

EXPLANATION AND HISTORY OF WAR POWERS ON THE AMERICAN PEOPLE

I wanted to compile a written history, albeit very cursory, of the events that I think the most important in the implementation of War Powers on the American People. This should give a somewhat better understanding of the documents which are enclosed on this CD, and the important points to consider.

Dessie Maria Andrews

CONSTITUTIONS

The plan to take over America appears to have been started somewhere in the 1840s. We can see this because of the changing of the State Constitutions. Prior to 1845, when a State was admitted to the Union, it was admitted on an equal footing with the original States. In the organic Constitutions, the power to lay or levy and collect taxes was paramount for the State to be able to function. Without the power to tax, how could a State sustain itself. Also, when the limited delegation of power to tax was given to a State legislature, the People could more easily control the tendency for public servants to begin feeding at the trough. An example of the change in the Constitutions can be seen in the Texas Constitutions. In the organic, or original [Constitution of the Republic of Texas](#), the power of the legislature (Congress) to levy and collect taxes is the first sentence of Article II in the Constitution. In the [Constitution of 1845](#), the Legislature has no power to lay/levy and collect taxes. If that power is not delegated by the People to the government, there is no such power. This is a fatal flaw. Without the power to lay and collect taxes, how could a State have the funds to pay for its own government? It couldn't. The [1849 Constitution of California](#) is the same. No power to lay and collect taxes is delegated to the Legislature. Under a Republican form of government, the government has only the powers that are delegated to it by the People. No more. If the power to tax is not delegated to the Legislature, the law making body in a republic, none exists. It is sheer folly to initiate a new nation, which is in fact what States were, and not afford it a means to sustain itself.

From where would the funds come? The National or Federal government. The reason States could no longer tax is because they were no longer States, but instead were corporations called THE STATE OF TEXAS and THE STATE OF CALIFORNIA. They offered no competition to the UNITED STATES, the Union, and would not have the capability of funding a rebellion against the UNITED STATES. So, we see as early as the 1840s, the "powers that be" were beginning the overthrow of our republican form of government and the sovereignty of the States.

The second thing to notice about State Constitutions is the way they are amended. The original, organic [Constitution of the United States of America](#) is never amended internally. In other words, when you read the Constitution, it is always printed the same as it was originally. If there have been changes or additions, they are done in the form of Amendments, which are attached to the document. The state constitutions are no longer externally amended. They are altered internally, so the wording of the original document can not be ascertained from the reading of a current state constitution. This is the mark of a corporate charter, not an organic document in a republican form of government. Obviously, plans were being laid before 1860 for the overthrow of the republican governments.

THE "CIVIL WAR"

The term "Civil War" is misleading by itself. A civil war is strife in a single country. One faction rises up against another faction. This did not happen in America. America, at the time of the hostilities, consisted of separate nation States which had joined under a compact called the U. S. Constitution. When the Southern states chose to leave the union, they had every right to do so. They had joined the union, State by State, and they were free to withdraw at any time. When they were forced into the position of secession, a cruel and deliberate plan, they had had enough. The last duly elected Congress of the United States adjourned *sine die* in October of 1860. *Sine die* is an interesting term. It means, *without day*. The Southern States had already announced their intention not to return to Washington if Lincoln was elected. Therefore, they did not set a date for the reconvening of Congress, thus the *sine die*. Had they adjourned normally, they would have set the reconvening date to be December 3, 1860, the first Monday in December, as prescribed in the [Constitution of the United States](#) at Article 1, Section 4, paragraph 2. When they didn't return, Lincoln ordered them to reconvene, and the reluctant Southern legislators and senators were escorted back to Washington by the military. This could hardly be considered voluntary. In February of 1861, Senator Hemphill of Texas made an impassioned speech

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about the right of the States to secede, and after discussion and debate, the Southern states left Washington and rejoined the Confederation they had already formed. The war was on. Congress, to this day, convenes *sine die* at the end of every session. They are then called together to convene under emergency powers issued by the President.

Lincoln had to keep the Union together at all costs. It was his job to lay the corporate structure over the land to replace that of the republican governments. He declared war on the people of the South with his [Proclamation of April 15, 1861](#) and again with his [Proclamation of May 3, 1861](#). When the politicians in France pointed out to him that he had proclaimed war on the people, which is genocide and condemned by *The Law of Nations*¹, he issued another Proclamation, this time against the territories. This is his [Territorial War Proclamation](#) of August 16, 1861. There was never a “civil war”. There were hostilities and a war between separate nations, which is what all the states were, at the time. America is too vast to have one form of government. It would result in strife, fighting and wars in perpetuity. The nature of man is to be tribal, and the people who founded this country tended to migrate to places with people of like minds. Texas was settled for one reason by like minded people. The Indian Territory, which became Oklahoma, was settled by people who were hungry for land and a place to settle and raise crops and livestock. The people who founded Utah were of a common mind, they migrated for religious freedom. The territories tended to be occupied by people of a common purpose, and the State character reflected that purpose. Therefore, it was possible that if you found yourself in a State whose character and people you didn't like, you could go to another State whose people had more in common with you. This was a country of many nations. In that manner, governments were also more manageable. Not as apt to burst the bonds placed on them by the governed, as the officials of a government had a specific purpose, a limited government, and were to serve the people, not take them over. The size of the smaller State governments made this possible. It was never the purpose of the Founding Fathers to have a National government which controlled the people.

