

Acknowledgements

I would first like to thank those who helped an angry, confused young man in his time of need. The fact that a few people cared enough to help me overcome the effects violence and sexual abuse have on a child is probably the reason why I am alive today.

I would also like to acknowledge the men and women who have voiced their opinions to me on the issues contained within these pages. If I did not believe that my beliefs and convictions were those of the overwhelming majority of Americans, I would not have written this book. I know that I speak for the majority of Americans when I scream that the time has come to change the status quo.

As for the brave men and women of our Armed Forces with whom I served and worked, I give you my thanks. You made me part of something greater than myself and in so doing allowed me to understand what is important in life: sacrifice. I am proud to write that you are the very best this nation has to offer and without you the prosperity our nation enjoys would not be possible.

I must thank those who encouraged me to continue my mission despite the fact that so few Americans seem to be listening. But especially I would like to thank one Californian who stood with me after I published the first edition of this book in the summer of 2000. History will not judge us men who did nothing while their nation fell from grace.

Chapter 1

Walking In Your Footsteps

If I must choose between peace and righteousness, I choose righteousness.

Theodore Roosevelt

Our moral compass has failed. We have lost our way. The tortured history of the 20th century provides ample confirmation of these disturbing observations. The events of the past 100 years leave no doubt that if we continue to embrace the status quo, the end result will be extinction of our species. This is why failure is not an option.

If that is not enough to motivate us to stop the madness, I offer this food for thought. If we fail to change the status quo before the next generation comes of age, they will do it for us. A generation desensitized to violence is scary enough, but a generation desensitized to violence that has abandoned individual responsibility is even more frightening. I know this adjustment will not be easy. It will entail more than a mere mechanical adjustment. It will require that we adjust our very way of life. Although the sacrifices necessary to adjust our moral compass will be difficult, they will pale in comparison to the sacrifices our children will be forced make if we do not change the status quo. We owe it to them to make things right.

Many will doubt the assertion that our moral compass is broken. It is clear that millions of Americans believe the United States is the most moral nation on earth. Unfortunately, the domestic and foreign policies of the federal government since 1945 and the indifference paid to these policies by the American people proves the morality of America is not what many Americans think it is. For example, America's unbridled version of capitalism is not that envisioned by those who founded our nation. On the contrary, it is a twisted and perverted form of capitalism that works to benefit the wealthy without any regard for the law or the less

fortunate. Moreover, American democracy is anything but democratic. For anyone to describe the current political process in America as democratic is to evince one's ignorance of how a democracy should operate. The American political process died the day career politicians were able to divide the country into two divisive political camps at war for access to the American taxpayer's purse.

Yes, I could provide numerous examples of career politicians who place greed before the welfare of the people. I could point to the myriad of illegal and immoral policies that emanate from the federal government. It would be easy to prove that the American political process serves the few at the expense of the many. However, I will offer none of these examples to prove America's moral compass is broken. When compared to what is happening to America's children, the above examples pale in comparison. One needs only understand what is being done to children all across our land of the free, home of the depraved to know our moral compass is broken and our nation falling from grace.

The notion of individual responsibility has all but ceased to exist in American society. We have institutionalized personal liberty to such a degree that no one is ever held responsible for his or her actions. As long as someone can articulate a reason why someone else is to blame, no one is ever held responsible for their actions. This attitude is inimical to the America created by Thomas Jefferson and others in the crucible of the American Revolution. More importantly, if left unchecked, this attitude will lead to the inevitable decline of America and humanity. With that said, I assert that it is time we, the enabled, give birth to a new age; an Age of Responsibility.

Over the course of my life, I have asked myself repeatedly whether we, as species, deserve the right to reign as undisputed masters of this earth. Although I began this inquiry as a relative child, I did not discover the answer for many, many years. I recall asking myself this question one Sunday night when I was not yet a teenager. What sparked this inquisition was an episode of the TV series, "World at War." The episode in question addressed the "final solution" of the Jewish problem. Although I had never met a Jew or a Nazi, I was quite sure that the murder of innocent Jewish women and children was not the work of good men. And as I watched and listened to Lawrence Olivier describe what had occurred in Europe, I wondered how it was possible that human beings could do such things to other human beings simply because of something the victims had no control over (i.e. their birth and/or national origin). From that day forward, I wanted to learn everything possible about what happened

during the Second World War. I was sure I could find the answer if I studied those fateful years.

My search for an answer lead me on a journey that until a few years ago consumed more of my time than high school, college, law school or the practice of law. I was obsessed with understanding why or, in the absence of a reason why, then how men could perpetrate such an unmitigated evil as that witnessed in Europe in the 1940s. I believed if I read voraciously about the German people, the Jewish people, the Nationalist Socialist German Workers Party, the Weimar Republic, the First World War, the inter-war years and the Second World War, I would find the answer. I was wrong.

Although I studied the German language, understood German history and traveled throughout Germany, I could not find the answer to why men would or could do such terrible things. What I did find were a people of culture and beauty. I learned that the sons of Germany included such venerable figures as Ludwig Von Beethoven, the Grimm brothers and of course the poet, dramatist, painter and philosopher Johann Ludwig von Goethe. Goethe's Faust sparked the imagination of one young and confused boy. Yet, it was not Germany's sons that provided the answer to my question. It was one of Germany's daughters that educated me to the cruelty of men who use government to serve their ends.

As I studied German history, a woman of peace named Rosa Luxemburg fascinated me. Her devotion to peace and the good will of men lead me on a journey to understand why governments, made up of good men, could cause so much harm. Rosa helped me understand that the German people were as loyal to their government as I was to my government. In short, Rosa proved to me that the German people were and are just as kind, caring, cruel and inhumane as any other people.

Yet I still did not find the answer to how the genocide in Europe could have happened. It was not until I understood Rosa's life and death that I finally realized I was asking the wrong question. The correct question was not how the holocaust could have happened, but rather why it has not happened more often. I do not mean to assert that the last government sanctioned genocide occurred in Europe in the 1940s. It has occurred many times since, but not nearly as many times as it will occur in the future if we, the enabled, do not change the status quo. In the world of rising temperatures and diminishing resources, it is not hard to

imagine what will happen to a billion hungry mouths when the food runs out. Genocide may yet become public policy for many of the world's nations.

If there is only one lesson history and the life of Rosa Luxemburg can teach us it is that good men are capable of unimaginable horrors when asked to do so by their government. One need only review the short history of our species to confirm this very disturbing observation. Even if our species had no history, judgment of us could rest upon one simple and undeniable fact: a child starves to death every twenty seconds on our planet. This sad but undeniable fact may be all the evidence a superior species judging humanity needs to pass judgment on us. And if the above fact is not enough to convince you that government must be controlled, a study of American history should surely suffice.

The government of the United States has implemented programs and policies resulting in the near genocide of indigenous people, supported slavery although declaring that all men were created equal and to date is the only nation to use nuclear weapons on other human beings. I believe the above to be irrefutable proof that good men, or at least men that believe they are acting upon pure motives, are capable of unspeakable acts of horror in the name of government. This is why we must control government and not vice versa.

As for why our species deserves the right to rule the planet, I was still searching for that answer as 1998 dawned. It was not until the morning of January 19, 1998 that I discovered the answer. This revelation occurred shortly after my second child was born. While driving home along Route 66 from Apple Valley, CA, I realized the only reason our species is permitted to continue its tortured existence is our children. The birth of every child carries with it the hope for a better tomorrow because the innocence of childhood represents the best humanity has to offer. Although this may sound silly and far too simple an analysis considering the question, it is not. The children of the world represent the future and if we want a glimpse of the future, we need only look at the children of today to see what tomorrow will bring. The violence we see emanating from our children is truly frightening. What is even more frightening is that this generation will be responsible for caring for the greatest number of senior citizens in history. In a few years' time, the entire baby-boom generation will be retired. Seventy million people being kept alive longer by the Age of Technology. What will happen to all these seniors when their care rests in the hands of a generation completely desensitized to violence? To this generation, euthanasia will take on a whole new meaning. It may even be viewed as a moral obligation when the world's resources begin to dry-up.

When I completed the first draft of this book on December 31, 1999, there were numerous statistics cited that supported my assertions regarding both the widespread nature of child abuse in the world and the increasing violence against women and children in America. Nevertheless, I did not include them because I know that statistics can be and often are twisted to serve the political, social or economic agendas of those who use them. I do not want to be labeled as someone who used statistics in such a fashion. If the American people cannot see the truth of my assertions by using their common sense and experience, they will never be convinced our moral compass is broken and our nation falling from grace. The epidemic of child sex abuse in America and around the world is known to millions around the world but discarded by millions more as someone else's problem. It has been my hope since I began writing this book in 1998 that I might convince the American people that the time has come to confront this abuse once and for all.

Child abuse comes in many forms but for the purposes of brevity I will focus primarily on sexual abuse. Such reprehensible conduct has recently become more popular among the depraved individuals who would gratify their carnal desires at the expense of a child. Child sexual exploitation sits near the top the list of crimes for which our species' will be held accountable. The only question that remains is when we will be held accountable.

As for the physical abuse of children, I invite every American to visit a public hospital in any major city to see for themselves what I have known for years. I want them to watch as our nation's children parade through the emergency rooms with their broken bones, lacerated limbs and swollen faces. I want them to see the bruises on their bodies. I want them to see the America I know. Nevertheless, we shall leave these "statistics" for historians as they calculate the role physical abuse in all its ugly forms played in the demise of our once great nation.

In 1990, the Journal of Homosexuality released a special edition devoted to adult-child sexual relations.[[1]] Up to this point, the Journal of Homosexuality had been an advocate of the gay and lesbian community. With the publication of the article "Male Intergenerational Intimacy: Historical, Socio-Psychological and Legal Perspectives," the periodical left behind all respectability when it began to advocate for criminals.[[2]] The article was published with no other purpose than to convince the reader that sex with children can be a rewarding experience. In fact, some men even argue that having sex with troubled teenagers can be positive experiences that will help the troubled teenagers grow. Having sex with a thirteen,

fourteen, or fifteen-year-old is not a positive experience. Statutory rape rarely is a positive experience.

Even more incredible, there are others who have gone so far as to encourage parents not to be afraid of pedophiles but to see them as individuals trying to help parents in the boys' upbringing; someone to be welcomed into their home. How can we allow such vile trash to be passed off as intelligent thought? The answer is America has become a society turned upside down; where lies pass for truth, greed embraced as success and individual responsibility a thing of the past.

The state of children worldwide is so alarming that I need only cite to one study to prove that our moral compass may in fact be hopelessly broken. Or worse, we have already been judged by a superior species and are now beginning to serve our sentence. The following facts are so disturbing that for the reader not to be moved to action is evidence, or even acceptance, of the notion that the sexual abuse of children is really not so bad. International Jurist Vitit Muntarbhorn^{[[3]]} has written a most troubling account of this perverted form of pleasure. *Sexual Exploitation of Children*^{[[4]]} lays out with graphic clarity the rising phenomenon of sex with children. Mr. Muntarbhorn's examination of the problem did not focus solely on the "players" involved, but contained an in-depth analysis of the causes of these heinous crimes. Although I disagree with Mr. Muntarbhorn's approach to ending this problem, I must commend him for his work on behalf of the world's children. If it were not for individuals like Mr. Muntarbhorn, the world's children would have few advocates in the legal profession.

Mr. Muntarbhorn cites eight potential causes for the recent increases in the desire to have sex with children. Cited causes include the more predictable instigators of criminal behavior: poverty and the decline of the family. However, Mr. Muntarbhorn goes on to cite other potential causes of child sexual abuse that, if true, demonstrate that man's inhumanity to man, or in this case, man's inhumanity to children, has reached a new low. I cannot articulate with the same clarity as Mr. Muntarbhorn a description of the causes of child sexual abuse because of my own experiences as a sexually abused child. Even if I did not have such negative personal experiences as a child, I believe Mr. Muntarbhorn's description is still clearer than anything I could write. Therefore, I will leave the description to him:

5. Transnationalization

20. The increasing transnationalization of the problem of child sexual exploitation is most disconcerting. When the situation seems to improve in one country, the problem arises in another part of the world, thereby being perpetuated and aggravated. For example, Eastern Europe has come to the fore in recent years as a new market for child sexual exploitation. Meanwhile, sex tourism has become more widespread across all continents. Paedophiles from developed countries are known to visit developing countries to victimize children. Two issues invite current debate in this regard: the responsibility of consumers/customers, including those possessing child pornography; and the possibility of extending national jurisdiction to cover crimes committed abroad by a country's nationals.

21. At times, the transnational trafficking of children is linked with abduction and disappearance of children across frontiers. In the absence of multilateral and bilateral agreements to facilitate the tracing and return of those children, the scenario remains intractable and opaque. [[5]]

8. Spiral factor and chain effect

30. The term "spiral factor" is used to describe the phenomenon whereby the sex trade is spiraling towards very young victims. While traditionally some customers believed that, by resorting to young victims, they could rejuvenate themselves, there is now the equally disturbing trend of believing that, if they select the young, they can protect themselves from the threat of HIV/AIDS. In many quarters, therefore, the victims are becoming younger and younger, and the threat to their health is doubly worrying because it is often the customers who infect them with venereal diseases or HIV/AIDS. [[6]]

A child as a sexual partner is the most perverse practice that exists on this earth. Moreover, the effects of this practice take an enormous toll on society. When a child is raped or molested, the psychological effects usually are not manifested until years later. When they do manifest, it is usually with great severity. As I will discuss later and in great detail, the abuse of children is the least reported crime. In fact, it is not even considered worthy of inclusion into the Department of Justice's Uniform Crime Reports (UCRs). I have included in the chapter

“Hell is for Children” an in-depth analysis of the UCRs. For now, it is only important that the reader understand that the Department of Justice does not believe sexual abuse of children important enough to include in their vaunted UCRs.

In addressing the relationship between physical abuse and sexual abuse, Mr. Muntarbhorn again describes the situation with great clarity:

31. Parallel to this trend, the term "chain effect" denotes the linkage between various forms of malpractice and the fact that one form may lead to another. This is most evident in the case of child abuse, where the abused person may subsequently become an abuser. This is also a visible cause of family disintegration, which may compel children to run away from home and then resort to prostitution as a means of subsistence. The process may evolve into child pornography, which is only one step away from prostitution.

32. Children in such difficulties may become dependent on narcotics, which in turn leads to greater dependence on prostitution and/or pornography as a means of purchasing drugs. The child's attachment to criminal patterns thus intensifies over time.

33. This chain effect prompts us to view the question of child sexual exploitation as a growing dynamic that has a range of negative consequences. To break that vicious cycle, more than a legalistic approach is required. [[7]]

I am in complete agreement with Mr. Muntarbhorn with respect to his assertion that to break this "vicious cycle, more than a legalistic approach is required." The law has failed to protect these angels. Therefore, if our lawmakers refuse to act, paralyzed by the very bureaucracy they created, we must act regardless of the protection accorded these monsters by the law. Our moral obligation to act outweighs the conventional wisdom of the day that says we “leave it up to the politicians” to handle. Remember, our children represent the future and as such the fate of our nation hangs in the balance.

Mr. Muntarhorn's description of what is occurring to children around the world is indeed disturbing. However, we do not need to travel the globe to find tragedy. The greatest tragedy in America today is that which surrounds abused children. The number of abused children in America is staggering just as the number of children reported missing is disturbing. Although many children are eventually accounted for, the number unaccounted for continues to grow. Rather than acknowledge the problem or even make the American public aware of this tragedy, politicians simply refuse to address it. They refuse to address the issue of missing and abused children because there is supposedly no evidence to prove that pedophiles are responsible for the disappearance of so many children. They argue that there is no great conspiracy among men to abduct and murder children and then dispose of the bodies in order to destroy the evidence. Our elected officials will argue that there is no evidence of a conspiracy among pedophiles as a group. They are wrong and their ignorance is costing the lives of so many innocent children!

We know pedophiles operate in rings. Unfortunately, the rings law enforcement uncovers are almost always those that do not murder children and dispose of their bodies. The truth is that the pedophiles that are caught are those who molest, fondle and otherwise assault children in less intrusive ways than anal and/or oral sodomy. These pedophiles molest because they believe they can satisfy their carnal desires without resorting to intercourse or oral sex. Most pedophiles that rape children understand that such acts leave physical marks (evidence). When they act upon their carnal desires, they must abduct the child and then dispose of the body after they are satisfied. We have seen this repeatedly. [[8]] The truth stares us in the face and yet we do nothing. My question to the American people and the world is; has it ever occurred to you that so many of the children depicted in child pornography videos are never identified or found?

Germans have a word for this avoidance of discourse: Vermeidungsdiskurs. Although many will not be surprised that Germans have a word for this refusal to deal with the truth, what might be surprising to many is that when a child is raped and murdered in Germany, the people realize the importance of apprehending the criminal. Germans will forfeit rights that many Americans consider "sacred" in order to apprehend such a monster. [[9]] The German people embrace the philosophy that civil order and respect for the law are the foundation of a free society. This is the primary reason why Germany is virtually crime free as compared to the land of the free, home of the depraved.

Politicians know the connection between pedophilia and missing children but they refuse to address the issue because they know there is only one way to prevent this slaughter. They know the solution is to identify and incarcerate pedophiles even if the crime occurred long ago. Our politicians will never advocate for such a policy because it is radical. They know that to advocate a radical position is to jeopardize re-election. They abhor bad publicity. It is the fear of bad publicity that drives all their decisions.

Mr. Muntarhorn concludes his report by informing us what we, as a society, must do to stop this tragedy. In his "Conclusions And Recommendations," Mr. Muntarhorn specifically addresses what the community must do to stop the sexual exploitation of children. In a few sentences, Mr. Muntarhorn describes exactly what we, the enabled, must do to protect our children from those who prey upon them:

157. At the national level, one is struck by the need to broaden the range of catalysts which could help to protect children. Governments can never tackle such problems alone, precisely because these are community problems requiring community vigilance and participation. While one should call for more effective performance by government agencies, the role of non-governmental organizations and the community sector, including children themselves, is equally important. Their efforts should be harnessed as part of the social mobilization to tackle the root causes and effects of child sexual exploitation and provide the necessary remedies, while facilitating the rehabilitation process for the victims. Parents' organizations, religious groups, community development organizations, children's groups, medical and lawyers' associations, and the mass media are some of the non-governmental entities that can help. Their initiatives also need government recognition, and incentives for their contribution to social development should be provided in such areas as tax exemptions and other facilities. [[10]]

I have witnessed many terrible things in my life. I have seen what good men are capable of doing in the name of government. I know what pedophiles do for fun. However, it was not until I realized that being indifferent in the face of evil had the same effect as condoning it. It was this realization that convinced me I could no longer remain silent. As one whose abuse did not cripple his psychological development; I had the chance to live a relatively normal life where so many others never had that chance due to the severity of their abuse or their inability to deal with it. It is true we are all created in His image. It is true we are all created equal. However, we are not all able to process life's experiences in the same. Some children go on to lead what appear to be normal lives while others never recover. Like so many

soldiers who experience the horrors of war but do not suffer from its effects, there are many others who experience the horrors of war and cannot escape its effects. This is my we lose so many Veterans to suicide every day.

As I contemplated how I would end my silence, I finally understood the truth. When we face our maker, we will not be asked, "Why did you break man's law in stopping this abuse?" Rather, we will be asked, "Why we broke His law in allowing this heinous practice to continue." I will not be one to whom He presents such a question. Will you?

The sexual abuse of a child is nothing more than a form of slavery. When slavery was accepted in America and individuals acted to free slaves or aid them in the journey to freedom, were these individuals acting contrary to the law? Were they criminals in their time? However, they were only criminal with respect to a misguided legal construct of men. Such individuals were upholding something higher; a natural law created by Him from whom those that endorsed slavery had inexcusably strayed. And when these brave men and women of conscience stood before God, they were embraced. Will you be so embraced?

On February 25, 1999, the Museum of Tolerance in Los Angeles, CA held the International Symposium and Eyewitness Testimony on Slavery Today. The information obtained was startling to say the least. Slavery is alive and well in Africa and Asia. Trafficking of women and children is as profitable today as it was three hundred years ago. The only difference between then and today is that today, as civilized men and women living in a technology-dominated consumer world, we can act to make a difference. The ugly reality is, however, that we do not. The reality that is 21st century Asia and Africa is beyond the scope of this book. However, the failures of these "developing" nations cannot be so easily passed off to the more developed nations simply because developed nations are more prosperous. Intelligent people continue to argue that it is the fault of developed nations that such horrors occur. I disagree. The horrors of modern day slavery rest squarely on the shoulders of the men and women that profit from this peculiar institution. Nevertheless, what is occurring in Asia and Africa is indeed disturbing, but even in the most powerful and developed nation on earth, we see the signs of indifference to child sexual abuse at the highest seats of the federal government.

Child pornography exploded in the 1970s with the advent of video technology. Before this advancement in video technology, the pedophile had been restricted to 8mm film. The profit motive for making child pornography on poor quality 8mm film did not exist. This was to change with Sony's invention of the Betamax. In response to the proliferation of home video and the horrible but profitable practice of child pornography, the United States Congress (Congress) enacted the Child Protection Act of 1984.[[11]] As with almost every federal criminal law, it failed to stop the conduct it intended to eradicate.

In *United States v. X-Citement Video Inc.*,[[12]] the U.S. Supreme Court ruled that the interests of video distributors outweighed the interests of society even when that interest was the prevention of child sex abuse. Even more confusing was that the decision was seven to two, with Chief Justice Rehnquist writing for the majority. All seven Justices should be ashamed! In writing for the majority in *X-Citement Video*, Chief Justice Rehnquist reasoned that the "scienter" or knowledge requirement as to the age of the children in the videos was an element the government would have to prove in order to support a conviction. In fact, Chief Justice Rehnquist had such little regard for sexually abused children that he referred to these victims as "performers."

In laymen's terms, if the government could not prove that the distributor of the pornography knew the age of the "performers," the distributors and sellers of child pornography are guilty of violating the law. Although I agree with the majority that the statute was poorly written, I disagree that Congress intended for such a "knowledge" requirement to apply. I believe Congress intended for criminal liability to attach regardless of whether or not the pornographer or his distributor knew the age of the "performer."

The majority opinion stands for the belief that the burden pornographers and video distributors would have to shoulder, with respect to knowing the ages of their "performers," is so great as to create a chilling effect on their right to distribute their "product" without criminal liability. We cannot deny that their decision favored the rights of pornographers. Moreover, by deciding this case as it did, I believe the U.S. Supreme Court placed the business interests of video distributors above the public interest in stopping child pornography. We know we live in a society turned upside down when such reasoning rules the day. I would be remiss if I did not point out that there were two men, Justices Scalia and Thomas, who sided with the "performers" - our children. If you want to read how the legal issues should have been decided, please read Justice Scalia's dissenting opinion. History will record these men as being men of conscience and the rest simply sly protectors of the status quo.

The reasoning behind Chief Justice Rehnquist's opinion runs contrary to the teachings of Judeo-Christian thought. It also runs counter to the public policy establishing statutory rape as a crime. During my service as a Judge Advocate with the United States Army (Army JAG), I represented young Soldiers court-martialed for statutory rape. Although the girls with whom they had sex "looked eighteen" and fully consented to the act, such appearance and consent did not excuse the crime. I informed each young soldier accused of this crime that the fact he did not know the age of the young girl was irrelevant. What was relevant was the fact that the girl was under sixteen made sexual intercourse with her a felony. Despite evidence supporting the accused's contention that the girl encouraged him to have sex with her and supplied the condom, he was guilty of statutory rape. I do not believe my clients understood that what they had done was a crime. Nevertheless, our society believes that no matter what an individual might think or is told about a minor's age, sexual intercourse with a minor is a felony. It is rape. Yet, the U.S. Supreme Court will not hold child pornographers and the sellers of such vile trash to the same standard. Their reasoning is unfathomable. Statutory rape and child pornography statutes have as their goal the same thing: prevention of child sexual abuse. I wish the judicial branch of my government would also pursue the same goal!

A recent development in American jurisprudence has led me to believe that even more members of the judicial branch of the federal government care nothing for the health and safety of our children. The Ninth Circuit Court of Appeals, sitting in San Francisco, struck down a major portion of the 1996 Child Pornography Protection Act on the grounds that computer generated images of children having sex with adults is protected free speech. Judge Donald M. Molley believes that the First Amendment to the U.S. Constitution prohibits Congress from enacting a law like the Child Pornography Protection Act. It appears as if Judge Molley believes that to generate images of non-existing children engaged in sex with adults is an expression of free speech. I will never believe the First Amendment to the U.S. Constitution was intended to protect this kind of speech. Yet, this perversion of our Founding Father's words is exactly what the Ninth Circuit Court of Appeals embraces. [[13]]

There is no doubt that the continued increase in child sexual abuse in America will lead to a generation believing the perverse to be the norm. Our future leaders will emerge from this generation desensitized to the horrors of child sexual abuse. Americans must ask themselves if the next generation will consider sex with children permissible so long as no permanent physical harm comes to the child. In the interests of personal liberty and freedom of expression, will Progressives support the idea a man be allowed to express his love for children through sexual relations with them? It sickens me even to think of just such a possibility but the history of the Progressive movement in America supports such a fear.

However, it frightens me more to consider the answer likely to be forthcoming from a victimized and desensitized generation. What should be alarming to Americans is that there is a movement today that promotes just such a belief. This organization of men calls itself the North American Man and Boy Love Association (NAMBLA). We need to search no further to find the enemies of our children. We need to look no farther for proof that our moral compass is broken.

Child abuse is a far more severe a problem in America than is commonly recognized. The simple truth is that when a child is physically abused, he or she is much more likely to physically abuse children in turn. I believe the facts support this contention. As one who defended Soldiers who were abused as children, I saw this vicious pattern firsthand. Yet, the most persuasive evidence that the next generation of children will be more violent than previous generations is the growing savagery of their violence. Up to the early 1980s, two teenagers would fight and the only injuries sustained would be a broken nose, a cut or two and possibly broken teeth. During the 1980s, the rules of the game changed and I saw and experienced the explosion of juvenile crime firsthand. Guns became a necessity for the youth of America's large cities. Whether because of the violence associated with the narcotics trade or the sheer number of violent images thrown at my generation, it became commonplace for teenagers to carry firearms of every type and I was no exception. Drugs, money and violence changed the children of my generation and the evidence supporting this assertion is all around us.

Yet, we know children are not born criminals. We know they are not born violent. They learn to be criminals just as they learn to be violent. The ever-increasing frequency of youth violence and the intensifying savagery of the perpetrators of such violence is not some recent phenomenon. Rather, it is the by-product of years of our wanton disregard for the welfare of children being abused and the inability of our criminal justice system to punish those who abuse children. This reckless disregard for their safety has created the 14 year-old cold-blooded killers we see all across America.

Violence is worshipped at the perverse altar of free speech. Violence is everywhere in America 2000. It is contained within almost every video game. It has permeated television since I was a child. And most disturbing of all is that violence is applauded everywhere except when it is directed at those who rape and murder women and children. Then, violence, in the form of the death penalty, is an evil act that our governments must refrain from committing.

In Plato's *The Republic*, there is a message that is as relevant today as it was 2,000 years ago. It seems Plato knew that what children are exposed to will shape their lives forever. He was not just correct in the following assertion, but prophetic when he wrote, "And shall we just carelessly allow children to hear any casual tales which may be devised by casual persons, and to receive into their minds ideas for the most part the very opposite of those which we should wish them to have when they grow up? We can not." It is unfortunate that the national media and Hollywood do not understand this universal truth.

Finally, I decided on the title of this book for two reasons. First, the only people in the world deserving of our sacrifices are those innocent of creating the society we currently endure. Children did not create the maligned society that we are leaving them, but they will certainly inherit it. They are indeed walking in our footsteps. The second reason why *Walking In Your Footsteps* was chosen is that Gordon Matthew Sumner, a.k.a. Sting, was correct when he alluded to the potential extinction of humanity as a result of its immorality. In his song of the same name, Mr. Sumner sings about how humanity may yet walk in the footsteps of the dinosaurs. Yet, all is not lost. We still have time to adjust our moral compass. We have the chance to return individual responsibility to its rightful place in government and society. We have the chance to regain control of our government because today is a new day!

Chapter 2

This Land Is Your Land

But, to speak practically and as a citizen, unlike those who call themselves no-government men, I ask for, not at once no government, but at once a better government. Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it.

Henry David Thoreau

Big government is inherently inefficient and waste its byproduct. Notwithstanding this fact, without a properly functioning central government, America cannot maintain her status in the world. Therefore, it is imperative that the federal government not only successfully performs the tasks required of it under the U.S. Constitution, but that it performs these tasks in an efficient and fiscally responsible manner.

Henry David Thoreau was an American poet and philosopher whose faith in government was nonexistent. Considered by many to be of one America's literary giants, Mr. Thoreau was a rabid Abolitionist who regarded slavery as a curse and that America would pay dearly for embracing slavery. Although highly skeptical of the need for government, Mr. Thoreau died in 1862 just as the cruelty and hatred that had festered in the American soul for 80 plus years was reaching its end. I have often wondered what Mr. Thoreau would have thought as the Grand Army of the Republic marched through New York City following the end of the Civil War. He might have felt differently when he realized just how many sacrificed their lives to end that curse.

When one examines the state of America's criminal justice system, as detailed herein, it is not hard to imagine Mr. Thoreau preaching about the injustices of a penal system that crushes the poor while rewarding the wealthy. It could be argued that our current penal system is a perfect example of the hypocrisy of government. Mr. Thoreau would almost certainly argue that using the same political process that embraces our penal system to change that system is a waste of time. Mr. Thoreau would also add that if the law (or series of laws in the case of the criminal justice system) are themselves clearly unjust and the legislative process in place is not designed to quickly "obliterate" such unjust laws, then the law deserves no respect and therefore should be broken. Food for thought in a nation starving for educated and civil debate. Let us start that debate.

Ever since the New Deal we, as a society, have propagated a child-like faith in the federal government to achieve whatever goal our politicians articulated. As this perception grew, politicians and bureaucrats used this faith to centralize power in Washington D.C. In so doing, the federal government shielded itself from the scrutiny of the people - a people that reside in the union of separate and distinct states.

Under the guise of federal supremacy, career politicians and those who wish to manipulate the federal government convinced the people that whatever the federal government does, it does for the good of the people. The idea that the federal government could one day become a tyrant has never entered the minds of those who believe government is the path to social well-being. Alexis de Tocqueville was a French scholar and philosopher who came to America to study democracy in the 19th century. His work, *Democracy in America*, stands as a warning to all free men that democracy can become a tyrant. It was De Tocqueville who coined the phrase "democratic despotism."

De Tocqueville believed that this tyranny of democracy would not be an alien dictatorship imposed by conquerors on a rebellious people, but rather it would manifest itself as a spreading paralysis of will, a failure of nerve and a gradual erosion of individual responsibility. In *Democracy in America* de Tocqueville wrote:

“A democratic state of society, similar to that of the Americans, might offer singular facilities for the establishment of despotism; it would be a despotism more extensive and more mild than any previous; it would degrade men without tormenting them¹⁴ Such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes and stupefies a people, till each nation is reduced to nothing better than a flock of timid and industrious animals, of which the government is the shepherd.”

De Tocqueville understood what would happen when government began serving itself rather than the people. In other words, he foresaw government by special interest.

Our beliefs as to what government is capable of accomplishing must be re-examined in light of our enormously complex society. The fact that the federal government continues to grow in both size and scope of authority while the problems plaguing society remain unsolved proves that the federal government cannot solve the problems facing the governed through massive spending or invasive social programs. The question we must ask is why the federal government continues to drain our national treasure to pay for failed policies and programs while our nation's infrastructure continues to decay. I believe the answer to this question is that career politicians and the faceless, nameless bureaucrats and lobbyists who serve them have failed to realize that the problems destroying our nation are in fact problems that can only be solved by the states and the people residing in those states.

Health care, crime, education and economic development are perfect examples of problems that can only be solved by the states. The federal government was created to address very specific problems; ones that transcend the individual state. It is time the federal government concentrates only on these problems if only to reduce spending. Only the most essential programs should exist and they should be managed with efficiency.

Yes, there are certain areas of our national existence that only the federal government should address. These areas include, but are not limited to, energy, transportation and defense. These areas of our national existence transcend the idea of state sovereignty and therefore must be left to the federal government to address. However, we cannot forget that it was this fear of an all-powerful central government that haunted our Founding Fathers because they knew what the federal government was capable of becoming and I believe their worst fears have been realized. What better proof can

there be than the fact that the federal government spends over 2 trillion dollars every year to secure our common defense and promote the general welfare while the problems facing our nation only worsen.

The message of this chapter is simple. If we do not reduce the size and scope of authority presently exercised in Washington D.C., such inaction will destroy our union of fifty separate and distinct states with each state nothing more than a geographical area made up of communities beholden to federal dollars. If we do not effectuate this reformation, the people of this once promising Republic will never again exercise true power over the affairs of government. Instead, the federal government will exercise absolute power over them through its ever-expanding bureaucracy, repressive taxation and oppressive unfunded mandates. By returning to the states the authority granted them under the U.S. Constitution, we will begin the process of adjusting our nation's moral compass one corrupt career politician at a time.

Since the states were once the primary governing bodies within our nation of states, it is altogether fitting and proper that the states again become the governmental entities responsible for the health, safety and welfare of the people without interference by the federal government. To allow the federal government to intrude into every aspect of its citizen's lives is a perversion of everything for which the Founding Fathers stood. We must stop the destruction of our once indivisible union by career politicians who embrace dissension.

Yet before the reader progresses any further, it is imperative that one thing be made perfectly clear. Discussion surrounding the reformation of the federal government is by the very nature of the subject matter dull. The fact that the issues surrounding the expansion of the federal government are so boring is exactly what the faceless, nameless bureaucrats rely on to ensure the maintenance of the status quo. They want us to tune out. They want us to say, "Who cares." They want us to say "voting does not matter." With that said, my greatest fear is that the reader will put down this book because the material in this chapter is so boring and the issues too complex. If there is any one thing that should motivate the reader to reform the federal government, it is this: by reforming the federal government, each of us can save thousands and thousands of dollars each year in taxes. This is to say nothing of the benefits that arise when the people control their government as opposed to it controlling them.

The Reformation of the Federal Government

Thomas Paine said, "Government even in its best state is but a necessary evil, in its worst state an intolerable one." Many years later, the esteemed author and poet Ralph Waldo Emerson echoed this sentiment with his prophetic words, "The less government we have, the better." Even more enlightening are the words of the father of the U.S. Constitution, James Madison; "A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both." This common theme of less government has been constant throughout American history for two very meaningful reasons.

First, government, by its very nature, intrudes upon the lives of the governed thereby stifling growth. Second, government has no bottom line. There is no baseline or benchmark by which to judge governmental performance and as such no one in government is held to account for failing. This is even more so when the political process created to hold them accountable has been hijacked by a political class indifferent to the cries of the people. This inability to hold government officials accountable leads to the perpetuation of failed policies and programs.

"Today, the greatest issue in America and all of mankind is the encroachment of government in the mastery of their lives." Former President Herbert Hoover delivered these words to the Centennial Convention of the Republican Party. As for how government encroaches upon our lives, one must first understand what these rights are before one can understand how those rights are being encroached upon. The first place to look for these rights is the Declaration of Independence. The inalienable rights of life, liberty, property, and the pursuit of happiness are not vague ideas. They are rights given to men by God and as such provide the moral framework upon which a free society can prosper and men live together in peace.

Understanding this universal truth, I believe that the Founding Fathers wanted to equate the words "life, liberty and happiness" with the Golden Rule, which requires that we should only do unto others, as we would have them do unto us. They wanted these words to also equate to freedom from repressive government. The Founding Fathers wanted to set this proverb to their "modern" age because they cherished the right of man to pursue his dream in his own way. They wanted their new nation to be a place where men were required by God and the law to allow their fellow man to live in peace. I believe this was the very essence of the Age of Reason just as I know it must be the essence of the Age of Responsibility.

Over the course of my professional life, I have sought to understand the federal government's continued failure to address the critical problems facing the average American; problems that were and are affecting the inalienable rights the Founding Fathers, our Grandfathers and Fathers fought and died to preserve. A perfect example of this failure is the career politicians' refusal to address in real terms the reality behind the continued growth of mandatory federal expenditures like Social Security.

I have often asked myself how is it that politicians get away with this breach of trust? The answer is simple. There is no accountability where there is no bottom line. I have witnessed with my own eyes how these pork-hungry politicians and termination-proof bureaucrats are allowed to commit acts of misconduct without ever being held accountable. These faceless, nameless bureaucrats and career politicians are the modern day Praetorian Guards[[14]] defending their emperor: the status quo. Rather than serve a noble cause, such as protecting the Emperor, these modern-day Praetorian Guards worship their \$125,000 a year salary, their three-day work weeks, their complete immunity from accountability and the ease of their workloads.

These servants of the people are not held accountable for their failures in the same way as an employee of a corporation would be held to account for failing to deliver a product on time because the taxpayer is continually filling the congressional purse through incremental taxes and borrowing from our children. Nevertheless, this constant flow of revenue does not permit the federal government to expand its authority simply because it can print money to cover the costs. The wealth generated from the labor of the American taxpayer may be a fountain of constant wealth, however, as Philip II of Spain once uttered and a friend has repeated many times: "Nor is it of very great importance that a running stream should be sometimes intercepted, so long as the fountain from which it flows remains inexhaustible." The fountain is the labor of hard-working Americans; a fountain that is being slowly but surely exhausted by the criminals who occupy Capitol Hill.

As I searched for the answer to why career politicians and the faceless, nameless bureaucrats that serve them fail to address the grievances of the people, I thought the answer must lie in the greed and corruption of men. I was wrong. As with so many of life's questions, I found the answer in a book. And if I could persuade the citizens of this country to read just one book about their federal government, that book would be *Tyranny of the Status Quo* by Milton and Rose Friedman.[[15]]

Tyranny of the Status Quo must take its place as one of the greatest works on 20th century American government. I cannot emphasize enough how important it is for every American to read *Tyranny of the Status Quo*. *Tyranny of the Status Quo* presents a clear and concise picture of the special interests[[16]] that manipulate the federal government. The Friedmans demonstrate through painstaking research and expert

analysis the federal government's penchant for neglecting those issues critical to America's future. The Friedmans identify three separate and distinct interests that protect the status quo: 1) those benefiting directly from the passage or defeat of a law, 2) the lobbyists, political staffs and committees that implement the law or see to its defeat and 3) the bureaucrats who administer the law. [[17]] In exposing this "iron triangle" as the Friedmans call it, they begin the process of exposing the federal government as beholden to the myriad of special interest groups that call K Street home. More importantly, the Friedmans alert us to the difficulty of bringing about any substantial political or social change in this country, especially that involving our complex criminal justice system.

The Friedmans highlight three specific areas of our national existence where the federal government suffocates change: crime, education and defense. Through logic and common sense, the Friedmans clearly demonstrate how bureaucracy, indifference and money work to suffocate change. In addressing education, the Friedmans expose the failures of an education system that stifles learning. In examining defense, the Friedmans dispel the myth so long perpetuated by the liberal establishment that defense spending wastes taxpayer dollars that would be better spent on social welfare programs. Lastly, the Friedmans alert us to the ever-growing problem of crime and all its consequences.

A failing education system is of paramount concern to the Friedmans. Rather than point to the decay of the family or violence on television as causes for our public schools' failure to educate, the Friedmans argue that the real cause for the utter failure of our public school system is the centralization and bureaucratization of public education. [[18]] I agree with the Friedmans that competition must be instilled in our public school system. However, competition alone will not suffice to positively affect the lethargy stifling the public school system. As a society, we must focus on the environment in which our children are educated. The physical environment in which children are educated must be free of drugs, gangs and the criminal elements poisoning the learning environment. A policy of zero tolerance for school violence is but one step in that direction. Only when our children feel safe will they be able to learn. [[19]]

Citing to a report issued by the National Commission on Excellence in Education (Commission), [[20]] the Friedmans correctly opine that this report was long on platitudes and short on solutions. This should not surprise anyone since it was the Secretary of Education that appointed the Commission. Moreover, if the Commission had addressed the issues in a truthful manner, the inescapable conclusion would have been that the federal government has failed in its efforts to better educate our children. It is imperative that the American people understand that the time has come to abolish the Department of Education. Responsibility for the education of our children belongs in the hands of parents and teachers residing in the states.

