



## **HISTORICAL ERROR** © Authored by LB Bork [lb@pacinlaw.org](mailto:lb@pacinlaw.org) *Another look at Section 2 of the Fourteenth Amendment*

### **INTRODUCTION**

Remarkably, there are many Historians and Constitutionalists who believe that Section 2 of the infamous *Fourteenth Amendment* has something to do with precluding Southern folks (*so-called* “rebels”)<sup>1</sup> who engaged in the *so-called* Civil War<sup>2</sup> from being able to participate in the *puppet state governments* that were *forcibly installed* by the “United States” after *the War*. Although this “preclusion” was one of the “events” that had taken place during that period of time... That *is not* what Section 2 says or formulates.

Wherefore, the intention of this paper is of purpose to illustrate the error of their ways.

### **FORWARD**

First off we should note that Noah Webster established an *insurgent* is one that breaks the law of his country or government. Here is the definition as set forth in the 1820’s:

- **INSURGENT.** A person who rises in opposition to civil or political authority; one who openly and actively resists the execution of laws. [See insurrection.] An insurgent differs from a rebel. The insurgent opposes the execution of a particular law or laws; a rebel attempts to overthrow or change government, or he revolts and attempts to place his country under another authority. All rebels are insurgents, but all insurgents are not rebels.

The original—or *de jure*—political power of each state in the American union was held by each state in the original constitutional premise. This *was not* a power of the United States, *i.e.* the Federal Government. As a sovereign measure, each State could set its own parameters on how elections were to be held, *i.e.* who could vote for whatever reasons set forth. In example, the *federal government* lacked authority to direct that women vote in any election. This was a state right held by the states prior to the Fourteenth Amendment. The premise is usurped by the 19th Amendment of the *new constitutional system*.

The political authority of each Union state is the ultimate power which governs a country. In other words, without the consent of “people”<sup>3</sup> or the body politic of any given country, there can be no government and wherefore no law can be forced on its people.

With that said you should know that each state in the Union is deemed a country:

- **COUNTRY.** By country is meant the state of which one is a member.<sup>4</sup>

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1 **REBELS.** A term loosely but incorrectly applied to the Confederate Forces engaged in the Civil War. *30 Am J Rev ed Insurr § 2*

2 Actually, *The War Between the States*. Or more aptly, the war between the American nations.

3 See this information at: [http://www.pacinlaw.org/pdf/Sovereigns\\_without\\_Subjects.php](http://www.pacinlaw.org/pdf/Sovereigns_without_Subjects.php)

4 Bouvier’s Law Dictionary, 1856

That definition is taken from Bouvier's Law Dictionary, 1856. It is of much importance that everyone understands that each state in the Union is a *country* and *nation*.

Now back in reference to the term *insurgent* above: note that a *rebel* is of mind to put *his country* under another authority. Again, the *political power* of a *country* is held as the ultimate power. This is inherent to the states *via* the people, not the federal government. Again, no people, no consent, hence no law can be established by a government. In the American system of republican government, the act of voting is that ultimate consent.

## SECTION 2 OF THE 14TH AMENDMENT

Below is the language of Section 2 of the Fourteenth Amendment:

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.

Firstly, why is this section written in such a convoluted manner? One should ask himself:

- Is someone attempting to hide something here?

Remember, *rebels* have of the primary purpose of turning the sovereignty of their country over to another power. The Confederate States in the *War Between the States*<sup>2</sup> were not doing this at all... They—the *states*—are the power, not the United States.

## THE EVIL BURIED IN SECTION 2

Before we proceed with the detailed assessment of Section 2 of the amendment, let us evidence the stealthy language that is ingeniously buried into Section 2 of the Fourteenth Amendment. It shows how the *inhabitants* (or *de jure* state citizens) of the several States are tricked into turning over their “*lawful*” political power to an *insurgent governmental system* under the legal operations found in the Fourteenth Amendment:

“...*the right to vote at any election... is denied... except for participation in rebellion, or other crime...*”

That is the pertinent language that had been cleverly buried in the *usurpation* formula; such language which has eluded the *so-called* “scholars” the past 135 plus years.

Now we shall go onto the breakdown of this *intentionally* convoluted section.

## INTRODUCTION TO ANALYSIS OF SECTION 2

First, the relevant part of Section 1 of the Fourteenth Amendment which is an element of the Section 2 formula to subvert the original *lawful bodies politic* in the several states:

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.