THE BEGINNING OF USURPATION

Many nasty, ugly documents were issued during the period between 1861 and 1865, which had far reaching implications. Some of them were Presidential Proclamations, which in effect are Executive orders, issued by a man who now has the power of a dictator, and some of them were Congressional edicts, placed into the Statutes at Large as law. Nothing after 1861 is law which reaches to the American People. There was no quorum of duly elected representatives, the very foundation of a republican form of government, and therefore Congress could no longer pass law which had an effect on the People. Instead, they began to dictate to the territories and possessions. They determined, under the abandonment doctrine, that the Southern states had abandoned their land, and through the law of abandonment, they laid claim to the lands in the Southern States. If the land changes characteristics from a State to a territory, the way it can be dictated to changes. Congress could make law for a territory, it never could for a State. So, by a wave of the magic wand, the several States, one by one, were changed to territories of the United States, and now Congress could legally dictate to them. All of our States were stripped of their national character by this rump congress and its dictator, Lincoln. From this time forward, they would function as corporations, presided over by a CEO, (the president) and a board of directors (Congress). The People would no longer exist, they would be replaced by stockholders in the corporation of the UNITED STATES. They could no longer elect, they could now vote. This is made clear in the differences between the [1850 Virginian Constitution](#) and the [1870 State of Virginia Constitution](#). During this time Virginia was forced to align itself in the United States under the [Reconstruction Act of 1867](#). This Act changed electors to franchised voters and the new constitutions all reflected the change. The People of the new states swore an allegiance as citizens of the United States. They were no longer Virginians in this new world, they were citizens of the United States and had no voice otherwise. This was one of the purposes for the “war” and can be seen in the [1867 Attorney General explanation of the Reconstruction Act](#).

¹ See [Mastery of War Powers in America](#), *The Law of Nations*.

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No longer was there taxation by representation, the very foundation of a republican form of government. Taxes were now implemented by direct order, either of the CEO or by resolution of the Board of Directors. The first such act, the [Act of Confiscation of August 6, 1861](#), which is today codified in Title 50 of the United States Code, gave rise to confiscation of any and all property as long as it was used for military or other purposes. So, what this proclamation says, in effect, is, we can take all your stuff as long as it is used to fund the military, therefore, there will always be a military to fund so we can always take your stuff. And they do to this day. However, some of the finer details have been deleted through time. The fact that it is the duty of the President to condemn, seize and confiscate your property.

This was followed by an [Act for the Collection of Direct Taxes](#) on June 7, 1862. This is the foundation for property taxes in this country. One small problem occurs, however. This "Act" applied to the specific states which the President declared to be in insurrection, and was to be collected in the year of 1863. It's amazing how long a tradition can hang on. Property taxes have now been levied for 144 years as a result. You might ask yourself, when's the last time your insurrectionist state interfered with the collection of taxes at the ports, thus resulting in your particular parcel of land being taxed to pay for the loss. In the light of day, none of this computes.

In 1863, there was a flurry of activity to make the People enemies of the "established government" and subject to condemnation, prize and capture. The [Act of Suspension of Habeas Corpus](#) on March 3, 1863, which was later overturned by the Supreme Court in [Ex Parte Milligan, 71 U.S. 2](#) Congress passed an act concerning [Letters of Marque, Prizes and Prize Goods](#), passed March 3, 1863, exercising the delegation of power granted to Congress by the U. S. Constitution at Art. 1, Sec. 8, Clause 11. Next came an act entitled [An Act further to regulate Proceedings in Prize Court, and to amend various Acts of Congress in Relation thereto](#), passed on March 3, 1863, wherein Congress enumerated how the prize captured under letters of marque could be dealt with. There are many acts put on the books during this time frame. It appears that most of them were to set up the current acts of confiscation of the People's property by their "elected" servants.

In Lincoln's General Order 100, Article 2 states: "Martial law does not cease during the hostile occupation, except by special proclamation, ordered by the commander-in-chief, or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same". This cessation of Martial law happened with the [Proclamations of President \(commander-in-chief\) Andrew Johnson](#) beginning on April 3, 1866, through October 6, 1866, when he declared a day of National Thanksgiving because of the peace that now lay on the land.