I must divert from the lessons contained within *Tyranny of the Status Quo* in order to prove, once and for all, that the Department of Education must be abolished. If there is any doubt as to what the Department of Education is all about, I assure you it has nothing to do with education. I offer, as a glaring example both of our politicians' wanton disregard of our children's education and their use of our tax dollars to further their own self-interests, an October 3, 1999 article appearing in the Los Angeles Times.

"Department a Haven for Clinton Loyalists" made it crystal clear that the Department of Education is a dumping ground for friends and relatives of Washington's political elite. The Department of Education is nothing more than a bloated bureaucracy where political hacks, useless bureaucrats and friends of those in power earn substantial salaries while doing almost nothing. It was also clear from the article that many of those in charge at the Department of Education have little or no experience in education. How can this be? The answer is simple. Politicians are less concerned with your child's education than with rewarding the fundraisers who satisfy their greed. This is the perversion that is Washington D.C. and it sickens me.

Although the Los Angeles Times article focused primarily on Clinton Administration appointees, this abuse of the taxpayer (and their children) is by no means solely a Democratic Party abuse. The Republicans, even in contradiction to what President Reagan espoused, also misused the Department of Education. When Ronald Reagan campaigned for the presidency in 1980, he called for the abolishment of the Department of Education. He wanted it abolished because he knew the federal government had no authority under the U.S. Constitution to exercise power in this area of our national existence. Moreover, he knew that the federal government's involvement would only result in a terrible waste of taxpayer dollars. He was right. President Reagan knew education was the responsibility of the individual states and the parent(s) of each child. President Reagan was, however, besieged from the very start of his Administration by the faceless, nameless bureaucrats who wanted to use the Department of Education just as it is used today. I believe President Reagan gave up his fight to abolish the Department of Education because he believed that a better use of his "political capital" would be to spend it on national defense. He saw that communism in Europe was on its last leg and wanted to deliver the final blow.

Returning to the lessons of *Tyranny of the Status Quo*, I believe the Friedmans would agree with me that the foremost duty of our federal government is to protect its citizens against foreign invasion.[[21]] They cite to the U.S. Constitution for support of their position. Yet they concede that ensuring domestic tranquility is equally as important as defending the nation. Without domestic tranquility, the nation would not be worth defending and I agree with this proposition but only to a point. The job of securing the health and safety of the people is the responsibility of the states, not the federal government and for the federal government to exercise authority under the guise of

securing the safety of the people has its limits. For example, if the federal government exercises its police power to stop mail fraud, it is exercising authority granted it under the U.S. Constitution. If the federal government exercises authority to protect women from sexual assault, it is exercising authority in violation of the U.S. Constitution. Of course, the career politician, progressive activist and a few college students will proclaim the U.S. Constitution must protect women from sexual assault. No, it must not protect women from sexual assault. We, the people, living in the states must protect them and it is a national disgrace that we are not protecting them.

Returning to national security, the Friedmans dispel the myth that defense spending has caused the United States to become a debtor nation.[[22]] The Friedmans prove that defense spending is much less a percentage of gross national product than that which our federal government spends providing for the general welfare; a duty I believe to be subordinate to that of providing for the common defense. One duty is precise while the other vague.

What is ironic is that the greatest threat to our national security comes from the failed social programs and irresponsible fiscal policies that emanate from a central government under the control of the career politician. The philosophy that created our welfare state resounds with the mantra that those who prosper must sacrifice “some” of their prosperity to the federal government because it and only it has the solutions to society’s problems. Unfortunately, it is a sacrifice that now borders on thirty to forty percent of the American taxpayer’s earnings.

The final area of our national existence the Friedmans address in detail is crime. The Friedmans examine the epidemic of crime that has been tearing at the very fabric of American society over the last forty years. They point to the decline of the family and the lack of individual responsibility as the primary causes.[[23]] They assert that a type of group responsibility has replaced individual responsibility.[[24]] Rather than spend countless pages addressing the epidemic of crime, I dedicated the next chapter to the issues surrounding America’s failed system of justice. However, it is imperative to address one issue now as it relates directly to a theme contained in *Tyranny of the Status Quo* and that theme is the abandonment of individual responsibility.

The very idea that society is to blame for the criminal conduct of others is the very foundation of William Jefferson Clinton’s legacy. Whether it was President Clinton’s countless apologies on our behalf for crimes committed by people long dead or his party’s support of causes that lay blame in places other than where it belongs, President Clinton’s legacy finds fertile ground in the denial of individual responsibility. Yet, the greatest legacy of President Clinton may very well turn out to be his socialist wife. Her ideas, philosophies and beliefs can be summed up in one sentence: government is the answer to the problems facing society. With this in mind, I invite Mrs. William Jefferson

Clinton to read Jonathan Kozol's *Amazing Grace: The Lives Of Children And The Conscience Of A Nation*.^{[[25]]} Mr. Kozol's work concentrated on a very small section of the state of New York: the south Bronx. Since Mrs. William Jefferson Clinton represents the great state of New York, I am eager to see how she will help the children of that small section of New York. I look forward to her vision and ideas on how the federal government can solve the problems plaguing these children. I want to see Mrs. William Jefferson Clinton standing before the children of the south Bronx explaining why the federal government and hundreds of billions of taxpayer dollars have failed to ease the hunger pains in their bellies. I want to hear her explain why the federal government has been unable to eliminate the fear that permeates their daily lives. I want her to explain how a compassionate criminal justice system will stop the men who beat and rape them. I want to hear her scream of a right wing conspiracy to rape and murder the children of the south Bronx. I want to hear more of her lies.

Amazing Grace: The Lives of Children and The Conscience of A Nation is disturbing in the extreme. Mr. Kozol's examination of one small corner of New York tells much about our society. Just thinking of the conditions under which these children live kept me awake at night. In fact, on my last trip to New York City, I rode the subway from Manhattan to the South Bronx to see for myself exactly what Mr. Kozol had described. Although I did not see any water rats, what I did see was the hypocrisy of American society. I too found it hard to believe that such wealth could co-exist in the same place as such poverty. In New York, the bastion of progressive liberalism, the failures of the federal government's plans and policies to bridge the gap between the rich and poor are plain for all to see.

Mr. Kozol proves that the problems facing the children of the south Bronx have not and cannot be solved by big government. Only by replacing the all-encompassing drive for more individual liberty with the novel concept of individual responsibility will the children of the south Bronx have a chance to develop the traits necessary to succeed in life. Only by truly punishing those that ravish our children will we prevent these crimes from happening again. Whether it is the rats, the drugs, the deplorable living conditions or the despair that Mr. Kozol identifies, the fact remains that the failed social programs of the past four decades are responsible for the plight of so many forgotten children.

It is a fact that since the Great Society's war on poverty, the federal government has spent trillions of taxpayer dollars to bridge the gap between the rich and the poor. The result of the enormous expenditure of our national treasure has been and continues to be a widening the gap between the rich and the poor. I do not need to cite any polls, studies or newspaper articles to support this assertion. The Age of Technology has provided us with ample evidence of this fact and the fact that the gap is widening at an accelerated pace. As you reflect upon the programs and policies of the federal government, it should become clear that whenever the federal government spends

taxpayer dollars to fix a problem intended for the states to address, the problem worsens. The facts surrounding the federal government's performance in the social arena and my life experiences overwhelmingly support this assertion.

Our current notions regarding the proper role of the federal government in our national existence was born during a time when people thought problems could be solved if enough money was thrown at a problem. In short, "big government" is the by-product of an era in which government was perceived by the majority of the people to be the solution to the most serious problems facing society. It was accepted by almost everyone that if enough resources were thrown at a problem, the problem would be solved. This is how the baby-boom generation worked to solve problems facing them. Unfortunately, it is not how our children will solve the problems facing them. They will have their own methods of problem solving since money will not be available to them since we borrowed against their future and the government will not be able to pay them back.

I know many Americans would like to see an end to the federal government's withholding so much of our hard-earned pay. Yet the truth is that for America to prosper in the 21st century, a strong federal government is necessary. It must, however, be a government severely reduced in both size and scope of authority. Only by reducing the federal government in size and scope of authority can we be assured that it will truly serve the needs of the American people and not the politicians, bureaucrats and special interests it currently serves. Therefore, the question the American people should be asking is: what is the federal government legally permitted to do.

The answer to this question is found within the U.S. Constitution. The fact that the federal government was created when the U. S. Constitution was ratified by the states is no coincidence. The people, who coincidentally reside in the several states and not within the federal government, knew that there are certain functions only a central government can perform. This was the reasoning behind the Founding Fathers' actions when they realized the Articles of Confederation were inadequate to meet the demands of a republican government. Therefore, we need only look to that incredible document for guidance in determining what the federal government can and cannot legally do. This is why I included the U. S. Constitution as an appendix to this book and why I swore an oath to defend it against all enemies, foreign and domestic.

What is ironic is that the unconstitutional (illegal) exercise of authority by the federal government occurred because politicians believed that they were doing the right thing. Doing the right thing motivated many socialists in the past century just as doing the right thing motivated many fundamentalists in the past fifty years. Unfortunately, the history of the federal government over the past fifty years seems to indicate that if a problem falls outside the scope of the federal government's specific authority, the problem only

worsens. This very tendency to insert the federal government into all facets of society, including our private lives, is what socialism and fundamentalism is all about. And it will be this tendency to intrude into the lives of the governed that will place the American people in the same place their state governments currently occupy. A position that finds once sovereign and independent states prostrate before the tyrant that uses its federal dollars to mandate what the states must do in order to receive more federal dollars.

When I read Karl Marx's Communist Manifesto, I could not help but be struck by the logic of his arguments. After all, one cannot refute that there were a few men making fortunes from the labor of the masses at the outset of the industrial revolution. One also cannot refute the argument that in America in the early 20th century the means of production were held by a very few. Nevertheless, by the time I read Herr Marx's work, the passage of time had proven his ideas could not be successfully applied to the real world. The fact is humanity is still too far down its evolutionary ladder for Communism to succeed. Besides, any movement that works to eliminate God from the human equation is doomed to failure.

Despite the shortcomings of Herr Marx's ideas, I wanted to know why such seemingly plausible ideas as those espoused by Marx were incompatible with the realities of life in the 20th century. Again, I found the answer to my query in a book: *Atlas Shrugged*. Just as *Tyranny of the Status Quo* will be remembered as one of the greatest works on 20th century federalism, Ayn Rand's *Atlas Shrugged* will be remembered as the definitive response to the theories and ideas of Marx and his offspring. [[27]]

Atlas Shrugged is a novel about a woman, a man, a nation and an idea. It tells the story of a future America where the failures of individuals are attributed to others. It tells the story of how an all-knowing central government takes from those who succeed in order to give to those who fail or did not want to try. It is the story of what will happen to America if big government and the rejection of individual responsibility are left unchecked. *Atlas Shrugged* stands for the proposition that when government destroys individual creativity and incentive while rewarding failure (as big government does), the result will be the very destruction of the work ethic that made America great. *Atlas Shrugged* tells us when a society punishes creativity and innovation; the result is a loss of prosperity for all. Unfortunately, the future Ms. Rand paints in *Atlas Shrugged* is being realized. *Atlas Shrugged* tells us what will happen if we punish those who push the limits of creativity.

The Justice Department's current attack on Microsoft is also proof that the federal government can become a machine that crushes innovation. It is a fact that Microsoft's product is more ingrained in the marketplace than its competitors' software. The fact that Microsoft's product is not the only product available to customers appears to be irrelevant. In my opinion, the real issue in the Microsoft Anti-Trust litigation is the

inability of Microsoft's competitors to keep pace with Microsoft's business savvy. If it were up to the Department of Justice, Microsoft would be broken-up so other software companies could keep pace with Microsoft. This argument lays bare the essence of federalism gone mad: reward those that fail at the expense of those who succeed. I realize many within the Anti-Trust Division will argue that I do not know all the facts surrounding Microsoft's conduct. I know the supporters of the Anti-Trust Division will say that it is the role of government to see that competition in the marketplace is fair. To them I say life is not fair. If anyone believes the federal government can make life fair, they are as ignorant as they are naïve. It is time for the supporters of Big Brother to realize that the marketplace is far better at ensuring competition than government regulation.

It is a fact of modern life that government is no longer the only power center in America. The emergence of the non-profit association and the increasing ability of the individual to address the problems confronting his or her community are proof of what men and women can do despite the lack of government support. And despite the obstacles placed before them by those that embrace government as the answer to our problems, these men and women are living examples of how society's problems can be solved without government interference.[[28]] There is more innate, collective wisdom in private markets and in the individual pursuit of wealth than government agencies can ever hope to acquire through their supposedly well-intentioned programs to redistribute wealth to those less deserving. The efforts of men and women, like those mothers that declared war on drunk driving, are what changed the status quo on our roads thereby making America a better and safer place to live.

With that said, I put to the American people the following question: How do we approach the task of measuring the federal government's performance? I assert that there is only one way: to identify those areas over which the federal government has sole responsibility and make a realistic assessment of its performance. We must examine the areas of our national existence that the federal government was created to address and ask if the federal government is succeeding at its unique mission. Although this will be a difficult task, it is necessary if only because an inefficient, unmanageable government run by unaccountable bureaucrats cannot be allowed to destroy what our Founding Fathers created and so many have sacrificed to secure.

To this end, I have selected for analysis two specific areas of our national existence that fall under the U.S. Constitution's twin obligations of the federal government: to provide for the common defense and secure the general welfare. Since these two areas are becoming more and more inter-related, it is only logical that they be examined together. I have also included a third area of our national existence to be examined: space exploration. Space exploration combines aspects common to both general welfare and common defense. It also provides a glimpse into how the federal government operates.

Like America's children, space exploration always takes a backseat when federal dollars are tight. Like our children, NASA is placed at the bottom of the career politician's list of priorities.

General Welfare

The history of the United States is a history of immigration and migration. The immigration to which I refer is that of the peoples of the world coming to America. Past immigration included both voluntary and involuntary immigration. With respect to migration, our history is replete with examples of internal migration. The best example of this is the Native American journey into near oblivion. Uprooted by railroads, highways and the advance of technology, the Native American peoples have been treated like slaves and no amount of spin will change that fact.

Of all the crimes that the American government is guilty of committing only one can match in horror the premeditated murder of the men, women and children of the native population. That crime is the enslavement of Africans for profit. It never ceases to amaze me how many Americans discount these terrible crimes when speaking of how great America is. America was once a great nation to be sure, but it was only a great in the sense that it had unlimited resources and a powerful military machine. There is simply too much pain and suffering in America's past for historians to brush aside as inconsequential the near genocide of an indigenous people and the enslavement of another. However, the sacrifices made during the Civil War and the civil rights movement proves that Americans can lift their nation above its shortcomings. I pray the American people are ready to once again sacrifice all for the greater good.

The first modern immigrants to America were Caucasian.[[29]] This set the tone for immigration to America for over 150 years. It also explains why the majority of Americans today are Caucasian. However, this will not be the case in one hundred years. The simple fact that the Caucasians are a vast minority in the world is evidence enough that the above prediction will come true. Yet, when I hear Caucasians argue that we should close America's door to immigration, I am angered because these new immigrants are key to our economic survival. They will help rebuild our decayed cities. They will help maintain America's technological revolution. These new immigrants will help the United States maintain its prosperity in the new millennium.

One of the primary reasons the federal government has failed in this area is that its immigration policy is incoherent. In fact, I assert that the federal government has no national immigration policy save that of allowing as many illegal immigrants to enter as possible. Despite the fact that America has room for only a limited number of new citizens each year, that reality is discarded every day our borders remain unsecured.

Therefore, the federal government must adopt a new, more coherent policy that will benefit the nation as a whole. A more intelligent policy would entail admitting immigrants based on the skills and abilities they possess. Since America is in desperate need of skilled workers, it is only logical our national immigration policy should reflect such a reality. The resulting benefits from this change in policy will be immeasurable. A modern national immigration policy will allow America to reach its full potential.

Since the federal government is expressly authorized by the U.S. Constitution to regulate immigration, it must be the only government entity regulating immigration. Immigration is a perfect example of an area of our national existence that transcends the individual state. Nevertheless, the reasons our existing policy ignores this reality is that special interests and the politicians who take their money use immigration to serve their own political agendas. Why else would President Clinton pardon terrorists that not only advocate the use of violence against the United States but also practice it? Why else would our elected officials continue to leave America's borders unsecured? Illegal immigration benefits both political parties and I defy anyone to prove me wrong.

The federal agency tasked with regulating immigration is the Immigration and Naturalization Service (INS). The INS is responsible for processing legal immigrants into the United States. Illegal immigration was recognized as a law enforcement matter. The fact that INS has enough to do handling legal immigration is proof positive that it cannot address the problem of illegal immigration. Besides, illegal immigration is as much a national security problem as it is an issue affecting our national welfare

The United States Custom Service (Customs) is currently responsible for securing our borders from those wishing to enter illegally. The primary responsibility of Customs is to make sure those wishing to sell their goods in the United States pay the requisite taxes and fees. Instead of focusing on their stated missions, we find the INS and Customs combating illegal immigration at the expense of performing their primary functions. Just as our federal judges have been forced to abandon their primary function to become drug judges, INS and Customs have been forced to abandon their primary mission to become law enforcement agents. This inefficient response to a national problem is a perfect illustration of how a bloated and inefficient central government can lose sight of its stated mission.

This failure to achieve the mission of securing our borders is not the fault of the INS or Customs personnel in the field. These people are, by and large, honest, hard-working Americans trying to make a living and a difference. The problem is that far too many of these men and women sit in Washington D.C. counting their vacation days while the personnel in the field lack the resources to get the job done. These highly priced bureaucrats and the career politicians they serve have long ago destroyed the ability of the federal government to get the job done.

The United States Commission on Immigration Reform (Commission) issued a report recommending a solution to illegal immigration. The report recommended that a new federal agency be created within the Department of Justice to address illegal immigration. This new agency would be tasked with handling all law enforcement issues pertaining to illegal immigration. Like the bureaucrats they are, the Commission's answer to the problem of illegal immigration was to create a new layer of federal bureaucracy. However, their recommended solution, i.e. more government, proved too difficult to implement during a time when the American people were demanding less government.

The next best solution proffered by the venerable Commission is another time-tested option so often utilized by the federal government: pay a consultant to further review the problem. To this end, the Attorney General and the Director of the INS hired two contractors, Booze Hamilton to investigate the Commission's findings and Price Waterhouse to develop a strategy for fixing the problem. I cannot wait for the Department of Justice to hire a third contractor to investigate the investigators after the public demands accountability for the taxpayer dollars spent in such a futile effort as to explain the obvious: INS and Customs cannot stop illegal immigration despite its absolute monopoly in this area, the inadequacies of the INS are painfully obvious. And for those still unconvinced of the federal government's failure, in 1998, the Commission concluded that no single agency within the federal government could simultaneously perform the tasks of service provider (immigration application/ visa processing) and law enforcement (preventing illegal immigration).

What is the solution that will secure our borders and promote national security? This is one of the primary questions to be asked and answered at the Second Constitutional Convention. The solution is the U.S. Army. Instead of patrolling streets all over the world, we can bring these men and women home to defend our nation from an enemy attack that is sure to come. Unfortunately, the U.S. Army is stretched far too thin to undertake such a mission. Even if career politicians agreed to allow the U.S. Army to deploy along our borders, the special interests that manipulate the federal government would put a stop to it. We must never forget that illegal immigration fills the pockets of those in Washington D.C. and no amount of spin will change that fact.

Common Defense

I believe my experiences working within the Department of Defense qualify me to discuss intelligently the issues surrounding this most important of federal organizations. Over the last ten years,[[30]] I have witnessed the systematic destruction of our Armed Forces by the very same politicians who promote national defense come election time.

This destruction did not occur overnight. Rather, it has been insidious, slowly and surely eroding our national security. It can be seen in the number of training accidents. It can be seen in the number of junior officers leaving the Army since the end of the Gulf War. With that said, I offer my thoughts on how best to reform the Department of Defense.

The notion that our national security rests solely upon our physical ability to repel a foreign invader is as ridiculous as it is outdated. The physical invasion of the United States is a very remote possibility. The Second Amendment to the United States Constitution makes the success of any such invasion highly unlikely and our enemies know this well. However, they also know that they do not have to invade the United States to cause us great hardship. In today's shrinking global community, national security rests in the stability of our markets, the safety of our trading partners, freedom on the high seas, freedom in the air, freedom above the earth and, more so than ever before, the freedom of Americans to travel abroad in peace.

National security is not just about fighting wars. It is about the dividends that peace brings. Yet, we must always be prepared to fight if aggression rears its ugly head. For this reason alone, we should have prevented the emasculation of our Armed Forces during the 1990s. Unfortunately, career politicians have already allowed our Armed Forces to become a shell of a fighting force. No better evidence exists to prove this assertion than the fact that many of our young Soldiers, Sailors, Airmen and Marines must obtain food stamps in order to feed their families. I was outraged when I first witnessed a Soldier use food stamps at the Base Commissary. I said to my wife, "How dare he take money he does not need." After I inquired into the pay the average soldier receives, I realized how underpaid he was and how much he needed those food stamps.[[31]] It was then that I understood how little our politicians care for the men and women in uniform. This is to say nothing of their families.

Forgetting that the defense of American interests begins with the proper training of those who will fight the war and not some new weapon system, it seems our elected officials have forgotten who wins wars. Today our Armed Forces are only a skeleton of their former selves. President Reagan's dream of a six hundred-ship navy has vanished beneath the waves. The United States Navy has little more than three hundred ships. The United States Air Force is suffering from such a shortage of pilots that many of her formations operate far under their intended strength. It is doubtful whether these formations would be effective against an enemy whose Air Force is of even moderate strength. Finally, nearest and dearest to my heart, the United States Army's Infantry Divisions continue to melt away as if the threat of war belongs to another time.

In our efforts to reform the federal government, career politicians and bureaucrats that should be serving the public will tell us they cannot just eliminate the positions held by federal civil servants. They will contend that federal civil servants possess legal rights to

employment and that by eliminating so many of these bureaucrats, as must be done if true reformation is to occur, they will contend any planned reduction in federal civil servants is illegal. What makes these bureaucrats more important than the men and women of our Armed Forces? If the men and women in uniform can be discarded without a second thought, as they were in the 1990s, so too can the useless federal bureaucrats sitting in Washington D.C. [[32]]

As much as our elected leaders should be ashamed of their recklessness, they lack even a basic awareness of the problems they have created to feel shame. These coat and tie politicians do not know any better because the majority of them have never served in uniform. Yes, I realize that being a good civil servant is not premised upon prior military service. However, military service evinces an individual's willingness to sacrifice his or her comforts for the sake of the nation. Many coat and tie warriors, faceless bureaucrats to some, do not understand sacrifice of this nature. These coat and tie warriors would feel put out if their cell phones and beepers were taken away for even a day. This, they would call sacrifice.

What I saw while living and working in the National Capitol area convinced me that our politicians do not sacrifice anything unless the sacrifice will aid them come Election Day. If you doubt this assertion, just look at 1) the benefits bestowed upon these servants of the people, 2) the actual number of hours they work each year, 3) the paucity of our currently serving Senators and Representatives that actually performed military service and 4) their reliance on polls for guidance rather than subject matter experts. I believe that if an enemy of even moderate strength confronted our Armed Forces today, we would have a difficult time defeating that aggressor. This is to say nothing of our ability to simultaneously maintain our "peacekeeping" missions while responding to such aggression.

The American people must understand that not all the world's aggressors are as weak as Iraq, Yugoslavia and Afghanistan. If, for example, North Korea invaded South Korea or China invaded Taiwan there would be little America could do to stop such aggression short of nuclear war. Yet despite the fact that career politicians continue to tell us the world is a safer place since the collapse of the Soviet Union, it is not.

The world is a more dangerous place because the Soviet Union acted as a counter-balance to the United States; a counter-balance that presented many nations with the choice between aligning with one superpower or the other. Since the Soviet Union offered repression and corruption, most nations opted to ally with the United States. This is no longer the case. Today, many nations around the world are beginning to believe the United States is a superpower bent on profiting from its position. Consequently, these nations are beginning to feel that America is taking advantage of her enormous wealth. Many nations are beginning to think of Americans as greedy and

self-absorbed. In many instances, they are correct. The result of this shifting of attitudes will be that foreign politicians will take advantage of this sentiment and use it to their advantage. We see it happening all around us.

Foreign politicians will preach to the poor and uneducated that because the United States is so wealthy that there must be some truth to the assertion that America is only interested in money. They will blame the United States for their problems regardless of whether or not we are responsible for them. In turn, the people will begin to feel that the United States is the enemy. They begin to see the wealth of Americans in an entirely new light – a light being made brighter by the actions of career politicians. We must never forget that nothing breeds hatred like jealousy.

It is a fact that the proliferation of weapons of mass destruction continues at an alarming rate despite what our coat and tie politicians tell us to the contrary. They cannot tell the American people the truth; if they did, they would not be able to spend the budget surplus on pork barrel projects for their constituents. Instead, they would have to spend the surplus preparing against the attack that is sure to come. If the American people knew how dangerous the world really was and how unprepared we are to meet this danger, they would demand a stronger national defense. Instead, our coat and tie politicians pretend no such threat exists.

Most Americans have never heard the term Asymmetric Warfare. Although it is a term that preoccupies the daily lives of many Department of Defense officials, both in and out of uniform, I believe it is a term relatively unknown to the American people. The time has come for everyone to learn about the style of warfare that will dominate the 21st century.

What is Asymmetric warfare? According to the Department of Defense's Joint Pub 1, Joint Warfare of the Armed Forces of the United States:

Asymmetric warfare engagements are battles between dissimilar forces. These engagements can be extremely lethal, especially if the force being attacked is not yet ready to defend itself against the threat. Similarly, asymmetric warfare has been described as war between two sides with very dissimilar goals, which makes the fight inherently asymmetrical from the start. The term "non- traditional" is also used to define asymmetric warfare because it employs methods that do not fit how we traditionally picture warfare- big armies deployed against each other on the battlefield, using like strategy, tactics, and weapons.

Asymmetric warfare has also been described as warfare by an inferior force using new technology to defeat a superior enemy. For example, early in the campaigning season, Hannibal crossed the Alps with the aid of elephants in order to gain the advantage of surprise over the numerically superior Roman Legions. The North Vietnamese

undermined the United States' enormous military advantage by recognizing what it would take to win a guerrilla war against the United States: unbridled savagery.

Asymmetric warfare in the 21st century will find nations, like Iraq and North Korea, using chemical and/or biological weapons against superior enemies like the United States. Iraq will not have to face America on the battlefield. Its goal in war is not the same as ours. Iraq knows it cannot defeat the United States in the field. Instead, it will hide behind anonymity and launch its attack from the cargo hold of a sea-going vessel or on board a transcontinental airliner. Do not let the politicians fool you. There is no security.

The Panama Canal provides one example of where asymmetric warfare could involve the United States. What would happen if China were able to close the Panama Canal to the United States and her allies? What does China have to do with the Panama Canal? The answer is everything. In 1997, Panama granted to a subsidiary of Hutchison Whampoa Ltd. (a Chinese corporation) a twenty-five year lease concession to operate the Panama Canal entry points. Although the United States submitted a higher bid to operate these entry points, the bid was rejected. Why was the higher bid rejected? Could it be that the Chinese officials bribed the Panamanian officials who awarded the concession? If this was not enough, Hutchison Whampoa also secured an option to lease our former naval base in Panama. As such, Hutchison Whampoa could lease the naval base to North Korea or some other nation that despises America. The consequences of such an action should be obvious.

Although the legacy of President Carter will always be the dismantling of America's human intelligence network worldwide in favor of new high-tech forms of intelligence gathering, there is another of his legacies that must never be forgotten. When President Carter signed a treaty that required the United States to hand over the Panama Canal on December 31, 1999, he jeopardized our national security.

The Panama Canal is a vital part of our national defense and there is no refuting this statement. Nevertheless, President Clinton does not believe that our losing control of the Panama Canal poses any threat to our national security. President Clinton wants to believe that Chinese control of the Panama Canal poses no threat to our national security because Panama has guaranteed that it (Panama) will never allow the Canal to be operated in other than a neutral manner. First, I do not regard the "guarantees" of Panama as having any weight in the calculation of what is or is not in the best interests of our national security. Second, Panama has not proven itself a nation strong enough, politically or economically, to withstand the pressures a country as powerful as China can assert. Should China, through its manipulation of Hutchison Whampoa, close the Panama Canal to America and her allies, the results would be disastrous. The United States would have no choice but to answer with force. In so doing, China would create untold political havoc in the United States, not to mention the loss of American lives in

the ensuing military action. China will be able to do this without ever having to face America on the battlefield. In short, China will have engaged in asymmetric warfare.

Yet these considerations do not shed light on the true essence of President Clinton's legacy. His legacy is found in the other "reason" why he considers Chinese control of the Panama Canal not a threat to our national security. President Clinton reasoned that Chinese control did not jeopardize our national security interests because "we" could retake the Panama Canal anytime "we" wanted. Retake the Panama Canal? Mr. President, are you referring to the deployment of American men and women to the jungles of Panama to retake it by force of arms? How easy will it be to retake the Panama Canal once the Chinese have built the Panamanian Defense Forces to where it is the most powerful army in Latin America? How easy will it be for America to stop the Chinese from severely damaging, if not destroying, the Panama Canal before we could retake it? Most importantly, how many of our boys and girls will die retaking the Panama Canal? President Clinton has never shied away from risking the lives of American men and women in the service of his policies. The only thing he ever shied away from was risking his life for his policies. History may remember him as a liar, but to many Americans, he will always be remembered as a coward.

It is beyond the scope of this book to address every potential scenario in which asymmetric warfare could exist. It is also beyond the scope of this book to undertake a thorough and proper analysis of the emasculation of the Department of Defense since the end of the Cold War. Historians will write how unprepared America was for the next great war and how this negligence has cost the lives of so many young men and women.

What is not beyond the scope of this book is to point out how the federal government has failed to provide for our common defense. If the American people believe our Armed Forces will have the ability to defend this nation's interests with fewer allocated resources, they are mistaken. We must reform the Department of Defense so that it is an effective fighting force and this will occur only if we change the way in which Washington D.C. conducts business.

I cannot write dispassionately about two things: the Department of Defense and the American criminal justice system. What is ironic is that without reformation of these two areas of our national existence, the end of America as a superpower is almost assured. And we must never forget that government reformation and child welfare are two sides of the same coin. With that said, I offer three areas of our national defense that must be reformed if America is to maintain her status as the most powerful nation on earth:

1. The manpower levels of our Armed Forces

2. The complete reformation of our intelligence gathering capabilities
3. The concentration of the Department of Defense's Research, Development, Testing and Evaluation (RDT&E) infrastructure in the American southwest.

In 1997, the Quadrennial Defense Review (QDR) was immediately praised as the framework under which the Department of Defense would be able to reshape itself to meet our future national security needs. The faceless, nameless bureaucrats applauded its vision. It was then I knew something was wrong. Career politicians do not applaud change, they shrink from it. So why then did they applaud the QDR?

Much of the QDR was straightforward in its approach. However, I disagreed with its conclusion regarding the manpower levels required to meet the stated national security goals. I do not need to write countless pages addressing this shortcoming because the issue is now moot. The fact that our Armed Forces cannot even recruit enough young men and women to replace those that are leaving is why the issue is now moot. We cannot even meet the manpower limitations envisioned by the QDR. Therefore, the question of whether or not these manpower levels are realistic or adequate will never be known. Short of a miraculous reform in the pay levels of military and civilian personnel, such manpower will never be recruited to fill these recommended levels unless the draft is re-instituted.

Today, our defense budget is approximately three percent of the U.S. Gross National Product. This is the lowest percentage in decades. Yet, the liberal establishment and many conservatives would have the American people believe we are spending too much money on defense. These knee-jerk liberals and phony conservatives argue that because Russia is no longer a superpower, we should reduce defense spending. It is time they realize the world is a more dangerous place exactly because Russia is no longer a superpower. Victory on the battlefield in the 21st century will go to the nation with the most advanced weapon systems and the best-trained and most highly educated Soldiers. Therefore, it is imperative that the United States not only have the best trained Army, Navy and Air Force, but also that the weapons given these warriors must not be the poorly maintained weapons used in the Gulf War.

The history of the American Army and Navy reveals that before the start of the two World Wars and the Korean War,[[33]] our Armed Forces were wholly unprepared for combat. They were unprepared because the weapons provided them were either obsolete, as was the case with the rifles used in the early stages of World War II and, in the case of the Korean War, the Soldiers sent into combat were poorly trained. Our political leaders, seemingly ignorant of history altogether, refuse to learn from the lessons of the past.

The second area of our national defense that must be reformed is that involving our intelligence gathering capabilities. The National Security Agency (NSA), the Defense Intelligence Agency (DIA) and the Central Intelligence Agency (CIA) are the three primary organizations responsible for gathering intelligence about America's enemies - real or potential[[34]]. However, in the past ten years, the age of technology has left the code breakers deaf. In short, the code makers have surpassed the code breakers. Fiber optics and encryption codes have transformed the intelligence gathering community in a mere ten years. This is another example of how the "peace dividend" has worked to dismantle our nation's defense.

In the early days of the Cold War, the interests of national security were paramount to any interest desiring a smaller and more efficient central government. A perfect example is the creation of the National Security Agency. Back then, the NSA worked jointly with the private sector to create state-of-the-art intelligence gathering techniques that kept us one step ahead of our enemies. These partnerships produced microcomputers and the high-speed circuitry that helped propel the high technology revolution. America was the world leader in these areas and her intelligence gathering capabilities reflected as much. Those days are also gone. We must bring Silicon Valley and Fort Meade (home to NSA) together. The infrastructure to accomplish this task is being developed in the high tech corridors of Northern Virginia and Maryland. The federal government must begin a new joint effort with the private sector in order to tap its intellectual power.

Also related to this area of national security is the lack of capable engineers within the federal workforce. The serious deficiency in quality engineers within the federal government is rarely discussed as any discussion will require admitting that the career politician decided to use "contractors" to fill the need because it's what their lobbyists require. Although I would love to provide examples of the effects poor engineering has on military operations, this is best left for another time and place. What I want to convey is that the federal government's lack of technical support to accomplish its mission must be addressed at the Second Constitutional Convention. Maybe a new type of service – a hybrid of civil service and national defense.

The fact that the federal government cannot recruit and retain young engineers, computer scientists and information systems specialists is all too real. I believe the time has come to replace the thousands and thousands of lawyers "working" in the federal government with engineers that are actually working for the federal government. The time has come to root out the non-essential civilian employees. The result will be a leaner and more efficient federal government. Imagine that!

It is no surprise that our intelligence capabilities have suffered since 1989. The United States signals intelligence communities are like our uniform services - a shell of their former selves. Today, the capabilities of our Armed Forces pale in comparison to days

past. The same goes for our intelligence gathering capabilities. I wish I could direct you to someone who could verify the accuracy of my assertions, but anyone who would publicly verify my assertions would be unemployed tomorrow. This is how the bureaucrats, even in the Pentagon, preserve the status quo. Nevertheless, the bottom line is that our intelligence collection systems are failing and failing miserably. How else can the NSA explain the fact that Pakistan's detonation of a nuclear weapon caught the United States off guard?

The third area of analysis in any effective and meaningful reformation of the Department of Defense must involve a serious debate about revamping of our defense infrastructure. The American people need to be made aware of the growing support within the defense community (uniform and civilian) to reform our defense infrastructure in order to make it cost effective and mission responsive. This reformation would require a major transformation of military industrial facilities and installations. The DOD footprint is far too large in the continental US.

The establishment of a Southwest Defense Complex that can handle most, if not all, of the Department of Defense's RDT&E operations. In an order to ensure the success of such an effort, it is imperative that the federal government views its installations from the viewpoint of a complex and not as individual bases operating in a vacuum. The unpopulated areas of the American southwest, along with its favorable climate for RDT&E, offer an environment most conducive to testing and evaluation of new and revised weapons systems. However, the politicians of the "eastern establishment" have fought, and will fight, to thwart such a reformation of the research, development, testing and evaluation of our nation's weapons systems even though it would better serve our national security interests. The enormous sums of taxpayer money to be saved is only incidental, at least in my opinion, to mission efficiency. Moreover, the money saved from such a concentration of resources would cover the cost of reforming our signals intelligence capabilities.

I was not aware of the need for, or the issues surrounding, the consolidation of our RDT&E operations until I read that General Colin Powell supported linking test and evaluation capabilities to the training ranges in the southwest United States. In addition, when I read that the Chief of Staff of the United States Army testified before the Senate Armed Services Committee that such a linking of Department of Defense related training in the southwest would create less redundancy as well as boost joint training objectives, I realized that maybe these men knew what they were talking about.

A perfect example of the political machinations negating Department of Defense reform efforts, especially the need to consolidate Department of Defense assets in the southwest, is the M-1 tank. The M-1 is the main battle tank of the United States Army. The Army's National Training Center (NTC) at Fort Irwin, California serves as the home

to the Army's most important training and testing center for armored and mechanized warfare. Since Fort Irwin is one of the few installations (USMC Base Twenty Nine Palms in California being another) where realistic armored and mechanized training can occur, it is only logical that Fort Irwin sits as a highly favorable locale for testing the M-1 and training personnel in its operation.

The M-1 is also an important weapon to the United States Marine Corps. The United States Marine Corps operates an Echelon 5 maintenance facility[[35]] at the Marine Corps Logistics Base at Barstow, California, some thirty miles from Fort Irwin. Yet, when the Army and the Marine Corps need an M-1 repaired or rebuilt, the tank is often shipped by rail two thousand miles simply so bases back east can argue they perform a mission essential to our national defense. This is both a waste of taxpayer dollars and a hindrance to the mission. A tank back east cannot be used to train a soldier or Marine out west.

Ironically, the current initiative to concentrate RDT&E resources in the southwest resulted from the Base Realignment and Closure (BRAC) Commission[[36]] decisions on California. Rather than spend countless pages discussing how California was impacted, it suffices to assert that California paid a price disproportionate to the price her "eastern brothers" paid. The easterner's BRAC victory was due in no small part to the fact that California has two Senators who have demonstrated nothing short of contempt for our nation's defense. California also has 11 federal legislators that have been in Congress for over twenty years. Notwithstanding 11 career politicians with over twenty years at the federal trough, it appears as if the political savvy of the eastern establishment is much more developed than that of their western counterparts. How else can these California politicians explain the damage they allowed the BRAC to inflict upon California?

The savings in the RDT&E community alone supports such an effort to relocate these assets. Three other compelling reasons lend support for the southwest relocation initiative: 1) America's fastest growing cities are in the southwest, 2) such a relocation would ease the urban sprawl in the east, which has so devastated the environment in that part of the country and 3) the relocation would improve the joint readiness of our Armed Forces.

The relocation of our defense infrastructure to the southwest would help support the cities of the southwest. In turn, as these great cities of the future develop, the high-tech specialists currently building these cities could next turn their energies to the establishment of a southwest defense complex. Just as important, this relocation would take pressure off the environment in the already overcrowded eastern United States. As urban sprawl continues to erode the green areas of the east, the relocation of these defense assets to the southwest would ease the environmental burden.

I feel it imperative that I conclude this section by reminding the American people that their booming economy is made possible by the stability of the economies comprising the global market. The Department of Defense makes the stability of these economies possible. If you doubt this assertion, just ask yourself how long it would take Saddam Hussein to invade Kuwait and/or Saudi Arabia, or the North Koreans to invade South Korea, if their leaders believed that the United States was unprepared or unwilling to meet their aggression. Forget for the moment the rogue nations mentioned above. Instead, let us focus on three very powerful nations that, if united, could cause untold harm to the American economy and the American people. These nations are Russia, China and India - three nations that are very dissatisfied with the actions of the United States over the past two decades.