It should be noted that Section 1 establishes the new “*citizen of the United States*” status. Simply put, this creates the new *so-called* “dual” or “federal” citizenship<sup>5</sup> under this amendment. It is very important to note that this *dual citizenship* status did not exist prior to the *forced* “implementation” of the infamous amendment. We also should note that the amendment is applied to all people—or *persons* as the amendment establishes—who are found in the several states in manner of representation by Congress.<sup>6</sup> It should be noted that the term “*persons*” is considered to be an element of the Section 2 problem.

Now, this is where some confusion takes place. It is ventured that some people who analyze this section forget that this section of the Fourteenth Amendment overrides the congressional representation apportionment that is found in the main body of the original Constitution.<sup>7</sup> Wherefore, the representation clause found in Section 2 applies to all the *states* in the Union, not just the Confederate States. Accordingly, they write-off the main mechanics of this section to be outdated and of no affect today. The problem is that the section operates in its full capacity today along with its gradual modifications.

With that established, due to the fact that during the explanation of Section 2 warrants us to prune language to fit its contemporary meaning. The modifications are as follows:

- **AMENDMENT XV.** 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.

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- 5 **DUAL CITIZENSHIP.** Citizenship in two different countries. Status of “citizens of United States” who reside within a state, *i.e.* persons who are born or naturalized in the United States are “citizen of the United States” and the state wherein they reside, see Fourteenth Amendment of the US Constitution. *Black’s Law Dictionary, Sixth Edition*
- FEDERAL CITIZENSHIP.** Rights and obligations accruing by reason of being a citizen of the United States. State or status of being a citizen of the United States. A person born or naturalized in the United States and subject to the jurisdiction thereof is a citizen of the United States and of the State wherein he resides. Fourteenth Amendment, United States Constitution. *Black’s Law Dictionary, Sixth Edition*
- 6 “In the first place, we ask that they will agree to certain changes in the Constitution of the United States; and, to begin with, we want them to unite with us in broadening the citizenship of the Republic. The slaves recently emancipated by proclamation, and subsequently by Constitutional Amendment, have no civil status. They should be made citizens. We do not, by making them citizens, make them voters,—we do not, in this Constitutional Amendment, attempt to force them upon Southern white men as equals at the ballot-box; but we do intend that they shall be admitted to citizenship, that they shall have the protection of the laws, that they shall not, any more than the rebels shall, be deprived of life, of liberty, of property, without due process of law, and that “they shall not be denied the equal protection of the law.” And in making this extension of citizenship, we are not confining the breadth and scope of our efforts to the negro. It is for the white man as well. We intend to make citizenship National. Heretofore, a man has been a citizen of the United States because he was a citizen of some-one of the States: now, we propose to reverse that, and make him a citizen of any State where he chooses to reside, by defining in advance his National citizenship—and our Amendment declares that “all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside.” This Amendment will prove a great beneficence to this generation, and to all who shall succeed us in the rights of American citizenship; and we ask the people of the revolted States to consent to this condition as an antecedent step to their re-admission to Congress with Senators and Representatives.”
- The Reconstruction Problem, James Blaine, Skowhegan, Maine (August 29, 1866) Page 64.*
- 7 See the details in Article I, Section 2, Paragraph 3, of the Constitution.

- **AMENDMENT XIX.** 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.
- **AMENDMENT XXVI.** The right of *citizens of the United States*, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Remember reference to those amendments will be made in the breakdown of Section 2; but before we precede, some comments on these three amendments:

**The Fifteenth:** The term “citizen” means *political rights* in American law. It had been stated by the drafters of the Fourteenth Amendment that the amendment only provided *representation in Congress and Due Process of Law* to these *persons*, i.e. *citizens of the United States* (see Footnote 6). However, although they were *citizens of the United States*, they did not have voting rights per the amendment. Are they to say that they are not “state citizens” as all the other persons in the states? If so, how can they participate in state elections? Answer: must be the 15th Amendment. Here we see a major perversion in the meaning of “citizen”.<sup>8</sup> Just part of the con-game that was needed to get *everyone* sucked into the *usurpation governmental system*.

**The Nineteenth:** The *common law* of the states did not allow women to get involved in politics. Again, it was up to the *states* to determine who voted in elections and who did not. This is further *prima facie* evidence of the *new* governmental system.

**The Twenty-Sixth:** The *common law* age for most of the states for minors to enter into contract *was* 21 years of age. To bypass this, Congress lowered the voting age. It is ventured that they needed more bodies for the Vietnam War and this despicable measure allowed the common law *children* 18 years old to then be drafted.

