

By **DAN DANIEL**

NATIONAL COMMANDER,
THE AMERICAN LEGION



Attacks

THE CONSTITUTION OF THE United States was planned not just for the period in which it was drafted, but for all time. Delegates to the Constitutional Convention therefore made it flexible enough to cover all foreseeable eventualities.

"In framing a system which we wish to last for ages," said Madison, "we should not lose sight of changes which age will produce."

Over the years our Constitution has been amended in accordance with provisions written into the Constitution itself, but few people realize how many attempts have been made to change the Constitution's words and guarantees. When you next visit the Nation's Capital, a few hours spent in the National Archives Building will prove enlightening on this score. There you will find preserved 4250 proposed constitutional amendments—a vast majority of which were not in our best interest—which men have tried to force on us, and which past Congresses had to study, warn against, and defeat.

Here you will find the Constitution's enemies we escaped, sometimes by a frighteningly close margin. Each of our Congresses has had to consider between 40 and 80 constitutional changes, and it has been only through legislative vigilance and wisdom—and the alertness of citizens who sent Senators and Congressmen to Washington—that we have prevented ratification of ideas many groups wanted to effect, under which they could impose their peculiar ideologies on the rest of us.

There was, for instance, the insistent Washington argument that we had too many diverse States, that we would prosper better as a nation if States were abolished and the country divided into just four large territories. Unable to ride that through Congress the perpetrators came back, later, to another Congress, with a proposed amendment for giving the President authority to veto State laws. Failing to catch our ancestors off-guard, they came back again with a proposed amendment installing each President in federal power for life.

Reading of past efforts to change the Constitution, some proposed amendments sound as ridiculous, today, as others were dangerous. One proposed amendment would have changed the name of our nation to "The United States of the Earth." The men behind that scheme returned with another proposal for name-changing: "The United States of the World." Then the men who didn't like our Constitutional name tried again: We should rename ourselves "America."

We are not today, nor have we ever been, united states of the earth, or of the world; nor are we America. We are a sovereign part of the vast America that stretches from the Arctic to the Antarctic; our distinction is that we are the only *united* states of a republic in the hemisphere—The United States of America. The thought comes quickly to some of us, as we study these old defeated proposals, that our more recent Congressional sentinels failed us, as appraisers of deceptive semantics, when they ratified us into a 20th Century "United Nations" which never were and never will be *united*.

Let's look at a few other proposed changes, while we are on the subject: Some among us tried to get Constitutional

Thousands of attempts have been made to change our Constitution. Many of the proposed changes were ridiculous, others dangerous.

amendments through our Congresses which would have prohibited ministers of the Gospel from holding public office; prohibited divorce; taken citizenship away from any man or woman who accepted any honor, present or "emolument of any kind" from a foreign government; legalized the election of naturalized aliens as future Presidents; taxed all exports; substituted a federal law for our state laws regulating marriages; prohibited citizens from marrying aliens; taxed incomes derived from state tax-free securities; authorized the federal government to conscript private property in emergencies or wartime without compensation to the owners.

There have been more attempts to break down the Constitution's limitations on Presidential powers than any other subject. Over 450 amendments have been proposed for



President Roosevelt and his first-term cabinet. In this administration the executive branch of government was anxious to get certain laws on the books. The 73rd Congress bowed to the will of the White House, but the Supreme Court checked much of this legislation by declaring it unconstitutional.