I have always believed China and Russia will one day join forces to check American global dominance. However, I never envisioned India as part of that equation. I did not think such an eventuality was possible until September 1999 when the then Russian Prime Minister, Yevgeny M. Primakov, suggested that India join with Russia and China in forming a "triangle" in which they together could assure peace in the region.[[37]] The reasons why such a pact could materialize are complex to be sure. The issues that could drive these nations together range from India's fear of a nuclear and militant Pakistan (supported by China) to Russia's disgust over the United States' contempt for her interests, as displayed by President Clinton's complete disregard for Russia's preeminence in the Balkans. If President Clinton wants to look for blame for the massacre of Chechnya and its people, he need only look in the mirror. His decision to support one insurgency over another caused Russian leaders to lose face before the Russian people.[[38]] To counter that loss of face, the Russian government acted decisively in the face of Chechnya's opposition.

If Russia or China are able to convince India to join in a mutual assistance defense treaty, the United States and its allies will be faced with a foe much more dangerous than the Soviet Union. If such an alliance should occur, I would urge the Taiwanese to prepare for war and the Western world to prepare for economic difficulties far worse than the Asian crisis of a few years ago. With that said, I leave the reader with these questions: What will happen to American prosperity when India and/or China compete with Silicon Valley for technical supremacy? And what will happen when they use their technology to assist a resurgent and constantly slighted Russia in her times of trouble?

History teaches us that it was Rome's internal decay that allowed the barbarians to sack her empire. The question that every American must ask is whether history will record that it was America's internal decay that allowed her enemies to prevail. The abandonment of our national defense in pursuit of the ever-elusive peace dividend is just one example of this internal decay. The abdication of personal responsibility in favor of the ever-more politically correct notion that individual liberty is more important

provides yet another telling example of Americana in decay. If you doubt these assertions, I invite you to read the history of 20th century America, a history replete with examples of military tragedies and bureaucratic failures. It must stop now.

Space Exploration

I believe any discussion about the reformation of the federal government must include an examination of the National Aeronautical and Space Administration (NASA). I believe this because NASA provides the American people with an excellent example of how an unmanageable bureaucracy can relegate an entity as essential as NASA to the bottom of America's priorities. We cannot continue to treat NASA and space exploration as if it were a second-rate federal agency. It is sad but the truth is that the federal government relegates NASA to the same level of funding as the Office of Personnel Management. Maintaining NASA in its current under-funded state is to fail to understand the true value of space exploration.

The United States has the opportunity to be the first nation to really harness and exploit the resources of space - resources we cannot begin to imagine. The time has come for NASA to take its place among the forefront of federal endeavors. More precisely, NASA must be a mission requiring cabinet level status. If NASA is to lead the way in the exploration of space, it must do so with the full support of Congress.

The federal government's role in space exploration provides a perfect example of the need for an efficient federal service. It also provides another example of federal failure. What is ironic is that by examining NASA, the reader is provided with a glimpse of how poorly the federal government operates and/or is managed. We need only examine current events in NASA to understand how poorly the federal government performs its missions. However, there are a few additional facts that must be addressed before the importance of NASA can be fully understood.

The human population of Earth is estimated to be six billion. These six billion are beginning to adversely affect the ability of our planet to heal itself. In the past, human actions have resulted in only minimal damage to the planet's ability to heal itself. This is no longer the case. The age of technology is accelerating the pace at which we damage our common environment. Moreover, the ways in which we damage our common environment are far more lethal than in years past. Moreover, the chemical and biological emissions entering our environment today are far more deadly than those of yesterday.

Even more problematic is the fact that the human population of this planet is distributed unevenly. The areas of the planet that are mild in temperature and fertile in soil are

where the overwhelming majority of these six billion reside. In fact, the entire human population lives in roughly six to seven percent of the earth's surface. It is this very fact that may prove a disaster in the coming decades.

The United Nations and many international health organizations estimate that the population of our planet will reach approximately nine billion by the year 2050. As much as I want to believe that our planet can support such a burden, I fear it is a burden that will destroy our planet's ability to heal itself. Emerging nations continue to cry for more and more natural resources. Developing nations continue to produce toxic emissions that destroy our environment. The industrial revolution of the third world is causing such havoc on our common environment that I doubt if our planet can survive such an onslaught. Therefore, we, the enabled, must lead the effort to establish a two-pronged attack designed to save this planet - a plan that addresses issues both sustainable growth and space exploration.

Thankfully, there are many experts working on solutions to sustainable growth every day. Their thoughts and ideas on sustainable growth will provide the substance for debate at the Second Constitutional Convention. It is because we, the enabled, are blessed with good fortune that we must lead the way. I can only offer my opinion as to how a species, working together, should approach this final frontier. The world's wealthy nations and their citizens must join together to establish, through obligated funds, an independent, international organization privately operated and dedicated to the establishment of a permanent space station. I do not envision a joint effort like the one currently in existence today, but an independent entity above politics - an entity that places research, education and exploration above the fray of politics. [[39]]

Notwithstanding the above referenced difficulties, building a space station and the exploration of deep space are the second steps toward the establishment of a self-supporting human presence in space. The first step is one that must be taken here on earth. This step requires our species to adjust its moral compass so that weapons of mass destruction are not the cornerstones of national security. Hatred, jealousy and greed must be overcome here on earth before our species will be allowed to populate the galaxy.

Despite the fact that humanity's journey to the stars may not occur in my lifetime, I believe such a journey is not beyond the lives of our children. With that said, let us begin the long process of establishing a human presence in space by reforming our government's vision of space and our vision of government. The first step in this area of governmental reformation will find us reconstituting NASA - a reconstitution that includes bringing NASA to the forefront of the federal government's mission.

The problems that have plagued NASA over the last ten years are similar to those that have plagued the Department of Defense. NASA has been so poorly funded that today it too is a shadow of its former self. Notwithstanding this depressing fact, JFK's dream is alive and well. The United States rocket program is just one example of this dream. Places like Vandenberg Air Force Base in California and Cape Canaveral in Florida are just two examples of how space exploration can benefit this nation's economy. By elevating the importance of NASA, America can take the next step in her journey to the stars.

Space exploration presents humanity not just with the final frontier of exploration. It provides humanity with the chance to find the answers to so many of life's questions. It is within the vastness of the universe that humanity will find the answers it seeks. For this reason, we must discard the argument that to spend money on space exploration is misguided when there exists on earth so many pressing problems. The answers to many of the most pressing problems on earth have already been identified. We have only to look at ourselves to know that we are the answer to the problems plaguing this lonely planet.

The new Department of Space Exploration should be linked closely to the Departments of Energy, Defense and Transportation. This new Department will pick up where President Kennedy's dream left off. It will bring to America the benefits that space has to offer - from improved air travel to national security. Currently, the United States Air Force has cognizance over our Unified Space Command. However, in its fiscal year 2000 appropriations, Congress created the Commission to Assess United States National Security Space Management and Organization (Space Management). Space Management, from what I have been able to ascertain, is tasked with assessing:

1. Whether an independent armed service should be created along side the Army, Navy and Air Force with the mission of exploring space
2. How well current inter-agency coordination exists with respect to issues involving space
3. How best to use existing assets to support America's national security
4. Whether an Assistant Secretary of Defense position should be created to address the issues surrounding space and national security

These are important issues to be sure. However, there are other issues of equal or greater importance involving the commercial use of space and how America may best profit from this use. Yes, I do mean profit. Just like the Portuguese who profited from their mastery of the sea, so too should America gain power and wealth through its mastery of space.

I believe it is at this point in the discussion that the reader must understand the distinction between “white” versus “black” space. White space is that use of space that does not relate to the intelligence gathering aspects of national security. Black space is that use of space that does involve our nation’s intelligence gathering capabilities. In other words, space is another field upon which our national security is tested. For this reason alone, we must stop relegating NASA to its current underfunded, understaffed, and underappreciated status. The status quo must end at NASA. It is a matter of life and death. Therefore, I offer as the starting point of reformation at NASA the job of improving the efficiency of the federal government in its use of both “white” and “black” space. Once these programs are funded in accordance with their importance and the “right” personnel are hired to do the job, the differences between “white” space and “black” space will be less pronounced and our ability to master space improved.

A perfect example of the relationship between the two and the potential for commercial use is the GPS tracking system currently used by millions of Americans in many facets of their lives. Twenty years ago, people laughed at the money spent by the federal government to develop this satellite guidance system. No one is laughing today. A few examples of the future use of advancements in space technology will be space-based travel (Tokyo to London in three hours) and the development of space-based radar systems that will revolutionize many different industries, including aviation. In an effort to address national security concerns, this new Department must contain a special section that works closely with the United States Air Force. For this reason, I do not believe America needs another armed service. It is only logical that the United States Air Force be the armed service responsible for securing the heavens. It was the United States Air Force that put us there in the first place.

The eternal legacy of John Fitzgerald Kennedy (JFK) will always be his vision of space exploration. JFK voiced the hope of millions of people when he spoke of man landing on the moon and returning safely. In one hundred years, I pray that children will hear his words and marvel at the man who made possible their anticipated journey to the stars. I also pray that these same children will also read how a nation-state called America provided the impetus for the movement that allowed men and women to live in space. However, if the federal government continues its path of debt and destruction, JFK’s dream will remain a dream. In that case, the only things to reach the stars will be government satellites placed in orbit to watch those that oppose the status quo – the same status quo that embraces national debt in the name of political expediency.

States’ Duties, Not States’ Rights

Beginning with the New Deal, the federal government has slowly but surely eroded the authority of the states. In so doing, it has become the principal governing body in our nation. This is not what the Founding Fathers intended.

By expanding into facets of our lives never intended for the federal government, it began replacing the states as the primary governing body in our national psyche. No longer are we a nation of separate and distinct states; each vested with a general police power. On the contrary, we have become a nation of one government manipulated by those with the wealth and power to do so. The money-changer through the Federal Reserve System, the federal income tax and the supremacy of federal law in all areas of commerce, has tipped the balance of power in its favor and American history proves this assertion true.

It has been asserted that the true legacy of the New Deal is that government tried to cure the ills facing society and not that it has in fact done so. Unfortunately for the American people, the Second World War followed the New Deal thus adding to the myth that the federal government could cure the ills facing society. Politicians clung to the notion that since the federal government won the war, there was nothing it could not do. Wrong!

The federal government did not win the Second World War. It was won by the combined courage of the men and women that defeated Germany and Japan. Moreover, the Second World War ended the depression, not the New Deal, as many would have us believe. The truth is that much of the New Deal was unconstitutional. When the U.S. Supreme Court realized that President Roosevelt's policies and programs for the economy were outside the expressed authority granted the federal government under the U.S. Constitution, they declared his programs an unlawful exercise of federal authority.

The erosion of state sovereignty by the federal government has occurred in primarily two ways. First, the federal government expanded its authority and jurisdiction by intruding into other areas of our national existence that are the responsibility of the states to regulate. Simply put, the federal government has involved itself in matters that do not transcend the state but are in fact matters that can only be resolved by the state. Two glaring examples of this intrusion can be found in the federal government's disastrous involvement in education and its equally disastrous war on drugs and the federalization of criminal law. The second and most destructive way the federal government has eroded the authority of the states is through repressive taxation and mounting national debt. As the federal government takes more and more of our income simply to help banks too big to fail by replacing their losses, it erodes the power of the citizens of each state, thereby eroding the power of the state.

By the time of the Great Society (1965), the federal government had replaced the states as the primary governing body in our nation of states. The only such entity that could, as the politicians claimed, solve the ills facing society. Today, we know the federal government has failed in curing these ills. After forty years of federal dominance, the time has come for the states to assume the duties and responsibilities the U.S. Constitution reserved to them. It is also time for the federal government to be returned to its proper place in our Union of separate and sovereign states.

There has been so much rhetoric of late proclaiming that the federal government has gotten smaller. I fear many Americans believe this to be true. It is not. While campaigning, politicians claim that the federal government has been reduced in size. They claim it is because of “their” policies that this has occurred. President Clinton and Vice President Gore are two such politicians. In his 1997 inaugural address, President Clinton again stated that the era of big government was over. I listened in amazement as our President lied just minutes after swearing a most sacred oath. And as I sat aboard the Metro on the way home from the inauguration, I wondered how it could be that a proud nation like America had re-elected William Jefferson Clinton. It was then that I realized we live in a society turned upside down; where lies are accepted as the truth unless you can prove in a court of law that they are lies.

The facts do not support President Clinton’s claims that the era of big government has ended. There are approximately two million full time civilian employees, 1.5 million uniformed members of the armed services and approximately 850,000 Postal employees.[[40]] This number would be even greater if it were not for the sleight of hand practice known as contracting out, which works to conceal the true number of persons performing services for the federal government. In addition, approximately twelve million jobs are the result of federal contracts and federally imposed mandates upon the states.[[41]] It appears as if these numbers become irrelevant when politicians campaign for re-election. It seems politicians do not want the American people to know that the Department of Defense shouldered most of this downsizing.[[42]] It is ironic that in the one area where the federal government could ill afford a reduction, career politicians struck the hardest. Just as career politicians fail to inform us where the reductions are occurring, they also fail to inform us where the increases are occurring. As the Department of Defense was shrinking, the rest of the federal government actually increased by over 60,000 jobs.[[43]]

As we look upon the behemoth we call Uncle Sam, we must keep in mind that, beginning in the 1980s, corporate America underwent a difficult period of downsizing. And for many corporations, this downsizing continues to this day. Yet it was downsizing that led to their increased competitiveness around the world. The layoffs and cutbacks necessary to achieve corporate downsizing were difficult and negatively affected many corporations’ profits from sales. Moreover, the adverse publicity that companies like IBM

and General Motors received was quite damaging to their bottom lines. In short, corporate America understood the necessity for such action. They knew that if they did not downsize, they would fail in the new world of global competition. This same philosophy must be applied to the federal government.

An analysis of the growth of the federal government reveals a definite pattern. For example, between 1800 and 1880, the federal government grew because America was opening a vast western frontier. If it were not for the federal government, this frontier might not have been assimilated into American society. The opening of the west included, but was not limited to, the Louisiana Purchase (1803), the acquisition of the territories of Florida, Texas, Oregon and, of course, the Mexican ordeal of the mid-1800s.

The industrial revolution and increased trade created another impetus for the growth of the federal government. The government's involvement in advancing technology and science cannot be brushed aside as inconsequential. The Patent and Trademark Office, the Army Corps of Engineers, the U.S. Postal Service and the vast expansion of rail networks across the country under a pseudo governmental subsidy of land grants ensured an American infrastructure responsive to the vast movement of people and goods. In short, the federal government grew because America was growing. Agencies such as these were responsible for America's rise to global dominance.

In 1912, the number of civilian employees on the federal payroll stood at over 400,000.[[44]] By 1918, the federal government had more than doubled.[[45]] Of course, much of this growth may be accounted for by the catastrophe that was World War I. To the credit of a Republican Congress, the federal government was returned to approximately 500,000 employees at the conclusion of the hostilities in 1918. This return to reason lasted until President Roosevelt's New Deal. In 1932, the federal civilian payroll was 605,496. By 1940, the federal civilian payroll expanded to 1,042,420.[[46]] By the end of President Lyndon Johnson's Great Society, the federal civilian workforce stood at over three million.[[47]] What caused the federal government to grow to three times its pre-World War II size? It was not the Second World War. The military was drawn down considerably after 1945. One needs only to remember how unprepared we were to fight the Korean War[[48]] to understand this.

There must be a reason for the unprecedented growth of the federal civil service and I believe this growth was due primarily to Congress' expansion of its powers beyond those specifically allocated to it by the U.S. Constitution. The implementation of the New Deal and its 1960s half-sister, the Great Society, marked the birth of a federal government with unlimited powers; no longer a means to an end, but rather an end in and of itself. In short, the federal government was becoming an employer whose sole function was to perpetuate its own existence. It had become a place for politicians and

bureaucrats to build empires. The sheer size of today's bloated federal government has rendered it beyond the control of the governed.

The fact that the federal government cannot (or will not) control itself is the very reason it takes so much of our hard-earned money; money spent to pay for failed social programs and useless federal bureaucrats. If you continue to doubt the veracity of this statement, I urge you to read Appendix C. You will see in black and white the monster the United States federal government has become.

I believe the most convincing evidence that the federal government has usurped the authority of the states can be found in the words of the father of the U.S. Constitution. Mr. Madison was very clear on the limited authority he intended for the federal government to possess. The fact that Mr. Madison learned firsthand how resistant to change central governments could be is why he and many of our Founding Fathers believed limiting the federal government's authority was the first priority in creating a constitutional form of government. Mr. Madison could not have been clearer when he wrote in the Federalist Papers No. 45:

"The powers delegated by the proposed constitution to the federal government are few and defined. Those which are to remain in the state Governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with the last the power of taxation will for the most part be connected. The powers reserved to the States will extend to all the objects, which in the ordinary course of affairs concern the lives, liberties, and properties of the people; and the internal order, improvement, and prosperity of the State."

I realize the average American does not know why or understand how the federal government operates as it does. The average American's inability to understand the workings of the federal government has enabled the career politician to manipulate and grow the federal government at our collective expense.[[49]] As a student of history, government and law, I have learned one thing: if you really want to understand how the federal government works, try to change it. Only then will you understand how powerful the faceless, nameless bureaucrats who manipulate it really are and how indifferent the career politician is to change.

Oliver Wendell Holmes said, "Constitutions are intended to preserve practical and substantial rights, not to maintain theories." I believe this is exactly what the Founding Fathers feared would happen. They knew how easily the power of a central government could be abused as well as how resistant to change it could become once it usurped the authority of the states. I believe Mr. Holmes would second my assertion that the federal government continues to take our earnings in an attempt to maintain theories rather than preserve practical rights. As the federal government continues to accrue more and

more debt to fund failing programs, they take from the next generation the right to the pursuit of happiness through the accumulation of property; a right so cherished by the people of revolutionary America that they risked everything they had, including their lives, to secure it.

There is a very real difference between what the federal government “should” do as opposed to what it is “permitted” to do under the U.S. Constitution. The question of what the federal government should do is theoretical and therefore irrelevant in any discussion on the proper exercise of federal authority. What the federal government can do is a legal question that can only be answered with an understanding of the U.S. Constitution.

A critical analysis of what the federal government actually has done leaves little doubt that it has failed in almost every non-defense related endeavor it has undertaken. One shining exception to this general rule was the landing a man on the moon. To those who argue the civil rights laws enacted during the last half of the 20th century represent at least one other federal success, I would remind the reader that the gap between the rich and poor continues to widen while America’s schools and neighborhoods are as segregated as they were in the first half of the 20th century. Fortunately for us, we have the luxury of examining what the federal government claimed it would do as opposed to what it actually did do. This examination shows that the past sixty years have witnessed an expanding federal government and the inevitable intrusion into the lives of Americans and the sovereignty of the states.

A perfect example of this intrusion involves the expansion of federal authority into areas previously reserved for the states. When the federal government sends its agents to the field to solve some problem, the states are precluded from resolving the problem in their own way. They are precluded from solving a problem in their communities because the federal agents either use their federal “dollars” as a carrot or federal “supremacy” as a stick. In this way, the federal government forces the federal legislator from that state to weigh-in on the side of the federal government. In short, the federal government holds the states hostage with our money; a process that began in the 1930s and continues unabated to this day.

The U.S. Constitution states quite clearly what the federal government may legally do. Since these are the only areas in which the federal government is permitted to act, they must be the only areas in which it is permitted to act. In order to appreciate the Founding Father’s fear of an all-powerful central government, the reader must understand the circumstances under which the federal government came into being. The reader must know why the Founding Fathers feared the creation of a powerful central or federal government. This analysis begins with an examination of the first Constitutional Convention that met at Philadelphia in 1787. As the reader comes to

understand the nature of the debates that occurred during this critical point in our nation's history, it will become abundantly clear why the Founding Fathers limited the powers of the federal government to seventeen distinct and enumerated powers.

Miracle At Philadelphia: The Story of the Constitutional Convention May to September 1787[[50]] by Catherine Drinker Bowen is the seminal work on that fateful summer of 1787. The painstaking detail of her research is remarkable. Her grasp of the issues is right on point. Ms. Drinker Bowen not only provides the reader with an in-depth analysis as to why a central government is necessary for the prosperity of America, but she also addresses how the Founding Fathers intended to limit the power of this new form of government so that it would not usurp the authority of the states. Finally, Ms. Drinker Bowen's description of the environment and times in which these men labored is nothing short of masterful.

The importance of the events transpiring at Independence Hall that summer must be understood in the context of the time and place that was Revolutionary America. Ms. Drinker Bowen artfully conveys the fear the Founding Fathers had about this new form of government they were creating. In fact, she explains that some delegates to the First Constitutional Convention even refused to sign the new Constitution because they felt that the safeguards contained within it were inadequate to restrain this new form of government. They believed that giving the federal government such awesome power would cause it to one day dominate the states. It appears as if their fears have been realized.

To the Founding Fathers, it was the union of separate and sovereign states that would make America unique among nations. By placing the police power of government in the states, the Founding Fathers believed government (and its officials) would be easier to control. The Founding Fathers wanted the states to retain their individual sovereignty just as if they were independent nations. They did not want the federal government to intrude on this sovereignty unless the intrusion involved a truly federal question or issue. It was the individuality of the states and the people living in them that would make America great. This philosophy is what made America a great power. Even in today's shrinking world, the differences between the states are remarkable.

Miracle at Philadelphia made me realize that the United States is not the federal government, but the union of fifty individual, distinct states. *Miracle at Philadelphia* helped me understand that the larger the federal government becomes, the less our citizens are united. What I mean to say is that as the federal government usurps the authority of the states, the more distance it puts between the people and their states. Although this may seem contradictory, it is not. By expanding its role in our national existence, the federal government has forced the people to turn away from their states when searching for the answers to the problems. Instead, the people look to

Washington D.C. for answers. Of course, the politicians in Washington D.C. promise answers; however, they do not deliver.

The result of this shifting of power has been the complete and utter contempt so many Americans have for government. The best examples of this distortion are problems relating to the health and safety of the people. The problems associated with crime and education are perfect examples of this phenomenon. The expansion of the federal government into education (by holding the states hostage with our tax dollars) has led the people to turn to the federal government for answers as to why public education has failed. As for crime, the more federal criminal statutes Congress enacts, the more the people turn to the federal government for answers. Criminal statutes dealing with drugs, violence against women and the myriad of federal gun control laws currently not enforced typify this failure. Such empty rhetoric allows career politicians to trumpet their activism to an apathetic constituency who just happens to have a memory with a half-life of one day.

The police power vested in each state stems from the broad legislative power to pass laws to promote the public health, safety and welfare. This is the general authority the Founding Fathers believed the states would need to protect their citizens from an oppressive federal government as well as from the evil that men do. As such, the state does not have to rely upon the federal government for the authority to protect its citizens. Nor should it step aside every time the federal government decides it “knows” best. The federal government is not responsible for securing the health, safety and welfare of its citizens. That is the responsibility of the state. The federal government is responsible for fulfilling a very specific but limited role in our national existence; a role clearly laid out in the U.S. Constitution.

The power vested in Congress to legislate is derived from Article 1, Section 8 of the U.S. Constitution. It is here that the U.S. Constitution specifically limits the power of Congress to enact laws in any area, including criminal behavior. Article 1, Section 8 of the U.S. Constitution reads as follows:

1 The Congress shall have the power to lay and collect taxes, duties, Imports, and Excises, to pay the debts, pay for the common defense and general welfare of the United States; but all duties, Imports, and Excises shall be uniform throughout the United States.

2 To borrow money on the credit of the United States

3 To regulate commerce with foreign nations and among the several states, and with Indian tribes

4 To establish and uniform Rule of Immigration, and uniform laws on the subject of Bankrupts throughout the United States

5 To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures

6 To provide for the punishment of counterfeiting the securities and current coin of the United States

7 To establish Post offices and post roads

8 To promote the progress of sciences and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9 To constitute tribunals inferior to the supreme court

10 To define and punish piracies and felonies committed on the high seas and offenses against the laws of nations

11 To declare war, grant letters of marque and reprisal, and make rules for captures on land and water

12 To raise and support armies, but no appropriation of money to that use shall be for longer than two years

13 To provide and maintain a Navy

14 To make rules for the government and regulation of the land and Naval forces.

15 To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions

16 To provide for organizing, arming and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress

17 To exercise exclusive legislation in all cases whatsoever, over such district as may, by cession of particular states and the acceptance of congress, become the seat of the government of the united states, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock- yards, and other needful buildings, and

18 To make all laws which will be necessary and proper for carrying into execution the forgoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or Officer thereof.

When one reads these seventeen enumerated powers and the one all-inclusive necessary and proper clause, one cannot help but wonder where Congress gets the authority to pass legislation regarding illegal drug use or the education of our children. Whenever politicians or federal bureaucrats cannot point to one of these expressed or enumerated powers, they always fall back on one of two arguments for their source of authority: the commerce clause or the so-called 18th enumerated power otherwise referred to as the necessary and proper clause. Under this philosophy, the expansion of the federal government will only end when every American is either in prison, working for the federal government, wealthy enough to survive without working or on public assistance. That is the America of the future.

James Madison believed he had the solution to this potential abuse of power. In my opinion, Mr. Madison believed that the judicial and executive branches would not allow the legislative branch to expand its authority beyond that which the U.S. Constitution granted it. In the Federalist Papers,[[51]] James Madison and his co-authors were quite aware that Congress had the ability to become a tyrant. In No. 48 of the Federalist Papers, James Madison writes in part:

“The legislative department derives superiority in our government from other circumstances. Its constitutional powers being at once more extensive and less susceptible of precise limits, it can with greater facility, mask under complicated and indirect measures, the encroachments that it makes on the co-ordinate departments. It is not infrequently a question of real-nicety in legislative bodies, whether the operation of a particular measure, will, or will not extend beyond the legislative sphere. On the other side, the executive power being restrained within a narrower compass, and being more simple in its nature; and the judiciary being described by land marks, still less uncertain, projects of usurpation by either of these departments. Nor is this all: As the legislative department alone has access to the pockets of the people, and has in some Constitutions full discretion, and in all, a prevailing influence over the pecuniary rewards for those who fill the other departments, a dependence is thus created in the latter.”

In an effort to explain how the federal government has usurped the authority of the states by exercising power outside that which the U.S. Constitution granted it, I will use the Department of Justice as an example. Many Americans are unfamiliar with the phrase “federalization of criminal law.” This term refers to the federal government’s expansion of authority into areas of criminal law enforcement previously reserved to the states. In 1965, President Johnson declared war on crime when he signed into law the Omnibus Crime Control Safe Streets Act (Safe Streets Act). The Safe Streets Act was the vehicle that allowed the federal government to spend countless billions of dollars expanding the size and scope of the Department of Justice. In fact, the Safe Streets Act is the reason the Department of Justice is an organization comprised of thousands and

thousands of lawyers. I cannot imagine how an organization comprised of so many lawyers could possibly accomplish anything other than promoting its own existence.

Following the passage of the Safe Streets Act, the Department of Justice created the Law Enforcement Assistance Administration (LEAA). This organization was tasked with, among other things, measuring and analyzing crime. Fortunately for the American people, the LEAA was abolished in 1982. This did not, however, lead federal legislators to conclude that their efforts to fight crime had resulted in both a tremendous waste of taxpayer dollars and an increase in crime. As crime began to permeate every level of society, politicians decided that the time had come to act. It did not matter that the U.S. Constitution expressly limited the types of criminal behavior the federal government was expressly authorized to curtail, politicians wanted to be able to tell their voters that they were fighting crime. In order to prove they were fighting crime Congress began labeling as “federal crimes” behavior that the states had the sole responsibility to curtail.

In 1984, Congress passed the Comprehensive Crime Control Act thereby making many street crimes, including drug offenses, federal crimes. This twist of logic can only make sense in a world turned upside down. If, for example, an individual was convicted a third time for possessing illegal drugs, he was subject to federal law for violating a state criminal statute. This is not what the Founding Fathers had in mind when they adopted the Tenth Amendment to the U.S. Constitution. The Founding Fathers intended for the states to be the adjudicator of crimes and that is why they worded the Tenth Amendment as they did.

State governments are not governmental bodies of limited powers like the federal government. State governments are independent entities, sovereigns in their own right, recognized as having a general or police power. This police power is not limited as is the power granted the federal government. Therefore, the inherent police power granted to the states under the U.S. Constitution is exactly that authority each state must exercise in protecting the health, safety and welfare of its citizens.

The Tenth Amendment to the U.S. Constitution has been subject to various interpretations. One such interpretation holds that criminal behavior in the fifty states is that which is defined by the legislatures of those states. I believe this was the Founding Fathers intent. Nevertheless, when Congress passes a law addressing criminal behavior that law trumps those passed by the states to address the problem. This is known as federal supremacy. However, it is federal supremacy stood on its head.

I believe that if a federal criminal law addresses conduct affecting the health and safety of each citizen, it does so in violation of the supreme law of the land. Although I agree with the notion that federal law is supreme, it is only supreme if the law in question addresses conduct that was expressly enumerated in the U.S. Constitution as being

conduct the federal government can regulate. As soon as Congress exercises authority outside the scope of these enumerated powers, the theory of federal supremacy must give way to the plain language of the U.S. Constitution and to police power of the states.

The federal government has grown to unimaginable proportions because the Judicial and Executive branches did nothing while these laws were passed. The Executive branch is responsible for enforcing the laws enacted by Congress. As Chief Executive Officer of the United States, the President should have acted to stop this unauthorized expansion of the federal government. Instead, presidents have been more concerned with expanding the Executive branch so that they may fill its ranks with political cronies.

The costliest example of this federal expansion is the war on drugs. The federal government was never intended to be the primary adjudicator of drug offenses. Drug offenses are, by their very nature, crimes against the health and safety of the citizens of each state. Therefore, punishment for the commission of these crimes must be left to the states. There is no doubt that the illicit narcotics trade constitutes one of the most serious criminal and social issues of our time. However, this does not give the federal government the legal right or authority to expand in violation of the U.S. Constitution. Although I will address America's epidemic of drug abuse in succeeding pages, the bottom line here is that our federal court system was not meant to adjudicate drug offenses. Our federal judges must be allowed to perform the tasks intended for them under the U.S. Constitution.

Expansion of state courts to adjudicate all drug offenses is not an impossible task. Of course, it will require placing more state judges on the bench, but the cost of this will be minimal compared with the continued cost of adjudicating drug offenses in federal court. Removing all federal drug cases, save those relating to seizures on the High Seas, to state courts would not, in and of itself, affect the outcome of the trials. The result will be that the states deliver the punishment to those that use and/or distribute illegal drugs. The FBI/DEA should not and must not cease its investigations into illegal drug trafficking. On the contrary, under the system I propose, the only change would be the identity of the court. State prosecutors would use the laws of their respective states to try these individuals while state law enforcement agents would act with the assistance and support of the FBI. The federal government must support the states in prosecuting these crimes and this support must come in the form of working with and learning from the FBI.

Two more glaring examples of the federalization of criminal law are the Gun-Free School Zones Act and the Violence Against Women Act. Congress enacted these criminal statutes despite the fact that school violence and violence against women are not areas in which the federal government is permitted to act. These subjects directly relate to the health and safety of the citizens of each state and not the general welfare

of the nation as a whole. General welfare relates to issues that transcend the idea of the state. Examples of the general welfare that should concern the federal government are those problems relating to energy and immigration. These are the areas of our national existence that the federal government was created to address.

For Congress to enact criminal laws using the “commerce clause” as authority of the U.S. Constitution is absurd. Although I disagree with their rationalization, it now appears as if the U.S. Supreme Court has awakened from its slumber. The U.S. Supreme Court struck down the Gun-Free Schools Zones Act because the exercise of authority was in violation of the U.S. Constitution.

The self-proclaimed Mission of the Department of Justice is “to enforce the law and defend the interests of the U.S. according to the law, provide federal leadership in preventing and controlling crime, seek just punishment for those guilty of unlawful behavior, administer and enforce the nation’s immigration laws fairly and effectively and ensure fair and impartial administration of justice for all Americans.”[[52]] The FBI and the USMS were organized when the Department of Justice was first created. They were original members of the Department and as such provide us evidence as to what the Founding Fathers believed was necessary for the administration of justice relating to issues that transcend the state. Let us therefore examine how the federal criminalization of American justice occurred and do so with an eye on the drug war.

Instead of strengthening the FBI (and the Offices of the United States Attorneys) to handle this expansion of authority, Congress decided to create separate law enforcement entities like the Bureau of Alcohol, Tobacco and Firearms (ATF) and the Drug Enforcement Administration (DEA). As you read through the U.S. Constitution at appendix B try and determine where it addresses drugs, alcohol, firearms, community policing, violence against women and/or children.

The Department of Justice did not exist until 1870. For nearly one hundred years, America’s leaders did not require a separate “justice” department. However, with the growth of the nation, it was only a matter of time before such a department became a necessity. Although it may appear that I am advocating for the abolition of the Department of Justice, I am not. On the contrary, as with the entire federal government, the Department of Justice needs to be significantly reduced in size and scope if it is to perform successfully the mission intended for it under the U.S. Constitution.

It is a matter of Constitutional law that the federal government exercise authority expressly enumerated to it by the U.S. Constitution. To this end, I offer the following areas of criminal behavior that are specifically addressed in the U.S. Constitution:

- Piracy and other felonies on the High Seas (international law)
- Counterfeiting

- Violation of various tax laws
- Crimes associated with interstate commerce, such as securities laws, banking laws, import-export laws and all fraud involving interstate commerce
- All crimes occurring within the District of Columbia
- Violations of U.S. immigration laws
- Violations of federal patents, copyrights and other federally protected intellectual property rights
- Criminal conduct by members of the United States Armed Forces

I have delineated these areas so that the reader may judge what crimes the Founding Fathers believed to be federal crimes. The above list is not intended to be an exhaustive examination of the only areas in which the federal government should exercise authority. My intention was to provide the reader with an idea of the categories of crimes the Founding Fathers believed to be federal in nature. Although I believe there are certain criminal acts that today should be the responsibility of the federal government, if they are not expressly delineated in the U.S. Constitution, we must amend the U.S. Constitution so that such crimes are expressly enumerated therein and we must do so at the Second Constitutional Convention. To do otherwise, would be in violation of the very document so many men and women have fought and died to preserve.

The following agencies within the Department of Justice provide examples of this abuse of power: Office of Justice Programs, Community Orientated Policing Services, Community Relations Service, Office of Legislative Affairs, Drug Enforcement Administration, National Drug Intelligence Center, Bureau of Justice Assistance, Bureau of Justice Statistics, Executive Office of Weed and Seed, Office of Juvenile Justice and Delinquency Prevention, Office of State and Local Domestic Preparedness, Office of Victims of Crime and the Violence Against Women Office. All of these offices were created to address some piece of federal legislation aimed at curbing crime. Although I do not know how many billions of taxpayer dollars were wasted in these illegal offices, but I am quite sure the sums are staggering.

The Department of Justice's Strategic Plan 1997-2002 lays out its plan for increasing the size of an already bloated and inefficient organization. The Strategic Plan 1997-2002 states that the projected growth of the Department of Justice from 1997 to 2002 in terms of full-time federal employees is 113,286 in 1997 to 123,817 in 2002. In addition, the Department of Justice expects that the cost of running its various "programs" will increase from \$18,756,000,000 in 1997 to \$20,041,000,000 in 2002. For the fiscal year 2001, which begins October 1, 2000, the Department of Justice has estimated that its budget will be \$19,516,000,000.

I can think of no better way to conclude this chapter than by relaying to you excerpts from a speech delivered by the former Attorney General to the annual convention of the

American Bar Association, an organization that has worked hand-in-hand with government to place the interests of the guilty above those of the innocent. The following excerpts from Ms. Reno's speech have more force than anything I could write. Her words clearly illustrate that she places the rights of criminals before those of their victims and how liberty for the depraved has become the cornerstone of our compassionate criminal justice system. I offer you her words, not mine:

Thank you so very much, but it is I who take privilege to be with you today. This is my fourth time before this House. As I've told so many, I love the law, and I love good and caring lawyers. And I can tell you now this fourth time before you that after six and a half years in this office, though, feelings are stronger than ever, for I have seen you across America use the law to make things better for people. I've seen your efforts around the world, and based on what I have seen, I am prouder than ever to be a lawyer in the United States.

I would like to discuss with you in an informal way what I think is one of the great issues facing the legal profession in America. How do we increase public trust and confidence in the criminal justice system? How will we make the criminal justice system fair in the eyes of all of the people? How do we enable the criminal justice system to better solve the problems of the people and to help heal the harm that caused them to come into the system in the first place?¹⁴

Beginning in the late 1970s, our criminal justice system found itself on the front line as crime rose, as drugs washed across America, as crack destroyed communities, as crack dealers put guns in the hands of kids, and as the kids became the violent ones. The criminal justice system found itself on the front line, as kids were unsupervised more so than any time in history, and in those unsupervised afternoons and summer days, they dealt with what it was like to be teased and put down and bullied. The criminal justice system found itself on the front line as mental institutions for the institutionalized and the mentally ill went to the streets and tragically into the criminal justice system. They have faced human problems of dimensions rarely known in history. They have faced these problems after other institutions, the family, the school, and the neighborhood have failed. The criminal justice system is at the end of the line and there is no other place to go. When failure occurs, the criminal justice system takes the blame."

Chapter 3

Hell Is For Children

But whoso shall offend one of these little ones

which believe in me, it were better for him that

a millstone were hanged around his neck, and

that he were drowned in the depth of the sea.

Matthew 18:6

I have seen the sparkling sands of her diamond deserts. I have driven her golden valleys. I have lived the American dream. Nevertheless, it is not America's beauty that moves me. It is the ugly reality that her diamond deserts and golden valleys are stained with the blood of so many innocent women and children that moves me. All this pain and suffering exists and our government washes its hands while we look away. History may well record that it was America's indifference to her children's suffering that caused her fall from grace.

There can be no refuting the fact that governments (state and federal) release dangerous pedophiles, rapists and murderers every day from America's prisons based solely on the fact that these men "behaved" in prison or the money has run out to hold them. Therefore, since this is my land too, I wish to live in a land where the blood of rapists, murderers and pedophiles is spilled and not the blood of innocent children that flows like rainwater. It is time we defend those who cannot defend themselves.

Every eighteen seconds, a criminal beats a woman in the United States. Every year over one million women require medical attention because of domestic abuse. [[53]] Most alarming is the fact that much of this abuse occurs before the very eyes of so many frightened children. Two questions I ask the reader to contemplate while reading this chapter are: 1) How does a child feel when it sees its mother beaten and 2) How does a child react when it realizes no one cares. I assert when you finish this chapter, you too will agree that the answer to both these questions is the child will react by committing acts of violence that only a few short years ago would have seemed unthinkable coming from a child. How else can we account for cold-blooded killers who have not yet attained teen-age status?

In his 1801 inaugural address, President Jefferson alluded to the primary reason government was necessary. President Jefferson understood that a "wise and frugal government, which shall restrain men from injuring one another" was the primary justification for government. Thomas Jefferson was also a man that understood the value of a well-armed citizenry. He also knew that when government no longer restrains men from injuring one another, it was the responsibility of the people to restrain men from injuring others. He knew well the value of individual responsibility and the role it would play in the life of Americans.

The abandonment of individual responsibility did not occur overnight, it occurred over the course of decades. It was through a political process that continuously embraced political correctness as the path to a "better" society. It was this all-encompassing drive for more individual liberty, in the name of political correctness, that brought the criminal justice system to its knees by replacing responsibility with free expression. Shifting of blame and fault are still in vogue. It is politically correct. Liberalism and its misplaced focus on rehabilitation and compassion for the depraved fertilized the seedbed in society from which crime, in all its mutant glory, has sprung to terrorize the many at the risk of punishing the few.

What is true about crime is that the incidences of crime should be down. Crime should be down if only for two reasons. First, the increase in the number of persons incarcerated should translate into dramatic crime reductions. Second, the success of the economy and the low unemployment rate should have also caused a significant reduction in the impetus for men to commit crime. However, this has not been the case. Unless, of course, you believe that a three to six percent drop in certain reported crimes equates to a reduction in crime across the nation. Do not believe it!