Then we move to the [Reconstruction Act of 1867](#). This was the complete and total takeover of the corporate government. Andrew Johnson did his best to oppose this takeover, but his efforts were soon silenced as he was fighting impeachment proceedings. This act laid a provisional military government over the insurrectionist states, which was to remain until the people of each "state" laid a loyal and republican form of government in each state. Then the military would leave. Well folks, they're still here. The real offices are vacant and have been since 1860, and the provisional military government is still telling us what to do. Go to your state capitol buildings. Look around. You'll see old, roped off sections that look like a museum. Those are the offices waiting to be filled by a loyal and republican form of government.

After Reconstruction and the rewriting of the State's constitutions eliminating the powers of the State's law making bodies and creating a National government, the Statutes at Large are a plethora of acts initiated to justify the laws of Congress. A side note here. Congress can make laws for the United States and for the territories. The laws for the United States would be binding on the People and must be constitutional. The laws of Congress, are for the ten mile square area called Washington DC, territories and possessions and employees of the national government. They implement these laws of Congress, which is the supreme law in these instances, by creating agencies and bureaus, which have law making powers of their own. These agencies and bureaus are all executive in nature, can make rules and regulations, have the power of enforcement and judicial powers to enforce their rules and regulations. Of course, these agencies and bureaus are all administrative, which means executive, which is neither constitutional nor republican in form, but, as long as you are a member, employee, or licensee of this agency or bureau, the rules and regulations apply to you. If you are not a member, employee, contractor

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or licensee of the agency or bureau, then you are subject to private, not public law. As a private citizen, the only way the “laws” of the agency can reach you are by substantive regulations.

A word about substantive regulations. When an agency makes rules, these are known as codes. This is not law, simply rules. These codes can be self implementing. In other words, the codes have no regulations which would explain how to enforce the code and to whom the codes apply, if one is a part of the agency. If you are not directly an employee of the agency, but a member of the public, there must be a regulation attached or associated with the code that relates the code specifically to you. This would explain how and in what manner the code would be implemented. If you are totally outside the agency and are a private citizen, the only way the code and regulation can extend to you is by substantive regulation. This is obtained by public notice of the proposed regulation, a time period where it is open for public discussion before its implementation, and then the adoption of the substantive regulation. Only in this manner can an agency attach its rules to a private citizen.

When was the last time you got a letter from the President telling you he is condemning a portion of your wages for seizure and confiscation for the military effort? That’s exactly what’s happening, but now they take short cuts. Then, according to the proclamation, that property has to go through a condemnation proceeding in a circuit or district court. Since there are no longer circuit courts, which were done away with in 1911 by the [Judiciary Act](#), that leaves district courts. These proceedings will be conducted by a U. S. Attorney. I ask you again, when was the last time you were noticed of a condemnation proceeding in the nearest Federal district court to condemn a portion of your wages for the greater military good? I would conjecture that part of the act is overlooked because of convenience, efficiency of the process and if we were afforded due process, then you would be aware of what was happening and you would have the opportunity to defend or be adequately compensated for your loss. Now, what would be the point of taking (seizing) your wages only to have to repay them under the terms of the Fifth Amendment with just compensation. It would hardly make sense to take your property only to have to pay you for the taking of your property. The best remedy for that is reeducation of the people so we won’t be vulnerable to these actions. The perception is, “IT’S THE LAW”. Everybody knows it. But, it’s not.

An example. Almost everyone is familiar with Title 26, the Internal Revenue Code. Most people, when dealing with the IRS, are informed that they are in violation of or subject to some Code, say [26 U.S.C. §6331, Levy and Distraint](#). On its face, it appears that the IRS has the authority to levy. But, when one looks for the implement regulation in the CFRs, the Code of Federal Regulations, there is no implementing regulation for 26 U.S.C. §6331 in CFR 26. So, we know that the levy doesn’t apply to anyone outside the Internal Revenue itself. A search of the Regulations reveals that 26 U.S.C. §6331 is implemented in [CFR 27, Alcohol, Tobacco and Firearms](#). This regulation contains no substantive regulation, so you have conclusive evidence that if you are a private citizen, the IRS can’t take your stuff using 26 U.S.C. §6331, BUT THEY DO IT EVERY DAY. They get away with it because the people don’t understand the law making authority in their country. They don’t understand their rights and they don’t know what to do when faced with the corporate seizure mechanism, which in fact is a hostile takeover. A private citizen cannot go to a corporate court, which is purely administrative, not judicial in nature, and have a fair and impartial hearing. The courts have all become private and are there to enforce administrative rules against anyone entering them. Period. But I digress.

