HOW THE SUPREMES BETRAYED THE STATES

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The progressives of today may not be communists, or even socialists – depending on one's definition – but they are indeed statists. They look to the government and the power of the masses to assure equality of results among the citizenry instead of providing equality of opportunity as a true laissez-faire society would.

~ Joe Charlebois

In the introduction to my second book, "The Inseparability of Law and Morality," I launched my apologetic in defense of the rule of law, natural law and the original intent of the framers of the Constitution. I took as my text the First Amendment and it's poetical refrain, "Congress shall make no law …":

Amendment 1

"Congress shall make no

"Congress shall make no law respecting an establishment of religion, or

[Congress shall make no law] prohibiting the free exercise thereof; or [Congress shall make no law] abridging the freedom of speech, or

[Congress shall make no law] abridging the freedom of the press; or

[Congress shall make no law] prohibiting the right of the people to peaceably assemble, and

[Congress shall make no law] prohibiting to petition the government for a redress of grievances." law respecting an establishment of religion, or

[Congress shall make no law] prohibiting the free exercise thereof; or [Congress shall make no law] abridging the freedom of speech, or

[Congress shall make no law] abridging the freedom of the press; or

[Congress shall make no law] prohibiting the right of the people to peaceably assemble, and

[Congress shall make no law] prohibiting to petition the government for a redress of grievances."

Like the proverbial hydra of Greek mythology, the deadly multi-tentacles of what I've termed the "Progressive Revolution" have so reached, affected and deconstructed every aspect of truth, law, politics, economics, culture and society that today it is nearly impossible to deduce what our Founding Fathers actually envisioned the laws of the country to be. Over the past 100 years, Congress, the president and the courts have so expanded federal power as to make states rights a dead letter. The so-called "Incorporation Doctrine" is a shameless example of the Supreme Court overstepping its enumerated powers by ruling that the 14th Amendment makes the Bill of Rights applicable to state law as well as federal law.

In the case of Barron v. Baltimore (1833), before the 14th Amendment was ratified and before the Incorporation Doctrine was developed, the U.S. Supreme Court first clearly affirmed that the Bill of Rights is applicable only to the federal government and not to the state governments. Then, in the case Gitlow v. New York (1925), which occurred in the heyday of the Progressive Era, the Supreme Court broke the settled precedent in the Barron case and unconstitutionally ruled that the 14th Amendment forbids states from prohibiting free speech. The defendant was properly convicted under New York's criminal anarchy law for advocating the violent overthrow of the government through the distribution of pamphlets promoting communism.

In an internecine struggle, Benjamin Gitlow, "a member of the 'left wing' of the Socialist party," wrote a paper repudiating the "moderate" wing of the party. But Gitlow didn't just exhibit the classic communist propaganda of the time. His speech went outside mere abstract analysis and predictions and called for tactical action. For example, Gitlow had urged "mass strikes for the purpose of fomenting … disturbance." In doing this, Gitlow had committed a crime against the State of New York, which had a criminal anarchy law forbidding such conduct.

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