The Department of Justice supports its assertion that crime has dropped with flawed and inaccurate statistics. Their assertion is not based on an actual or real reduction in criminal activity, but rather upon a decrease in the number of certain crimes reported. The fallacy of crime reduction is perpetuated within the Beltway because it serves the interests of politicians as they campaign for election. [[54]]

The belief in crime reduction does not exist within the minds of the one million women raped every year in America. It certainly does not exist within the minds of the parents whose children fall victim to the predators that live among us. Nevertheless, I shall return to the fallacy of crime measurement later in this chapter. The thoughts and ideas of those that embrace statistics as a tool to measure success within the Department of Justice have no place in a discussion of what is being done to children in America and around the world and how to stop it.

When the economy slows, unemployment rises and a few million inmates are released, America will begin to experience an increase in violent crime that will continue for many years to come. Although this increase will not be dramatic, it will be steady and continuous and proof of this assertion can be found in two places. First, the ever-increasing violent nature of children stands as a shining example of what lies ahead. The effect of the violence inflicted upon our children, whether in the form of violent messages or physical and sexual abuse, is now beginning to reveal itself.

If we think the violent messages sent to our children every day has no effect on them, then we are as ignorant as those who believe six, seven and eight-year-old children can distinguish between violent images on television and real violence. The fact that children claim to understand the difference does not make it so. Second, America will experience an increase in violent crime because a large percentage of the current prison population will soon be eligible for parole. Angry, disillusioned and unemployed, these men will emerge more angry and violent than before their rehabilitation. Despite the fact that they served only a fraction of the sentences imposed upon them, their prison experiences changed them forever. Unfortunately, these changes were not for the better.

It is a fact that our governments, both state and federal, have undertaken a massive incarceration program resulting in a tripling of our prison population since 1980. Although this may seem unbelievable, it is true. This policy of increased incarceration is only a stopgap measure, not a solution. Our government's policy of incarceration will, in the end, only aggravate an already dire situation. Yet the most devastating consequence of our government's policy of incarceration may be the propagation of the idea that evil men can be rehabilitated. This tired, liberal notion has gained popularity again despite the revolving door that is our prison system. The notion of rehabilitation died a natural death long ago but it is again rearing its ugly head. [[55]]

The reader may wonder why I continue to refer to crime as being of epidemic proportions. The answer is that crime is at epidemic proportions but only certain crimes are being reported. It is an epidemic that our politicians refuse to admit is real because so many have claimed it was their policies that brought crime under control. Crime is not under control. Whether it is the criminal greed of America's corporate leaders, the criminal failures of the federal government to adhere to its own laws or the criminal conspiracy of Catholic priests to keep secret the rapes of young boys, crime is alive and well in America.

Since the 1960s, countless politicians have used the epidemic of crime as part of their campaign platforms. In fact, many Americans might remember the late Barry Goldwater's message that crime was destroying America; a message used by politicians on both sides of the aisle as sound bites in their campaign rhetoric. This

rhetoric was believable because crime was truly an epidemic sweeping America. It was then that America began to see individual liberty replace individual responsibility as the foundation upon which men were judged. The American people have failed to realize that order is the seedbed from which liberty rises.

If the 1960s left any legacy, it was not that war was horrific. Intelligent men already knew this. The legacy of the 1960s was the abdication of individual responsibility. Despite what many like to think, the civil rights movement is not a legacy of the 1960s. The civil rights movement began when young men of the Union Army started dying so that other men would be free. The 1860s left as its legacy the inalienable right of all men to be free. The revolution of the 1960s only paved the way for the 1970s - a decade with which I am all too familiar.

In the 1960s, 70s and 80s, no reasonable person would have argued that crime was not at epidemic proportions. Today, however, politicians never admit that crime is at epidemic proportions. On the contrary, they boldly assert that crime has decreased across the nation. Unfortunately, they support these assertions with flawed and inaccurate statistics. The American people must understand that crime is still at epidemic proportions. The only reason it is not perceived as such is because we, as a society, have become desensitized to crime. Just as we have become desensitized to the violence perpetrated against our children, we have also become desensitized to the very pervasiveness of crime. If crime is not at epidemic proportions, how do we account for the one million or more rapes that occur every year in America? How do we account for the growing phenomenon of child violence sweeping our nation? And how do we account for the enormous prison population that exists in America today?[[56]]

The United States prison population has increased over sixty percent since President Clinton took office. In 1996 alone, our prison population hit record highs when it increased by sixty thousand. Today, there are over 1.25 million men and women locked up in our prisons. Presidents Bush and Clinton realized the value of incarceration not as a means to an end but an end in and of itself. For President Bush, it was the ability to say he was waging the war against drugs. For President Clinton, it was the ability to say crime had dropped across the nation.

What should be more alarming is the fact that the above prison figures do not take into consideration the nearly 800,000 inmates currently held in our jails. [[57]] When added to the 1.25 million prison inmates, the total number of men and women incarcerated in America is over two million and for anyone to argue that such numbers are not evidence of an epidemic is absurd.

Before the reader dismisses these numbers as a cost of living in a free society, I would remind them that these numbers represent only a fraction of the criminals that exist

today. Our system of justice is so warped that the overwhelming majority of criminals are either not discovered or go unpunished after discovered. The two million men and women in our penal institutions are equivalent to only one small slice of an enormous pie. This is why I believe hard-working Americans cannot dwell on these depressing facts; as they are too busy trying to survive in a society growing more complex every day. The trials and tribulations that parents must deal with are such that the average parent does not have the time or energy to confront corrupt politicians or the system that corrupted them. And that is why the following figures are so disconcerting. Eighty-nine percent of Americans earn less than \$80,000. [[58]] It is quite depressing to learn that the average prisoner costs the American taxpayer \$100,000 per year to incarcerate. Is this how we want our criminal justice system to operate?

American justice is simply a term used to describe the revolving door through which so many evil men pass only to hurt again. It is simply a holding pattern where criminals plan their next heinous crime while temporarily residing in our prisons. It is unfortunate that the American people have been led to believe that society has an obligation to treat criminals compassionately, as if they are victims. Compassion is not part of the deterrence equation. Compassion is for those that want to be rehabilitated, not for those who want to rape. It is time liberals understand that there is no room for compassion when the crimes are rape, murder and all violent crimes against children. [[59]]

Whatever can be said of today's system of justice, the one thing that cannot be said is that it protects America's women and children. How can it be that a man who rapes a child has paid his debt to society after a few years? How is it that a man who rapes a woman has paid his debt to society after a few months? The answer is that career politicians do not understand the pain and suffering of these victims because they are so removed from reality preaching that crime has dropped while collecting millions for their re-election campaigns. We must never forget that their children are not being beaten nor are their wives and daughters being raped. They live in multimillion-dollar homes wondering whether to vacation in Vail or Maui this winter.

If the reader hopes to understand how and why our system of justice collapsed, it is necessary to examine the American criminal justice system from a historical perspective. But before I offer my ideas regarding the reformation of the American criminal justice system, I want to first address two underlying myths of our criminal justice system that must be debunked. The first myth is the idea that we would rather see ten guilty men set free than one innocent man in prison. The second myth is the idea that justice is blind.

I believe the idea that our society would rather have ten guilty men go free rather than one innocent man imprisoned is nonsense. If the crime is petty theft or drug use, I agree. However, if the crime is rape, kidnapping, child abuse, aggravated assault and/or

murder, I disagree. How can we rationalize allowing ten of these animals to prey again upon the innocent when the only cost to society in preventing such horrors is the freedom of one man? Liberals and many conservatives scream that it is a travesty of justice if an innocent man is sent to prison but they remain silent when another predator recently released takes another child's youth. Never forget that such protestations are indicative of their failure to recognize the impact their ideas of justice have had on America's children.

The belief that our system of justice is so efficient that no innocent people go to jail perverts the truth. Innocent men do go to jail and guilty men go free every day. This is the reality of our system of justice and both sides of the political aisle are to blame. Moreover, to believe that the freedom of one man is more important than the health and safety of ten children is as misguided a notion as believing rapists deserve another chance to rape. I say, not in my country.

Yes, I believe people make mistakes. I also believe people should be given a second chance provided that the first mistake did not involve a wanton act of cruelty. A rapist does not deserve a second chance. To give a child rapist the opportunity to rape another child is a crime far worse than taxation without representation. As for the question I have been asked over and over again, yes, I would be willing to be the innocent man imprisoned for the sake of ten children's lives. I believe most parents, especially those who have lost an angel to such monsters, would respond in the same fashion. In fact, I believe many of these men and women would freely walk with me to the gallows provided ten child rapists were joining each one of us.

The second myth that must be dispelled is the belief that our system of justice is blind. Justice is not blind. She certainly is not color blind. She has no problem seeing the color green. For those who are wealthy enough to afford the best attorneys, justice is anything but blind. Many Americans have long maintained that the criminal justice system discriminates against minorities. They argue, quite persuasively, that white America does not have to account for its crimes in the same fashion as non-whites. However, the prejudice that non-whites experience within our system of justice is not due to the color of their skin. It is simply a matter of economics. If you have enough money, you will not have to pay for your crimes. America witnessed this fact first hand when Mr. Simpson was tried for the murders of two people. The fact that Mr. Simpson is African American and wealthy demonstrates that American justice cares not for the color of one's skin, just the color of one's money.

I cannot leave this section without addressing the failure of the jury system in America to keep pace with the changes occurring in the age of technology. It is time Americans realize that the jury system of common law was premised upon two important facts. First, citizen jurors took pride in serving on a jury. They wanted to see justice firsthand.

Today, very few men and women want to involve themselves in the legal system. It is a system that manipulates people and the truth and therefore is despised by the very people it fails to protect. Second, citizen jurors were expected to be intelligent enough to understand the intricacies of a prosecutor's or claimant's case. In the age of technology this is no longer possible.

I know that many will claim the American jury system is the essence of the American system of justice and therefore must be preserved. I disagree. Americans need to understand that in a society as sophisticated and complex as ours, if jurors do not keep pace with the changes occurring in the age of technology, they will not be able to understand the issues surrounding subjects as complex as DNA testing and patent infringement. It is only logical to conclude that in the age of information, the time was bound to come when men and women well versed in these fields of expertise would be needed to understand many of the complex litigations currently awaiting adjudication. Professional juries will improve the efficiency of justice, reduce court costs and hinder the ability of the wealthy to escape justice by the impact their money and lawyers have on the judicial process in America.

Causes of Crime and the Fallacy of Crime Measurement

Criminology is the scientific study of crime. Although not a science, many in the field of criminology would like us to believe it has evolved into a science. Criminology is not a science. It is the guesswork of professionals that claim to know why people commit crimes. The past one hundred years have witnessed a series of self-righteous, high-minded intellectuals touting their discoveries as to why people commit crimes. Safely ensconced in their ivory towers, they claimed that they alone understood why criminals act as they do. I assert that anyone who claims to understand why a person would rape or murder a child is a liar. A crime so heinous as the rape or murder of a child defies explanation. It defies human comprehension and, as such, is beyond our simple capacity to understand or explain. Maybe some day, further along our evolutionary ladder, we will understand what motivates someone to commit such heinous acts. Today, we must exert our every effort to see that they are prevented from doing it again!

As much as I believe there is a need to study the causation of crime, I do not believe we need to study the reasons behind the rape of a woman. Likewise, a society does not need to study the motivation of a man who abducts and murders a child. Regardless of their "motivation" the act is inexcusable and any effort to understand the intentions of such evil men only serves to mitigate the offense. What we need to do is find better

ways to aid victims of violent crime in their long road to recovery. It is time we spend the resources necessary to treat those unfortunate and innocent souls that suffer from mental illness. The serial rapist and child molester have wasted enough of our precious resources. It is time we help those deserving of help while we punish those deserving to be punished.

I will not undertake an in-depth analysis of every theory of crime and its causation. I believe it sufficient for the purposes of this chapter that my analysis focuses on only a few such theories. In the late 19th century, Cesare Lombroso (1835-1905) began to study human cadavers to ascertain whether criminals were physically different from non-criminals. It is generally agreed among most in academia that Lombroso is the father of criminology. Cesare Lombroso's work is important because, for the first time, science and the scientific method were utilized in an attempt to answer the question of why an individual committed crime. Cesare Lombroso focused his analysis on property and theft crimes and, to a lesser extent, other crimes such as murder. Lombroso believed criminals had certain inherited physical characteristics. These born criminals were somehow, in Lombroso's opinion, more primitive than law-abiding members of society.

This idea was very much accepted in his day. Unfortunately, Lombroso's theory of biological determinism did not withstand critical analysis. Nevertheless, one should not dismiss Lombroso's work as preposterous. Some of the outrageous theories proposed today make Lombroso's work seem profound. In his day, Lombroso was not only intelligent but also revolutionary. The same cannot be said of modern theorists.

Emile Durkheim (1855-1917) proposed an even more radical idea as to why people commit crimes. Emile Durkheim reasoned that crime was a "normal and necessary social event." Durkheim concluded that because crime has existed in every stage of man's existence and pervades every social class, crime itself must be normal. It is hard to ignore the realities of this assertion. However, as an intelligent species, we can never accept such a conclusion or we would condemn ourselves to a state of perpetual crime as the expected norm. To accept Ms. Durkheim's proposition does not alleviate us from our responsibility of keeping our women and children safe. It is hard to imagine two more contrasting views of criminology than those of Lombroso and Durkheim. Yet, compared to some of the theories proposed today, their views seem enlightened.

As our society progressed into the 20th century, more criminologists and sociologists attempted to explain why criminals behave as they do. Some of these theories resemble those of Lombroso and Durkheim while others have undertaken a more social-based approach. These social-based theories are rooted more in common sense than any specific cause(s). These social-based approaches look for blame in places other than

where it belongs. What then are the theories men are putting forth today to explain why criminals act as they do?

The theories of late 20th century America are as widely diverse as the morally bankrupt "black man's rage" defense to the preposterous idea that those that have sex with children have not committed any crimes but are instead men with a disease warranting treatment - treatment for which you and I must pay. Some theorists have even argued that people who commit violent crimes during times of public chaos are not guilty of criminal behavior. They offer as an excuse that the hysteria caused by riots, like those seen in Los Angeles following the first Rodney King verdict, is the real cause for the violent behavior committed by some. They argue that the individual indulging in such hysteria as looting and attacking innocent bystanders is not responsible for his actions. It is said that the hysteria made them do it. I remember seeing on TV that innocent man pulled from his truck and beaten with a brick.

To many sociologists, the animals administering this beating were not responsible for their actions because their ability to differentiate between right and wrong was somehow impaired by the hysteria of the riots. They could not be held accountable, according to this theory, because their judgment was impaired. I do not know where these criminals are today, but I suspect they are free and probably enjoying the fruits of their other illegal activities.

All three of the above mentioned "theories" of crime causation do not explain why people commit crimes. Rather, these theories articulate the modernist's propensity to erase the concept of individual responsibility from the theoretical field of criminology. It is perplexing and indeed sad to endure supposedly intelligent men and women advocating at the theoretical level that someone or something else must be to blame for the criminal conduct of others. These theories provide proof positive that our criminal justice system has abandoned the idea of personal responsibility altogether.

I realize that there are many criminologists and social scientists working on various theories positing mental illness as a cause of criminal behavior. However, these theories focus more on the treatment of recognized mental illnesses rather than providing an explanation of criminal behavior. And it is the issues surrounding mental illness that brings to light another pathetic aspect of our American system of justice.

Every American should agree that mental illness is a serious ailment. In fact, we are only now beginning to fully understand the magnitude of these unique diseases. We know that in the past, people who suffered from mental illnesses were treated worse than criminals. Yet, this injustice continues today and it occurs mainly to assist the wicked.

Today, mental institutions have become a safe harbor for the truly depraved. Mental institutions house criminals because we cannot build prisons fast enough to imprison the growing population of violent sexual and non-sexual predators. Instead, our governments use mental institutions for such purposes.[[60]] Rather than help these unfortunate souls afflicted with the wide variety of mental illnesses that we are only beginning to identify, we use mental institutions to house criminals because there is no more room in our prison systems. This is an unmitigated disgrace. Our political leaders are solely responsible for this disgrace.

As I concluded my studies toward a Bachelor of Arts in Psychology, I learned firsthand what is being done to the mentally ill. So many people suffering from mental illness are not receiving the medical treatment they deserve because our mental institutions are filled with serial rapists and murderers. These monsters usurp the limited resources that could be used for the treatment of the mentally ill. This situation is all the more deplorable when one realizes that many of the criminals parked in our mental institutions are merely feigning mental illness to escape the consequences of their actions.

I have never agreed with those that believe someone could be “not guilty” of crimes they committed while insane. The fact that someone commits a criminal act is the only issue that should be relevant in a criminal inquiry. Is this not logical? The insanity defense stands for the proposition that the criminal is more important than society because the interests of the criminal are placed before those of society each time someone is allowed to plead insanity and escape punished. In short, the insanity defense is another example of society shifting the burden of responsibility from where it belongs. Let us not waste another precious dollar treating evil men when good men suffer.

It is easy to criticize. Criticism of others comes all too easily in our litigation-crazed society. It is another thing altogether to offer instead a solution of your own. Therefore, I offer the following two theories on why most people commit most crimes. First, people commit most crimes because crime pays. It is far easier to steal than to work and the growing prevalence of fraud is proof of this assertion. Second, a great many people commit a great many crimes because they are greedy and/or evil. Proof of this assertion can be found in the bruised and battered bodies of His angels. Evil preys upon innocence and has done so since time immemorial.

The old adage that crime does not pay belongs to a time when criminals were truly punished for their crimes. When individual responsibility was the order of the day, crime did not in fact pay. Why should a man fear the consequences of his actions when he knows that the chances of his arrest and conviction are remote? Why worry about being convicted of rape when it will only cost a few years in prison - a prison filled with every comfort the criminal is often too lazy to secure on his own.

The idea that crime pays is all around us. We see it glamorized on television. We see the news media spotlight the wealth of gangsters. We watch as embezzlers are slapped on the wrist for stealing millions. And of course, our children listen as “spin-doctors” tell them how obstruction of justice and perjury might be criminal offenses, but not ones for which the President of the United States should pay. As for the evil men that prey upon women and children, I am sure some sociologists and criminologists will argue that the answer to why people commit crimes cannot possibly be that simple. It is that simple.

One of the major problems with modern society is that our political leaders think the solution to every problem must be as complex as the problem itself. The problems facing the world today are indeed complex, but the solutions to many of these problems are simple. Sacrifice is at the core of every solution and the reformation of American society is no exception.

As for the myth that crime can be measured, it is time to dispel this myth once and for all. The idea that crime can be accurately measured is a lie. And since I want to engage the reader in a cogent examination of our criminal justice system, it is imperative that this myth be exposed for the puffery it represents. The notion that crime can be measured must be discarded to prevent such an examination from degenerating into a battle of competing statistics.[[61]] Any examination of our current system of injustice can only begin after dismissing the preposterous idea that crime can be measured. We must never entertain argument on the issue of measuring crime. It simply cannot be done with any real accuracy.

Contrary to what the former President of the United States says, the former Attorney General preaches and the Department of Justice contends, the incidences of crime have not dropped, but actually increased. What has decreased is the reporting of crime. The citizens of the United States, especially those in crime-ravished neighborhoods, have grown so disillusioned with our system of justice they are not wasting their time reporting crime or, in the alternative, are taking matters into their own hands. I understand the former, wholly support the latter and will always endeavor to help those that take matters into their own hands in order to protect our children. When it comes to the health and safety of our nation’s future, the ends do justify the means.

In support of my contention that crime measurement is preposterous, I offer the following two Los Angeles Times articles released within two months of one another. They are very typical of what is really happening all around us. The first article made the bold assertion that violent crime had fallen in Los Angeles by ten percent in 1997.[[62]] The article went on to report that violent crime had fallen not just in L.A., but as much as five percent nationwide. It is ridiculous to think we can measure crime so precisely that we know if crime is up or down by 10%.

The article quoted Attorney General Janet Reno as saying this decrease in violent crime was due to President Clinton's support of local police. How can a President that obstructs justice and lies under oath be a supporter of law enforcement? How can the United States Attorney General expect the American people to believe her claims that crime has dropped when she has done everything in her power to prevent the discovery of the truth surrounding President Clinton's conduct? Crime has certainly not dropped in the White House and I do not believe it has decreased anywhere else in America.

What I do believe is that many Americans, especially those in the upper economic tier, are fortunate that violent crime has not ripped apart their lives as it does the lives of so many poor. The poor long ago abandoned the criminal justice system as a means of redress if only because they know it favors the wealthy. As for those lucky enough to have all the advantages of life, I would remind them that this is only by the grace of God. We must never forget that at any moment, on any given day, that could change forever!

As for the second article, it appeared less than two months before the first. Rather than make bold assertions like crime has dropped 10%, it seems the Los Angeles Times decided that a true reflection of violent crime in Los Angeles can be painted by using cold, hard facts. These cold, hard facts were provided to the people of Los Angeles on March 31, 1998. The Los Angeles Times published an article stating that child abuse deaths had actually increased from 1995 to 1996. Specifically, the article reported that of the fifty-three (53) children murdered in Los Angeles in 1996, county social workers were only aware that thirteen (13) of the missing angels were living in situations where abuse or death was likely to occur. This should be no surprise to anyone who knows the plight of children in the state of California.

I have no doubt that thirteen of these angels were subjected to abusive environments before their horrible deaths. What I doubt is that only fifty-three children were murdered in Los Angeles County during 1997. The reason for my doubt is that many of the children who were reported missing from Los Angeles in 1997 were never found. When a child is reported missing but never found, he or she is not listed as being murdered or even kidnapped. They are simply listed as missing. How can we assume the best when the facts staring us in the face indicate the worst? We, the enabled, have cast aside the poor and downtrodden children of America claiming we only need to care for our children and not the children of others. It is the politically expedient thing to do in a society turned upside down.

The second Los Angeles Times article did establish that thirteen children died horrible deaths that the county knew could occur. The article provides direct evidence of our government's inability to protect even the children it knows to be in perilous danger. When President Clinton proclaimed that the problems facing America's children were

too complex for government to understand, he was not joking. Such failure provides enough compelling evidence to convince us the time has come to alter or abolish our system of justice. If that means altering or abolishing the government that sanctions it, so be it.

It appears that the county of Los Angeles, the state of California and the federal government did not consider the thirteen children, living in situations where abuse was likely, worthy of their intervention. Or, in the alternative, they did care but were powerless to act because they fear litigation. Although I do not know which is worse, I do know that 13 angels went missing from our lives and our governments did nothing to stop it. How do I explain this to my children?

As for those that wonder why the county of Los Angeles did not act to save these angels, the reason was local government officials are tentative in addressing child abuse because they are afraid of the lawsuits brought by parents and civil libertarians alleging violation of parental rights. It is a fact that child welfare agencies are afraid of being sued for violating the civil rights of parents. Lawyers are first in line to tell parents when their “rights” have been violated. It is all a matter of economics. Lawsuits cost money and murdered children do not.

Ironically, local law enforcement knows who these criminals are and where they live. They are only hesitant to confront the abuser because they know any such confrontation will only spur these cowards to further violence. Moreover, it is fear of the child being further beaten that prevents many local law enforcement officers from arresting the abusers in the first place. They know the abusers will be back in the home within hours, more angry and violent than before they were arrested.

As I think about those angels in Los Angeles that everyone knew to be in trouble but for whom no one cared to act, I wonder how our politicians would react if thirteen members of Congress were beaten to death? I suspect the murder of thirteen members of Congress would bring forth an outrage from Capitol Hill unlike anything ever heard before from that “hallowed ground.” Maybe someday we shall hear this outrage and maybe, just maybe, the next generation of Americans will not care.

The Los Angeles Times provided further insight into what happens to children in Los Angeles. According to Los Angeles County’s Inter-Agency Council on Child Abuse and Neglect, child abuse deaths were down from the previously reported year.[[64]] The article contends that in 1997, there were forty-five children murdered at the hands of their caregivers, down from fifty-three the year before. However, the Inter-Agency Council on Child Abuse and Neglect also reported that child homicides remained constant for the last nine years while fetal deaths rose. It appears as if the Los Angeles Times, the author, the Inter-Agency Council on Child Abuse and Neglect, or all three,

took some solace in the fact that the only reason the 1996 figure was so high was because a man skewed the figures by burning down his house with his wife and six children inside.

It is a fact that many child abuse experts believe tens of thousands of children are at considerable risk of abuse and/or death on any given day. Many experts, too numerous to cite here, believe that child welfare agencies and law enforcement are missing a large number of child abuse cases. No one is sure the extent to which children are abused and neglected in this country. The epidemic of crime that has swept this nation over the last forty years has been propelled to the levels we see today because of the meteoric rise in child abuse. As violence against children continues unabated in our land of the free, home of the depraved so too will we see an increase in the number of children that commit acts of violence so savage as to make us collectively shudder in disbelief.

When the President of the United States stood before the American people in 1997 and declared that the problems facing America's children are beyond the capacity of government to address or even understand, I realized we had failed as a society. [[65]] We failed because we elected a man that has given up on our children. We failed because we have placed the rights of child abusers, rapists and murderers before those of our children. We must never surrender the security of our children. To do so evinces cowardice, not obedience to the law and despite the fact that President Clinton admits the problems facing our children are beyond his government's capacity to understand, we must force it to understand and we must do so before it is too late.

The very idea that crime can be measured is a lie; another trick employed by politicians and bureaucrats to convince the American people that they have made a difference. Politicians preaching that their policies have reduced crime are liars. The politicians offering statistics to support their claims that crime is decreasing are nothing more than con men out to preserve the status quo. They will never change the status quo, as life is far too good to change the status quo.

According to many "experts," the most respected measurement of crime in America is the FBI's Uniform Crime Reports (UCRs). The UCRs are derived using data from eight "index" crimes. These index crimes are: willful murder, forcible rape, aggravated assault, robbery, burglary, larceny, arson and motor vehicle theft. The raw data that is used to generate the UCRs is simply the number of crimes reported to the police. In other words, the UCRs measure crime simply by recording the frequency with which such crimes are reported to the police. This method of crime measurement is troubling for obvious reasons. For purposes of understanding the shortcomings of crime measurement, five problematic areas will be examined.

The first area relates to the crime of rape. There are very few crimes in the catalog of our pathetic species that can match the banality of rape. It is hard to imagine more convincing evidence that our nation is falling from grace than the amount of time in prison a man receives for raping a woman. The fact that the UCRs address only forcible rape eliminates statutory rape from the equation. Although this failure to acknowledge the impact of statutory rape is unbelievable, it does serve to further convince me how little children matter in Washington D.C. Therefore, I believe without reservation that the UCRs do not reflect the true number of rapes in America. When statutory rapes are not counted and the crime of rape itself so under-reported, it defies logic to assert the UCR's capture the number of rapes in America.

I believe there are over one million rapes per year in the United States. Moreover, I believe rape is second only to child abuse as the least reported crime in America. I believe this because I have witnessed how women are treated when they report being raped. I witnessed how the rights of rapists are protected while the rights of rape victims disregarded. I watched as the poor and less fortunate members of society grow increasingly disillusioned with the American criminal justice system and are therefore less likely to report a crime they know will not be addressed in any meaningful manner.

I see the entertainment industry, particularly the video game and motion picture industry, as it continues to portray women solely as sex objects. I watch in amazement as rapists are released after spending only a few years in prison. My own life experiences reinforce my belief that rape is one of the least reported crimes. Growing up in Detroit, Michigan, I had the unfortunate opportunity to know two people who were raped. One I know very well. I saw firsthand the effects rape had on her. I saw how this brutal act destroys a life. Of the two people I knew that were raped only one reported the rape to the police. She regretted ever doing it. The other did not report the rape because the rapist was someone he knew and feared. This is the ugly reality of rape. Until rapists fear the consequences of their vile acts, they will never stop.

The second fallacy of the UCRs involves child abuse. There is no doubt in my mind that the greatest tragedy in America is that of abused and murdered children. It is for all the missing angels that we must dedicate our efforts to not only reform our system of justice, but our society as a whole. When I refer to missing angels, I am not simply referring to those children that were never found. I am referring to all the children who spent their short lives in situations where physical and sexual abuse were every day events. I am referring to the children who only knew two things in life: pain and death. And although the remainder of my life may indeed be short, it will not have been as short as the lives of countless thousands of these angels.

It seems the effects of child abuse are not serious enough to warrant inclusion in Department of Justice's UCRs. It seems the pain suffered by children is not worthy of

measurement. Purposeful omissions and inattention to such real issues as child abuse are what make the UCRs worthless as an indication of crime in America. The UCRs do not reflect child abuse because child abuse is so systemic in our society that if the UCRs were to include this as an index crime it would invite inquiry. It would result in an inquiry that would lead to the conclusion that we are a society that tolerates violence against children.

If the UCRs were to include this as an index crime, it would present such a horrible picture of the state of this Union's children that it might provide the impetus to reform the American criminal justice system and the government that administers it. If we, the enabled, are going to change our society to one where children are cherished above else, we must renew our society's commitment to the preservation of the child. Simply put, we must demand that our system of justice protect these angels from the horrible fates so many have suffered. The last moments of these angels' lives were spent in unimaginable fear and pain, hoping against all hope that they would be saved. Their last breath was most likely one word: mom.

Each year, approximately one million children are reported missing in America. According to Interpol, over 500,000 online photos depicting children engaging in sexual acts were seized in the United States. There is a very real connection between these two facts and the time has come for America to wake up. Pedophiles are responsible for the disappearance of most of the children that are never found. The reality is these children are used for sex; often starved into performing for the same men whose right to distribute such filth is protected by our judicial system under the guise of free speech and commerce. These children are simply murdered after the "party" because it is so easy to dispose of such small things. Do these words upset you? Are you offended by my bluntness? I am very sorry if I have caused you any discomfort. If I have, please return to the world in which you live and forget about the children raped and abused every day. It is easier to live life without knowing such things, is it not?

The third fallacy of the UCRs involves the reporting of drug offenses. The reader should know that the most common reason for incarcerating someone in our country is not included as a measurement criterion in the UCRs. How can the UCRs accurately depict crime in America when those who sell cocaine and heroin are not worthy of inclusion?

Drug traffickers have had a profound impact on society and must be considered as part of the criminal equation. The fact that so many of them fill our prisons would seem reason enough to include drug offenses in the UCRs. However, the FBI does not want to include drug offenses because collecting such data would be far too difficult an undertaking for the FBI. The manpower necessary to just collect this data would be considerable especially in an organization outgunned and outmanned by the world's cartels. The fact remains that UCR's are neatly divided into categories that bureaucrats

can easily assign a number. It is far easier to assemble the UCRs without having to reference the on-going drug war.

The fourth reason why the UCRs are not a true indication of crime in America relates to the first index crime - willful murder. What is willful murder? What does this statistic mean? Since we know that approximately ninety percent of all felony convictions in the United States are the result of plea bargains, does willful murder include the criminal who pleads to aggravated assault, manslaughter, or negligent homicide? No crime statistic has been more manipulated than murder.

The fifth and most glaring reason why the UCRs represent only one small slice of the American criminal pie is that many crimes go undetected and therefore unreported. Chief among these unreported crimes are those relating to sexual and physical abuse of children. Whether the crime is incest, sexual molestation or a myriad of other abuses, the probability that such crimes will be reported is slight. Crimes like domestic abuse and child abuse are without a doubt crimes that often remain in the home. They are, coincidentally, the crimes tearing at the very fabric of our nation. Along with alcohol and drug abuse, domestic violence and child abuse are the crimes that fuel the great cycle of teenage violence, teenage suicide, teenage drug abuse and teenage pregnancy.

It is simply not enough to conclude that crime measurement is a fallacy. The UCRs represent more than just flawed statistics. To simply conclude that the UCRs are inaccurate is to miss a key point in the argument that measuring crime is a fallacy.

The UCRs are direct evidence that the Department of Justice has involved itself in an area of our national existence that the Founding Fathers intended to be the responsibility of the states. Where does the Department of Justice obtain its authority to waste billions in taxpayer dollars compiling such useless figures? The compilation of the UCRs themselves requires an expansion of the bureaucracy that is the Department of Justice. The mere fact that assembling the UCRs requires hundreds of federal employees supports my assertion that the Department of Justice is the most misguided and inefficient organization within the federal government. In my opinion, the UCRs were created to convince the American people that the Department of Justice is doing something to prevent crime.

The Reformation of the Criminal Justice System

I first began to think seriously about crime and all its consequences after reading *Thinking About Crime* by James Q. Wilson. Mr. Wilson's work began a journey for me that ended with the thoughts and ideas contained in this book. Ironically, I did not reference Mr. Wilson's work in the first edition of this book. Even more confounding was that it took nearly three weeks after the first edition's printing to detect my negligence. Therefore, I will not detail the brilliance of Mr. Wilson's work. I will only write that it profoundly changed how I looked at the world around me.

When I finished reading *Thinking About Crime*, I began to see the 1960s in very a different light. Maybe it was because many others were analyzing the 1960s in the 1980s that I too began to think about the 1960s. Or, maybe it was because those who claimed to be children of the 1960s were now in leadership positions across America. However, the reason why I began this reflection is irrelevant. What is relevant is that I came to the conclusion that the 1960s was the last decade in which the criminal justice system was capable of managing the criminal element in society. In 1960, our system of justice was capable of deterring crime because individual responsibility was still the order of the day. There was no perceived necessity to "fix the system" because it was working. Or at least we thought it was working.

As I looked for an event in the 1960s that may have sparked the revolution that promised to change the status quo, my search always ended in Dallas, Texas. I believe history will record that the shots fired that fateful November day provided the impetus for the abandonment of individual responsibility – the true legacy of the 1960s.

I believe the assassination of President Kennedy was a watershed event in the life of our nation because the American people witnessed what happens to those that want to change the status quo. As I studied American history from that point in time, I found a nation of individuals seeking greater liberty while accepting less responsibility. I discovered a nation that embraced wealth as the path to happiness. Whether it was the draft dodger who proclaimed his right to avoid service to his country or the married couple that proclaimed divorce as the answer to their unhappiness, the one undeniable fact of the 1960s is the triumph of the individual over the majority, especially our children. When a society removes individual responsibility from its core values and replaces it with an all-encompassing pursuit of more and more personal freedom, the inevitable result will be intolerable behavior by many in that society. I defy anyone to prove me wrong.

The three most pressing issues with respect to the reformation of our criminal justice system are those relating to the U.S. Constitution, state criminal codes and the American penal system. The U.S. Constitution must be amended so that the Fifth Amendment's prohibition "that no person shall be compelled in any criminal case to be a witness against himself" shall no longer apply once the state has commenced its case in

chief. Once the state begins its prosecution, no defendant will be able to avoid answering for his actions. The second change relates to our state criminal codes. Each state must amend its criminal code to create a new classification of crime. This new classification of crime will transcend the traditional felony and misdemeanor classification. As for our misguided notions of incarceration, I assert the time has come for Americans to understand prisons are for dangerous predators and violent career criminals not for those who lacked the resources to submit a defense to the charged crimes.

The reforms addressed below are not meant to be exhaustive. They are suggestions for debate at the Second Constitutional Convention. The Second Constitutional Convention must begin its work somewhere so why not here? The Second Constitutional Convention must begin with someone so why not you?

Crimes Against Society

Historically, crimes have been distinguished in only two ways. Some crimes are recognized as misdemeanors. Misdemeanors carry as punishment for their commission less than one-year confinement and/or a fine. These offenses were, by their very nature, less destructive to the individual and society. It is not necessary to address in any detail crimes of this classification. It is only necessary to comment that these crimes are currently being used to wage war on the poor and as such provide ample justification for a major reformation of the American criminal justice system.

As for those crimes classified as felonies, these are the crimes that destroy countless lives. They must be the focus of any reformation of the criminal justice system at the Second Constitutional Convention. Historically, certain crimes were classified as felonies because they were so destructive to society that one could be sentenced to death for committing them. I believe this oversimplified classification of crime belongs to a time when child pornography, child prostitution, rape and murder were not commonplace. Such a simplified bifurcation of crime has no place in a society where individual responsibility has all but ceased to exist.

The felony and misdemeanor characterization of crime had its root in the English common law so influential in our Founding Fathers' day. The very notion that crimes could exist on the scale they do today could not have been imagined during the days our Founding Fathers lived. We must never forget that they fought and died because they believed taxation without representation robbed them of their inherent right to self-government. They risked everything to prevent taxation from destroying their concept of freedom. What do you think they would do if confronted with a society like the one we

have created? What would they think of a society, of a people, that placed the rights of criminals before that of children?

It is absurd that our system of justice classifies the beating death of a five-year-old boy in the same way it does cheating the IRS. Only a perverted system could find comparison between the two. It is equally absurd to equate the brutal rape of a woman with the relatively petty crime of selling marijuana. Our current notions of crime and punishment belong to another age. The time has come for the American people to relegate these “notions of justice” to the age from which they came.

Society already recognizes that certain crimes are so heinous that the commission of such crimes constitutes not just crimes against the person, but crimes against us all. The time has come to compel our state legislators to embrace this idea by changing each state’s criminal code to reflect the true impact certain crimes have on society. Based upon the effects certain crimes have on victims, their families and the community as a whole, each state shall impose the death penalty[[68]] for their commission. Crimes against society must include:

1. Premeditated murder
2. Forcible rape
3. Kidnapping or false imprisonment of any person for the purposes of sexual exploitation or monetary gain
4. Battering of a child under the age of sixteen accompanied by an intent to do serious bodily harm

The crimes delineated above are the core crimes that plague civilized society. Crimes for which there must be no second chance. Moreover, they are crimes committed by people who lack any semblance of morality. People who care nothing for their fellow man commit these crimes.

The idea that a single crime can affect more than just the victim is not a new concept. In 1945, the Allied Governments of the United States, the United Kingdom, the Republic of France and the Soviet Union embarked upon a course of action in which thousands of individuals were tried, and many executed, for crimes against humanity. In effect, crimes against society are crimes against humanity. Of course, the monsters indicted at Nuremberg and Tokyo committed crimes on a grander scale. This was, however, only possible because they controlled two of the most industrious and disciplined peoples on earth. Had these criminals not been in control of governments, they would have gone unnoticed by history.

Whether a man kills one person or a thousand makes little difference to the family that loses a loved one to the evil that men do. Just as it makes little difference to the woman who was raped that her violator raped before, it should make no difference to society that the rapist has been found guilty of only one rape. I believe it necessary to assume that those who commit crimes against society are not one-time offenders. It has been the philosophy of our current system of justice that maybe, just maybe, the rapist was a one-time offender and maybe, just maybe, he will not rape again. "Maybe" is no longer acceptable when our collective future is at stake. "Maybe" has no place in a society on the brink of destruction.

A single rape or a single murder affects society beyond the mere physical pain inflicted upon the victim and their loved ones. Although the victim should be our first and foremost concern, it is not. Today, the rights of the criminal are always placed before those of the victim and society. If you doubt this assertion, I urge you to go down to your local courthouse and watch as our system of justice bends over backwards to protect the rights of rapists and murderers.

When a child is raped and/or murdered, society as a whole suffers in ways we have not yet begun to understand. For example, we understand the vicious cycle of child abuse. We know that children that were abused often become abusers. However, it is in other more insidious ways that these heinous crimes affect society. Take for example the news story about the body of a child found naked in a ditch beside a freeway. As the average citizen listens to the story, he or she begins to realize, maybe for the first time, how frightening "modern" society has become. As such. It is because of this heinous crime that people begin to fear their neighbors. They draw away from society. They move out of established neighborhoods. They begin to care less and less about those they do not know so soon the murdered child found along the freeway is someone else's problem.

In short, society is transformed from one in which citizens care for each other to one in which fear and suspicion of each other is the norm. I believe this without reservation because I have seen it with my own eyes. The city of Detroit serves as an excellent example of how crime can drive a wedge between the races and ruin what was once an otherwise vibrant city of industry. The crime that ravages Detroit to this day is the single greatest reason why Detroit's population declined from over two million to its present population of less than one million.

I realize that my belief in the ultimate deterrence appears to conflict with my earlier assertion that it is time to remove violence from our society. However, it is violence undertaken to combat a greater evil. That violence being the criminal element that has grown to such dimensions in America that our courts are clogged with cases of sheer

depravity, our prisons overflowing with criminals who can never be rehabilitated and our women and children abused in greater and greater numbers.