on the Constitution

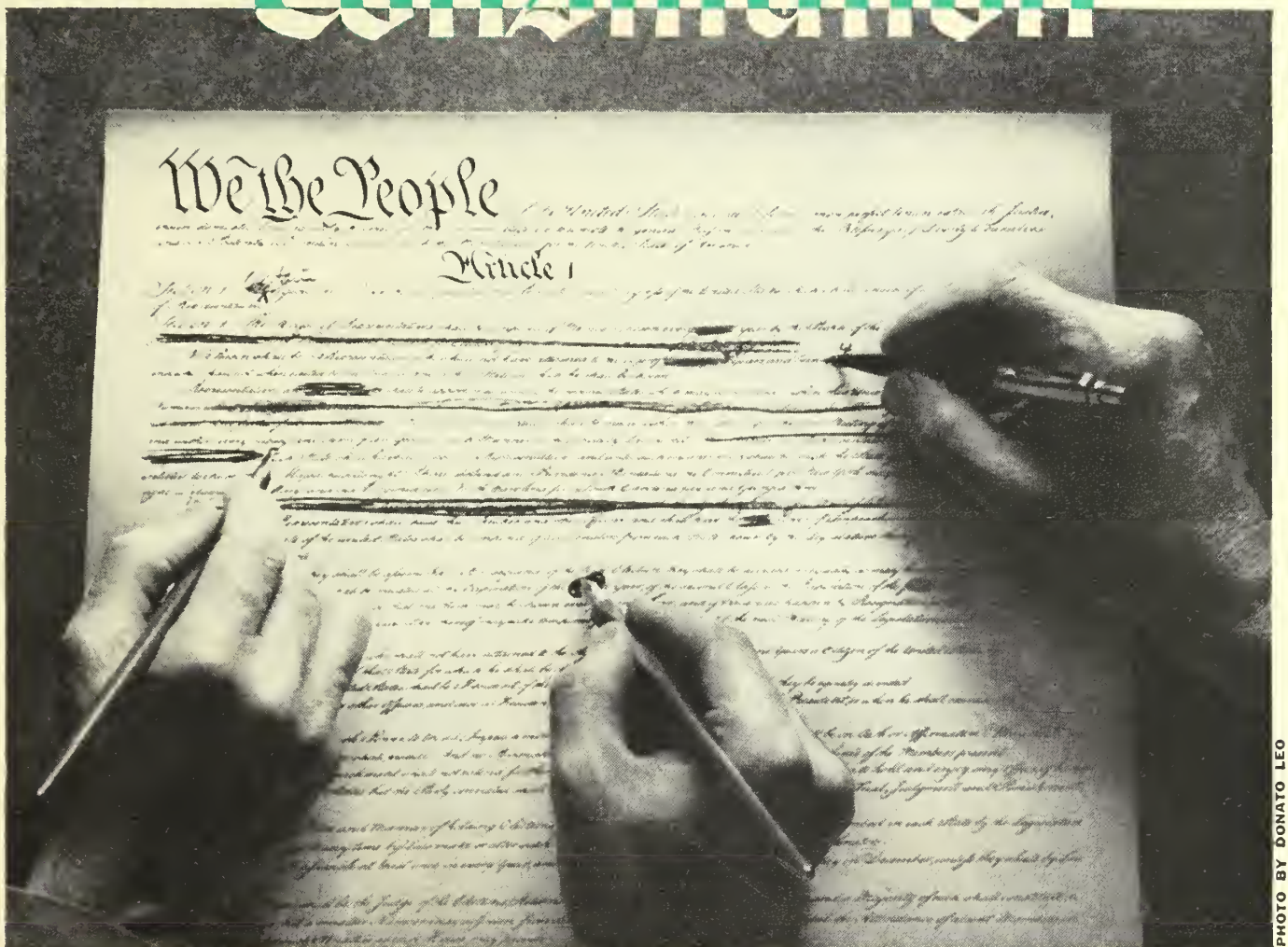


PHOTO BY DONATO LEO

A few words changed here and there would give us a different kind of government.

changing our process of electing a President and for increasing a President's authorities while in office. Wisdom and alertness won all these battles. *We The People*, to make our national opinion legal, initiated and ratified our own Amendment, limiting each President to two terms. There are men in Washington, today, hard at work trying to propa-

gandize us into rescinding that wisdom by accepting a new amendment extending again the right of Presidential White House occupancy.