Having established those matters, now on to the in-depth explanation of Section 2:

## PROPER ANALYSIS OF SECTION 2

Again, below is the confusing language of Section 2 of the Fourteenth Amendment. To give the amendment its contemporary meaning, the relevant words are stricken:

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.

Thus we have the following in its present or contemporary form:

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,

<sup>8</sup> See *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1856) for true elements of citizenship.

the Executive and Judicial officers of a State, or the members of the Legislature thereof, *is denied* to any of the inhabitants of such State, being *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 citizens shall bear* to the *whole number of citizens* in such State.

On its face the purpose of Section 2 is to establish the *new* congressional representation. However, it is also doing the following things in a stealthy manner:

- 1) Enfranchises the new “citizens of the United States”;
- 2) Disenfranchises the “state citizens”;
- 3) Disallows “citizens of the United States” to participate in elections for committing crimes;
- 4) Makes all *de jure* “state citizens” turn over the political power of their countries to the United States, *i.e.* act in rebellion.

With that established, we first need to understand what the main phrases that are buried in the second sentence are which most people have overlooked. The phrases are:

- a) Is denied;
- b) In any way abridged;
- c) Except for participation in rebellion;
- d) Or other crime;
- e) The basis of representation therein shall be reduced;
- f) Such citizens shall bear;
- g) Whole number of citizens.

Understand that the main *operative* objective of Section 2 is to enfranchise “citizens of the United States” and disenfranchise the *de jure* “state citizens”. However, the obvious outcome of this formula is to establish the number of representatives for each “State” in Congress. That is the crux of what is being established with Section 2. The main question is: What is all the extra language to relate in this *intentionally complex* formula?

Keeping the above in mind, let us look at phrase (f) “*such citizens shall bear*”. This is a most important phrase. These “*such citizens*” are the *only ones* aforementioned in the same sentence, which are “*citizens of the United States*” (the *new-fangled* federal ones). The words or phrase “*shall bear*” is in fact the disenfranchisement clause. In other words, all the “*state citizens*” who are now deemed “*citizens of the United States*” are forcing their will of the new *political status* on the rest of the “*inhabitants*” of any such State.<sup>9</sup> We must keep in mind that Section 1 creates the *citizen of the United States* “person”.<sup>10</sup>

Before we go into the fine details of Section 2, let us sample what people who have been misdirected in what this section *is believed* to say. Below is a *fabricated* sample:

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9 It should be noted that all “inhabitants” were of the *white race*, see: “An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject. Approved April 14, 1802. Sec. 1. Be it enacted, &c, That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them...” This would beg the question that, all other *non-white* people must be “*natural persons*”.

10 “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.”

- Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State. But when the right to vote at any election for the Federal and State officers is denied to any citizens of the United States for participation in rebellion, the basis of representation therein shall be reduced.

Note that the word “*except*” in the clause “*except for participation in rebellion*” had to be removed. These *so-called* scholars apparently have trouble executing sentence structure and unfortunately have defaulted to what has been “*spoon fed*” to them by whomever.

Now let us go onto the detailed explanation of the cluttered language.

**LEGEND OF BREAKDOWN ANALYSIS:**

CONTENT = Relevant content to the formula of Section 2 (and Section 1).

EDIT = Language that is taken out as superfluous. Bullet explains why omitted.

EXPLANATION = Explanation in regard to relevant progressive language.

REVISED = Represents substituted language to limit words.

We can now fully analyze Section 2 of the Fourteenth Amendment:

**CONTENT ‘A’:** Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.

**EDIT:** “excluding Indians not taxed”

- Indians are precluded people in Constitution, *i.e.* separate nations.

**EXPLANATION ‘A’:** All people that are found within the borders of any one of the several states were going to be represented by Congress as “persons”. However, this new “insurgent” governmental system has chosen to uphold the original premise of the Constitution. The spin is that it sets-up a dual system of law which deals with “natural persons”. Ultimately “natural persons” are represented by Congress as *US citizens*.

**CONTENT ‘B’:** “But when”

**EXPLANATION ‘B’:** This denotes that something else is going to happen. It has been established that all “persons” in the States are represented in the first sentence. This is going to change within this second sentence. Again, the main goal of this section is to *reduce* the whole number of persons in the first sentence.

**CONTENT ‘C’:** “The right to vote at any election”

**EXPLANATION ‘C’:** This is simply stating there is a right to vote.

**CONTENT ‘D’:** “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”

**EXPLANATION ‘D’:** These people are representative of the new governmental system. Which include the international organization (*i.e.*, the United States) officers that are: The President and Vice-President of the United States and Representatives in Congress; the government officers of the States (the Executive and Judicial officers of a State, or the members of the Legislature thereof), which are all “insurgent” government officers. In a revision, they can effectively be referred to as *Federal and State officers*.