We are fighting and losing a war against millions of criminals bent on profiting from the misery of others and we have no one to blame but ourselves. We allowed the criminal to gain the upper hand and therefore we must change that reality. Our politicians, using the news media, will argue that the issue is not whether our criminal justice system needs to be replaced with one effective in deterring crime. Instead, they will employ all of their vast resources to convince you that the real threat to society is the political agenda of anyone or any group seeking to change the American criminal justice system. They will immediately attempt to shift the focus away from the real issue, which is the safety of our children. This is how the protectors of the status quo operate. They tell you what the issues are and in turn, expect you to thank them for having your best interests at heart. A perfect example of this sleight of hand is found in the debate on the death penalty.

Although the majority of Americans favor the death penalty, the national media present the debate not in the context of deterring crime, but in the context of a need for compassion. The news media shows us the prison the night of the execution in order to convince you compassion is what is missing from American justice. These protectors of the status quo do not show you the family of the victim or victims. They do not show you the effects these monsters have on society. The truth is the death penalty has not been implemented in a way that deters crime for over 100 years. The death penalty once did deter crime because criminals knew it would be implemented soon after judgment.

In a system as inefficient as the American criminal justice system, the fact that it takes decades to execute someone is proof positive the death penalty is not being implemented in a way that deters crime. If you are one that disagrees with this assertion, ask yourself if the murder or rape of a child is a crime so reprehensible and damaging to society that to punish the individual in any way other than death is tantamount to inviting others to do the same? Is not the beating and rape of a woman a crime so vile that to imprison the rapist for a few short years tantamount to inviting him to rape again? Any punishment other than the forfeiture of the perpetrator's life only encourages others to violence against women and children.

Rethinking Our Ideas of Incarceration

In the process of reforming our criminal justice system, we must re-examine our philosophy regarding incarceration. Our present-day concepts of incarceration do not originate from our Founding Fathers. On the contrary, they are the result of more recent experiences that produced the widespread belief that:

1. All criminals must be imprisoned,
2. All criminals can be rehabilitated and
3. Incarcerated criminals are entitled to privileges that many hard-working men and women cannot afford, such as a college education, cable TV and psychological counseling.

The time has come to re-examine our philosophy of incarceration precisely because these ideas have failed miserably. The pains our society endures to make criminals comfortable are nothing short of amazing.[[69]] The comforts shown criminals are unbelievable when one realizes the lack of life's basic necessities so many children face every day. How is it that a child goes hungry in Detroit but a murderer gets three meals a day (all nutritionally balanced for optimum health), an exercise room, a library, cable TV and even a chance to make money?[[70]] Our prisons do not dispense punishment as in the penal system of our Founding Fathers. They are shelters under which men and women wait release while struggling to survive in a place so many do not deserve to be housed. We shall return to the chaos that is America's prison system after we have identified those that must never leave prison.

Intelligent people argue that there are four goals to be accomplished through incarceration. These goals are deterrence, incapacitation, rehabilitation and punishment. These goals represent the old way of thinking about incarceration. I do not prescribe to such reasoning. The very idea that government should be guided by "goals" in determining whether or not a person should be incarcerated is absurd. We are not talking about economic development or the education of our children. We are talking about the responsibility of government to keep its citizens safe from the evil men that walk our streets.

We must recognize that the only proper goal of incarceration should be maintaining order and discipline in society. This is the reason for government's very existence. Only when the criminal fears the consequences of his actions will criminal behavior be curtailed. This is a fact that no study, poll or commission can change. Moreover, it is a lesson that history repeats to us over and over again. It is time we heeded its lessons, especially when the only cost will be the freedom of men who prey upon the innocent.

Incapacitation is simply the removal of the criminal from society for a specified period of time. In other words, providing shelter, food, medical care, counseling, etc. is what incapacitation is all about. It is not about rehabilitation. Rehabilitation of someone who was never habilitated in the first place is a waste of valuable resources that are better spent on those who suffer from mental illness. There must be only one consideration when deciding to confine an individual and that is the net effect the incarceration will have on society.

For sure, there is the immediate benefit of having the criminal off the street. For the depraved that live among us, this cannot occur fast enough. However, the question that must be asked and answered is whether or not the benefit of incarceration outweighs the costs of maintaining millions of prisoners at taxpayer expense.

The role incarceration played in America's early days was minor because the men and women of early America believed that only by severely punishing criminals would others be deterred from committing the same acts of violence. In 1800, if a man raped a woman, he paid his debt to society with his life. If a man murdered another, he would pay his debt to society with his life. As harsh as it may seem, this is exactly the kind of punishment that deters rape and murder. This says nothing about the effect it would have on the cowards who prey upon children. If priests had actually feared the consequences of their actions, they would never have raped the thousands and thousands of boys we now know they raped. If the American people think they can deter evil in another more lenient way, they are wrong.

We, as a society, must rethink our incarceration policies. We must realize that simply incarcerating someone for a short time accomplishes nothing. It accomplished nothing except the growth of government and a further waste of taxpayer dollars. Moreover, as our prisons become "revolving doors," they continually allow the real threats to society the opportunity for early release. Therefore, it becomes necessary to look at incarceration from another perspective. What I am proposing is a radical step. Although it may be radical, radical action is the only way in society can regain the upper hand from crime.

The decision to incarcerate an individual is a drastic one. Once we make the decision to incarcerate, we must do so for an extended period of time, up to and including life. For example, if a person were guilty of physically injuring another human being with the intent to do serious bodily harm, that criminal should be sentenced to twenty years in prison. Under our new system of justice, the sentence could be suspended and the offender released. Before the issuance of the suspended sentence, however, the court would instruct the offender that the original sentence would be served without parole should he commit that or a more serious crime again. Should a defendant be convicted of selling narcotics twice, his or her sentence would include the sentence for the first conviction and that for the second offense. No more revolving doors for these criminals.

I want to conclude this area of reformation by proposing the idea that government should implement an amnesty program in which individuals imprisoned for drug use would be immediately released. Although radical, I agree with the reasoning behind this idea. I offer one statistical fact to prove the merit of such a program. Although African Americans account for approximately twelve percent of the U.S. population, they occupy four times that percentage in prisons and jails. The reason is drugs.

The Right to Remain Silent

The existence of our improperly conceived notion of the right to remain silent has as much to do with how our society views individual responsibility as it does with the practical limitations inherent in law enforcement. If we are to return America to a nation where individual responsibility walks hand-in-hand with individual liberty, we must begin by declaring that liberty and freedom come with a price and that price is that no one has the right to remain silent once the state begins the judicial process of holding him or her responsible for their actions. Individual responsibility begins with the individual. We must never lose sight of the fact that individuals freely choose to commit crimes. They are responsible for their actions and the time has come for society to hold them accountable.

The Fifth Amendment to the U.S. Constitution (Fifth Amendment) reads:

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand Jury indictment, except for cases arising on the land or naval Forces, or in the militia, when in actual service in time of war or public danger, nor shall any person be subject to the same offense to be twice put in jeopardy of life or limb, nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without due compensation.

The Fifth Amendment was written at a time when murder and sexual exploitation of children were not aspects of daily life. It was written during a time when society held citizens responsible for their actions. This is not the society in which we live today. Today, our society has become one of individuals pursuing greater freedoms while refusing any responsibility for their actions. It is the new American way.

The days of rubber hose beatings and forced confessions are over despite what the race-baiters proclaim. Moreover, the defense lawyers that profit from our twisted system of justice will also deny that the days of rubber hoses are over. Nevertheless, the realities of the present day demonstrate how unlikely it is that the police would return to beating confessions out of suspects. The few, isolated incidences of police brutality in New York City and Los Angeles, for example, stand as proof that the days of rubber hoses are over.

The media attention and the lawsuits that followed the Los Angeles Police Department's Rampart Division scandal will cost the City of Los Angeles millions of dollars. Furthermore, the incidents of police brutality today involve arrest and/or apprehension, not confessions. If there is one fact preventing the police from obtaining forced confessions, it is the number of attorneys waiting to pounce at even a hint of police

brutality. I believe that for each person beaten into confessing a crime, there would be at least one hundred lawyers ready and willing to represent him for the standard thirty-three percent fee arrangement.

Is it inconceivable that we should require a suspect charged with the kidnapping of a child to answer under oath where he was the night the child was abducted? Is it beyond our comprehension that a man charged with raping a woman be asked how it was that his semen was discovered in her vagina? Will it be the end of liberty and freedom in America if the people are permitted to ask a defendant charged with murdering a child how the child's blood got into his car? If you answer yes to any of these questions, then you are partly responsible for what our society has become. You are a friend to the pedophile and the enemy of our children.

It seems only natural that when a man has the opportunity to either deny certain facts or explain the facts, he should do so. Only the guilty would shirk this opportunity. I believe this urge to explain one's innocence even more compelling when one is accused of serious wrongdoing. I believe it is instinctive that when a man is accused of a heinous crime like rape, he would want to announce to the world his innocence. Today, our system of justice holds as gospel that no man can be compelled to be a witness against himself. In fact, if a prosecutor were to even hint at the fact that an accused sat silent, the accused, no matter how depraved, would walk free. For a Prosecutor to argue that the accused's silence at trial speaks volumes as to his guilt is evidence a jury should be entitled to consider.

The idea that a person would want to explain his innocence comes from the very basic observation that when an innocent person is accused of some wrongdoing, he instinctively seeks to denounce the accusation and declare his innocence. The person that says nothing after being accused of some wrongdoing is the one that arouses our suspicion. I have always maintained that if you are searching for the truth, the last place you should look is in a courtroom. Former President Clinton is living testimony to this observation.

The origins of the right against self-incrimination emerged at a time when an accused's most valuable right was not his right to remain silent, but his right to be heard. When an accused was not afforded the assistance of counsel, he had to speak in order to refute the charges brought against him. This type of trial is more easily understood as the "accused speaks" trial.[[71]] This is very different from what occurs today. A quote from A Treatise of the Pleas of the Crown by Sergeant William Hawkins is as relevant today as it was in the 18th century:

The defendant needs no counsel, because if the defendant is innocent he will be as effective as any lawyer... however, the very speech, gesture, and countenance, and a

manner of response of those who are guilty, when they speak for themselves, may often help to disclose the truth, which would not so well be discovered from the artificial defense of others speaking for them. [[72]]

It appears, at least from a historical perspective, that the search for the truth outweighed even an accused's right to counsel let alone his right to remain silent. Today, society would never stand for such an idea. The right to counsel should not be a barrier to the discovery of truth. However, the same cannot be said for an accused's right to remain silent. When an accused is the best and sometimes only source of the truth, the right to remain silent is the ultimate barrier to the discovery of the truth. Lawyers acting as defense counsel have distorted these very basic tenets of life. Rather than allow the state to ask the accused where he was on the day a crime was committed, lawyers have successfully twisted the wording of the U.S. Constitution so that courts regard any such inquiry as forbidden. This is not what the Founding Fathers intended. The intention of the Founding Fathers when they wrote the Fifth Amendment was to prevent a strong central government, one beyond the reach of the states, from torturing or physically extracting confessions from suspects. The Founding Fathers knew the power they were giving to the federal government was such that it was open to abuse. They had just defeated a tyrant whose officers had in fact tortured confessions from them. This is why they created the "trial rights cluster" contained in the Bill of Rights.

For many years, the most quoted treatise on the history of the right against self-incrimination was Professor John H. Wigmore's *The Privilege Against Self-Crimination; It's History*. [[73]] Professor Wigmore was one of America's foremost legal scholars in the field of evidence. However, his assertion that the right against self-incrimination has its origins at common law is factually incorrect. Professor Wigmore's treatise examined early common law in the hope of finding some comment as to the justification for the right to remain silent. He found no such reference. Professor Wigmore then examined the conflict between the Church's methods of examination or inquisition and the more recent and liberal ideas developing at common law. Professor Wigmore concluded that two parallel lines of development had occurred with respect to the notion that an accused should not be compelled to incriminate oneself. [[74]]

Professor Wigmore argued that sometime in the 17th century there began a merger between ecclesiastical ideas of examination and those developing at common law. It appears that Professor Wigmore believed the concept of a right against self-incrimination came from the ecclesiastical court's early opposition to the ex officio oath. The facts, however, do not support such a contention.

Professor John H. Langbein's *The Historical Origins of the Privilege Against Self-Incrimination at Common Law* refutes Professor Wigmore's assertions by discrediting the latter's sources. [[75]] Professor Langbein argues that the origins of the right against

self-incrimination are more correctly found in the rise of the adversarial criminal trial and not in some English ecclesiastical or quasi-criminal procedural revolution. Professor Wigmore asserts that the privilege against self-incrimination originated sometime in the 1600s, the same time that the Treason Act of 1696 clearly created a compulsory process of examination.[[76]] It seems professor Wigmore does not account for this statutory contradiction to his theory.

There is no arguing the fact that the power to compel self-incrimination existed in that early statute. Professor Langbein alludes to the fact that when the courts interpreted the Treason Act as authorizing compulsory examination, the result was not the birth of a right against self-incrimination, but the continued belief that questioning the accused was an excellent method of ascertaining the truth; a truth so important to ascertain that any amount of physical force was justified.

Professor Langbein also refutes Professor Wigmore's assertions by demonstrating that the right against self-incrimination was not the product of early common law, but rather the creation of defense counsel.[[77]] It was the appearance of defense counsel as a pivotal player in the development of criminal procedure that cleared the way for the transformation from what Professor Langbein referred to as the "accused speaks" trial to the "attacking the prosecution" type of criminal trial. I maintain that this fact, more than any other, disproves Professor Wigmore's contention that the right against self-incrimination was the product of English common law.

An "accused speaks" trial requires the defendant to answer questions posed by the prosecutor. This occurred both at the pre-trial proceeding as well as during the prosecution's case in chief. In an attack the prosecution type of trial, the defense counsel is allowed to attack the prosecution's case without having to enter any evidence proving the accused's innocence. In other words, defense counsel began the process of placing the rights of criminals over those of their victims. According to Professor Langbein, within the space of a few decades, the accused speaks trial format vanished.

I agree with Professor Langbein's contention that it was the appearance of defense counsel that made possible this "revolution."[[78]] However, I disagree with his use of the word revolution. I assert that this was not a revolution but a perversion - a perversion calculated to hide the truth. Equally important, Professor Langbein points out that there exists no adequate record to account for this otherwise remarkable event.[[79]] I believe the reason no such record exists is that defense counsel created the right to remain silent through their manipulation of the very men who make up the judicial system: judges. As each member of the judiciary was corrupted by this distortion of the truth, the more the "idea" appeared to have some basis in fact.

Why did defense counsel go to such lengths to create such a right? Defense counsel invented the right to remain silent so they could use this “right” to defeat the prosecution. It is as simple as that. Defense counsel did not manipulate the system because they thought those brought to trial were innocent; they did so purely for personal gain and not in the interests of justice. In fact, the cumulative efforts of early defense counsel eradicated any record from which a thoughtful inquiry could reveal the origin of the right to remain silent.

The criminal justice system of Colonial America did not mirror that of England's system of justice. While the English system was beginning to adopt the “attack the prosecution” type of trial, colonial America was still focusing on the accused as the primary source of the truth. To the Founding Fathers, the truth was not a means to an end, but an end in and of itself. Therefore, it should always be remembered that the focus of the criminal process now and then is not on the accused solely because he was thought to be the best source of the truth, but because there existed probable cause to believe that he committed the crime in question. [[80]]

As an example of the Fifth Amendment in action in our state courts, I offer a perverted example of how the right to remain silent protects the guilty by hiding the truth.

Baltimore Department of Social Services v. Bouknight 493 U.S. 549, 110 S. Ct. 900 (1990), presents a clear picture of how the Fifth Amendment has been turned on its head. The city of Baltimore took Ms. Bouknight's three-month old child from her because of suspicion of child abuse. The state of Maryland determined that the child was in need of assistance because it believed the child was being abused. Nevertheless, the child was returned to the custody of Ms. Bouknight. After eight months, the Department of Social Services requested that Ms. Bouknight produce the child to the Department of Social Services for examination. Ms. Bouknight refused. A thorough search for the child by both the local police and the child's relatives was conducted, but the boy was never found.

When the juvenile court ordered Ms. Bouknight to produce the boy, she claimed that to produce the child would be a violation of her Fifth Amendment right against self-incrimination. The Maryland Court of Appeals upheld her right to silence although the life of a child was at stake. It was not until many years later that the U.S. Supreme Court overturned the Maryland court. Although she was held in contempt of court for seven years, she was never made to answer for her crimes. Ms. Bouknight's right to remain silent took precedence over the safety and well-being of a child. Moreover, the fact that Ms. Bouknight was never forced to answer for the child's whereabouts allowed her to escape justice since the boy was never found.

What would Mr. Madison say about this perversion of his words? How would he respond when told that this woman is free today? He would say that the discovery of the

truth is no longer the objective of our system of justice. The truth has become an obstacle to the liberty of the guilty. As for what Mr. Madison would do, I believe I am doing just what he would have done if he were in my shoes.

I began putting these words to paper during the impeachment trial of President Clinton. Therefore, I would like to take a few paragraphs to discuss the importance our Founding Fathers and Judeo-Christian heritage place on telling the truth when testifying. [[81]] A distinction has always been made between sworn and unsworn testimony. The weight given to sworn testimony is infinitely greater because the individual swears before God and his fellow citizens that he is telling the truth. This oath was not simply meant to invoke God. It was meant to alert all those involved that the swearing party was placing his honor and reputation on the line.

An unsworn statement was useless in the presentation of evidence at trial because an unsworn statement had almost no value. It was used as a means to discover other information, very much like the discovery phase in the civil setting today. The oath requisite of a sworn statement was something sacred. The declarant took the affirmative act of swearing before God and the members of his community that what he said was true. I have no doubt that the Founding Fathers would have regarded perjury as a high crime. Yet, the spin masters of the Clinton Administration (and many in Congress) want the American people to believe that perjury is only a minor transgression when committed to hide adultery. The Clinton-Lewinsky affair is another example of how our political leaders play with the truth to avoid accepting responsibility for their actions.

When James Madison wrote the clause “nor shall be compelled to be a witness against himself,” he did not leave us with any explanation as to the circumstances in which an accused could not be a witness against himself. Adding to this uncertainty, no other Founding Father left us with an explanation as to when or at what stage of the criminal trial process this right not to be a witness against oneself applied. We know, however, that the Founding Fathers intended for the “trial rights cluster” to apply to the federal government and not the states. If we look at the American criminal justice process in colonial America, we find that the right to remain silent did not apply to state criminal proceedings.

One might ask why it is that no Founding Father wrote about this now sacred right of silence. I assert the reason is obvious. The Founding Fathers never intended the Fifth Amendment to be applied as a shield in state criminal proceedings. The best evidence to support the contention that the Fifth Amendment was not intended to be a shield behind which the guilty could hide is found in the practice of Justices of the Peace during and after the American Revolution.

The Justice of the Peace was usually a layperson and therefore not trained in the law. It was his responsibility to gather the evidence and submit it to the state for trial. Precisely because they were laymen, Justices of the Peace required guidance. Such guidance was provided in Justice of the Peace Manuals. Within these Manuals, the “compelled examination” of the accused was authorized. The important distinction from today’s concept of compulsory examination was that this colonial era compulsory examination was unsworn.

For approximately the first thirty years of America's existence as a Republic, the practice of the Justices of the Peace did not change, although the Fifth Amendment had been enacted. The accused was still called as a witness at trial. Henry Hitchcock's *Alabama Justice of the Peace Manual of 1822*[[82]] does not cite to the U.S. Constitution as support for the idea that an accused cannot be a witness against himself. Following the adoption of the U.S. Constitution and the Bill of Rights, it was understood that that the U.S. Constitution did not apply to the states. In fact, this assumption was so widely understood that no one ever debated the issue. It was common knowledge. Although this was understood to be the case for the first 125 years of our nation’s existence, it is not the case today.

The Founding Fathers did not intend for the right against self-incrimination to apply to state criminal proceedings. The Founding Fathers knew the people could more easily alter or abolish their state governments should it torture or beat its citizens into confessing, than they could a national government, sitting hundreds of miles away with a strong Army. This is logical. The Founding Fathers just defeated a tyrant that tortured and murdered good men in the name of a central government. They knew how difficult it was to defeat a strong central government. They wanted to make sure the authority granted the federal government under the U.S. Constitution would not be used to abuse the people. This is precisely why the federal government is a government of limited powers. Therefore, I believe it follows that since the federal government is a government of limited powers, the Founding Fathers never intended the federal government to trump the states as protector of the people. This was the primary responsibility of each state.

I believe the Founding Fathers did not envision that the restrictions contained in the Bill of Rights would be applied to the states. The Founding Fathers were very clear that the U.S. Constitution was a document created to guide men in the operation of a central government. As such, I assert it is the very reason they made the Tenth Amendment the last amendment of the Bill of Rights. They wanted future generations to know that the states were the primary governmental bodies in the new Republic - not the federal government.

The U.S. Constitution is a living document. Men who understood that their words were open to interpretation wrote it. They believed future generations of Americans would change the U.S. Constitution so that it addressed the problems of their day. We should not look at the U.S. Constitution or the Bill of Rights today without remembering that the Founding Fathers legitimately feared that this new idea in government, called federalism, could become a tyrant just like the one they fought and died to abolish.

I assert that for the Supreme Court to rule that the Fifth Amendment must apply to all state criminal proceedings is in direct conflict with the facts. If the Founding Fathers wanted to prevent the states from calling an accused to the stand, they were intelligent enough to have articulated such a concern in clear and concise language. It is clear from studying history that the Founding Fathers were intelligent enough to recognize when and how to articulate such a clearly held conviction, especially one so essential as the maintenance of public safety.

Even if the above analysis does not convince you that the Founding Fathers never intended the Fifth Amendment to be such a shield in state criminal proceedings, there are two more compelling reasons to abandon this “notion” of due process. The first reason relates to the necessity of returning individual responsibility as the order of the day. The second relates to the realities of present-day America as opposed to that of Revolutionary America. The state of our society today is such that to continue to place the interests of criminals over those of society will result in the end of America. If we, as a society, continue to demand greater liberties at the sake of greater responsibilities, the end result will find America falling from grace. Remember, when responsibility vanishes from a society, the disappearance of liberty is not far behind.

The second reason why we must end this right to silence is that when the words used in the Fifth Amendment are interpreted in light of the times in which they were written, it becomes clear that the Founding Fathers never intended the Fifth Amendment to be a shield behind which an accused could hide the truth. I assert that the word “compelled” had a very different meaning to our Founding Fathers than it has today. History is clear on the subject of the Crown’s ruthless and barbaric treatment of colonial dissent. Men who voiced their objections to the Crown’s decisions on subjects ranging from taxation to trade were tortured and murdered.

When the Founding Fathers drafted, debated and adopted the Fifth Amendment they did so with visions of King George’s soldiers at work. To them, the word compelled had a very different meaning - one I believe to be very different from that which we accord the word today. To our Founding Fathers, the word compelled would translate today into physical force. To them, compelled was synonymous with physical coercion. I believe this because it makes sense. We cannot take their thoughts and ideas out of context.

Chapter 4

The Times They Are A Changin'

Failure is not an option.

Susan B. Anthony

I know in my heart the American people are sick and tired of a criminal justice system that no longer protects them. I also know that they are disgusted by the politics of Washington D.C. The American people have expressed to their politicians repeatedly that they want criminals punished and government reformed, but their cries fall on deaf ears. The question is why have these cries fallen on deaf ears. A political system that only cares to perpetuate itself by maintaining the status quo does not care to listen let alone change the status quo. Therefore, the American people must turn up the volume and intensity of public opinion and they must do so before it is too late.

Abraham Lincoln said, "Public sentiment is everything. With public sentiment nothing can fail; without it nothing can succeed; consequently, he who molds public sentiment goes deeper than he who enacts statutes or pronounces decisions." We, the enabled,[[83]] must mold public opinion. We cannot allow the pollsters and the spin-doctors mold public opinion. It must be you and I that adjust our nation's moral compass. The uneducated, less fortunate and uninformed among us will never be able to effect the change necessary to make things right. The career politician knows this and uses them to solidify their respective bases.

It is time for Americans to realize party politics will not solve problems that will soon be national disasters. We are up against a foe more powerful than anything the American people have ever faced. This foe has developed over the last forty years to become a most formidable enemy. In fact, this foe is not physical in form. It is a combination of two separate and distinct forces. On the one hand there are the career politicians and the faceless, nameless bureaucrats that work to preserve the status quo by using government to serve their interests. On the other hand, there are the single-issue voters referred to as "Not In My Back Yard" voters. NIMBYs, as they are called, care only to change the status quo when it benefits them directly. NIMBYs care more about the development project blocking their view than about abused women and children. When the influence of career politicians is combined with NIMBY voters, the result is government by special interest otherwise known as the federal government.

The emergence of the single-issue voter is, in my opinion, the result of the apathy the American people have for government. Having grown disillusioned by the corruption and greed in Washington D.C., these single-issue voters concentrate only on the issue that directly affects them without any regard for what is best for the nation or their state. As for issues that may transcend their petty lives, these issues are passed off as unimportant and therefore not worth their time or energy. Complacency for the plight of others has become fashionable in the world of the NIMBY voter. Their world is one filled with greed and indifference. The combination of these two forces has grown so powerful over the past forty years that only a concerted effort on our part will defeat this enemy. If we, the enabled, do not act as one, we will never adjust our moral compass thereby failing to preserve and protect our children's future. Should we fail to defeat this enemy, it will destroy our once great nation. This is why our movement must succeed.

One proposition that underlies this book is that by reforming our criminal justice system into one that protects women and children, we can instill, in a society turned upside down, a newfound respect for law and order. The result of this reformation will be a greater respect for each other. It will be this greater respect for each other that brings an end to racial intolerance and all the other forms of discrimination that thrive on ignorance and hatred. Instead, what we are seeing today from our leaders in Washington D.C. is not a respect for one another, but an attempt to split society down political, racial and social lines.

They are compartmentalizing people, not bringing them together through mutual respect; they are capitalizing on their differences, not their similarities. As Charlton Heston so wisely surmised, what we are seeing today is America's own form of "Balkanization."^{[[84]]} The American people must understand that this "Balkanization" will mean the end of America; the last and best hope of mankind. Our enemies will exploit our differences to our mutual undoing. It will lead us down the path of civil unrest. It will disrupt our economy and, in the end, extinguish the torch that has shined so brightly atop Lady Liberty - an idea so appealing to our enemies abroad that it is only a matter of time before they strike at a weak, divided and immoral America. It is only by the grace of God that they have not already done so.^{[[85]]}

A healthy respect for the law must be an integral part of a child's socialization. Just as respect for civil order enables a society to prosper, so too does a respect for its laws enable a people to live together. There should be no mistake that order is an essential element for the development of any society, just as it is an essential element in the development of a child. The politicians in this country have done their utmost to ensure that a perpetual illness pervades our society, an illness that weakens our sense of responsibility; an illness that perpetuates chaos, not order.

When I began thinking about this book, I intended to write only about the failure of our criminal justice system to protect America's women and children. I thought that by writing about my own experiences within our twisted system of injustice, I could convince you that despite the criminal justice system's failures, there was still time to reform a system that once worked. However, the more I thought about reforming the criminal justice system, the more I realized that only through a reformation of the federal government can America hope to regain the upper hand in the war on crime.

As I began to search for the answers to my questions, I slowly began to realize that it was more than just our criminal justice system that needed reformation. Our entire society was in need of reform. Indeed, the reformation of our twisted system of justice was necessary and at the core of our nation's moral decay, but the reality is our nation is in need of a major reformation. Just as the criminal had gained the upper hand with the birth of the internet so too has the career politicians gained in the upper hand by using the internet by dividing our nation into two divisive political camps; each camp equating compromise with defeat.

The greatest opposition we will encounter in reforming the federal government will be the campaign politicians will wage to stop any true reformation of government. It will be those with the most money to lose, should an effective and efficient federal government be created, who will fight the hardest. It will be those that fill their pockets at the Federal Reserve Open Window who will fight to prevent any change to the federal government's decades long campaign of debt accumulation. History tells us that career politicians covet power, privilege and, above all, the certainty that nothing will change the status quo.

James Madison has been called the father of the U.S. Constitution. I believe this to be an accurate statement. I also believe James Madison knew something about managing government. He played an integral part in overthrowing a central government that abused its people by failing to address the grievances brought before it. As a result of his experience, I give great credence to the words he spoke on the subject: "In framing a government which is to be administered by men over men, the great difficulty lies in this; you must first enable the government to control the governed; in the next place oblige it to control itself." The essence of government is power and it was the abuse of this power by men of the crown that the Founding Fathers knew all too well. It was also what they feared most about their central government.

History and common sense teach us that at the time of the American Revolution, the Founding Fathers never feared that government would fail to control the governed. It was beyond their capacity as 17th century men to envision child pornography, crack cocaine, children killing children, millions of women raped and a few other perverted "privileges" that distinguish American society. The Founding Fathers did, however, fear

the federal government's ability to control itself. In this prescient fear, we find the answer to so many problems. It was this fear, more than any other fear, that motivated the Founding Fathers to expressly enumerate the powers granted the federal government thereby limiting its authority. In this way, the Founding Fathers believed they had preserved the states as the primary governing bodies in their new Republic. The did not consider the effect career politicians would have on the balance of power in their new Republic.

The fact is many politicians, especially those in office for ten years or more, are only skilled in one task: securing reelection.[[86]] As for those recently elected politicians, like Mrs. William Jefferson Clinton, they are so beholden to pollsters that to offer an original thought is far too risky unless the poll numbers are right. Polls should not be what formulates foreign or domestic policy. The personal beliefs and convictions of men and women voted into office should formulate policy. Polls do not make effective policy decisions. Only informed people can make such decisions. To think that the average American, already overburdened by the trials and tribulations of everyday life in a society turned up-side down, has the requisite information to make a decision such as whether NATO should re-open its bombing offensive against Serbia is ridiculous. Polls are just tools used by those who want the status quo preserved at all costs.

Why do politicians replace personal convictions with poll results? The answer is they want to appear as if they are in "step" with the American people. It does not matter if their decision is wrong or even disastrous. It only matters that they appear in tune with the American people. This is the very reason why polls have worked to destroy the decision-making process within the federal government by requiring that every decision be "run" through the pollsters before it is announced. There is room for only one true poll and that is the one conducted at the ballot box.

A Changing Society

We are living in a new age of man. This age is different from the previous ages of modern man. This Age of Technology does not give way to other ages. It builds upon them without regard for whether man is ready for that next age or not.

Since August 1945, we have witnessed the atomic age give way to the space age, which in turn gave way to the computer age. Now, the computer age is giving way to the information age. Yet, the atomic and computer ages have not vanished. Other ages have simply succeeded them layered, in a cumulative fashion, one upon the other. This is the very nature of the Age of Technology and we must understand this new world order presents a danger to society.

What makes the age of technological advancement so dangerous is its all-encompassing impact on our lives. This ever-present application of technology constitutes a threat to our collective existence. Technology plays a major role in the life of everyone on the planet. Power stations in the Sudan, hydroelectric projects in China, solar projects in Norway, transportation projects in Germany and space programs in California all impact our lives in that each "project" sees our dependence on technology grow greater by the day.

Whether it is the husband that works from home while home schooling his children or the sick Korean child saved by the medical advancements in nutrition, technology has made our lives better. Of this there is no doubt. What is in doubt is whether technology is now making our lives better or worse. Dark days lie ahead if we do not now gain control of this monster. Before you know it we will be spending \$2 million dollars to keep an 86 year-old alive for two more years while refusing to spend anything on a homeless Veteran suffering from depression.

Before the Age of Technology, society has always had time to adapt to the problems that confronted it. The Age of Technology does not afford such luxuries. When a problem surfaces today, the dangerous or harmful effects occur so quickly that society has little time to understand the problem and respond in a positive fashion. An example of this phenomenon is the proliferation of child pornography on the Internet. As for non-criminal behavior, cloning offers an example of the moral and scientific dilemmas facing us today.

The past one hundred years have witnessed more fundamental changes in man's daily life than that experienced by all past generations combined. It is, nevertheless, only the beginning. I assert that the next fifty years will see more change in man's daily life than that which occurred over the last 25 years without any regard for Mother Earth. If you believe Mother Earth incapable of responding to the dangers threatening her, you underestimate her. She will not allow us to destroy her. She will defend herself. What other sentient entity can so quickly mutate a virus, erase ancient civilization or kill thousands with her winds, rain and fire.

As we enter the 21st century, we can be sure of one thing: change will continue to occur at an ever-accelerating pace. In adapting to these rapid changes, society must come to understand that the old ways of problem solving will not suffice in the face of our brave new world. Current methods of solving the myriad of social, economic and environmental problems facing America will not be effective in addressing the new problems surfacing in the 21st century. A perfect example is the depravity of the crimes committed by children. What was once thought to be the sole provenance of adults has now become child's play. Another illustrative example is the ever-increasing number of mentally ill, homeless and otherwise downtrodden souls that walk the streets of our

major cities. We, the enabled, cannot simply turn our backs on these lost souls. We must rethink public assistance so that it is responsive to the needs of those who “need” assistance as opposed to those entitled to assistance. These problems are not going to disappear or even improve unless drastic action is taken; action our current federal government is incapable of performing.

Historically, the people have relied primarily upon government intervention to solve the pervasive societal problems of the day. Our willingness to rely upon government was due, in most part, to the fact that government was the only entity possessing adequate resources to address such problems. This is no longer the case.

Every day in America, other organizations, private and non- governmental, resolve problems that yesterday would have been considered the sole province of government. Home schooling and neighborhood policing are two of my favorite examples of what people can do when they are motivated to change the status quo. It is this new way of thinking, this recognition of alternative resources for resolving society’s ills, which must rule the day. It was men and women and not government that changed how we, as a society, treat drunk driving. In the same vein, it was the actions of men and women that stopped the madness in Vietnam. And so too shall it be men and women, like us, that will shout to the world that the time has come to make America right!

The purpose of this chapter is not to analyze every facet of society in order to identify each area that is changing and/or in need of change. Examining every facet of a broken society is beyond my capabilities. This chapter is intended to alert the American people to the gravity of our collective situation. Should our economy slow (I believe it will after 105 consecutive months of expansion),[[87]] the problems that plague society will be exacerbated. More importantly, the resources to cure such ailments will have evaporated while the problems become far worse than those that currently affect us.

While I have never professed to be an economist, I have been awarded three academic degrees. Unfortunately, I am no expert in the “dismal science.” However, as an astute observer of our times, I believe I can point out those areas of our economy, and hence society, being transformed by technology. I read Adam Smith's *Wealth of Nations*, just as many young college students do, seeking to understand the mechanics of our economy. Rather than provide an analysis of Mr. Smith's work, I will simply comment that *Wealth of Nations* is as valuable a source for the study of colonial times and the emergence of capitalism as it is a guide to understanding modern economic forces. From a historical perspective, it is fascinating. As for its insight into economics, I believe it has served economists well for two hundred years. However, I believe the Age of Technology has made many of Mr. Smith's ideas no longer applicable, especially those ideas relating to labor and capital.

Although I believe the greatest changes to society are occurring in the area of labor, I will first address the changes relating to capital (finance) because once this change is understood, the issues surrounding labor are better understood and thus changed. In the pursuit of my LL.M. at The George Washington University, I studied the origins and workings of the International Monetary Fund. I believe that I understand the thinking and reasoning behind their creation. However, it was reading newspapers like *The Wall Street Journal* and the *Financial Times* that I gained an understanding of our new global economy. Or more precisely, it is from reading these newspapers that I came to understand the role financial markets play in manipulating our global economy. It is within the financial world that we find one of the greatest changes made possible by the Age of Technology.

The changes that have occurred in the past few decades have altered the very nature of venture capital. In the 1970s, a company could not hope to receive the venture capital its directors believed was necessary to expand operations until that company had a solid record of earnings. It was simply a fact of life on Wall Street that without proven earnings, the capital necessary for a merger, acquisition and/or takeover would not be available. This was a hard and fast rule of finance. Yet, the past few years we have witnessed start-up companies with little or no proven record of earnings generating huge sums of venture capital through their Initial Public Offerings (IPOs). The Age of Technology made this possible.

In the 1980s, junk bond-induced takeovers and mergers were all the rage. Venture capital was becoming easier to obtain, as the venture capitalists could now be found all across America. John and Jane Q. Public were the new venture capitalists or at least the investment banker wanted us to think so. Online trading, accessible wealth and an informed investor create a new market place that no Wall Street investment banker could possibly have predicted. The Age of Technology is changing all the rules, at least for some of us. Unfortunately, the truth is that only a small percentage of Americans invest. In fact, the overwhelming majority of Americans do not invest at all. They do not invest because they do not have the money to invest. These Americans are or will soon be affected by the Age of Technology because they will find it very difficult to make the transition from one age to the next.

The above reference to finance is provided so the reader might understand how technology is beginning to dominate our lives. Yet, when compared to the changes occurring in the area of labor, the changes occurring in capital markets pales in comparison. The most significant change to the economy has been the transformation of labor. The Age of Technology is changing all the rules and labor is suffering.

For over 2,000 years, the physical force it took to perform a task measured labor. In other words, manual labor was just that, the sweat off a man or woman's brow (or in

many parts of our civilized world, the sweat of a child's brow). Of course, there were artisans and tradesmen whose labor was "special" and therefore received more for their effort. To the overwhelming majority of laborers, it made little difference what a person did because physical exertion and time measured labor. This fact of life is changing and changing fast.

The labor of tomorrow will be that which can be excised from our heads. It is not the sweat off a man's brow, but the knowledge and technical skills one possesses that will constitute labor for many. In today's information age, what you know is more valuable than what you can lift – an Orwellian prospect for the disadvantaged and downtrodden among us. Moreover, when the information age gives way to the next age, just as the atomic age gave way to the computer age, only those who have mastered the information age will enjoy the benefits of the next age. Darwin's simplistic "survival of the fittest" applies in 21st century America just as it did in 19th century England.

Evidence of this is everywhere. We see it in the job market. We see it in the stock market. We see it in our schools where coincidentally the success or failure of nations in the next century will depend upon both the education levels of its citizenry and the degree of individual responsibility its citizens display. A nation dominated by highly educated and responsible citizens will be the most prosperous in the new age of technology. Was it not once the goal of America's educational system to create educated citizens that accepted responsibility for their actions?

A second and equally important manner in which technology is changing labor is found in the fact that more and more Americans are depending on their money to work for them, as opposed to them working for it. In short, capital is becoming labor. Of course, this has always been the case for the wealthy. Today, however, more Americans, whether through hard work, inheritance, double incomes, or just savvy investments, are living this reality and it is having devastating consequences for those who must still work for their daily bread. It is also one of the reasons why the gap between the rich and poor continues to widen.

As a result of this recently widespread accessibility to wealth, we must take greater care in guarding our markets. Healthy U.S. markets are our best defense against economic recessions and our most lethal weapon in any trade war. Trade wars are not the figment of some writer's imagination. They are upon us and they will not be bloodless. Nevertheless, we should not fear these trade wars. As long as our economy is strong and our markets valued worldwide, we will win these wars as we have other wars. However, the key to our economic prosperity is this: as long as the world requires access to our markets, we shall prosper. However, we must guard against the career politician using debt to serve political expediency. We must watch that our trade deficits do not balloon to unmanageable levels. To this end, I offer the following warning.

The Department of Commerce reported on September 21, 1999 that the U.S. trade deficit was a record \$25.2 billion for the month of July 1999. This record was preceded by the June 1999 deficit of \$24.6 billion, also a record. Twenty years ago, economists would have argued that for these deficits to exist, America would have to be in an unimaginably sorry economic state. Yet, America is more prosperous now than ever before. Or are we? The ballooning trade deficit is proof of the transformation of our economy. With that said, let us together reform the federal government so that it is returned to the limited government our Founding Fathers envisioned.

The Second Constitutional Convention

In 1816, Thomas Jefferson wrote that each generation should revise the Constitution to ensure its responsiveness to modern conditions. As of the year 2000, the American people have failed to heed this wise man's advice. The time has come for America's Second Constitutional Convention.

