage, from the full rights of citizenship is too long and sorrowful to elaborate here. Let it suffice to say that the so-called 14th Amendment never, ever, prevented one lynching or any 'race-based' discrimination during the first one hundred years it was on the books.

One hundred and forty years after the swindle that forced John Potter Stockton out of the Senate, thus disenfranchising a loyal union State and usurping the authority of that State's legislature over the selection of its Senators, the fraud of the 14th Amendment has had even more unintended consequences.

How it will all play out is anyone's guess: and it should be completely clear to any thoughtful person that having Congress revoke the fraud of the 14th Amendment -- while restoring the original Thirteenth Amendment to its proper place in the Constitution -- will

go a very long way to solving the legal entanglements now confronting the country over illegal immigration. The Supreme Court has been unwilling to hear any cases which can or would force an examination of this fraud.

Congress created the fraud of the so-called 14th, it acquiesced in the fraudulent removal of the original 13th Amendment, and it has taken many measures to give corporations "rights" and "immunities" as if they were "persons" under our system. That's a major part of *how we got here, today*.

The fraudulent 14th can be revoked by a modern Congress with the courage to amend the minutes of the 40th Congress, and because it was never lawfully issued and surely not lawfully ratified, it does not therefore require a counter-Amendment to erase the fraud !! The Thirteenth Amendment of 1819, drafted in 1810, was lawfully issued and lawfully approved by State legislatures.

It's provisions allow a modern Congress -- with some courage -- to deal with the problems created by anchor babies in these illegal immigrant families. Without being hard-hearted or cruel.

To do nothing about illegal immigration is to invite civil war

Twenty years after Simpson-Mazzolli, the legal Citizens of this country are overwhelmingly against another round of Amnesty. They are also unhappy with the prospect of seeing so many immigrant families broken up, as one parent goes north and the other parent stays at home in Mexico with the children.

There has to be a resolution of this crisis before the left-liberal and communist radicals of The Atzlan Movement get any stronger. They are not interested in following the law as it is, and they are not interested in any accommodations. They are on a course which can only lead to civil war, ethnic cleansing, and atrocities Rwanda-style.

Nobody else wants that but them.

But their voices are the ones which are being heard most, now, and that troubles legal immigrants and Citizens very deeply.

And, even having said that, it's true that the losers in this equation will be the major corporations and the ambulance-chasers among the legal profession who step and fetch for their masters on The Global Plantation. That is, if the fraud of 1866 and 1868 is revoked, and the organic Constitution re-installed.

Aye, and there's the rub.