**REVISED ‘D’:** ‘for Federal and State officers’

**CONTENT ‘E’:** “is denied to any of the inhabitants of such State”

**EXPLANATION ‘E’:** This is coupled with the previous language from ‘A’, ‘B’, ‘C’ & ‘D’ and is illustrated as such: “*But when the right to vote at any election for Federal and State officers is denied to any of the inhabitants of such State...*”

**CONTENT ‘F’:** “being citizens of the United States”

**EXPLANATION ‘F’:** This clause is simply stating that the ones that are allowed to vote must be the new federal citizens, *a.k.a.*, citizens of the United States (United States citizens).

**CONTENT ‘G’:** “or in any way abridged”

**EXPLANATION ‘G’:** We now have two parameters of how a citizen of the United States may not be able to vote: But when the right to vote: 1) is denied; 2) or abridged. This has to be coupled with how or why they can or cannot vote. This is coming up next.

**CONTENT ‘H’:** “*except for participation in rebellion, or other crime*”

**EXPLANATION ‘H’:** We have now the two reasons why the *ex-state citizens* (who are now considered *citizens of the United States*) cannot vote. 1) They cannot vote except for participation in rebellion; or, 2) For committing other crimes. The right to vote is reduced to anyone that commits other crimes under the current system. In other words: anyone that commits a felony under the *new system* cannot vote. The separation of the two clauses applies as follows: The right to vote is denied *except for participation in rebellion*; 2) The right to vote is abridged *for committing a crime*.

**CONTENT ‘I’:** “the basis of representation therein shall be reduced”

**EXPLANATION ‘I’:** This is where the *reduction of representation of persons* is noted.

**CONTENT ‘J’:** “in the proportion which the number of such citizens”

**EXPLANATION ‘J’:** The *reduction of representation* applies to “such citizens”, which are the new *citizens of the United States* who are voting in elections.

**CONTENT ‘K’:** “shall bear to the whole number of citizens in such State.”

**EXPLANATION ‘K’:** Again, this particular language is the disenfranchisement language. The phraseology is two pronged: 1) It shows that the voting (rebelling) *state citizens* are forcing the *new political system* on other *state citizens*; 2) Coupled with the phraseology of the language in ‘J’ above reduces the representation to only such citizens (who are the *rebelling citizens* that are *citizens of the United States*).

**ALL-IN-ALL** one has to acknowledge that this is very bad sentence structure; however this is the best way that the *architects* of this *evil amendment* could convolute it to conceal the nature of what was being executed. This also creates the excuse of *plausible deniability* when someone like this author attempts to explain the *secret fraud scheme* that historians and other scholars have been unwittingly (?) engaged in the past 135 plus years.

#### **CITIZENS OF THE UNITED STATES ARE NATURAL PERSONS**

There has been no discussion in history about the “United States” being an international organization. That is to say, that *it* has no authority to apply *law* to anyone without some contractual nexus. Everything has to be done by agreement. This in effect is *private law*,

or *private international law*. The only way this premise can operate is under the “*Law of Persons*”.<sup>11</sup> This is where *man* is converted into an *entity* known as a “*natural person*”.<sup>12</sup> The contractual nexus is either *via* the Constitution or by personal agreement. The tool for the full conversion from *man* to *natural person* is via the Fourteenth Amendment. Keeping this in mind, everything that the United States does that is outside the realm of *public international law* is that of *private law*. That is to say, the only way that the United States can deal with people is convert them into *persons* under the *Law of Persons*. This is the nature of the *citizen of the United States* status (see Footnote 12).

One thing that you should note is that people in the Section 2 equation are first referred to in the first sentence of said section are “persons”. In the second sentence they are referred to as “inhabitants”. Firstly, if we look at who *inhabitants* are under the *Law of Nations* they are considered “men who are in a country not their own”.<sup>13</sup> The term *inhabitant* has always been a *subjective* term in constitutional law. Hence, we may want to observe the Carnegie version which defines a *resident* being a *man in a country not his own*.<sup>14</sup> This would fit into the *new* United States. This due to the fact that *citizens of the United States* are not actually living in *the country* (i.e., the *de jure state*), but are rather residing in the Fourteenth Amendment State as *natural persons*, and not as men (or women).

Again, within the formula the right to vote is denied to *inhabitants*, not *persons*. If we look at the beginning of the *Section 2* formula, we find *persons* noted, not *inhabitants*. Hence, said formula reduces the representation in Congress to *natural persons*.