Thomas Jefferson drew upon the Virginia Declaration of Rights when he wrote the opening paragraphs to the U.S. Constitution. Section 3 of the Virginia Declaration of Rights states:

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, community: of all the various modes and forms of government, that is the best which is capable of producing the greatest degree of happiness and safety and is most effectual to secure against the danger of poor administration. And that, when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefensible right to reform, alter, or abolish it, in such a manner as shall be judged most conducive to the public weal.

Amending the U.S. Constitution can be done in only two ways: through the legislative branches of government, i.e. the First Amendment, or through the American peoples' inherent and inalienable right to alter or abolish their government, i.e. the Second Amendment. The Founding Fathers provided us with the tools to exercise these inherent and inalienable rights. Just as George Washington risked everything, including his life, so too must we risk everything, including our lives, if we are to save what so many have fought and died to preserve.

I know that this will be difficult. Many of you will make great sacrifices - sacrifices just like those made by General Washington and his troops some 225 years ago. It was with these sacrifices in mind that I spent many an hour sitting on the back porch of General Washington's home wondering in amazement at the courage and bravery displayed by

the common soldiers of his common army. When I left his home, I always wondered from which tree at Mount Vernon King George III would have hung General Washington.

The U.S. Constitution was created to provide a framework upon which a republican form of government could be established; a framework that the Founding Fathers designed to be altered or amended to adjust to a changing society. Moreover, the Founding Fathers understood that if merely altering or amending the U.S. Constitution was insufficient to address the problems of the day, the people had an inalienable right to abolish their government. The U.S. Constitution was not written so the federal government could usurp the authority of the states. Anyone who argues otherwise is someone whose interests lie in preserving big government and its constant intrusion into our lives.

The Founding Fathers knew that economic, social and political changes were inevitable. They understood that if the U.S. Constitution was to serve as the foundation upon which government operated, it too must be susceptible to change. This is why they clearly delineated the procedures for future amendments. In fact, the Founding Fathers were very specific as to how this could occur. Article V of the U.S. Constitution reads in part as follows:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution. Or, on the application of the Legislatures of two thirds of the several states, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several states, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by Congress.

In drafting Article V of the U.S. Constitution, the Founding Fathers provided the “people” with the right and the ability to change the U.S. Constitution without the approval of our esteemed members of Congress. I believe they did this because they knew one day the federal government might come to dominate the states and the people that live in them. The Founding Fathers provided the people with a way to change their government without having to resort to armed insurrection. Nevertheless, should the federal government prevent the people from amending the U.S. Constitution, the only option left to the people will be the one exercised by our Founding Fathers. This revolution, however, will make the First American Revolution and the Second American Revolution (Civil War) look like child’s play if in the end it comes to bloodshed.

The weapons of today are far more lethal than the muskets and artillery of yesterday. The weapons of the next revolution will be weapons of mass destruction. For this

reason alone, we must use every means at our disposal to ensure that the next American Revolution is a peaceful one.

History shows that constitutional changes come in waves. This observation holds true not just in America, but around the world as well. Our First Constitutional Convention occurred in 1787. The people of France underwent a similar constitutional revolution only a few short years later. Another such constitutional wave occurred in the middle of the 19th century. The year 1848 will always be remembered as the year of revolution across much of Europe. In America, a mere twelve years after 1848, an upheaval occurred that transformed our country forever.[[89]] This upheaval brought with it the most significant Constitutional changes in our nation's history. Similarly, the 1930s saw a wave of constitutional change both here and in Europe because of the political and economic disasters occurring in the first two decades of the 20th century. It was the Great War and the economic disasters of the late 1920s that prompted this wave.

The American people can again lead the world in another wave of constitutional change. This wave, however, will not be prompted by economic disaster (although it could) nor will it be prompted by war (although it might). What I hope will prompt this wave of constitutional reform will be man's realization that government is not the solution to the problems facing him, but rather is responsible for many of them.

The Second Constitutional Convention must focus on two separate and distinct areas of our national existence. The first area entails amending the U.S. Constitution. These amendments will affect two distinct areas of our national existence: the federal government and the criminal justice system. The first amendments will address the reformation and reduction of the federal government. This must be the beginning of any true reformation if only because it will free up billions of dollars needed to address America's most pressing problems. The second type of amendments will entail the reformation of the criminal justice system. It is imperative that we reform these two areas of our national existence. They represent the starting point for the adjustment of our nation's moral compass.

Since the criminal justice system and its failings have been addressed in detail above, it is imperative to address here the issues surrounding the reformation of the federal government. These problems include, for example, exploring new methods of campaign finance, saving Social Security and Medicare and rebuilding the infrastructure of America's great cities. Health care and education are two more areas to be debated at the Second Constitutional Convention. These plans of action will be the result of intense debate by the very people whose lives are affected by such action. It will be the citizen-delegates to the Second Constitutional Convention who will provide the solutions to the problems our federal legislators have proven incapable of resolving.

The Founding Fathers believed that they had to draft the U.S. Constitution in such a way as to prevent the federal government from dominating the states. It was most certainly this very concern prompted them in 1791 to amend the U.S. Constitution by adding a bill of rights. Yes, it is important to remember that shortly after ratifying the U.S. Constitution, the Founding Fathers believed amendments to the newly ratified U.S. Constitution were necessary. Had society changed that much in so short a time? The answer is no. What had changed was their fear of a repressive central government. They realized that additional safeguards were needed if they were to prevent the federal government from usurping the authority of the states. Do you not agree that the times have sufficiently changed to warrant a few safeguards of our own?

The Bill of Rights is not just the first ten amendments to the U.S. Constitution. They are the legal guarantee that the federal government would not use its extraordinary powers under the U.S. Constitution to dominate the states. Unfortunately, I do not believe the Founding Fathers envisioned the greedy career politicians, power hungry bureaucrats and the myriad of foreign interests currently manipulating the federal government at every turn. They certainly could not have imagined a government that disregards the law whenever it is politically expedient.

I maintain that the Founding Fathers saw these new “federal” legislators as men that would come to Washington D.C. only after they had made something of themselves in their respective communities. The Founding Fathers envisioned that these new federal legislators would be men who would serve one, two or maybe three terms before returning to their respective communities to retire.

The Founding Fathers were men who were intimately involved in their communities and proud to serve them. More importantly, they wanted to represent their communities so when they returned, they could share their experiences with those they represented. This is not what happens today. Today, our esteemed members of Congress arrive in Washington D.C. with the intention of making Congress a career. They have no desire to return to their communities because as national figures, they are above the simple people they represent.

The Founding Fathers would recoil at the very notion of a career politician. I know they would object to these professional politicians because they knew such men would be dedicated to compromise and re-election, not change. In their continued quest for re-election, career politicians become beholden to the special interests that fill their war chests, thus enabling them to at least have a chance at re-election. They no longer seek to make changes for the better as they once may have intended; instead, they seek to keep matters just as they are. In short, they attend to the preservation of the status quo. And although it may appear that I believe these politicians to be corrupt, this is not altogether true. Many legislators come to Washington D.C. with the intention of

changing the status quo. However, they become part of a process that is so corrupt, so divorced from reality that they are unable to keep the promises made during campaign season unless they play the game.

The Founding Fathers created our federal government with the understanding that citizens would not seek national office until they were familiar enough with the issues affecting both their constituents and the nation as a whole to offer educated and intelligent ideas to improve life for Americans. In my opinion, the Founding Fathers believed success in a chosen career was significant because it demonstrated that the individual possessed common sense, intelligence and a strong work ethic. They also believed such men would not be so easily corrupted. Along the same lines, if a politician intended to remain in office for only a few short years, he could brush aside those who preach compromise in favor of standing strong on the issue or issues for which he came to Washington D.C. to address. If one examines my now former home state, California, one will find that of the fifty-two members of the U.S. House of Representatives, eleven have been in office for over twenty years! I invite you to examine the “professional” careers of your federal legislators. You will be amazed.

Career politicians are one of the primary reasons the federal government is so dysfunctional. They sit on their federal thrones passing judgment on everyone else. They continually blame everyone and everything else for the problems facing America. They never blame themselves. The time has come for the American people to set term limits for all federal legislators and the only way to do this is by Constitutional Amendment. If we allow career politicians to enact a law limiting the time they may serve in Congress, I know the U.S. Supreme Court will strike down that law as an unconstitutional infringement of free speech. In short, if we, the people, do not amend the U.S. Constitution so that it clearly sets term limits for federal legislators, these career politicians will surely bring this Republic to its knees.

The relevant sections of the U.S. Constitution that address term lengths of federal legislators are Article 1, Sections 2 and 3 (House and Senate respectively). The amendments I propose are straightforward. First, Article 1; Section 2 must be amended so that a member of the House of Representatives serves a four-year term with a maximum of two terms. Currently, each member of the House is up for election every two years. As such, each member of the House spends at least half his term running for re-election. Although they will deny this assertion, it is true. Second, Article 1; Section 3 must be amended so that a member of the Senate may only serve two six-year terms. In this way, a federal legislator will only be able to “sit” in Congress for eight years if elected only to the House of Representatives and twelve years if elected only to the Senate. Lastly, a clause must be inserted at the end of Article 1; Section 2 stating that no one may serve in Congress for more than fourteen years. This formula would allow a

politician to serve in the House for two terms and still able to serve one term in the Senate. Fourteen years in political office is enough!

In addition to limiting the time a federal legislator can serve, another issue with respect to career politicians must be addressed. The U.S. Constitution requires that for a citizen to be elected to the House of Representatives he must be twenty-five years of age; thirty years of age to be elected to the Senate. Why did the Founding Fathers impose this obvious limitation?

The Founding Fathers did not want federal legislators coming to Washington D.C. who had little or no life experience. The Founding Fathers wanted federal legislators to be men of experience who understood the national issues they would be addressing. The Founding Fathers knew that success outside of elected office indicated competence. They also knew it to be evidence that the individual had a commitment to self-sacrifice - a quality that does not usually lead to corruptibility. One need only explore the professional careers of our elected officials to know how little experience they brought to elected office.

The last amendment to the U.S. Constitution would mandate a balanced federal budget. Personally, I was never convinced that such a measure was necessary until I saw what Congress did with the budget surpluses of 1998 and 1999. Congress' complete and utter disregard for fiscal restraint the past fifty years caused America to become a debtor nation with the national debt looming like a storm cloud waiting to burst. Therefore, if we do not mandate via the U.S. Constitution that Congress stay within certain fiscal guidelines, the result will be further federal waste, the bankruptcy of the Social Security Trust Fund and a future filled with debt. The following facts prove the truth of the above assertion.

In 1997, Congress proclaimed that budget-balancing laws had been enacted to "cap" or limit federal spending. They told the American people that they would limit Congressional spending and backed it up with these so-called "spending caps." Again, career politicians lied to us. In the first year the "caps" were to be applied, Congress violated its own self-imposed regulations. When Republicans attempted to display a small measure of fiscal restraint, former President Clinton vetoed even a modest one percent across-the-board decrease in the proposed increase in federal spending. [[90]] As these events unfolded, it became abundantly clear to me that the U.S. Constitution must be amended if we are to stop Democrats and Republicans alike from bankrupting this nation. It is also when I should have realized the Republican Party was not the political party I thought it was.

As for actually drafting a balanced budget amendment to the U.S. Constitution, I would again urge every American to read *Tyranny of the Status Quo* by Rose and Milton

Friedman. Unlike so many political commentators of the day, the Friedmans go beyond simply identifying the problem: they propose solutions - solutions grounded in common sense and logic.[[91]] Their idea of what a balanced budget amendment should look like provides an excellent example of the necessary wording.

Only a short time ago, the federal Office of Management and Budget (OMB) estimated that within the next ten years, there would exist a \$1.1 trillion operating budget surplus. And since the release of the first edition of this book, that figure has been adjusted to reflect an even greater amount. What is Congress to do with an operating budget surplus? It appears there are a few things it should do with this money. First, Congress can use the “surplus” to reduce the national debt. Second, Congress can return it to the Social Security Trust Fund that it has been robbing for decades. Third, Congress can invest it into Medicare in order to prevent that fund from evaporating. Fourth, Congress can return the “surplus” to the rightful owners of those dollars - the American taxpayer. Reality will, unfortunately, find this “surplus” spent on making big government bigger and inefficient government more inefficient.

I believe there are only two choices for Congress in deciding how to handle any federal operating budget surplus. First, Congress should replenish the Social Security Trust Fund. Since they have been robbing this fund for years, this course of action makes sense. Second, Congress could use the surplus to pay down the national debt. This also makes sense because we cannot leave this enormous burden for our children if only because their burdens are plenty enough already. Nevertheless, it appears as if Congress has decided on a third choice. Congress has decided to return the surplus to the taxpayer in the form of a refund. This is better than wasting the surplus on bigger government; however, it will not prevent the coming storm. Should the economy continue to slow and the tax revenues coming into the federal government decrease, the end result will not only be an increase in our national debt (somewhere around \$7 trillion), but a further eroding of the Social Security Trust Fund. This may very well be the straw that breaks the camel's back.

Once the Second Constitutional Convention concludes its work with respect to amending the U.S. Constitution, the citizen-delegates must turn their energies toward formulating plans to address the other more pressing problems facing this nation. I offer here my thoughts on one of these areas: rebuilding our major cities. As for formulating an action plan to save Medicare, I will not offer solutions because my expertise is in jurisprudence and history. The resolutions to those problems must be left to the citizen-delegates of the Second Constitutional Convention such as the nurses, doctors, accountants, engineers and University professors specializing in these fields.

Having been raised in the 1960s and 1970s in an urban environment and having lived and worked throughout the United States, I am well-suited to discuss the decay of our

major cities - a decay that has propelled many of our most pressing social problems to the forefront of American life. If you doubt this assertion, ask yourself where rampant drug abuse, gang warfare, and the abandonment of individual responsibility in favor of government entitlements began. The cities of New York, Washington D.C., Detroit, Chicago and Los Angeles serve as excellent examples of what happens when big government is viewed as the answer to the social problems plaguing society. Unfortunately, the internal decay of these cities has only hurt those the federal government intended to help. And if you also doubt this assertion, I invite you to travel to Detroit and see firsthand the failures of the federal government and those that embrace it as the path to social well-being.

The Second Constitutional Convention must produce a plan resembling in part the plan that the United States implemented following World War II to rebuild Western Europe. Although any plan to rebuild our cities would be different in scope as compared to the Marshall Plan, it does serve as an example of how a central government can succeed in solving problems that transcend the sovereignty of the state. I realize implementing a plan like that witnessed in Western Europe after the war is easier said than done. However, the basic principles of the Marshall Plan, rebuild industry and the infrastructure supporting it, is exactly what America's once great industrial cities need.

Breakthroughs in transportation made American cities great. In the last century, the creation of the streetcar, the subway and the automobile allowed people to travel to work in mass numbers. Today, the technology is again shifting where people work. Today, more than ever, people are working from their homes and on the road. This reverse migration from our great cities to the surrounding environs is leaving many of these cities in dire need of revitalization. Rather than spend billions of dollars destroying and rebuilding Serbia and Kosovo, the federal government could have spent the money rebuilding the ravaged neighborhoods of Washington D.C., New York, Los Angeles or Detroit.

The rebuilding of our major cities must take precedence over spending billions of dollars in places like the Balkans. The Kosovo campaign was wrong for primarily two reasons: First, the money spent was money that should have been invested in our infrastructure. Although this may seem self-serving, it is not. The revitalization of cities like Detroit is a priority for the future of America and as such the future of regions like the Balkans. A revitalized America will provide opportunities for those seeking to leave that war-torn region for a better life. Second, the belief that by bombing Serbians we will solve the problems of the Balkans and make Serbian leaders for example hesitate before committing mass murder reflects an ignorance of Balkan history. Historically, the prosperity of America walked hand-in-hand with the development of her great cities. So too can America prosper in the next century by the rejuvenation of her major industrial cities like Detroit.

As a final note, I offer my thoughts on the logistics around surrounding the Second Constitutional Convention. And since the issue of paying for the Second Constitutional Convention is the easiest to resolve, I will address it first. The federal government must be compelled to make available the funds from its operating budget to pay these delegates of the people. The resulting loss of funding will only minimally impair current federal appropriations – appropriations that do not reflect the will of a people, not the whim of a few. The citizen-delegates should be paid a sum equal to that of a freshman member of the House of Representatives. In addition, each delegate will also be provided the support staff necessary to fulfill the task at hand including a staff at least equal to half that of a member of the House should be sufficient. Since the federal civilian payroll should be reduced by at least 50%, it seems logical to conclude that a citizen-delegate would need only half the support staff of a current federal legislator.

With respect to the citizen-delegates to the Second Constitutional Convention, I believe it sufficient for purposes of debate that each state would select a number of delegates equal to one-third the number of delegates that state currently has in the U.S. House of Representatives. With one exception and that being each state must have at least two delegates no matter the number of representatives in the U.S. House of Representatives. Each state must be able to place a delegate on the floor of the convention and another free to contact their respective states should the issue arise.

As for the election of these citizen-delegates, it only makes sense that they would be elected in a national election for candidates to the constitutional assembly. It will be for each state to decide how, when and where this election would take place. Once each state has selected its citizen-delegates, these delegates would assemble at a predetermined time and place to begin the transformation of our federal government and our society.

The location of the Second Constitutional Convention is only important in that it cannot be Washington D.C., New York or Los Angeles. The reason it cannot be in Washington D.C. is obvious. The reason it cannot be convened in New York or Los Angeles is simply a matter of geography. It is imperative that every citizen be given a chance to see their delegates in action so that they in turn can tell their children and their grandchildren that they witnessed history.[[92]] With this in mind, I believe the Second Constitutional Convention should take place in as neutral a site as geographically possible. St. Louis or Chicago would make perfect locations.

As soon as the Amendments to the U.S. Constitution are written and plans drafted to address the major problems facing America, these citizen-delegates would return to their respective states to convince the citizens of their states that their efforts will bear fruit. Ultimately, it must be the citizens of each state who bears the responsibility for amending the U.S. Constitution. When two thirds of the state governments call for such

a Convention and three fourths of these states ratify the Amendments proposed, the U.S. Constitution will be so amended and a nation of separate but sovereign states re-born.

In conclusion, the thoughts and ideas presented above reflect what I believe to be an honest assessment of the problems facing America and what we can do to solve them. Although I may not have all the answers with respect to the finer points, as the devil is always in the details, I believe the suggestions outlined above provide a good starting point from which the delegates of the Second Constitutional Convention can begin debate. If my thoughts and ideas about the make-up of the Constitutional Convention seem simplistic, it is because they are simplistic. I am not an expert in organizing a Constitutional Convention but I believe the simpler the formula, the greater the chance of success. I also believe that if wait any longer, the resources necessary to change the status quo will vanish. We must not allow this opportunity to pass because not every day will be a new day!

Chapter 5

Time Waits For No One

Drink in your summer, gather your corn
The dreams of the night time
will vanish by dawn.

>M. Jagger/K. Richards

I believe it imperative that the American people understand that without radical action, the problems of today will fester and in a short time become national disasters. I do not mean to say that if we wait any longer the problems will be more difficult to solve. On the contrary, I mean that if we, the enabled, do not solve these problems today, no one will not be able to solve them tomorrow.

The reformation of the federal government and the American criminal justice system are just two examples of problems for which time is running out. But an even better example of the necessity of radical action can be found in America's education crisis. The reformation of public education will not simply involve the elimination of the Department of Education. The reformation of public education will require that the states address

issues transcending the classroom. It is not enough to simply raise the salaries of teachers, although this is an absolute necessity. The reformation of public education will require that we, as a society, create environments free of child abuse, gang violence and drugs.[[93]] Although this will not be easy, it must be done if we are to secure our collective future. The education of our children represents an investment in our future.

Education is not merely the process of teaching our children to read and write. Education is about this nation's prosperity. Upon education rests the hopes and dreams of this nation and our children.[[94]] We cannot address the shortcomings of our educational system until we change the environment in which so many of our children are educated. In cities like New York, Washington D.C., Miami, Detroit, Chicago, Houston and Los Angeles to name a few, there are literally hundreds of thousands, if not millions, of outstanding felony warrants sit awaiting execution. Criminals continue living every day as if they will never have to answer for their crimes. Meanwhile, they are creating environments that stifle education.[[95]]

Children must travel back and forth to school in neighborhoods ravaged by gang violence, drugs and other criminal activity. These neighborhoods are places that nurture violence and hatred, not education and growth. Sadly, most of the violence these children experience and/or witness does not come from outside the community, it comes from within. Despite the race-baiters' proclamations that the problems of our inner cities are the result of racist government policies and right-wing conspiracies, the fact is that most of the violence inflicted upon poor children comes from the hands of members of the same race. The number of African American males killed by African American males proves this assertion as does the number of white pedophiles that abuse white children.

In an effort to address violence in our schools, the federal government has acted in the only way it knows how - by throwing money at the problem. In the last twelve years, the federal government spent nearly six billion dollars in its crusade to stop drug use and violence in public schools.[[96]] As always, our legislators in Washington D.C. passed a new law, the Safe and Drug-Free Schools and Communities Act (the Act), with their usual smug confidence that this law would stop the violence. They are simple-minded fools incapable of understanding both the magnitude of the problem and the gravity of the situation.

Violence in our schools is alive and well. The only tangible impact of the Act was the waste of six billion dollars of our national treasure. No progress was made in the war to stop the violence against our children. Rather than spend our money keeping dangerous predators locked in prison, our politicians needed photo opportunities so they could tell their voters that they make a difference. The federal government's answer to elevating the learning skills of poor children has always been to pour money

into the problem in the hope that the problem would go away. As part of President Johnson's war on poverty, the federal government began pouring money into public education with the stated goal of narrowing the gap between the performance levels of rich and poor students. [[97]] Title I, as it is known, provided approximately \$118 billion to our public school systems in order to close this gap. [[98]] Any intelligent person should have realized that simply dumping funds into the breach would not bridge this gap.

I believe the learning gap between rich and poor children derives primarily from two factors. The first is the home. Poor children tend to be from families that do not stress education or from single-parent families where the sole parent is pushed to his or her limit just to survive. The second factor is outside the door of these children's homes - the lure of making fast money and the violence that is gangland USA. Poverty, neglect and crime create this gap and no amount of spin or government involvement can change it. When a child lives under these conditions, no amount of federal spending will increase their academic performance. Only a reformation of society can do that. And if the American people doubt the gravity of the current crisis in education, I would point them to the rise in teenage suicide and teenage violence over the past twenty-five years. I have often asked myself what must be going through the mind of a teenager or young adult that makes him conclude that death is preferable to life. The answer is despair.

Like so many children growing up today, I have felt the pain of teenage suicide. In fact, I would estimate that any reader under the age of forty knows at least one classmate that has committed suicide. In my case, it is many, many more. I know this was not the case with my parent's generation. I can think of no more accurate reflection of late 20th century America than teenage suicide and teenage violence. I can think of no better evidence of the moral decay of our nation than the fact that so many young people would rather end their lives than live in our society. Their cries must be our wake-up call.

The tragic state of public education in America is just one of the time sensitive problems waiting to become a national disaster. A failing education system is also one of the first signs of a nation in decline. The future of our nation rests squarely on the shoulders of our children – the same children we drug to keep quiet, feed junk food to make happy and of course shower with Chinese made toys to prove our love.

Grass Roots Movement in the Age of the Internet

The Internet affords us the unprecedented ability to communicate with each other. One is able to converse with millions almost simultaneously – something only radio and television could accomplish. The advantage such vast communicative abilities will give any political movement is impossible to estimate. Rest assured, the longer we wait to change the status quo, the closer the federal government comes to regulating and thus controlling the Internet. Since the career politicians and the faceless, nameless bureaucrats want to preserve the status quo. They will see the potential of the Internet for change and work to eliminate the threat.

The citizens of this country must carry out the actions necessary to creating fundamental change in government and society. I believe this is exactly what the Founding Fathers intended. As such, our movement will be comprised of Patriots just as was General Washington's Continental Army. However, the Patriots of this revolution will not carry muskets, bayonets and knives, as did our Founding Fathers. The Patriots of our revolution will carry cellular phones and laptop computers. Our movement embraces intelligent and logical ideas - not knee-jerk reactions. It is discarding the old notions of liberal and conservative thought in favor of logic and common sense that defines our movement. We shall resolve the problems destroying our nation with or without the help of our esteemed members of Congress. They have had their day and it has cost the lives of so many of His angels.

Our movement will not resort to violence unless of course the federal government fails to change the corrupt political process it now embraces. Our movement must not resort to violence unless the criminal justice system continues to destroy countless innocent lives. Although many will regard these words as bordering on treason, I assure you if the career politician fails to change the status quo before the next generation comes of age, they will change it for us.

Yes, we must make every effort to see that the Third American Revolution is bloodless. As much as I may want to spill the blood of men who ravish our children or assist those who do so, we must first embrace methods of nonviolence because nonviolent change is always the preferred course of action in an enlightened society. Only when we have exhausted every effort to bring about a peaceful reformation of the federal government can we honestly say to our children that we were left with no choice but armed insurrection.

The beginning of our movement began in the 1990s when men and women acted in the memory of a missing angel that went missing. Although many states have since enacted statutes such as New Jersey's "Meagan's Law," this approach is not enough to protect our children. It is true that statutes like "Meagan's Law" enable the public to gain information about the dangerous predators who live in their neighborhoods. However, these laws are ineffective for many reasons. First among these reasons is the sad fact

that no single law enforcement organization in America is dedicated to tracking these animals certainly not to the degree I am suggesting, the law permits and He demands. Should the predator decide to leave the community, change his name and/or appearance, he is virtually untraceable. We cannot allow them to prey upon our children any longer. The price of such inaction is one I am not prepared to pay. Are you?

The Patriots of our movement will take their place in American history alongside the men and women of the American Revolution provided great sacrifices are made. Sacrifices very much like those I have made on behalf of our children. If we are to save America from itself, we can only do so if we sacrifice some of the comforts we currently enjoy.

What is ironic is that we can sacrifice some comforts today in order to secure our collective future or we can stand by and watch these comforts taken from us in the name of political expediency. If you doubt the veracity of this statement, ask yourself how many comforts you will enjoy if the federal government continues its repressive taxation on its citizens and the states while accumulating more and more debt.

In our struggle to save the American dream for our children, I expect no greater sacrifice than the one I have made. If I were to expect a greater sacrifice from you than that which I am willing to make, I would be nothing more than a hypocrite like those pandering to special interests from their thrones in Washington D.C. However many flaws may exist in my person, I am a good person that has lived by the rule that I do unto others as I want done to me. Nevertheless, I decided to draw the line when it comes to those that prey upon women and children. They are the enemies of our children and therefore must be stopped no matter the cost.

I offer the following real-life scenarios as an example of both the actions of men and women that wanted to change the status quo as well as the response we can expect from the protectors of the status quo. The first scenario involves the actions undertaken by a police department in California. The South Gate Police Department began printing street maps designating the locations of sex offenders living in the local neighborhoods.[[99]] The men and women of law enforcement printed these maps and distributed them to the local schools with the hope that parents might change the route their children traveled to school so as to avoid these monsters. This is perfectly legal since the law allows citizens the right to know if sex offenders live in their neighborhoods. Unfortunately, it took the rape, torture and murder of an angel to bring about this small change to the status quo. It is also unfortunate that the Los Angeles Unified School District did not embrace the efforts of local law enforcement. One administrator fought this attempt to possibly spare our children the horror of being raped because he did not believe such action had value.

The second scenario involves the right of the citizens to keep and bear arms. I believe it absolutely necessary to address an issue that liberals have consistently distorted in an effort to serve their political agenda. Liberals want you to believe the violence in America is the result of a gun culture. They want you to believe the men and women that comprise the “gun” lobby are fanatics that want to sell everyone a gun. Nonsense. Our history does explain why guns proliferate but it does not explain why so many use guns to commit crimes.

Liberals want you to believe that the epidemic of gun violence is the fault of gun manufactures and their lobbyists. Rubbish. The violence that permeates America is the result of two equally powerful phenomena. First, the violence that children are bombarded with every day is the primary reason why so many turn to violence. Children see violence in their homes. They see violence in their schools. They see violence on the way home from school. They see violence on television. Violence sells so it is everywhere in America. This must stop.

The second reason why violence permeates our society is that since the 1960s, government policies relating to economic equality and economic opportunity have failed to keep pace with the changes occurring in society. We watched as President Johnson’s Great Society was implemented with the hope of closing the gap between the rich and the poor. We watched as the career politician passed newer more targeted legislation aimed at assisting the poor in their efforts to find and keep a job. What we have not seen is government realizing these social experiments have not worked and implement a new way of thinking. Instead, we watch as crime in our inner cities increases and the number of poor incarcerated skyrockets.

Most Americans know the debate between those who support the idea that gun control laws will curb the violence and those who support the idea that the U.S. Constitution forbids any infringement of our right to keep and bear arms. What most Americans do not know is that the debate is not about reducing crime but curbing the right of every American to possess arms in the event they need to alter or abolish their government.

The gun control lobby and the media that supports it insist on confusing the issues. Gun control is nothing more than the idea that passing new laws to control the use, ownership and sale of firearms, the epidemic of violent crime in America will end. This is nonsense. Liberals and those members of Congress advocating for the passage of more gun control laws want the American people to believe that organizations like the National Rifle Association (NRA) and the Republican Party (GOP) oppose gun control because they want everyone to have unlimited access to firearms. This is a lie. It is also the foundation of a bankrupt philosophy.

In the aftermath of the Columbine High School murders, the United States Senate passed another gun control law that was, in the words of Naomi Paiss of Handgun Control Inc., is quoted as saying this new law was “an important measure to keep guns away from kids and criminals.” I do not know Ms. Paiss and I do not believe the liberal rhetoric that gun control will stop violent criminals from committing crimes. I would, however, like Ms. Paiss to explain why violent crime, especially among children, has continued to rise despite the passage of thousands of gun control laws. More importantly, I would like Ms. Paiss and the members of Handgun Control Inc. to explain why they believe the politicians advocating for gun control care anything at all about stopping violence when they never raise even an eyebrow when the federal government fails to enforce the gun control laws it place. Of course, they cannot answer these questions. If they did, the very ideas they espouse would be uncovered for the nonsense they are.

A compassionate criminal justice system and the abandonment of individual responsibility created the climate of gun violence in America. This abandonment of responsibility is typified by the lawsuits currently being filed against gun manufacturers. The special interest groups (mainly attorneys) who promote these lawsuits are using the judicial system to convince the American people that criminals are not responsible for their actions. They want you to believe that gun makers are responsible for the criminal actions of others. All the lawyers want is to fill their pockets with attorney fees.

These suits allege nothing more than the proposition that gun manufacturers are negligent because their products are used by criminals to inflict injury or death. Liberals and the special interest groups that fund these lawsuits are supporting this wave of legal thinking not because gun manufacturers have done anything criminal, but because those who commit crimes with guns cannot possibly (in the minds of the enlightened Liberal elite) be the only ones responsible for the pain and suffering these criminals inflict. It does not take a genius to know that the criminal who alters a semi-automatic weapon to make it fully automatic and later uses this altered weapon to kill is responsible for the death he causes - no one else is responsible unless they actually aided or abetted the murderer.

The negative effects of these politically motivated lawsuits are two-fold. First, these complex lawsuits weaken American gun manufacturers. As the cost to defend these frivolous lawsuits rise, foreign companies will step in to fill the market at the expense of the American working class while filling the pockets of the greedy lawyers that profit from protracted litigation. The second and most damaging aspect of these lawsuits is they further support the idea that personal responsibility for criminal conduct should be replaced with a kind of public and/or corporate responsibility. If the American gun manufacturers are to be held liable for doing no more than making a perfectly legal product (one which is coincidentally, a product every law-abiding American adult is

guaranteed the right to keep and bear), it is only a matter of time before alcoholic beverage manufacturers are liable for every injury resulting from a drunk driver. Furthermore, once the alcoholic beverage industry is made responsible for drunk drivers, what industry is next? The fast food industry for causing obesity and heart disease? Sporting goods companies for injuries resulting from exercise?

I offer as proof of the above assertions the Gun Free Schools Act of 1994. This statute is proof positive that no matter how many gun control laws are passed, the violence in our schools will not be stopped by empty legislation. The passage of another gun control law will not stop the next criminal from entering a school and shooting innocent children. If the people of Littleton, Colorado want to look for blame beyond the murderers themselves, they should look to a society that worships violence. Instead, Handgun Control Inc. and the Liberals supporting more legislation prefer to attack the NRA in the hope of convincing Americans that the NRA and other organizations like it should be held responsible for the increase in gun violence. The liberal establishment is desperately trying to find a scapegoat for the failed policies – policies that created the compassionate criminal justice system we must now rebuild.

I am sure it will surprise no one to learn that I was a member of the NRA. What should be surprising is the fact that I was not a member of the NRA until after the shooting in Littleton, Colorado. Not until I saw how the anti-gun lobby attacked the NRA did I realize how sick and misguided the gun control lobby had become. I read the speech Mr. Heston gave just days after the shooting in Littleton. In reading his words, I realized for the first time that good and decent people were being labeled as supporters of violence and even murders. I was amazed at the lengths to which liberal do-gooders would go to win support for their failed ideas on gun control. Liberals and their misplaced faith in government as the answer have shaped criminal justice policies for 30 years and it must stop.

Although many of my friends are loyal supporters of the NRA, I simply had never joined the organization. I felt my support for organizations like Ducks Unlimited, Pheasants Forever and other hunting and wildlife management organizations was enough to demonstrate my position on gun ownership and wildlife management. After the attack on the NRA following the Columbine murders, I came to realize that the NRA was more than an organization that simply supported hunting. The National Rifle Association is about preserving freedom through our ability to alter or abolish tyranny. It is an organization dedicated to assisting parents as they pass on to their children the proud tradition of hunting while ensuring that children understand and adhere to the rules regarding the safe handling of firearms. I am proud to write that I am the NRA!

Those that promote greater and greater restrictions on firearm ownership have failed to understand that the Founding Fathers created the Second Amendment so that we, the

people, could alter or abolish our government should it come to dominate the people. It was written so that when men wanted to change their government, they would have the means to do so. They simply cannot fathom that the federal government could one day turn into a modern day King George III. [[101]] They fail to understand this possibility because to them government is the answer to the ills plaguing society. However, just as in the times of Revolutionary America, it will be men and women like those comprising the NRA who will stand up to tyranny.

There is no better way to close this chapter than by alerting the American people to a danger most are unaware of. Since 1996, the number of secrets held by the federal government has nearly doubled. In a time of peace dividends and growing prosperity, the number of secrets held by the federal government has increased and the question is why? The answer is disturbing in the extreme.

I am the first to appreciate the need for state secrets, especially in the area of national security, but I refuse to accept the federal government's assertions our privacy is not being invaded. Maybe it is my past experiences dealing with the faceless, nameless bureaucrats who keep public matters secret that makes me worry for the next generation. It is indeed disturbing to know that this campaign of secrecy was not undertaken in the name of national security. It was undertaken in the name of political expediency. The information now classified as "secret" is information primarily related to the citizens of our nation and the workings of government.

If you doubt the accuracy of this statement, please direct your attention to the interview of former Senator Daniel Moynihan of New York where he discussed at length the New World Order that is Washington D.C. In a 1999 interview with Playboy magazine, the former Senator described in clear and concise language what the federal government is doing. I encourage every American to read the Senator Moynihan interview even if you believe Playboy to be pornography. Buying pornography is a small price to pay to know the truth about the federal government.

I must again reiterate that the current trend of disarming America one weapon at a time will not stop gun violence. It will only perpetuate the idea that gun control laws will stop the violence. The only thing accomplished by gun control legislation is curtailing our ability to alter or abolish a tyrannical government. The Founding Fathers did not write the Second Amendment so we could hunt. They wrote the Second Amendment so that we, the people, would have the ability to alter or abolish our government(s) should they not serve the will of the people. Together, we, the enabled, can make our cause the hallmark of 21st century America. We can make our movement the hallmark of our lives.

Chapter 6

Amazing Grace

I have said nothing but what I am willing to live by, and, if it be the pleasure of Almighty God, to die by.

Abraham Lincoln

As Amazing Grace was sung at my wedding, I knelt upon the altar of St. Jude's church and looked back upon my life. I recalled many terrible memories. I remembered friends who had taken their lives and others whose lives were taken from them. I thought it nothing short of a miracle that I had survived. Seventeen years later, I still feel the same.

Music is an integral part of my life. During a time of great personal anguish, it was music and a friend that probably kept me from putting an end to what I perceived to be an otherwise loosing proposition. That proposition was my life. And even today, when I deal with the problems of the past and present, I know that through music I can relax. And from my teenage years to the present, music has enabled me to escape to a place where no one can hurt me. It also kept me from hurting more than a few degenerates I helped escape justice.

The most difficult period of my life did not involve any of the events surrounding my youth. Although this may be hard to believe, especially in light of what happened to me as a child, it is the truth. The most difficult time in my life was when I practiced law as a criminal defense counsel in the United States Army's Trial Defense Service. As an Army JAG, I was ordered to defend men who raped women and children. Such representations caused me untold personal anguish and I still wrestle with these demons to this day.

When I would listen to these animals recount the sexual acts they performed on children, I would transport myself to another place by concentrating on the notes of one particular piece of music: Mozart's Symphony No. 41 (Jupiter). Herr Mozart helped me suppress an anger that, if unchecked, would have resulted in criminal conduct on my part (at least criminal conduct as defined by today's standards). It was from one such episode that I knew the time would come to address the demons from my past.

There are only two reasons why a book is written. The first is to entertain. The second is to educate. I did not write this book to entertain anyone. It was written to educate, to warn, the American people to exactly what awaits them in the near future. I could think of no better way to ring the alarm than to write about what is happening to our once great nation and what happened to me. The pages that preceded this chapter are in fact a blueprint for the reformation of American society while this chapter is nothing more than a story. It is a story of one man's life and his observations of that life – a life that entailed learning firsthand the truth of the subjects covered in the preceding pages. Unlike the politicians of today, many born with a silver spoon in their mouth, I have lived what I now preach. With that said, let me tell you a story about a boy, a school, a city and a nation.

First, however, I think it proper to inform the reader that I expanded the scope of this book beyond what is written in this chapter and the chapter Hell is for Children because I finally realized how unimportant my life is. I thought that by writing about my personal experiences with the failures of the American criminal justice system I could persuade Americans that the time for real change had arrived. Although I still hope to persuade Americans that our system of justice and the American political process have failed, there is another reason why I have written this book. I want my family to understand that I acted as I did because I could no longer stand by and watch so many innocent children suffer. Although I know history will judge me a man who stood up for those who could not defend themselves, I want my family to know that I acted because I could no longer stand by as the news media half-heartedly reports the ever-increasing violence against women and children. I could no longer watch as our society became desensitized to violence. When it no longer shocks the conscience to read about the rape of a woman or the murder of a child, we must understand that something is wrong. What is wrong is that our society has consummated its bond with immorality. This is the message I hope the reader has already received.

I was born on December 8, 1962 at St. Joseph's Hospital in Detroit, Michigan. December 8, 1962 was a typical Michigan December day. The previous day saw snowfalls that resulted in the closure of three hundred Michigan schools. In other words, I was born on a snow day!

I am Sagittarius through and through. I was born the third child of Dennis and Joan Cox. I lived the first twenty-three years of my life in the city of Detroit. I was raised in a Roman Catholic household by parents whose faith and trust in the Church were all encompassing.

My father hails from a family that settled several generations ago in the "thumb" section of Michigan. In 1917, my paternal grandfather left his farm to fight with General John J. Pershing. Like so many men returning from the Great War, city life offered opportunities

farm life did not. Alphonsus C. Cox left his farm and moved to Detroit. He served on the Detroit police force for over twenty years.

My father taught me the value of hard work. My father worked forty-six years for the National Bank of Detroit. He also taught me that life could be enjoyed without alcohol. After having seen so many of my friends suffer at the hands of alcoholics, I realize how lucky I was to have learned this most valuable lesson.