Our two methods of expressing the purpose of the people by amendment of the Constitution are set forth in Article V. If two-thirds of the members of both houses of Congress think an amendment necessary, Congress can take the initiative *and propose the Amendment*. If the legislatures of two-thirds of our States think it necessary, and request it, Congress *must* call a Convention for the purpose of *proposing the Amendment*. In either case, there must be ratification of any amendment *so proposed* by vote of three-fourths of the States, either through the legislature of the State or through a State Convention convened for that purpose. Therein *We The People* have a double check and final vote.

Of the Amendments we have allowed, the first ten, known as our Bill of Rights, were proposed in the first Congress, September, 1789. By December 15, 1791, eleven of the original states ratified them. Since then we have concurred in the need for only 12 new Amendments. One of them, the 21st, was a second-look, better informed decision to wipe out a previously allowed Amendment, the 18th, by which we handed over to the federal government the power to prohibit the manufacture, transportation and sale of alcoholic liquors in any of our states. We regained that power from the federal bureaucracy and returned it to the states. *We The People* have approved an average of only (Continued on page 44)



The present Supreme Court is being widely criticized because of decisions which provide legal loopholes for members of the communist conspiracy and crooks.

ATTACKS ON THE CONSTITUTION

(Continued from page 15)

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one Amendment in each 17½ years.

Our most recent change, limiting Presidents to two 4-year terms (and Vice Presidents who serve more than two years to only one 4-year elected term) came out of complex experience which if continued could have very well led to totalitarian statism.

On February 25, 1913, by Amendment Number XVI, we gave the Federal Government the greatest source of its power and control over our lives. Upon that Amendment rests the power of the Federal Government "to lay and collect taxes on incomes from whatever source derived." The result has been the graduated tax upon incomes, under which a mushrooming federal bureaucracy flourishes and is confiscating more and more of our pay checks, old age investment dividends and the capital to continue the growth and job opportunities of our free enterprise economy. The section of the Constitution which we permitted to be amended provided that Congress could not levy unequal taxes upon us as individual citizens. The Amendment was adopted when we were approaching World War I and under representations to the people that the tax levy would be only a nominal 1% or 2%. *We The People* must, in our suffering, "trim the locks" of this Giant and at least find some way to limit the vast power inherent in this Amendment of our fundamental law.

Experience has brought many of us also to the fact that, without legally amending the Constitution, crafty men have found an easier way, they think, to subvert our Constitutional rights and laws: by slipping through the Senate a ratification of some "treaty" with a foreign government, or United Nations involvement, which, without our realizing it, will supersede our own federal and state laws. We have seen that deft men, knowing the impossibility of getting their schemes of regimentation accepted by us through public Constitutional Amendments, have—more than once—made them "Constitutional" (in spite of our courts) by inserting slick paragraphs and phrases into some treaty signed by a President and ratified quickly by a mere two-thirds vote of Senators present. *We The People*, caught off guard by this device of "treaty law," have been for five years drafting, and redrafting, a new amendment which will, in the future, prevent the words of any treaty from nullifying the laws of our states, or of the Congress. A clarifying and concise amendment to prevent the encroachment of our rights by treaty law is imperative.

Most of the Amendments that have obtained our consent have succeeded

only after mounting national insistence and several unsuccessful starts, and have often been initiated by alert citizens rather than by the selfish brand of politicians. Beginning with only seattered support, secured by citizen-to-citizen mail, and then gathering strength as *We The People* became better informed they have been adopted.

The test *We The People* should apply to any proposed amendment is: Does it preserve and add to the personal and community rights our citizens already enjoy? Or does it whittle away rights we have legally inherited? Does it preserve and fortify our sovereignty as a state or republic? Or does it subject us to domination by or involvement in internationalistic mirages?