#### **OTHER COLLATERAL DAMAGE**

We must further investigate what other damage has been done to all the *de jure people* of the several states. If we further investigate the planned *destruction of nationalities*<sup>15</sup> of the American Union we find the following which may be applied:

- **RIGHT.** Political rights consist in the power to participate, directly or indirectly, in the establishment or management of government. These political rights are fixed by the constitution. Every citizen has the right of voting for public officers, and of being elected; these are the political rights which the humblest citizen possesses.<sup>16</sup>

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11 See *The Law of Persons – The Institutes of Roman Law* (1892) by Rudolph Sohm. Translated from the 4th Edition of the German by: James Crawford Ledlie, B.C.L., M.A. of the Middle Temple, Barrister-at-Law and of Lincoln College, Oxford.

12 **CITIZEN OF A STATE:**

- A *citizen of the United States*, residing in any state of the Union;
- Fourteenth Amendment to the Constitution of the United States.  
*See citizens resident in the state.*

**CITIZENS RESIDENT IN THE STATE:**

- NATURAL PERSONS who are *citizens* and *residents*, and
- CORPORATIONS chartered in the State. —*Ballentine’s Law Dictionary, Third Edition*

13 From the original French translation of the *Law of Nations* by Emer de Vattel.

14 *The Law of Nations or Principles of the Law of Nature*, Emer de Vattel - Chapter XIX, section 213. See version published by the Carnegie Institution of Washington – Washington, 1916

15 “*The communists are further reproached with desiring to abolish countries and nationality.*” —*Communist Manifesto*, 1848

16 *Bouvier’s Law Dictionary*, 1856

- **GENOCIDE.** The systematic and planned extermination of an entire national, racial, political, or ethnic group.<sup>17</sup>

It appears that the participants in this *insurgent governmental system* have caused a direct damage against the *de jure citizens*;<sup>18</sup> moreover are involved in acts of GENOCIDE.

Furthermore, it is noted that the “courts of the United States” have conveniently set-up a doctrine that they cannot make decisions on “political questions”.<sup>19</sup> This allows them *to wash their hands* of any wrong doing. This notwithstanding, the Fourteenth Amendment violates Article V of the United States Constitution with respect to proper implementation of amendments. Therefore, it could be declared that the question for the courts would be grounded in manner of a *constitutional question*, and not that of political.

### SUMMARY

Simply put: The Fourteenth Amendment creates a *new constitutional system*. As to the definition of a *rebel* by Webster (and international law), the people of the several states are putting their countries under a new power which causes them to be in *rebellion* to the *original political system* as had been established by the original Constitution.

One might say that the language of Section 2 found in the Fourteenth Amendment is the *operation of law*<sup>20</sup> that accomplishes *the rebellion(s)*. Also it is full disclosure (or an act of good faith) as to what people are doing so as to protect the people who are the officers of government from acting in treason. In other words, they can say: ‘We put it *right in front of you*. Please stop complaining that your *lawful governments* have been usurped.’ It is noted that there is always a remedy that is there to *save the actors* from treason.<sup>21</sup>

You see, sadly people of the United States of America are not under the principles of the original constitutional system; however, they truly fail to understand that fact.

Also see this article on Section 2 : [http://www.pacinlaw.org/pdf/14th\\_Section\\_2.php](http://www.pacinlaw.org/pdf/14th_Section_2.php)

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17 **EXTERMINATE.** To get rid of by destroying completely; extirpate. See Synonyms at abolish. These definitions and references are from *American Heritage Dictionary*.

18 **DE FACTO.** In fact, as distinguished from “de jure,” by right. *Black’s Law Dictionary, Sixth*

19 **POLITICAL QUESTIONS.** Questions of which courts will refuse to take cognizance, or to decide, on account of their purely political character, or because their determination would involve an encroachment upon the executive powers. *Black’s Law Dictionary, Sixth Edition Deluxe*

20 **OPERATION OF LAW.** This term expresses the manner in which rights, and sometimes liabilities, devolve upon a person by the mere application to the particular transaction of the established rules of law, without the act or co-operation of the party himself. *Black’s Law Dictionary, Sixth Edition Deluxe*

21 **Title 28 USC § 2284. Three-judge court; when required; composition; procedure.**  
**(a)** A district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.

Below is 14th Amendment, Section 2, as interpreted by a college English teacher that specializes in diagramming sentences. She came-up with the final conclusion: You are not represented unless you participate in rebellion, see box: simplification.