My mother came from a home in which her father deserted his wife and three small children. Although this affected my mother in ways she does not yet understand, it taught me that even grandfathers could be scoundrels. Initially, my mother stayed home to raise her children. However, due to the increasing pressures a changing America leveled upon women of her generation, she went to work. She went to work for the Church she loved. Unfortunately, like her father, the Church she loved deserted her.

My mother taught me that all human beings were created equal and for this, I am forever grateful. My mother also taught me that if you can dream it, you can live it. For this too, I am forever grateful.

If my children are to understand who I am and where I came from, they must understand the time and place in which I grew into manhood. To this end, I can only relate those events that I believe had a profound impact on my development. Although many of these events are negative in the extreme, my children will know that I came from a home filled with love. It is because I received this love that I was able to mature despite the many negative influences to which I was exposed.

When I reflect on my childhood several distinct memories emerge. These memories are not memories a child should have. They are, nonetheless, the memories I retain. One of my earliest childhood memories occurred in the summer of 1967. The memory is clear to me, however, other members of family believe my memory may not be so reliable. To me, I remember standing with my father as we watched tanks roll down the street. It is one of those distant memories of events that occurred when I was almost 5 years-old. As for whether the memory is really one of my dad standing with me as I watched news clips of the US Army deploying to Detroit in the summer of 1967, I cannot be completely sure. I can only relay what I remember as most assuredly my first glimpse of the violent world I was placed and the US Army.

The summer of 1967 was not a good one for Detroit. In fact, during the riots that summer, the hospital in which I was born (St. Joseph) was put to the torch. To this day, I am still confused as to why someone, even someone angry at the world, would want to burn down a hospital. So began the life of a young white catholic boy in the city of Detroit.

I attended St. Jude Elementary School in Detroit, Michigan. When I was seven years old, the faculty at St. Jude recommended that my mother have me "tested." In their infinite wisdom as medical professionals, they believed I was hyperactive and in need of therapy and/or consulting. What occurred during one of these tests is something I will never forget. I was taken to a "clinic" where I was examined by someone claiming to be an expert in such matters. What matters I did not know. The examination consisted of various testing procedures, some of which were painful. I clearly remember a woman scrubbing a patch of hair from my scalp in order to attach electrodes to my head. I remember the pain as the woman scrubbed my hair off. When I attempted to move my head to avoid the pain, the woman slapped me on the side of my head and said, "If you weren't such a bad boy, I wouldn't have to do this." I closed my eyes so she could not see me cry. I still remember opening my eyes and seeing myself in a mirror directly across from where I was sitting. I was sitting in an old barber's chair.

Another lasting memory from my childhood involves a little boy who lived a few houses away from me. Although I did not know it at the time, this little boy would have a profound impact on my life. The little boy was named Michael. Michael is the brother of the girl I was destined to marry. Michael is also the namesake of my son. Michael Cansiani died at the ripe old age of seven. A brain tumor took his life. As so many Americans know, cancer does not take its victims quietly. I saw this terrible disease work through the eyes of the girl who, even then, I loved madly. Memories of Michael's funeral stay with me to this day. As I stood in the corner of the funeral home, I watched Michael's grandmother say good bye to him as everyone departed for the funeral mass. She laid her arms around him and cried out loud, "Why God? He's just a baby!" Later that night, I asked my mother why grandma C said Michael was just a baby when in fact he was seven. Crying herself, my mother touched my face with her hands and said, "He was a baby." I now know what she meant.

It was not, however, until my eleventh year of life that I encountered the most despicable creature that walks this earth: a pedophile. Although there are a few experiences that occurred later in my life that profoundly changed me, no single event in my life has caused me more personal anguish than one "evening" with Roger Felix Joseph - a vile and disgusting creature that ruined the lives of so many innocent children.

Roger Felix Joseph was an elementary school teacher turned lawyer. Rather than give up his close relationship with young boys, he began coaching boys' basketball as a means to an end. His law practice may have taken him away from young boys during the day, but he still pursued us at night. Roger Felix Joseph is like so many of the millions of pedophiles that ravage our children. He is a coach. He is a trusted confidant. He is a friend of the family.

Roger Felix Joseph would befriend a family whose boy he coached. He would bring gifts into the home. These gifts came in the form of rib dinners, light fixtures, new sneakers, booze and, of course, money. This was how he operated in so many homes within St. Jude's parish. I fear he did so in other parishes as well. I only regret that I did not have the courage to come forward earlier. However, I intend to make up for this lack of courage.

Roger Felix Joseph's *Modis Operendi* was simple. He would tell the parents that because he was so busy with his law practice, he never had time to clean his house. He would offer young boys twenty dollars if they would clean his house Saturday mornings. He would offer to pick the boys up Friday night so that they could clean "first thing in the morning." He would then return from work to pick us up so that we were back home by early afternoon. As Friday evening would come to a close, he would tell us that he felt better if we would sleep on the mattress beside his bed rather than in the living room so that he would know if we were all right. Being eleven, I agreed. It was during two such nights that I experienced the real Roger Felix Joseph.

The first incident involved fondling or what was once referred to as "kiddy-diddling." I awoke that night to find him next to me on the mattress with my pajama bottoms and underwear pulled down. He was manipulating my penis as if to make me erect. I did not understand what was going on. When I asked him what he was doing, he said that he had fallen off the bed and accidentally touched me. Again, being eleven, I assumed he was telling the truth. It was not until a few weeks later that I was to learn differently. The second incident changed my life forever.

The circumstances were the same. When I awoke this time, I found him over the top of me with my penis in his mouth and his hand on my chest. The physical sensation I was feeling was something I had never experienced before. I did not know what was happening. Although it felt good, the overriding sensation I felt was fear. I could not think to do anything other than to get him off me. As I began to squirm, I could feel the pressure upon my chest increasing. He continued to suck on my penis. Eventually, I believe I kneed him in the ear and that forced him to take his mouth off my penis. I immediately jumped up and ran out of his bedroom. When I reached the couch in his living room, I looked down at my penis and saw that it was bleeding. I believe I cut my penis on his teeth. Although I do not remember any pain from the cut, I do remember being very scared. Whatever fear I may have had over this incident, however, was soon to leave me as an entirely new fear entered my body.

When Roger Felix Joseph entered the living room a few minutes later, he said, in no uncertain terms, that if I ever told anyone what happened, I would never play basketball again. I was in shock. The thought of never playing basketball again was too much. I began to cry. As if to console me, he walked across the room and said that everything

would be all right as long as I never said anything. I said nothing for nearly ten years. I only revealed this incident to another while I was in a drug-induced state. Even then, I made her promise never to tell anyone. She never did.

What is most disturbing about Roger Felix Joseph is not the two episodes that I experienced, but the fact that what he did to me was nothing compared to what he did to friends of mine. In fact, there was one episode relayed to me by a friend that was so much worse than what happened to me that I think of myself as lucky. As the truth about Roger Felix Joseph is now public knowledge, I know how lucky I was. If I had experienced my first orgasm in his mouth that evening, I do not know what would have happened next. Roger Felix Joseph may have tricked me into believing such activities were "OK" just as he tricked dozens and dozens of other boys.

In relaying these two events, it is not my intention to persuade friends from long ago to come forward. I know many of them have families and would rather not have these facts known. I understand. Furthermore, it is not my intention to garner your sympathy. As far as I am concerned, every member of society is to blame for what happened to us because Roger Felix Joseph never once feared the consequences of his actions. He ravaged us with impunity.

Being a lawyer, I am sure that he will sue me for libel and slander in an attempt to silence me and stop the dissemination of this book. He will not silence me any longer nor will he stop the dissemination of this book. I have remained silent for too long. Besides, I look forward to his lawsuit against me because I want the whole world to know what this monster and a few of his friends did to so many boys. I welcome the truth because writing these words has allowed me the opportunity to bring an end to a dark period of my life. I only hope it allows my friends to do the same.

If Roger Felix Joseph sues me, I could legally compel my childhood friends to testify about what this monster did to them. To do so would allow Roger Felix Joseph to win again. Although I have not seen many of them for years, I want to assure them that I will not let him win. Roger Felix Joseph knows that many of the boys he ravaged now have families of their own. He knows how painful it would be for them to tell their stories just as he knows how painful it will be for my parents to read these words. This is what he has counted on for so many years. This is what this sick and perverted man enjoys. Therefore, to my friends, I promise that no man will compel me to tell what happened to you. If you wish to have the truth known, come to me and together we shall tell the world of the deeds of this monster. However, if you do choose to keep those days within you, I recommend that you do yourself (and your family) a favor; talk to someone who can help. I was fortunate in that during the course of my undergraduate studies, I encountered a woman who helped me understand the reasons for my anger and violence. It is to her, a woman who did not have to care, and to my wife, a woman who

did have to care, that I owe my success. If they did not care enough to help me, I would not be where I am today.

I realize that many will criticize me for not coming forth earlier. I know that I should have done so, but I did not. I did not for many reasons, not the least of which is the pain and suffering my revelations will cause those who love me. However, to remain silent now would be to detract from all that I have written. Besides, when I decided to cross the river into no man's land with the dissemination of this book, I decided to take Roger Felix Joseph with me. It is his turn to suffer.

As I grew older, the levels of violence to which I was subjected only escalated. When I was in the fifth grade, I was taught by a man who preached to anyone who would listen that he loved Jesus Christ. He loved to preach the words of Christ, that is, when he was not battering young boys. On so many days during that year, when this "teacher" had enough of my talking in class, this man of Christ would take me into the hall (or to another room if privacy was needed) and commence pounding me with the knuckle of his middle finger. Although he abused other boys in this fashion, I was his favorite when it came to this form of pleasure. On one occasion, he hit me so many times in the chest that the entire area became black and blue. It hurt every time I breathed. Later that evening, I began having problems breathing. Of course, I was afraid to tell my parents what happened. It was not until a few days later that my mother noticed the large black and blue mark in the middle of my chest. When she questioned me about it, I told her a friend gave it to me when we were wrestling. As for this man of Christ, I believe only the threat of litigation has ceased his brutal behavior. However, I suspect that he is beating a boy somewhere. I have often wondered how he will explain to God the abuse he inflicted upon children - those that Jesus cherishes above all others. My advice is that he places a heavy rock around his neck and throw himself into the Detroit River. It may be the only way to save his soul.

In the same year, I awoke one morning to find my mother and father crying at the kitchen table. I asked what was wrong. My father told me that my cousin Jerry had been shot to death in a local bar. I remember looking at my mother wondering why she was so upset. After all, it was not her boy. Jerry was only her sister's boy. The insensitivity I displayed at that moment is what violence does to children. The facts surrounding the death of my cousin were well known in Detroit. The man that shot my cousin was a Detroit police officer who happened to be African American. The one thing I knew about my cousin was that he was a gentle and kind person who would never have tried to harm anyone, let alone a police officer. I thought I knew why Jerry was dead. It was because he was white.

The impact of my cousin's death and my life experiences were such that I hated all African Americans and all things associated with them. I was not a racist because I had

no idea what genetics were or why people believed genetics played a role in the formation of a man's character. I was a teenager full of rage. Besides, I was sure that all black people hated whites. I thought that my parents were wrong and that hatred between the races was just the way it was. It was not until I moved away from Detroit and joined the United States Army that I was able to shed the hatred that existed within me. In fact, it was not until I deployed to a faraway place that I came to realize that what my parents had always said was true. To the men of the Task Force 4-87, I owe a debt of gratitude. In particular, I owe a debt of gratitude to one man whose faith in Jesus helped me see the error of my ways.

The final incident that helped cement my early attitude toward African Americans occurred when I was fourteen. I was walking home from a friend's house when three African American teenagers stopped their car and yelled, "There he is!" I had no idea what they wanted but I was surely not going to wait and find out. I did what came natural to a white boy being chased by three black boys - I ran. The ensuing chase was something out of a Steve McQueen movie except that it took place on foot. I distinctly remember running for what seemed like miles, jumping fences and traversing alleyways in a "single bound." I remember running through a backyard I knew was home to a very large German Shepherd. As I was moving rather quickly, I knew the dog would not have time to bite me. However, he did bite the boy close on my heels. I still remember turning and seeing the dog locked on to the boy's leg as he tried to get over the fence. At this point, I thought I had outrun them. I was mistaken. As I began to walk, one of the other boys came around the corner ahead of me. I began to run in the other direction. This was a mistake. As soon as I came to the next cross street, the third boy was waiting. I tried to elude them, but I could not.

When they finally caught me they said, "We'll show you what happens to white boys who fuck with our shit." I still had no idea what they were talking about, however, that was irrelevant. On most any other occasion, I would have felt confident in having to deal with odds like two against one. However, when the third boy arrived, I knew I was in trouble. I was in trouble until an elderly woman, who saw what was happening, came to my rescue. She turned on her porch light, opened her door and told the boys that she had called the police. They fled. I thank God this happened in 1977 and not 1987. In 1987, instead of beating me, they would have shot me.

I will never forget walking into my home with my eye swollen shut, my face cut, my nose bleeding profusely, my tooth chipped and most certainly a few ribs bruised only to have my father say, "What did you do now?" When my mother asked what happened, I told her I had gotten into a fight with a friend. Since this was common in my youth, I knew they would believe it. I lied because I was ashamed to say that African Americans beat me up. Furthermore, I did not want them to know the truth because I planned to find the individuals and I did not want anyone, including the police, interfering with my search. I

found two of them. I waited until I could confront each while they were alone. I was not alone. We beat each of them worse than they beat me. It was at this time that I determined that if anyone hurt me or those I loved; I would hurt them ten times over. I kept this philosophy throughout my teenage years and into adulthood and it served me well. I guess there is some truth to the saying that you can take the boy out of the streets but you cannot take the streets out of the boy.

Yet, the one event of my teenage years that caused me the most anguish and nearly killed me was the pregnancy of a girl for whom I cared deeply. Like most teenage boys of my generation, I thought pregnancy was something that happened to other people. I was wrong. I will not detail the events surrounding this most unfortunate episode other than to write that a sexually abused Catholic schoolboy confronting abortion did search out someone for help. And when I met with a guidance counselor at my high school, a very fat and very gay Christian Brother, I was told that abortion was murder. I told him that the girl was going to have the abortion and I was not sure if I could, or even wanted to, stop her. He said that did not change anything. I left his office believing I was a murderer. I was guilty of taking the life of an innocent child.

As I searched for a way to say I was sorry to God, to the baby and to her, I began to see only one way to make amends for what I had done. What better way to show God how sorry I was than by ending what I truly believed was an otherwise losing proposition. Since there was only one person in the world at that time who I trusted enough to talk to, I told him that I was tired of life and that maybe it was time to see what was on the other side. His reaction was immediate and unambiguous. He told me that if I killed myself he would laugh at my funeral. He told me I was pathetic and that he had wasted his time being my friend. I believe had he responded in any other way, I might not be here today. Drugs, alcohol and the pressures of a twisted and perverted society can persuade otherwise sensible and sane young people to do bad things to other people and themselves. To this friend, I owe more than just a debt of gratitude. I owe him my life.

However poorly my high school's faculty performed, I would be remiss if I did not acknowledge two men who went out of their way to teach me rather than embarrass or abuse me. My high school English teacher, Bob Fouchy, and my Humanities teacher, John Findlaeter, were two men who cared about my well-being and treated me with respect. Bob taught me the essential tools that have served me so well over the years - reading and writing. John taught me that enjoying the finer things in life, such as art, architecture, music and history were not subjects only "sissies" enjoyed. These men were only a small part of my life, but their contributions to my development have been immeasurable.

Although my high school did a very poor job in helping me deal with my problems, it was not the only source of my anguish. I was my own worst enemy. I used drugs. Drug use is and always will be a course of action for which the user is individually responsible. I was no exception. I began to use illegal drugs at age thirteen. I had, however, been drinking alcohol at least two years prior. Nevertheless, the combination of the two did not occur until I was thirteen. By the time I was fifteen, I was either drinking or using drugs on a near daily basis. Since I had been working since age fourteen, I was never short of money. Whenever I had money, alcohol and drugs were soon to follow.

I began drinking and smoking cigarettes because it was cool. I first smoked marijuana because it was against the law. However, I continued to smoke marijuana because it gave me a sensation that alcohol or cigarettes did not. Marijuana allowed me to sit still long enough to relax. Music and marijuana enabled me to forget about the past. It was not until the summer of 1980, however, that I became "involved" with cocaine. I use the word involved with respect to my use of cocaine because anyone who has ever used cocaine knows that his use, if protracted, becomes something akin to an affair. Of course, there are people who use cocaine only once or even a few times and never develop a problem. They are the minority - at least where I came from.

At first, I thought cocaine enhanced the things I was doing. Whether the activity was dancing, drinking, playing cards, listening to music or having sex, cocaine seemed to enhance the experience. How wrong I was. As I continued to use cocaine, I slowly discovered that my use of cocaine had assumed a life of its own. What I mean to say is that I began to use cocaine just for the sake of cocaine. Rather than appreciate things for what they were, I began associating other activities and events with cocaine. As such, cocaine was not improving these activities but degrading them. It was shortly after this realization that I stopped using cocaine.

As with so many other events in my life, I owe a debt of gratitude to a friend whose addiction showed me how stupid and dangerous "recreational" use of cocaine could be. When cocaine finally took control of my friend, he became a different person. Not having seen him for a few weeks, I showed up one night at his house unannounced. What I saw as I walked into his house was something I will never forget. I saw an empty house that up until just a few months prior contained a lifetime of possessions, all sold to buy cocaine. When I asked him what was happening, he replied by asking me for money. I told him he was an addict and that if he did not stop using cocaine he would die. He tried to explain the hold it had over him but I wanted to hear none of it. I left thinking I would never see him again.

A few days later, I returned with the hope that I could convince him to get help. I realized I could not turn my back on him. When I arrived, I found him unconscious on the floor of his basement. As I stood in his basement - the scene of so many good times

– I could not help but think that it could be me lying on that mattress. I thought of other friends that had succumbed to the power of narcotics and finally realized how stupid I had been.

As I stood there contemplating what to do, I heard someone coming down the stairs. I assumed it was a family member. It was not. It was a man I had never seen before. The first words out of his mouth were, "Who are you?" I replied by asking the same. His next words were, "You got some money?" I again said, "Who are you?" He did not answer other than to continue to pressure me for money. When I finally told him what he could "do," he pulled out what appeared to be a kitchen knife and threatened to "hurt" me if I did not give him whatever money I had. As I reached around to pull out my wallet, I pulled out instead the Colt .357 I always carried with me in that neighborhood. I pointed the gun at his head with the intention of firing. I remember the incident as if it were yesterday. One moment I was filled with hatred and the next moment something akin to pity. It was surreal. I had never experienced this rapid change of emotion. One moment I was so angry that I wanted to kill him and the next moment I felt sorry for him. I cannot explain it. I can only surmise that it was not his time to die or my time to kill.

Let there be no mistake. Our war against illicit trafficking in narcotics (cocaine, heroin and the various methamphetamines) is a war that must be fought. I am not, nor will I ever be, in favor of the legalization of cocaine, heroin or the various forms of methamphetamines. These drugs are far too powerful to be easily accessed by adults, let alone children. If cocaine alone were legalized tomorrow, I would move my family to another country. If cocaine and the other narcotics were cheap and accessible to all, we would have an epidemic of drug abuse, crime and violence the likes of which this country has never seen. With as much disposable income as the younger generation has today, the legalization of narcotics would destroy that generation just as the Great War destroyed a generation of French, German and Russians between 1914 and 1918.

December 8, 1980 was the first day of my adult life. I remember waking that morning to the realization that I was eighteen - no longer a minor. Since my oldest sister and I share December 8 as our birthday, I looked forward to celebrating my first birthday as an adult with her. I also looked forward to celebrating my eighteenth birthday with a night of illegal and unhealthy activities. When I left work that evening, I headed for my parents' home to celebrate our birthday. As I entered my parents' home, I saw my sister sitting on the couch crying. When I asked her what was wrong, she stated that someone had killed John Lennon. I thought how ironic that a man dedicated to peace would be shot dead in cold-blood. As I sat and watched the news report John's murder, I could not help but wonder if the 1980s were going to be more violent than the 1970s. I concluded that this was not possible. Again, I was wrong.

As the 1980s progressed, the violence that surrounded my life became more lethal. Whether the violence came in the form of suicide, murder, rape or assault, I began to notice a change in those with whom I grew up. I saw society change from one where teenagers resolved their differences with their fists to one where teenagers resolved their differences with semi-automatic weapons. The circles in which I traveled in the late 1970s and the early 1980s were ones closely linked to cocaine. I saw cocaine become the medium of exchange for everything from goods to services. I saw crack cocaine change a city before my very eyes. Although I have never smoked crack cocaine, I saw firsthand the effects it had on those who did smoke cocaine. We must do everything possible to stop our children from even trying these potent narcotics. Once they have tried it, our battle becomes infinitely more difficult.

I honestly believe that if I had not left Detroit in 1981, I would be dead today. In 1981, I began a journey that fascinates and excites me to this day. For the first time in my life, I embraced learning. During 1981, I began to see the world in an entirely different light. As I learned about the world around me, I began to sense that there was so much more out there than what Detroit had to offer. I awoke each morning thrilled with the fact that I could engage others in discussions ranging from the existence of God to the causes of the Second World War.

When I decided to study psychology rather than history, I did so because I believed psychology held the answers to why people behave as they do. I thought that by studying the mind, I could discover the answer to why people were capable of such inhumane acts. I wanted to know what caused the events witnessed in Europe between 1939 and 1945. I wanted to understand what it was that made me think and feel as I did. I wanted to learn why men desired children as sexual partners. I wanted to understand what it was that motivated someone to rape another human being. In short, I wanted to understand why evil people acted as they did.

Unfortunately, my attempts to answer these questions only brought greater confusion. As I discovered the answers to some of these questions, I realized that the answers were only leading to more questions. These questions, however, did not involve the study of the mind, but the failure of our criminal justice system to prevent these wrongs. In short, the answers only made me to wonder why society had turned its back on the victims of crime, especially our children.

I entered law school with the dual ambition of serving as an Officer of the United States Army and leaving the Army to become a prosecutor. I wanted to change the American criminal justice system. However, I could never have imagined that I would be involved in the criminal prosecution of fixated pedophiles from the defense side. At the time, I thought it a cruel joke. I now know better. It was my fate.

In my first semester of law school, I sat nearly paralyzed with fear as I listened to my Contract Law instructor describe what lay ahead. I was afraid that if called on to brief a case, everyone present would realize that I was not smart enough for the task at hand. In fact, I was so insecure that I felt everyone knew I was not smart enough to be a lawyer.

I worked full time as a legal assistant for a small Detroit law firm while attending classes in the evening. Those four years were exceedingly difficult for me because I was years behind my fellow students in the mastery of the English language as well as understanding the dedication it took to succeed at something as difficult as law school. Nevertheless, I was smart enough to understand the value of seeing first-hand what the practice of law was all about. What I learned during that time was invaluable. I realized that despite the fact that greedy lawyers and even greedier clients were abusing the American civil system of justice, the failures of the criminal justice civil system had changed America. I realized that the failure of a society to maintain law and order was the first step down the path to self-destruction.

On December 8, 1988, I was offered a Commission in the United States Army. ^{[[102]]} I may never receive another birthday gift as great as the one I received that day. Ever since I was a child, I dreamed of being a soldier. Although my “activities” from ages sixteen to “twenty something” were not indicative of a person that desired Army life, I always knew that I would someday join the Army. As with so many things in my life, contradiction was the norm. Ironically, I also received another present that day from my wife - tickets to see Keith Richards at the Fox Theatre. As I sat in the Fox Theatre that evening, I realized how much I had changed over the past three years. I looked back upon the past eight years and really did wonder how I had survived. As I mentioned earlier, the activities that I pursued were not those of someone who desired Army life. However, I was lucky enough to realize this fact and change my life. Although this may sound simple, it was not. When Keith Richards finished playing, my wife and I went to one of our favorite bars in downtown Detroit. We sat and talked about the life we used to lead. We talked about how that life only leads to regrets. We realized that we had grown up.

Upon my graduation from law school and the completion of the Michigan Bar exam, I was commissioned a First Lieutenant in the United States Army. Although I was posted to Schofield Barracks, Hawaii, home of the 25th Infantry Division (Light), I first left Michigan for Virginia. A true-blue Yankee headed for the Old Dominion.

The Officer Basic Course (OBC) for Army Judge Advocates begins at Fort Lee in Petersburg, Virginia and ends at the United States Army’s Judge Advocates General’s School on the campus of the University of Virginia. A more beautiful place I cannot imagine. At first, I thought I would experience prejudice because I was from the North.

Nothing of the sort occurred. The people of Virginia welcomed me as if I was a Virginian. Everything I was told about the Civil War still being fought was untrue. Although there may be some places where confederate sympathies run high, the overwhelming majority of Southerners do not wish harm to Northerners. The time has come to bury the animosity. The fight that lies ahead involves every American regardless of what state he or she calls home.

Professionally, my years as a defense counsel were the most difficult of my life. Personally, my years in the Army were the best. The Army gave me something I never experienced before - esprit de corps. That sense of belonging to something greater than oneself was a reward in and of itself. More importantly, it was the friends I made during those years that enabled me to shed the narrow-mindedness that developed during my childhood. This was the most valuable lesson I took from my time in service. As a member of the U.S. Army's Trial Defense Service, I was assigned to represent Soldiers before courts-martial. I had requested this assignment and was happy to have received it, however, I never imagined that the Army had within its ranks such vile and disgusting individuals as those I was to defend. I came to learn that the Army is a microcosm of our nation. Just as our nation is comprised of men that rape children, so too is the Army.

I worked with the entire spectrum of America's racial and ethnic kaleidoscope while serving as an Army JAG. This experience helped me reshape my existing attitudes toward others. More importantly, it proved to me that all men are created equal. All men are especially equal when it comes to their ability to commit heinous acts of brutality. Since every race is capable of such depravity, all men must be equal. It is the evil that men do that proves once and for all that we, as a species, are all equal. It is not, however, my experiences with the vast array of different cultures that is important here. Rather, my experiences representing that segment of society that does unto others as they please is relevant here. I am referring to those that molest, rape and physically abuse those who cannot defend themselves. They are the few that ruin life for the many.

Like most major changes one undergoes in life, my greatest change came gradually. I first began to see my life and myself in very different terms in 1993. My son was born during a time in which I was representing individuals that believed raping women and having sex with children were acceptable forms of human behavior. These were very difficult days for me personally. I began to reconsider my chosen profession. In fact, I wondered whether being a lawyer was something of which I could be proud. As I was teaching part-time at Hawaii Pacific University (HPU), I realized how much more I enjoyed teaching than anything I did as a lawyer. More importantly, teaching criminal justice allowed me to read more about our system of justice. It was during my time as

an adjunct faculty member at HPU that I began to seriously think about the reformation of our criminal justice system.

When I left the Army at the end of 1993, I moved to the National Capitol area (Washington, D.C.) in order to pursue an LL.M. in International and Comparative Law at The George Washington University. I know many will wonder why I would pursue a degree as difficult and expensive as an advanced law degree if I was unsure if I wanted to continue practicing law. I pursued it for two reasons. First, I wanted to improve my writing skills so that one day I might be able to persuade the American people that our criminal justice system has failed and must be reformed. Second, I knew that I wanted to teach and an advanced law degree would bring me that much closer to realizing that dream. Again, I never envisioned what life had in store for me.

When we relocated to the National Capitol area, my wife went to work first so that I could devote a year to my son while taking classes at night. As I have so often said to my wife, 1994 was the best year of my life because what I learned being the primary caregiver to an infant was something that I was not prepared for but will always treasure. Even more than that, being able to care for this little person allowed me time to mentally separate myself from the animals I had spent the previous years defending. My son proved to be the best medicine for my lost soul. Although I was spending my entire day with the only person with whom I wanted to spend my days, I could not put away the idea that the criminal justice system must be reformed. In 1994, I decided that someday I would write about my experiences. However, I knew that day was far off.

In 1994, I joined the Department of the Navy Office of General Counsel (Navy OGC). I was assigned to a trial team that is still litigating the largest and most complex case in the history of American jurisprudence. The Department of Justice/Department of the Navy A-12 Trial Team was and is responsible for representing the United States before the U.S. Court of Federal Claims. The litigation began after the cancellation of the largest contract ever terminated for default within the Department of Defense – the contract to build the A-12 bomber.

Since the A-12 program is a Special Access Program, I cannot describe any aspect of my duties nor are they relevant to this discussion. I can, however, point the reader to an article that appeared in the October 29, 1995 edition of the Washington Post Magazine. Although many of the cited facts and figures are incorrect, the article does provide the reader with an idea of the players and dollars involved. The article will also give the reader an idea of the information to which I was given access. Although my experiences as a member of the A-12 Trial Team allowed me to gain litigation experience unmatched anywhere, it was the front seat it gave me to watch how our federal government operates that was truly invaluable. I learned a few very valuable lessons about the federal government while working on the A-12 litigation.

There were two primary lessons I learned while studying and working in the National Capitol area. The first was that the federal government had grown out of control, replacing the states as the primary form of government in our nation. The second was that career politicians, especially President Clinton, used the downsizing of the Armed Forces to secure the “peace dividend” that the “talking heads” said was available as a result of the collapse of communism in Europe. [[104]] These “talking heads” assured the American people that the world was a safer place. They surmised, in their infinite wisdom as national security experts, that the time had come to dismantle our nation’s Armed Forces in order to put those “federal dollars” to better use. The year I learned these lessons was 1996.

I must step back in time for a moment because it is important for the reader to understand that I am writing about events I personally experienced. Shortly after returning from the Middle East, I began representing Officers and Non-Commissioned Officers (NCOs) who were being “administratively” eliminated from the U.S. Army, many as early as 1992. I watched as some of the best NCOs in the U.S. Army were discharged for reasons completely unrelated to the Army’s mission. At the time, I did not know why these brave and dedicated Soldiers were being thrown out like yesterday’s paper. I was not yet aware that our coat and tie politicians decided to sacrifice the careers of these warriors in order to obtain the funds needed to support bigger and better government. It was not until 1996 that I learned that as the Army, Navy, Air Force and Marine Corps were reduced one man and one base at a time, overall federal spending increased. The year 1996 was a very bad year for the American people but it was a good year for the faceless, nameless bureaucrats that call the federal government home. And it was an even better year for the career politicians that stood idle while national security was sacrificed for the sake of political necessity.

Living, working and studying in the National Capitol area allowed me the opportunity to understand how the federal government really operates. Although I was studying international law at the time, I read everything I could about our federal government. I read the Washington Post every day. I read Department of Defense’s Early Bird newsletter before work each morning in order to follow the issues surrounding national security. I watched C-SPAN in the evening in order to keep informed as to what our politicians were saying as opposed to what they were doing. I read the Capitol Hill publication Roll Call in an effort to follow and understand the workings of Congress. I was a government junkie.

I watched as federal bureaucrats acted solely to expand their own petty little empires. I saw faceless, nameless bureaucrats elevate their own creature comforts above that of their Agency’s mission. I watched in amazement as the federal government grew while the politicians preached that the era of big government was over. I watched as Congress eroded our national defense in order to secure the tax dollars necessary to

increase their own salaries and further promote the cause of big government. I watched as the bureaucrats within the Navy's Office of General Counsel expanded their numbers while the uniform members of the U.S. Navy were discarded as if they were trash. I learned that the federal government had become an entity that existed to serve itself rather than the people. I learned that the one constant product that the federal government produced was waste. Whether the program involved a waste of labor or a waste of taxpayer dollars, waste was and is the common theme that runs through every facet of the federal government.

In 1995, a book by Gregory L. Vistica titled *Fall From Glory; The Men Who Sank The United States Navy* was published. In it, Mr. Vistica told the story of how Admirals and high-ranking bureaucrats, through their petty machinations and misconduct, sank the U.S. Navy. Although I found his book insightful with respect to the games these corrupt federal bureaucrats played, I did take offense to his generalization that the Admirals (Flag officers) of the United States Navy sank the organization they loved and I served. I believe Mr. Vistica failed to understand what really sank the U.S. Navy.

In the second edition of *Fall From Glory; The Men Who Sank the United States Navy*, Mr. Vistica adds an Epilogue in which he writes about the death of Admiral Mike Boorda, Chief of Naval Operations (CNO) in 1996. Mr. Vistica reasons that the death of Admiral Boorda may have been the result of some confusion as to where Admiral Boorda's loyalty lied - with the truth or with the Navy. Mr. Vistica could not be more incorrect. Although I agree with Mr. Vistica that the U. S. Navy has been sunk, I disagree with his conclusion as to how and why it was sunk.

I remember the day Admiral Boorda committed suicide. I was sitting in my office in Arlington, VA when a senior Navy pilot walked in and said, "The CNO killed himself. The Navy I love and serve has ceased to exist." I was speechless. I only met Admiral Boorda on one very brief social occasion. However, I believe I know what he stood for and it was something inimical to everything that is Washington. D.C. Admiral Boorda rose from the ranks of the NCO Corps, the very backbone of our Armed Forces and the men and women he most admired. What killed Admiral Boorda, if any one thing killed him, was that he was not only a witness to the destruction of "his" NCO Corps, but that the greedy, corrupt politicians and the faceless, nameless bureaucrats used him to do it. In their rush to get their greedy hands on the tax dollars earmarked for our security, they used Admiral Boorda to do their dirty work. The month and year Admiral Boorda committed suicide will always be the date I give to the death of our Armed Forces by the sword of the career politician. Yes, our coat and tie politicians have since further reduced our Armed Forces in order to secure the peace dividend needed to support our expanding welfare state. However, it will be 1996 that history records as the time our Armed Forces ceased to be an effective fighting force. It was also in 1996 that this nation re-elected William Jefferson Clinton.

As 1996 ended, I began to think seriously about the relationship between the reformation of the federal government and our criminal justice system. I began to realize that in order to reform the criminal justice system; we must also reform the federal government. I now know the two issues are indivisible. They are two sides of the same coin. And as long as the federal government continues to usurp the authority of states, the states will never be able to properly perform their primary role of keeping the people safe from evil men.

Many colleagues and friends laughed when I requested a transfer to the Marine Corps Logistics Base at Barstow, California in the summer of 1997. They laughed because I left a promotion to GS-14 to take a GS-12 position as a civilian Marine. They also laughed because they knew that unless one remains in Washington D.C., it is very unlikely that he or she will ever reach the hallowed ground of the Senior Executive Service. Unbeknownst to many of my friends, I had an ulterior motive for coming to California. And although I knew that I needed to be in California to write this book, I do not know why. I just knew that I had to write it in California.

Even today, I cannot explain why I believed this. It was just something I knew. Although this may sound confusing, just imagine how confused my seven-month pregnant wife was when I told her we were moving to California in a matter of weeks. Yet, it was not until I had been in California for several months that I understood the reason why I needed to be there. California is where the greatest number of children are beaten, raped and murdered. California is where the greatest number of women are beaten and raped. California, more than any other state, is where our angels go missing in the greatest number. It is in California that the children scream the loudest and I can still hear them screaming.

Coincidentally, California, more than any other state, suffers as a result of the inept and wasteful federal government. A perfect example of how California suffers as a result of corrupt federal bureaucrats can be seen in the work-product of the Base Realignment and Closure Commission (BRAC). The BRAC Commission was tasked with determining what bases within the Department of Defense should be closed in order to secure the peace dividend needed to fund the expansion of failing social programs. It was through these base closures and the downsizing of our Armed Forces that our coat and tie politicians would find the funds necessary to pay for expanded federal programs and increased salaries for themselves.

As with any decision involving the closure of a military base, one would like to believe that the politicians and bureaucrats would make their decisions based upon what was in the best interests of national defense. This is not what happened. What happened was the overwhelming burden of this downsizing fell squarely on the state of California. The results of the various "rounds" of closures were devastating. California lost 186,000 jobs

and nearly \$9.6 billion in annual economic activity.[[106]] What should be even more disturbing to Californians is that Congress is planning another round of closures and the present Governor, or I should say the Democrats in California, are doing little, if anything, to prepare for this second attack upon California. California accounted for sixty percent of all the base closures under BRAC.[[107]] The people of California should be incensed!

There are other examples of how California suffers at the hands of an inefficient and corrupt federal government, but this is neither the time nor the place to address them. What the people of California must understand is that by reforming the federal government and our criminal justice system, we can make California a better place to live. We can also save billions of dollars in taxes.

I have lived in Michigan, Hawaii, Maryland, Virginia and California.[[108]] Each state has its own unique beauty. Each state offers something that other states cannot. I saw, and was in awe, of the sheer beauty of Hawaii. I marveled at the historic sites of Virginia, the majesty of her Blue Ridge Mountains, her Golden Valley and her beautiful beaches. I hunt the forests and fields of Michigan; I fish her Great Lakes and again call her home.

Yet, in terms of sheer natural beauty, California is king. From Yosemite National Park to Joshua Tree National Park; from the beaches of Southern California to the forests and mountains of Northern California; from her most golden valley to her diamond deserts, California reigns supreme among states. Although she encompasses more diverse environments than any other state, the importance of California lies in her economic power. Economically speaking, all other states, including New York, pale in comparison. A few facts about California will prove this assertion:

— California produces more agricultural products than any other state, yet agriculture is only a fraction of California's economy.

— California is the world leader in the development of high technology. Silicon Valley began the computer revolution and still maintains its global preeminence in the age of technology.

— Los Angeles is the undisputed entertainment capital of the world. Los Angeles is also the world leader in aviation technology. Although California lost many jobs in the aviation/aerospace industry as a result of the Department of Defense downsizing, Southern California-based companies are reforming and reshaping themselves into smaller, more efficient companies that will continue to make California and America the preeminent leader in aviation and aerospace. A perfect example of this "reformation by necessity" is Hughes Electronics.

— San Francisco is the unofficial capital of the Pacific Rim (with only Tokyo and Los Angeles as close competitors). As the Pacific Rim represents the future of global commerce, San Francisco paves the way in the competitive world of 21st century trade.

— California is the nation's vacation paradise with parks of all description.

— San Diego is the main point of entry and exit for commerce with Mexico, our most important trading partner, China included. San Diego is also home to the United States Navy's Pacific Fleet.

— California is home to the most important research, development, testing and evaluation centers for both the Department of Defense and the aerospace industry.

— California is home to the fastest growing segment of American population: Hispanic-Americans.

— Last and most important, California is home to approximately thirty-five million people. Alone, this fact makes her the most important state in the union.

Notwithstanding these facts, the real value of California is found in her geographic location. As the eastern seaboard represented America's business window onto Europe during the first two hundred years of our nation's existence, the next two hundred years will find California as America's business window onto Asia and Mexico. Just as Boston, New York and Philadelphia were the business centers of America's first two hundred years, Los Angeles, San Francisco and San Diego will be the primary business centers for America's commercial activities for the next two hundred years. Moreover, California's economy is unlike that of any other state. The richness of her cultural diversity and all that entails allows Californians to come together to create new and innovative solutions to the problems facing California and America. This mixing of ideas is a perfect environment for innovation. And although California's geographic location is her greatest economic asset, the social, political and cultural innovations are what will make the successful reformation of society possible.

California has consistently paved the way in the development of new technologies and the implementation of new ways of solving problems. Of course, many will argue that some of California's ideas have been unusual. I agree. However, the fact remains that California is and has been at the cutting edge of progressive thought in America. Therefore, unless and until the people of California accept the ideas contained within this book, our moral compass will not be adjusted, the federal government will continue to usurp the authority of the states and the criminal justice system will continue on its path of compassion for the depraved. And it is the compassion for the depraved that proves the truth of the above assertions.

California's attempt to implement new ideas with respect to the health and safety of our children is exemplified by the Sexually Violent Predator Act (Act). The Act proves that the people of California have the desire to protect women and children from criminals that prey upon them. [[109]] The Act provides for involuntary civil commitment of those criminals who still pose a danger to society because of a diagnosed mental disorder. The Act targets known violent sexual offenders who are about to be released from prison but who still pose a threat to society - what a novel concept. However, what Californians are learning is that when their state legislators attempt to keep women and children safe, constitutional "experts" and the court system descend upon any such law and proclaim that it presents a danger to free men. They proclaim the Act is unconstitutional because it violates the due process rights of those who abuse children. These constitutional "experts" argue for the due process rights of child rapists where California's state legislators argue for the due process rights of women and children.