The only reason for us to ratify a new Amendment is a necessity for affirming new powers for the people of the United States. History gives us two examples of fraudulently devised "Constitutions" which seemed to grant all sorts of rights and liberties to citizens, yet allowed dictatorships to enslave them and involve them in international catastrophes from which they will never recover. These are the "Constitution" of Nazi Socialist Germany under which Hitler regimented the German people, and the "Constitution" of the Soviet regime under which Stalin and his successors have filled Russia's slave labor camps and liquidation prisons with Russians.

Into each of these paper documents there was inserted a short paragraph which stated that all the liberties and securities granted in preceding paragraphs were to be enjoyed by citizens "according to law." The paragraph omitted saying that the liberties and securities listed would come to the people according to laws issued by *Hitler and Stalin*. Neither the Nazi nor Soviet "Constitution" contained any brakes on laws decreed daily by a dictator. The Germans and Russians awakened to this deception when it was too late, when they discovered that each liberty or security itemized in their "Constitutions" was taken away from them by a tricky little phrase they had failed to analyze: "according to dictated law."

The Senators and Congressmen we elect, and the Supreme Court Justices affirmed by the Senate after public hearings, are responsible for preventing any such trickery from ensnaring us. Nor can we be complacent. For instance, we must be alert to the fact that it may be easier for the enemies of our Constitution to subvert nine Supreme Court Justices than 96 Senators and 435 Congressmen. We have had Presidents who tried to usurp the Constitutional au-

thorities of our Congress and there is disturbing evidence that we may have Supreme Court Justices who will try not to interpret the Constitutionality of Congressional laws but to make laws or "decrees" for us. A subverted Supreme Court will be more dangerous to us than an infiltrated Congress.

Up to now there have been fewer amendments aimed at curtailing the powers of the Supreme Court, supposed guardian and interpreter of the Constitution, than at the two other balanced branches of the federal government—the legislative, which makes our laws, and the executive, which carries them out. From 1789 to 1933 *We The People* concurred in Supreme Court decisions which ruled un-Constitutional 64 laws and 84 parts of laws passed by Congresses. The first act of a Congress which was ruled illegal was an act, in 1789, that would have greatly increased the powers of the Court itself; Chief Justice Marshall and six scholarly Justices unanimously agreed that Supreme Court power should not be increased.

More acts of the 73rd Congress—1933-35—were found un-Constitutional by the Supreme Court than of any other previous or subsequent Congress. The 73rd Congress was labeled "Rubber Stamp Congress" because it passed all sorts of trick laws sent to it from a White House "brain trust." Among these were the Agricultural Adjustment Act of 1933; the National Industrial Recovery Act of 1933; the Gold Clause Repeal Resolution of 1933; the Bankruptcy Act of 1934; the Railroad Retirement Act of 1934; and the Guffey Coal Conservation Act of 1934. Only an alert Supreme Court saved us from the unusual and unwise actions of the 73rd Congress. There is growing concern that the Supreme Court will not remain the sentinel *We The People* can depend

on. In the light of recent experience it is evident that the power of the Court must be curtailed by appropriate and immediate legislation. A subverted Supreme Court can make our wishes, as acted upon by our Congress, futile; liquidate the Constitutional authorities of our Congress to act as our alert Washington investigator; decree traitors and traitorous acts as "legal"; allow socialistic agents and acts to creep into every corner of our Republic—just by its month to month "decisions." There is a liability, as well as an asset, in the fact that a Supreme Court Justice holds office for life. If we allow the wrong kind of man to be nominated by a President and affirmed into this lifetime authority by a passive majority of the Senate present, we have only ourselves to blame. Our Constitution has given us the weapon for protecting our Republic and our communities from Supreme Court dictation.

Make certain, now in September, 1957, that your copy of the Constitution is always handy for reference. There can be no more worthwhile moments spent by our citizens than in the rereading, in family gatherings, Legion Posts, and community halls, of this unique document—so intellectually and patriotically astute that even England's great scholar and Prime Minister, William Gladstone, singled it out as "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Beware of voices from Washington, or the men or women in your own community, who try to insult your intelligence by saying that our Constitution, while good enough for us as a small nation, is today "outmoded," needs to be "modernized" and made more "progressive." About the only thing our Constitution will ever need will be increased adamance against sub-

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This is not an easy task for Americans with a live-and-let-live credo. But these are times when enemies, domestic and foreign, force it on us.