MORE TRIPS DOWN THE RABBIT HOLE

After reconstruction, the restructuring of the government of this country, the real nightmare begins in the Statutes at Large. Slowly and carefully, the rules are changed, all within the executive, administrative process of the corporate structure. In 1878, the Revised Statutes were entered into the Statutes at Large. This is where the law went away and the Roman Civil War came on the land and took the place of the law. On page 2, Chapter 2, Enacting Clause, Sections 7, 8 and 9 of the [Revised Statutes](#), you can see where the method of enacting laws was changed. Previous to this, a law had to be enacted and every section had to contain the phrase, ‘Be it Further Enacted’. With the entry of the Revised Statutes, the law went out the door, the method of enacting was left behind and a new era of lawlessness, or at least, law foreign to a republican form or government was put in place. Also, those sections explain about the passing and enacting of resolutions. A resolution is not a law which applies to the public at large, but only

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to a member of the agency for which the resolution was made, or to the denizens of Washington DC. Example, a corporate resolution of Exxon does not apply to Wal-mart,

From this point on, it was open season on the American People. America was separated from the law, and the UNITED STATES emerged. People were held to fines and penalties under the Roman Civil law, and finally, in 1911 under the [Judiciary Act](#), the only courts the People had left, the circuit courts, were abolished. And then the fun began.

In 1913, a very good year for the corporation, the end of the States was totally accomplished by the passing of the 17th Amendment. We had no need for representatives of the States anymore, as there was nothing to represent. Ours was truly a National government with the head sitting in the District of Columbia and the political subdivisions scattered across the continental U.S.. We were also benefited with the 16th Amendment, which gives the impression that a tax can be laid on incomes, although the Supreme Court has ruled that no new authority was conveyed in the taxing procedure. At the same time, on December 23, 1913, the [Federal Reserve Act](#) was passed implementing a National banking system. From that point on, our goose was cooked. In 1917, Congress tried to pass the Alien and Sedition Act which named the American people as enemies of the United States. That part of the act didn't fly in 1917, but it did in 1933. The People were formally declared the enemy of the United States in the [Trading with the Enemy Act](#).

All of these acts were just lead-ins to the really nasty stuff in the 1930's. When FDR was elected in 1932, final plans were set in place to bring the People to heel. The Banking Act of 1933 set up [HJR 192](#), which put in place the military scrip named in [Lincoln's General Order 100](#) in 1863. From that point on, there was no more substance behind the money of this country. The plethora of resolutions which were passed in the 1930's, the Federal Children's Act, the [Social Security Act](#), the Public Salary Tax Act of 1939, more acts than can be listed, all of them enslaving us in one way or another.

Congress has replaced the Constitution as the Supreme law of the land. We are being ruled by Executive Order and the Acts of Congress, not by the laws of the United States in compliance with the U. S. Constitution. We have no duly elected officers in this nation. We have a nation of employees. The [Civil Service Act](#) was passed in 1883, paving the way for all "public servants" to be merely employees. This is because there could be no duly elected officers after 1860, there being no duly qualified electors, only franchised voters. Thus, the elected became a civil servant with a civil service commission and a civil service Form 61 oath and affidavit. Even the highest of the "officials" is merely an employee. When William Rehnquist was appointed to the Supreme Court in 1971, he filled out and filed a [Form 61](#). There is no authority, there is no accountability, there is no liability for the employees, there's no one in charge.

Yet We the People can be thrown in jail on a whim, charged with codes with no substantive regulations that reach to us, have our property seized, confiscated and condemned with no due process or just compensation, see our children dumbed down by schools run by the Agriculture Department, and suffer every aspect of our lives licensed and regulated by EMPLOYEES... by employees!!!

The reason for this subjugation of the American People clearly is not WAR POWERS, but WAR. We have been in a constant state of war or declared emergency since 1861, with the exception of the declarations of peace, tranquility and thanksgiving issued by President Johnson in 1866, which in fact ended the hostilities. Rather than allow peace to reign, the "powers" in the National government impeached Johnson and initiated the Reconstruction Acts which began the declaration of WAR on the People who had populated this country and who were promised a Republican form of government. The gradual encroachment by the WAR MONGERS has taken the People's property, their rights, their liberties, replaced the common law with the Roman Civil law and taken, not by conquest in harmony with the Law of Nations, but by usurpation which translates to piracy.

The only way to peace and prosperity is to rid ourselves of the Roman Civil law, the agencies and bureaus, and the rules and regulations and get back to the moral actions of a constitutional republic. Only then can we fill the void made by the rump Congress, the usurpers, the pirates, and provide the salve to the wound that still lingers after 144 years. Only then can a moral People initiate State governments with elected officers to serve in a very limited and local government, as public servants accountable to the People, with personal integrity and surety to indemnify us against abuse and malfeasance. Only when we dismantle the [Foundations of War Powers](#)... only then can we have peace.