The Sexually Violent Predator Act is just one example of California leading America into the 21st century. However, if California is going to assume the role destiny has placed before her, her citizens must put aside their insignificant, petty differences and come together as one political force. Let the children of California provide the common ground upon which Democrats and Republicans unite in California. The status quo is nowhere more in need of changing than in the once great state of California. It is my hope that our children will tell our grandchildren about the time when all other issues took a back seat to the health and safety of America's children. I hope with all my heart that history will record that the Third American Revolution started in the Golden State, spread throughout the land and ended with the peaceful reformation of our national government, our criminal justice system and our society.

Today, California is run by special interests. Except for Washington D.C., the home of the special interest, California leads the way in the replacement of individual responsibility with that individual liberty. No better evidence exists to prove this assertion than California Proposition 187. Placed on the November 1998 ballot, Proposition 187 was a measure to end social benefits for illegal immigrants. As a Californian, I remember distinctly debating the merits of this Proposition with friends. I was concerned about the children of illegal immigrants. However, as I learned about the incredible toll illegal immigration was and is having on California, I knew the time for radical action had arrived. Proposition 187 was unlike other Propositions that year. The language was clear and the intent known to everyone. No one could claim they did not understand the issues surrounding this measure. Proposition 187 passed with approximately 60% of the vote. Although certainly not a "mandate," it was, nonetheless, a clear message. However, a few men working hand in hand with a woman silenced the people of California.

Despite the clear intent of the voters, the special interests entered the arena to perform their magic. They sued the people of California in the federal government's court and convinced a federal judge, Mariana R. Pfaelzer, that the people of California do not have the right to pass laws addressing their health and safety. They argued that Proposition 187 was unconstitutional and she agreed. To Ms. Pfaelzer, the health and safety of the people of California was a federal matter, not a state matter. It appears that Gray Davis also shares this view. When Gray Davis took office as Governor shortly thereafter, he sent the "vote" to mediation where the people of California were silenced. Nevertheless, the people of California know that illegal immigration has become a nightmare. By passing Proposition 187, they sent a clear message to the federal government. If the federal government could not stop illegal immigration, the citizens of California would act because illegal immigration was threatening their health and safety. Today, the people of California suffer terribly as a result of the federal government's incompetence – an incompetence that continues to cost Californians hundreds of millions of dollars every year.

As I near the end, I want to address the fact that I have attacked Democrats throughout this book. I realize I have placed Democrats in a most unfavorable light. However, I have not attacked Democrats to curry the favor of Republicans. Moreover, I have not attacked Democrats because I believe they are any less patriotic than Republicans. I have attacked them because their long-cherished policies and programs do not serve the people they were intended to benefit. On the contrary, the policies and programs embraced by Democrats and many Republicans benefit only those that believe government is the answer to the problems facing society. The idea of the "free handout" was placed in practice to soothe the conscience of a few, not to benefit the poor. The ever-expanding gap between the rich and poor proves the truth of this assertion.

When I look at the Democratic Party today, I see mainly three groups: organized labor, minorities and a vocal segment of America's upper class. Unfortunately, the policies and programs implemented by the Democratic Party do not serve the interests of the first two. They do, however, soothe the conscience of the Democratic elite; sitting in their multi-million dollar homes praising each other for advocating on behalf of the poor. I wish liberals would realize that just because they want to help the poor does not mean that their policies and programs actually do help the poor. Never in history has so much good will and intelligence been wasted on a bureaucracy that swallows good intentions.

Yet, I would be remiss if I did not also chastise the Republican Party for its malfeasance. When I look at the Republican Party today, I see primarily one group: white people. Yes, there are a few men and women of color in the ranks of the Republican Party, but like corporate America, it is still an old boys club. How pathetic. How Republican.

Although it may appear that I am more disillusioned with the Democratic Party, I am not. I am far more disillusioned with conservatives, especially those that campaign for less government but work to create more government. The Republican Party is no longer the party of Abraham Lincoln or Teddy Roosevelt. I realized this the day I heard a self-proclaimed Christian and senior Republican Party official proclaim her life's mission was to deliver her state's electoral votes to a politician with a somewhat "dubious" past. I knew that I had made a mistake in choosing west Michigan as the place to preach the gospel of change. Hypocrites that claim to understand the plight of abused women and children but do not think it necessary to fund the shelters, hospitals and other social programs that keep women safe are the men and women who lead the Republican Party. Moreover, for the past 40 years Republicans have embraced the idea that through government action the epidemic of crime can be solved. The federalization of criminal law is primarily the work of conservative politicians that wanted to appear proactive in combating the epidemic of crime. Hypocrisy is the essence of the Republican Party and I defy anyone to prove me wrong.

Although I am not a Democrat, I believe history has recorded that the labor movement attached itself to the Democratic Party because it had no choice. When the labor movement began in America, the Democratic Party stood up for the worker. When women stood up and wanted to be heard, the Democratic Party gave them a voice. When the civil rights movement accelerated after the Second World War, the Democratic Party supported civil rights even at the risk of personal and political harm. The Democratic Party stood up to the Republican Party and for this Democrats should be proud.

Yet, I know Democrats are tired of the same old party line just as Republicans are tired of the same old rhetoric. It was from the mouths of Democrats and Republicans alike that I heard many of the ideas contained in this book. Moreover, I know the Republican Party has not always acted in a manner that would make Mr. Lincoln or Mr. Roosevelt proud. In fact, men and women who say one thing, but do another, are holding the Republican Party hostage. Similar men are also holding the Democratic Party hostage. They are called career politicians.

I was a Republican because fiscal conservatism best represents the future of a world whose resources are dwindling. I was a Republican because it is the party of Abraham Lincoln - the man who adjusted America's moral compass. I was a Republican because the spirit of Theodore Roosevelt is what may again make this nation great. I was a Republican because Ronald Reagan understood that a strong national defense was the precursor to free markets and economic prosperity the world over. And I was a Republican because William Jefferson Clinton was not a Republican.

The Republican Party can again be the Grand Old Party that Mr. Lincoln so loved just as the Democratic Party can again be the party of Harry Truman and John F. Kennedy. However, they can only do so after they come together for a national revival – a revival that finds sacrifice, hard work and individual responsibility the cornerstone of a movement that will only end will those placed last are made first.

As I near the end, I feel it imperative that the reader be made aware of two events that directly affected my life while I undertook this mission. Although these two events have made an impact on my life, in no way should the reader take these two events as being equal in their effect upon me. One event nearly stopped me from writing this book. That event, like many others in my life, made me pause and ask myself “why” and “what if.” The other event was infinitely less an impact upon my life; however, this event does shed light on many of the assertions contained in this book. This event occurred in March 1999 as I was completing my research for this book. It was in 1999 that I concluded that I was no longer going to stand by and watch this country destroyed by the career politicians and the faceless, nameless bureaucrats running the federal government. On March 9, 1999, I literally said enough was enough.

Although I had been asked to assist in the effort to thwart the construction of the United States Air Force memorial by one faceless, nameless bureaucrat, I wanted no part in any attempt to prevent the construction of the United States Air Force memorial. I knew it was wrong and in violation of every principle of duty and honor. However, to one member of the Senior Executive Service within the Navy Office of General Counsel, such action was permissible because, as a member of the Senior Executive Service, he was above the law. This particular faceless, nameless bureaucrat articulated a platform of derision against the United States Air Force to the news media with the hope of convincing members of Congress that the United States Air Force Memorial should not be constructed in its chosen location. In March 1999, the Deputy Counsel to the Commandant of the Marine Corps, Robert Cali, stated in an official government document, written on government time and with a government computer, that the “Air Force was comprised solely of gay sissy boys inclined towards pedophilia” and as such did not deserve a memorial of its own. Robert Cali communicated official Navy and U.S. Marine Corps policy to at least one member of the news media and most probably others.

This bureaucrat, who never served a day in uniform, preached that the Air Force was a disgrace to the Department of Defense and that “if” it deserved a memorial, it should be built at Dupont Circle or in San Francisco where the other gay sissy boys inclined toward pedophilia could enjoy it. Although this may seem unbelievable, it is true. What is even more unbelievable is what happened as a result of my informing the Secretary of the Navy about this shameful conduct. This faceless, nameless bureaucrat was

promoted by the Secretary of the Navy and given the Superior Civilian Service Award for his actions. The Secretary of the Navy should be ashamed!

To the mothers and fathers whose sons died while serving in the United States Air Force, I apologize for this disgraceful conduct. To all the members of the United States Air Force, I apologize for the leadership of the Navy Office of General Counsel who rewarded this “man” for his efforts. In fact, the rewards were not long in coming. This giant of integrity was not only promoted to one of the most senior positions within the Department of the Navy, but he was also rewarded with the honor of guiding junior civilian lawyers within the Navy Office of General Counsel. Nevertheless, I have wasted enough time and space on this coward.

The other event that occurred while I was writing this book was infinitely more devastating to me. I began my research in the spring of 1998 shortly after my daughter was born. I decided that “some day” had arrived. However, the writing of this book almost ended just as it was beginning. Earlier in this chapter, I referred to a friend that kept me from putting an end to what I perceived was an otherwise losing proposition: my life. He is the one about whom I now write. I loved Eric K. Goltz like a brother. Eric died in May 1998 from injuries suffered while serving as a Detroit Firefighter. Eric fought lung failure for two years. We watched as this loving and caring father, thirty-five years of age, melted away. Although he received a lung transplant near the end that gave him a little extra time with his son for which he was forever grateful, he died a painful and agonizing death. A death he did not deserve. As I thought about Eric and how unfair life can be, I began to wonder if anyone would care what I had learned. I thought I was wasting my time because no one cared. Then I realized someone cared. I cared. It is only fitting that the last page of this book contains my thoughts about Eric. Eric meant more to me than words can convey.

Finally, I cannot conclude this chapter without stating the obvious. I have made so many enemies by writing this book and executing my plans for Michigan’s pedophiles that I fear what I have written will not be recognized as the truth until long after I am gone. I hope that this will not be the case. I hope the American people will understand that the words contained in this book represent the truth. I hope and pray that the American people realize that these are not just my words but their words. They are the words I have heard from the mouths of so many angry and disillusioned Americans. Therefore, let every angry and disillusioned American understand that I do not know if history will judge me a man obsessively devoted to the extirpation of pedophilia. Since pedophilia has existed since time immemorial, maybe history will conclude that my crusade was doomed from the start. What I hope history will write is that I gave something back to my community by writing this book. I hope history will write that the words and ideas contained in this book speak louder than my actions. When thoughts and words fail to save even one child, we, as a species, have lost. Therefore, I can only conclude this

book and quite possibly my life, with these words: When the sunsets upon my life, I will not ask why or what if. I will only thank the Lord for giving me the chance to see the glory of His light; a light so pure that it could only be found in the innocence of children and a light so beautiful that it could only be seen in the eyes of one who loved me more than life. So when I cross the precipice of eternity, I shall stand before Him with the knowledge that those I did spite, I did so in His name.

Appendix

Appendix A

Kevin D. Cox

Action of Second Continental Congress, July 4, 1776The unanimous Declaration of the thirteen United States of America¹¹¹

WHEN in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

WE hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness -- That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their

Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great- Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

HE has refused his Assent to Laws, the most wholesome and necessary for the public Good.

HE has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

HE has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

HE has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

HE has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

HE has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of the Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the Dangers of Invasion from without, and the Convulsions within.

HE has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

HE has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

HE has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

HE has erected a Multitude of new Offices, and sent hither Swarms of Officers to harrass our People, and eat out their Substance.

HE has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures.

HE has affected to render the Military independent of and superior to the Civil Power.

HE has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

FOR quartering large Bodies of Armed Troops among us;

FOR protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

FOR cutting off our Trade with all Parts of the World:

FOR imposing Taxes on us without our Consent:

FOR depriving us, in many Cases, of the Benefits of Trial by Jury:

FOR transporting us beyond Seas to be tried for pretended Offences:

FOR abolishing the free System of English Laws in a neighbouring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rules into these Colonies:

FOR taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

FOR suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

HE has abdicated Government here, by declaring us out of his Protection and waging War against us.

HE has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People.

HE is, at this Time, transporting large Armies of foreign Mercenaries to compleat the Works of Death, Desolation, and Tyranny, already begun with circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

HE has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the Executioners of their Friends and Brethren, or to fall themselves by their Hands.

HE has excited domestic Insurrections amongst us, and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions.

IN every stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.

NOR have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of Attempts by their Legislature to extend an unwarrantable Jurisdiction over us. We have reminded them of the Circumstances of our Emigration and Settlement here. We have appealed to their native Justice and Magnanimity, and we have conjured them by the Ties of our common Kindred to disavow these Usurpations, which, would inevitably interrupt our Connections and Correspondence. They too have been deaf to the Voice of Justice and of Consanguinity. We must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them, as we hold the rest of Mankind, Enemies in War, in Peace, Friends.

WE, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all Allegiance to the British

Crown, and that all political Connection between them and the State of Great-Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

John Hancock.GEORGIA, Button Gwinnett, Lyman Hall, Geo. Walton.NORTH-CAROLINA, Wm. Hooper, Joseph Hewes, John Penn.SOUTH-CAROLINA, Edward Rutledge, Thos Heyward, junr., Thomas Lynch, junr., Arthur Middleton.MARYLAND, Samuel Chase, Wm. Paca, Thos. Stone, Charles Carroll, of Carrollton.VIRGINIA, George Wythe, Richard Henry Lee, Ths. Jefferson, Benja. Harrison, Thos. Nelson, jr., Francis Lightfoot Lee, Carter Braxton.PENNSYLVANIA, Robt. Morris, Benjamin Rush, Benja. Franklin, John Morton, Geo. Clymer, Jas. Smith, Geo. Taylor, James Wilson, Geo. Ross.DELAWARE, Caesar Rodney, Geo. Read.NEW-YORK, Wm. Floyd, Phil. Livingston, Frank Lewis, Lewis Morris.NEW-JERSEY, Richd. Stockton, Jno. Witherspoon, Fras. Hopkinson, John Hart, Abra. Clark.NEW-HAMPSHIRE, Josiah Bartlett, Wm. Whipple, Matthew Thornton.MASSACHUSETTS-BAY, Saml. Adams, John Adams, Robt. Treat Paine, Elbridge Gerry.RHODE-ISLAND AND PROVIDENCE, C. Step. Hopkins, William Ellery.CONNECTICUT, Roger Sherman, Saml. Huntington, Wm. Williams, Oliver Wolcott.

IN CONGRESS, JANUARY 18, 1777.

Appendix B

Kevin D. Cox

The Constitution Of The United States[[110]]

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Article I

Section 1. 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.

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice

shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Section 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time: and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Section 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;--And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto Law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Article II

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of

the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each state having one vote; A quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty five years, and been fourteen Years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3. He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4. The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Article III

Section 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall

be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Article IV

Section 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3. New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Article V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

Article VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Article VII

The ratification of the conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty seven and of the independence of the United States of America the twelfth. In witness whereof We have hereunto subscribed our Names,

G. Washington-Presidt. and deputy from Virginia

New Hampshire: John Langdon, Nicholas Gilman

Massachusetts: Nathaniel Gorham, Rufus King

Connecticut: Wm: Saml. Johnson, Roger Sherman

New York: Alexander Hamilton

New Jersey: Wil: Livingston, David Brearly, Wm. Paterson, Jona: Dayton

Pennsylvania: B. Franklin, Thomas Mifflin, Robt. Morris, Geo. Clymer, Thos. FitzSimons, Jared Ingersoll, James Wilson, Gouv Morris

Delaware: Geo: Read, Gunning Bedford jun, John Dickinson, Richard Bassett, Jaco: Broom

Maryland: James McHenry, Dan of St Thos. Jenifer, Danl Carroll

Virginia: John Blair--, James Madison Jr.

North Carolina: Wm. Blount, Richd. Dobbs Spaight, Hu Williamson

South Carolina: J. Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler

Georgia: William Few, Abr Baldwin

The Conventions of a number of the States having, at the time of adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution;

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States; all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution, namely:

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

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.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any

criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Amendment XI

(1798)

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

Amendment XII

(1804)

The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;--The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state

having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Amendment XIII

(1865)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV

(1868)

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. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;

nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment XV

(1870)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XVI

(1913)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census of enumeration.

Amendment XVII

(1913)

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII

(1919)

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

Amendment XIX

(1920)

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XX

(1933)

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission.

Amendment XXI

(1933)

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

Amendment XXII

(1951)

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the

office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.

Amendment XXIII

(1961)

Section 1. The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV

(1964)

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXV

(1967)

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment XXVI

(1971)

Section 1. The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

Amendment XXVII

(1992)

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

Appendix C

Kevin D. Cox

THE FEDERAL GOVERNMENT

Of all the parts of this book, it was this section that proved the most difficult to write. It was the most difficult because no matter how many federal Web sites I read, no matter how many federal journals, periodicals, and manuals I purchased, and Freedom of Information Act requests I submitted, I could never be sure whether or not I had obtained the information necessary to create a chart, for lack of a better term, that depicted the entire federal government. The sheer size of the federal government makes such a task impossible.

The only way I believe the reader can truly appreciate my assertion that the federal government has usurped the authority of the states is to see in black and white the monster we call the federal government. To this end, I have written, in as condensed a format as possible, those agencies, administrations, boards, commissions, committees, and subcommittees that form the Executive and Legislative branches of our federal government. I decided to omit the judicial branch for many reasons, not the least of which is its limited size and scope of authority.

I have provided, whenever possible, Web site addresses for those departments, agencies and administrations that make up our central government. I believe these federal “entities” deserve scrutiny. I strongly urge you to begin your examination by reviewing the bureaucracy that is contained within just the management of these departments, agencies and administrations. It is precisely the size and scope of the management of each department, agency and administration that proves the very point of my assertion - the federal government is an unmanageable behemoth that must be brought into compliance with the U.S. Constitution.

Finally, one should not consider the following chart as exhaustive. The three branches of the federal government form a bureaucratic maze that no single person or organization is able to fully describe - including the federal government itself. This, I learned firsthand.

EXECUTIVE BRANCH

Article II of the U.S. Constitution creates and defines the Executive branch of the federal government. For all intents and purposes, the Executive branch of the federal government is the President of the United States. The primary duties of the President are enforcing the laws passed by Congress, conducting foreign affairs, seeing to the administration of the federal government and commanding the Armed Forces of the United States. Of these responsibilities, none is more important than that of Commander in Chief of the Armed Forces. In fact, the Founding Fathers made this the first duty delineated in the U.S. Constitution, Article II, Section 2.

Simply put, the President of the United States is responsible for seeing to the smooth operation of the federal government. This entails duties as far ranging as the appointment of ambassadors to the negotiation of Treaties with foreign nations. Also, it is his or her responsibility to see that the federal government operates within the law. As the chief law enforcement agent of these United States, the President is also responsible to see that the laws passed by Congress are enforced.

THE LEGISLATIVE BRANCH

The Legislative branch, a.k.a. Congress, is responsible for enacting laws within the seventeen specific, expressed areas enumerated under Article I of the U.S. Constitution. To understand how it is that the Congress has violated the Supreme Law of the Land, it is important to remember that Congress is only permitted to exercise authority in these seventeen enumerated areas of our national existence. Therefore, the reader must review Article I, Section 8 of the U.S. Constitution in order to know what these enumerated areas are.

The Legislative branch is composed of two houses: the United States Senate (Senate) and the United States House of Representatives (House). These two chambers make up the Legislative branch. The Senate is comprised of one hundred Senators - two from each state. The House is comprised of 435 voting members and additional non-voting members (District of Columbia, Puerto Rico, Guam and Virgin Islands). Each chamber has a leader; the House leader is called the "Speaker of the House" and the Senate leader is called the "Majority Leader."

The process by which laws are enacted falls outside the scope of this book. What is not beyond the scope of this book is a listing of the committees and subcommittees within the two chambers that were created to "assist" House members in the fulfillment of that duty. The reader must "see" whether that particular committees or subcommittees' exercise of authority violates the U.S. Constitution.

THE JUDICIAL BRANCH

Unlike the Executive and Legislative branches, the Judicial branch has a very defined role within the "checks and balances" of our Republic. The Judicial branch is responsible for determining whether the laws of the federal government and of the states are Constitutional. For example, the judicial branch is charged with ensuring that the laws enacted by the Legislative branch are not outside the expressed authority granted it under the U.S. Constitution.

Article III, Section 1 of the United States Constitution states that "The Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." In addition, Article III, Section 2 states that

The Judicial power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made under their Authority;- to all Cases affecting Ambassadors, other public Ministers and Consuls;- to all Cases of admiralty and maritime Jurisdiction;- to Controversies to which the United States shall be a Party;- to Controversies between two or more States;- between a State and Citizens of another State;- between Citizens of Different States,- between Citizens of the same State claiming Lands under

Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens, or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Congress may not change the original jurisdiction of the Supreme Court. However, Congress is duly authorized to create lower courts, including appellate courts, so long as the creation of such jurisdiction is constitutional. This is the framework upon which the judicial branch of government rests. The lower courts created by Congress are the United States District Courts found in every state. These United States District Courts act as trial courts. There are eighty-nine District courts in the fifty United States, one in the District of Columbia and one in Puerto Rico. In addition, Territorial Courts derive their jurisdiction from Article IV, Section 3 of the U.S. Constitution.

There are also Special Courts created by Congress that adjudicate issues relating to one or more of the powers granted Congress. These Special Courts are referred to as Article II courts because they are not derived from the authority granted the judicial branch under Article III of the U.S. Constitution. These Special Courts include the United States Court of Federal Claims, the United States Court of International Trade, the United States Court of Veterans Appeals, the United States Tax Court and the United States Court of Appeals for the Armed Forces.

The first appellate court of review for decisions rendered in the United States District Courts is the United States Court of Appeals. These intermediate appellate courts were created in 1891 by act of Congress. These appellate courts were created in order to relieve the United States Supreme Court from having to hear every appeal from the lower federal courts. These Courts of Appeal are divided into twelve judicial circuits. For example, the Ninth Circuit Court of Appeals sits at San Francisco, CA. The Ninth Circuit Court of Appeals hears cases arising from the District Courts in California, Oregon, Nevada, Montana, Washington, Idaho, Arizona, Alaska, Hawaii, Guam and the Northern Mariana Islands.

THE EXECUTIVE BRANCH

The Office of the President:

Cabinet Affairs

Chief of Staff

Communications

Correspondence

First Lady's Office

General Counsel

Intergovernmental Affairs

Legislative Affairs

Management and Administration

Office of Public Liaison

Political Affairs

Presidential Personnel

Scheduling

Staff Secretary

Visitor's Office

White House Military Office

Office of the Vice President: (there are no additional offices other than the Vice President's personal staff).

Executive Office of the President of the United States:

Office of Administration

Office of Management and Budget

Office of Policy Development

Council of Economic Advisers

Council on Environmental Quality

National Security Council

Office of Science and Technology

Office of the United States Trade Representative

Office of National Drug Control Policy

Department of Agriculture: www.usda.gov

Department Administration

Department Management

Agricultural Marketing Service

Animal and Plant Health Inspection Service

Commodity Credit Corporation

Cooperative State Research, Education, and Extension Service

Economic Research Service

Farm Service Agency

Food Safety and Inspections Service

Food and Consumer Service

Foreign Agricultural Service

Forest Service

Grain Inspection, Packers and Stockyards Administration

National Agricultural Statistics Service

Natural Resources Conservation Service

Risk management Agency

Rural Business Cooperative Service

Rural Housing Service

Rural Utilities Service

Department of Commerce: www.doc.gov

Department Management

Bureau of Economic Analysis

Bureau of Export Administration

Bureau of the Census

Economic and Statistics Administration

Economic Development Administration

Minority Business Development Agency

National Institute of Standards and Technology

National Oceanic and Atmospheric Administration

National Technical Information Service

National Telecommunications and Information Administration

Patent and Trademark Office

Technology Administration

Department of Education: www.ed.gov/

Department Management

Office of Bilingual Education and Minority Languages Affairs

Office of Educational Research and Improvement

Office of Elementary and Secondary Education

Office of Post Secondary Education

Office of Special Education and Rehabilitative Services

Office of Vocational and Adult Education

Department of Energy: www.doe.gov/

Department Management

Defense Programs

Energy Efficiency and Renewable Energy

Energy Information Administration

Environmental Management

Federal Energy Regulatory Commission

Fossil Fuels

Office of Civil Radioactive Waste Management

Office of Energy Research

Office of Fissile Materials Disposition

Office of Nonproliferation and National Security

Office of Nuclear Energy, Science, and Technology

Department of Health and Human Services: www.dhhs.gov/

Department Management

Administration for Children and Families

Administration on Aging

Agency for Health Care Policy and Research

Agency for Toxic Substances and Disease Registry

Centers for Disease Control and Prevention

Food and Drug Administration

Health Care Financing Administration

Health Resources and Services Administration

Indian Health Service

National Institutes of Health

Program Support Center

Substance Abuse and Mental Health Services Administration

Department of Housing and Urban Development

Department Management

Community Planning and Development

Fair Housing and Equal Opportunity

Government National Mortgage Association

Office of Housing

Office of Public and Indian Housing Programs

Policy Development and Research

Department of the Interior (www.doi.gov)

Department Management

Bureau of Indian Affairs

Bureau of Land Management

Bureau of Reclamation

Minerals Management Service

National Park Service

Office of Surface Mining Reclamation and Enforcement

United States Fish and Wildlife Service

United States Geological Survey

Department of Justice (www.usdoj.gov)

Department Management

Antitrust Division

Bureau of Prisons

Civil Division

Civil Rights Division

Criminal Division

Drug Enforcement Administration

Environment and Natural Resources Division

Federal Bureau of Investigation

Immigration and Naturalization Service

Office of Justice Programs

Tax Division

United States Marshals Service

United States National Central Bureau–International Criminal Police Organization

United States Parole Commission

Department of Labor (www.dol.gov)

Department Management

Bureau of Labor Statistics

Employment Standards Administration

Employment and Training Administration

International Labor Affairs Bureau

Mine Safety and Health Administration

Occupational Safety and Health Administration

Pension and Welfare Benefit Administration

Veterans' Employment and Training Service

Department of State (www.state.gov)

Department Management

Bureau of Diplomatic Security

Bureau of Economic and Business Affairs

Bureau of Finance and Management Policy

Bureau of Intelligence and Research

Bureau of International Communications and Information Policy

Bureau of International Narcotics and Law Enforcement Affairs

Bureau of International Organization Affairs

Foreign Service Institute

Regional Bureaus

Department of Transportation (www.dot.gov)

Department Management

Bureau of Transportation Statistics

Federal Aviation Administration

Federal Highway Administration

Federal Railroad Administration

Federal Transit Administration

Maritime Administration

National Highway Traffic Safety Administration

Research and Special Programs Administration

Saint Lawrence Seaway Development Corporation

Surface Transportation Board

United States Coast Guard

Department of the Treasury (www.treas.gov)

Department Management

Bureau of Alcohol, Tobacco and Firearms

Bureau of Engraving and Printing

Bureau of the Public Debt

Comptroller of the Currency

Federal Law Enforcement Training Center

Financial Management Service

Internal Revenue Service

Office of Thrift Supervision

United States Customs Service

United States Mint

United States Secret Service

Department of Veterans Affairs (www.va.gov)

Department Management

National Cemetery System

Veterans Benefits Administration

Veterans Health Administration

Federal Reserve System (www.bog.frb.fed.us)

Independent Executive Agencies

African Development Foundation (www.adf.gov)

Central Intelligence (www.odci.gov/cia)

Commodity Futures Trading Commission (www.cftc.gov)

Consumer Product Safety Commission (www.cpsc.gov)

Corporation for National and Community Service (www.nationalservice.org)

Defense Nuclear Facilities Safety Board (www.dnfsb.gov)

Environmental Protection Agency (www.epa.gov)

Equal Employment Opportunity Commission (www.eeoc.gov)

Export-Import Bank of the United States (www.exim.gov)

Farm Credit Administration (www.fca.gov)

Federal Communications Commission (www.fcc.gov)

Federal Deposit Insurance Corporation (www.fdic.gov)

Federal Election Commission (www.fec.gov)

Federal Emergency Management Agency (www.fema.gov)

Federal Housing Finance Board (www.fhfb.gov)

Federal Labor Relations Authority (www.flra.gov)

Federal Maritime Commission (www.fmc.gov)

Federal Mediation and Conciliation Service (www.fmcs.gov)

Federal Mine Safety and Health Review Commission
(www.msha.gov/SOLICITOR/FMSHRC/fmshrc.htm)

Federal Retirement Thrift Investment Board (www.tsp.gov)

Federal Trade Commission (www.ftc.gov)

General Services Administration (www.gsa.gov)

Inter-American Foundation

Merit Systems Protection Board (www.mspb.gov)

National Aeronautics and Space Administration (www.nasa.gov)

National Archives and Records Administration (www.nara.gov)

National Capital Planning Commission (www.ncpc.gov)

National Credit Union Administration (www.ncua.gov)

National Foundation on the Arts and the Humanities

National Labor Relations Board (www.nlrb.gov)

National Mediation Board

National Railroad Passenger Corporation (AMTRAK)

National Science Foundation (www.nsf.gov)

National Transportation Safety Board (www.nts.gov)

Nuclear Regulatory Commission (www.nrc.gov)

Occupational Safety and Health Review Commission (www.oshrc.gov)

Office of Government Ethics (www.usoge.gov)

Office of Personnel Management (www.opm.gov)

Office of Special Counsel (www.access.gpo.gov/osc)

Panama Canal Commission (www.panamet.com/pancanal)

Peace Corps

Pension Benefit Guaranty Corporation (www.pbgc.gov)

Postal Rate Commission (www.prc.gov)

Railroad Retirement Board

Securities and Exchange Commission (www.sec.gov)

Selective Service System

Small Business Administration (www.sba.gov)

Social Security Administration (www.ssa.gov)

Tennessee Valley Authority

Trade and Development Agency (www.tda.gov)

United States Arms Control and Disarmament Agency

United States Commission on Civil Rights

United States Information Agency (www.usia.gov)

United States International Development Cooperation Agency

United States International Trade Commission (www.usitc.gov)

United States Postal Service (www.usps.gov)

Quasi-Official Agencies:

Legal Services Corporation (www.lsc.gov)

Smithsonian Institution (www.si.edu)

State Justice Institute (www.clark.net/pub/sji)

United States Institute of Peace (www.usip.org)

Other Executive Branch Organizations:

Administrative Committee for the Federal Register

Advisory Council on Historic Preservation

American Battle Monuments Commission

Appalachian Regional Commission

Architectural and Transportation Barriers Compliance Board

Arctic Research Commission

Arthritis and Musculoskeletal Interagency Coordinating Committee

Barry M. Goldwater Scholarship and Excellence in Education Foundation

Citizens' Stamp Advisory Committee

Commission of Fine Arts

Committee for Purchase from People who are Blind or Severely Disabled

Committee for the Implementation of Textile Agreements

Committee on Foreign Investment in the United States

Coordinating Council on Juvenile Justice and Delinquency Prevention

Delaware River Basin Commission

Endangered Species Committee

Export Administration Review Board

Federal Financial Institutions Examination Council Appraisal Subcommittee

Federal Interagency Committee on Education

Federal Laboratory Consortium for Technology Transfer

Federal Library and Information Center Committee

Franklin D. Roosevelt Memorial Commission

Harry S. Truman Scholarship Foundation

Illinois and Michigan Canal National Heritage Corridor Commission

Indian Arts and Crafts Board

Interagency Committee on Employment of People with Disabilities

Interagency Savings Bonds Committee

J. William Fulbright Foreign Scholarship Board

James Madison Memorial Fellowship Foundation

Japan-United States Friendship Committee

Joint Board for the Enrollment of Actuaries

Marine Mammal Commission

Migratory Bird Conservation Commission

Mississippi River Commission

National Commission on Libraries and Information Science

National Council on Disability

National Occupational Information Coordinating Committee

National Park Foundation

Northwest Power Planning Council

Nuclear Waste Technical Review Board

Office of Navajo and Hopi Indian Relocation

Permanent Committee for the Oliver Wendell Holmes Device

Physician Payment Review Commission

President's Committee on Employment of People with Disabilities

President's Council on Integrity and Efficiency

President's Foreign Intelligence Advisory Board

Prospective Payment Assessment Commission

Susquehanna River Basin Commission

Textile Trade Policy Group

Thrift Depositor Protection Oversight Board

Trade Policy Committee

United States Holocaust Memorial Council

Veterans Day National Committee

White House Commission on Presidential Scholars

THE LEGISLATIVE BRANCH

House of Representatives

House Agricultural Committee

Subcommittees:

Department Operations, Oversight, Nutrition, and Forestry

General Farm Commodities, Resource Conservation, and Credit

Livestock and Horticulture

Risk Management, Research, and Specialty Crops

House Appropriations Committee: www.house.gov/appropriations

Subcommittees:

Agriculture, Rural Development, Food and Drug Administration, and related agencies.

Commerce, Justice, State, and Judiciary

Defense

District of Columbia

Energy and Water Development

Foreign Operations, Export Financing, and related programs

Interior

Labor health, and Human Services, and Education

Legislative

Military Construction

Transportation

Treasury, Postal Service. And General Government

Veterans Affairs, Housing and Urban Development and Independent Agencies

House Armed Services Committee

Subcommittees:

Military Installations and Facilities

Military Personnel

Military Procurement

Military Readiness

Military Research and Development

House Banking and Financial Services Committee: www.house.gov/banking

Subcommittees:

Capital Markets, Securities and Government Sponsored Enterprises

Domestic and International Monetary Policy

General Oversight

Financial Institutions and Consumer Credit

Housing and Community Opportunity

House Budget Committee: www.house.gov/budget

Subcommittees: No subcommittees

House Commerce Committee: www.house.gov/commerce

Subcommittees:

Energy and Power

Finance and Hazardous Materials

Health and Environment

Telecommunications, Trade, and Consumer Protection

Oversight and Investigations

House Education and the Workforce Committee: www.house.gov/eeo

Subcommittees:

Early Childhood, Youth and Families

Employer-Employee Relations

Oversight and Investigations

Postsecondary Education, Training, and Lifelong Learning

Workforce Protections

House Government Reform Committee: www.house.gov/reform

Subcommittees:

Census

Civil Service

Criminal Justice, Drug policy, and Human Resources

District of Columbia

Government Management, Information, and Technology

National Economic Growth, Natural Resources, and Regulatory Affairs

National Security, Veterans Affairs, and International Relations

Postal Service

House Administration Committee: www.house.gov/cha

Subcommittees: none

House International Relations Committee: [www.house.gov/international relations](http://www.house.gov/international_relations)

Subcommittees:

Africa

Asia and the Pacific

International Economic Policy and Trade

International Operations and Human Rights

Western Hemisphere

House Judiciary Committee: www.house.gov/judiciary

Subcommittees:

Commercial and Administrative law

Courts and Intellectual property

Crime

Immigration and Claims

United States Constitution

House Permanent Intelligence Committee: no Website

Subcommittees:

Human Intelligence, Analysis, and Counterintelligence

Technical and Tactical Intelligence

House Resources Committee: www.house.gov/resources

Subcommittees:

Energy and Mineral Resources

Fisheries Conservation, Wildlife and Oceans

Forests and Forest Health

National Parks and Public Lands

Water and Power

House Rules Committee: www.house.gov/rules

Subcommittees:

Legislative and Budget Process

Rules and Organization

House Science Committee: www.house.gov/science/welcome.htm

Subcommittees:

Basic Research

Energy and Environment

Space and Aeronautics

Technology

House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China: no Web site

Subcommittees: none

House Small Business Committee: www.house.gov/smbiz

Subcommittees:

Empowerment

Government Programs and Oversight

Regulatory Reform and Paperwork Reduction

Rural Enterprises, Business Opportunities and Special Small Business Problems

Tax, Finance, and Exports

House Standards of Official Conduct Committee: www.house.gov/ethics

Subcommittees: none

House Transportation and Infrastructure Committee: www.house.gov/transportation

Subcommittees:

Aviation

Coast Guard and Maritime Transportation

Economic Development, Public Buildings, Hazardous materials and Pipeline Transportation

Ground Transportation

Railroads

Water Resources and Environment

House Veterans' Affairs Committee: www.veterans.house.gov

Subcommittees:

Benefits

Health

Oversight and Investigations

House Ways and Means Committee: [www.house.gov/ways means](http://www.house.gov/ways_means)

Subcommittees:

Health

Human Resources

Oversight

Social Security

Trade

The Senate

Senate Agriculture, Nutrition, and Forestry Committee: [www.senate.gov/~agriculture /](http://www.senate.gov/~agriculture/)

Subcommittees:

Forestry, Conservation, and Rural Revitalization

Marketing, Inspection, and Product Promotion

Production and Price Competitiveness

Research, Nutrition, and General Legislation

Senate Appropriations Committee: www.senate.gov/~appropriations

Subcommittees:

Agriculture, Rural Development, and Related Agencies

Commerce, Justice, State, and the Judiciary

Defense

District of Columbia

Energy and Water Development

Foreign Operations

Interior

Labor, Health and Human Services, and Education

Legislative branch

Military Construction

Transportation

Treasury, Postal Service, and General Government

Veterans, Affairs, Housing and Urban Development, and Independent Agencies

Senate Armed Services Committee: [www.senate.gov/~armed services](http://www.senate.gov/~armed_services)

Subcommittees:

Acquisition and Technology

Air land Forces

Personnel

Readiness

Sea Power

Strategic Forces

Senate Banking, Housing, and Urban Affairs: www.senate.gov/~banking

Subcommittees:

Financial Institutions and Regulatory Relief

Financial Services and Technology

Housing Opportunity and Community Development

International Finance

Securities

Senate Budget Committee: www.senate.gov/~budget

Subcommittees: none

Senate Commerce, Science, and Transportation Committee: www.senate.gov/~commerce

Subcommittees:

Aviation

Communications

Consumer Affairs, Foreign Commerce, and Tourism

Manufacturing and Competitiveness

Oceans and Fisheries

Science, Technology, and Space

Surface Transportation and Merchant Marine

Senate Energy and Natural Resources Committee: www.senate.gov/~energy

Subcommittees:

Energy Research and Development, Production and Regulation

Forests and Public Land Management

National Parks, Historic Preservation, and Recreation

Water and Power

Senate Environment and Public Works Committee: www.senate.gov/~epw

Subcommittees:

Clean Air, Wetlands, Private Property, and Nuclear Safety

Drinking Water, Fisheries, and Wildlife

Superfund, Waste Control, and Risk Management

Transportation and Infrastructure

Senate Finance Committee: www.senate.gov/~finance

Subcommittees:

Health Care

International Trade

Long-term Growth, Debt and deficit Reduction

Social Security and Family Practice

Taxation and Internal Revenue Service Oversight

Senate Foreign Relations Committee: www.senate.gov/~foreign

Subcommittees:

African Affairs

East Asian and Pacific Affairs

European Affairs

International Economic Policy, Export and Trade Promotion

International operations

Near East and South Asian Affairs

Western Hemisphere, Peace Corps, Narcotics, and Terrorism

Senate Rules and Administration Committee: www.senate.gov/~rules

Subcommittees: none

Senate Select Committee on Ethics:

Subcommittees: none

Senate Select Committee on Intelligence

Subcommittees: none

Senate Small Business Committee: www.senate.gov/~sbc

Subcommittees: none

Senate Special Committee on Aging: www.senate.gov/~aging

Subcommittees: none

Senate Veterans Affairs Committee: www.senate.gov/~veterans

Subcommittees: none

Joint Committee on Printing: www.house.gov/

Subcommittees: none

Joint Committee on Taxation: www.house.gov/jct

Subcommittees: none

Joint Committee on the Library: www.senate.gov/~jcloc

Subcommittees: none

Joint Economic Committee: www.senate.gov/~jec

Agencies of the Legislative Branch

Architect of the Capitol: www.aoc.gov/

Congressional Budget Office: www.cbo.gov/

General Accounting Office: www.gao.gov/

Government Printing Office: www.access.gpo.gov/

Library of Congress: www.loc.gov/

United States Botanical Garden: no Web site