We The People are men and women of very good will, handicapped at times by our native lack of suspicion of those who would destroy us, by our instinctive feeling of security and our desire for community tranquility, rather than controversy. But we must remember that it is our Constitution, alone, that provides our security and tranquility.

THIS WAS TOKYO "D" PLUS "I"

(Continued from page 13)

nese civilians had somehow gathered together scraps of burned and rusted corrugated tin and had erected little shanties, a sort of run-down Erector-set village. Occasionally you'd see a Japanese gentleman step out of his hut, stark naked. He'd wash his face in a basin, defecate (that seemed to be constant), and look around in a sort of daze.

We got through Kawasaki and came to a long bridge; at the far end of it there was a roadblock. Two Japanese Army privates waited. They were in the familiar olive uniform.

"Tokyo?" Birch called, pointing ahead.

The sentries bowed, saluted, and knocked themselves out speaking rapidly in Japanese. They seemed to be trying to make us feel we should not proceed, but that they would not stop us from doing so. We proceeded.

We had a feeling that by this time we were pretty definitely on the outskirts of Tokyo, which at this moment was the Long Promised Land. We were that close, we saw in a short time. It was like entering New York via New Rochelle, or Chicago via Gary, or Boston via Malden. A gradual process of running into heavier traffic, larger buildings.

As we moved closer to the dead center of Tokyo, the devastation grew noticeably less. This was because we were moving away from the industrial sectors and closer to the business districts—and the Imperial Palace, moat and all.

Now people stared at us in abandoned amazement. We were goldfish in a bowl—that GI jeep was probably the first one these Japanese civilians had ever seen. They looked sullen. It was not a pleasant feeling. We were people from a spaceship who had landed in the middle of the neon of Times Square. War or no war, this was a teeming metropolis

There will never be more than a divisive minority among our millions who won't want to hand down opportunity and tranquility to our grandchildren. We must make certain that the votes, the voices and the writings of any such minority do not sound louder than ours—in Washington.

We have learned by experience to tack a card near our phones in case we need policemen or firemen quickly. We should keep the names and addresses of our Senators and Congressmen, and our State legislators, equally handy on our writing desks—so our votes, past and future, are not forgotten.

That is the answer to "What can I do?"

We The People, by intelligence and vigilance, can do whatever we want to do to preserve our Constitutional rights and liberties!

THE END

and we, in our khaki, must have been a forbidding sight to these lately-defeated people. Japanese soldiers by the gross mixed with civilians. They were in uniform. They had rifles. They walked, bicycled, stared as they stood on the curbs.

"No troops," Petit said.

"Plenty," Milligan said. "But the wrong kind."

We went past what we knew must be the Tokyo Grand Central Station—tracks streamed out of it on all sides, like a mass of sprawling confetti. More Japanese clogged the path. More stared. The buildings were getting larger—eight and ten stories now—and the road was suddenly carrying us alongside a moat. The moat, we were sure.

On both sides of the road were small, fat willow trees. In the middle of the road were islands of them. Then, far off to the right, we saw a big, white building. It was four or five stories high, from a quick look, and as flat on top as a 20-cent hamburger. Spires mounted into the sky.

This had been the dream since boot camp. Nobody had really expected to get to Tokyo. We were here, we were looking at it. We could not speak, just stare.

Hunter made a couple of sharp turns and could not stop driving, entirely, on the right side of the road. Bicyclists avoided us like geese avoid buckshot. Now we were in the heart of what we knew must be the business district. Because the business district looks the same, Terre Haute or Tokyo.

Eight and ten stories was the measure of all of them. Conservative, impressive, efficient looking. But every one was burned out by incendiaries, down to the second floor.