

shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Less than 3% of criminal defendants now get a trial. Pre-trial detention is growing and some people have been imprisoned for over two years without trial. In direct violation of the Constitution, the Supreme Court has ruled that you don't even have to be given a jury trial if you face less than six months in prison. And if you have a dispute with the IRS, EPA or any of a dozen other regulatory agencies, your case will usually be heard by an administrative law judge employed by the same agency you are disputing. Judges routinely deny the traditional right of jurors to judge the law, as well as the facts of a case, and vote their conscience. Judges and prosecutors exclude any juror who won't agree to convict in advance, stacking juries to ensure convictions. These are precisely the sorts of abuses our Bill of Rights was designed to prevent.

### AMENDMENT VIII

*Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

By calling penalties "civil" rather than "criminal," government can seize all of your assets without trial or any other form of legal proceeding. Bail has been abolished for virtually all federal crimes, including crimes that didn't even exist as recently as ten years ago, such as "money-laundering" and "structuring." Punishments are becoming increasingly harsh. Teenagers are getting years or decades in prison for minor drug offenses. Businessmen are receiving long prison sentences for technical violations of incomprehensible tax laws and securities regulations. Ordinary citizens are being imprisoned for possession of banned literature, guns, and even medicines.

### AMENDMENT IX

*The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.*

The Constitution and Bill of Rights were intended as strict restrictions on government power. Those powers not explicitly granted to government were retained by the individual. Today the Constitution has been stood on its head. Courts are now saying anything the government wants to do is permissible, unless explicitly prohibited by the Constitution. Government now has nearly unlimited power, and the American people are losing control of their own lives, property, and destinies.

### 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.*

Power has shifted from the individual to the states, and from the states to the federal government. Federal aid to

states has meant federal control of the states. By including the entire economy under the Constitutions "interstate commerce" clause, the Supreme Court has given the US Government control over every aspect of society.

**Your freedom is in danger.** When government violates its own laws, it becomes the enemy of justice and freedom, rather than their protector. It is still possible to stop our descent into tyranny, but time is running out. To preserve our freedom we must passionately defend our moral and legal rights – by speaking out, educating others, and supporting pro-freedom groups – and demand enforcement of the highest law of the land, the Bill of Rights.

*Jarret B. Wollstein is a member of ISIL's Board of Directors and a founder of the original Society for Individual Liberty.*

#### Statement of Principles

The International Society for Individual Liberty is an association of individuals and organizations dedicated to building a free and peaceful world, respect for individual rights and liberties, and an open and competitive economic system based on voluntary exchange and free trade. Members and affiliated organizations pursue these goals through independent action, using their freely chosen strategies. The association exists to promote the exchange of information and ideas, to study diverse strategies, and to foster fellowship.

ISIL and its members in over 80 countries pursue the goal of individual liberty through educational and networking activities. ISIL produces educational materials such as this pamphlet which is one of a series of which 4 million have been sold in the US. ISIL sponsors the translation and publishing of libertarian books and literature overseas and promotes networking through its international newsletter, the *Freedom Network News*. Since 1982 ISIL has organized annual world conferences which have served as a catalyst for the development of the world libertarian movement.

Join ISIL today and help us create a world of freedom, peace and abundance. A Basic membership of \$35 per year includes a subscription to the *Freedom Network News*, a full set of the 30+ title ISIL Educational Pamphlet Series (and new titles as they are published), discounts on book, audio and video offers, and a membership card.

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Extra copies of this pamphlet are available at 5¢ each (add \$3.20 shipping on orders of under 500 pieces). For a full ISIL information package, including a sample newsletter and literature, send \$3.00 to cover postage & handling.



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# Is Your Freedom In Danger?

## Bill of Rights

Congress of the United States,

Organ and held at the City of New York, on  
Wednesday the fourth of March, one thousand seven hundred and eighty nine

**VOID WHERE PROHIBITED BY LAW**

## The Destruction of the Bill of Rights

by Jarret B. Wollstein

— ISIL EDUCATIONAL PAMPHLET SERIES —

What defines the character of America and makes this country a good place to live? For over 200 years, our prosperity and liberty had been the envy of much of the world. But prosperity is inseparable from our liberty. Take away freedom of speech, association, religion and enterprise, and our country would be neither free nor prosperous.

Unique among modern nations, the United States was literally *conceived in liberty*. The guiding philosophy of Thomas Jefferson, George Washington, Benjamin Franklin, George Mason and our other Founders was the *inalienable rights* of the individual. As the Declaration of Independence states,

*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 abolish it. . . .*

America's Founders had experienced horrible demonstrations of the power of unlimited government: destructive taxation, forcible invasions of homes by government agents, interference with free trade, government spying on citizens, corruption and debasement of the legal system, imprisonment and murder of dissenters, and government destruction of churches. To avoid these evils, our Constitution and Bill of Rights (the first ten Amendments) were created, as *strict limitations on the power of government*.

The Bill of Rights protects freedom of speech, press, religion, and assembly. It guarantees our right to keep and bear arms. It *prohibits* unreasonable searches and seizures. It guarantees due process in a court of law, a speedy hearing, and trial by jury. It prohibits excessive bail, fines and punishment. Most important, the Bill of Rights guarantees that rights not *explicitly* granted to the government, are reserved to us as individuals.

The genius of our Constitution and Bill of Rights is that they limit the power of *government*, not the freedom of *individuals*. Our government was only to be a moral policeman, stopping force and fraud whenever possible, and otherwise leaving citizens alone to live their lives in peace. Today, over 200 years after its passage, the Bill of Rights remains the supreme law of the land, and neither Congress, nor the Supreme Court, nor the President have the *moral or legal* right to ignore it.

Sadly, government now has strayed very far from the original vision of limited powers. Today there is no aspect of our lives – public or private – that government regards as exempt from its jurisdiction and control. Government now

seizes over half our incomes in taxes; regulates every aspect of trade and commerce; censors books, movies and art; seizes our business records and bank accounts; confiscates our guns; taps our telephones and reads our mail and electronic messages; dictates wages and working conditions; regulates our sex lives; and imposes fines and imprisonment with little regard for due process or justice.

The vision of government as the servant of the people, rather than their master, has been lost.

Here is how the Bill of Rights is being destroyed:

## AMENDMENT I

*Congress shall make no law respecting the 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.*

In direct defiance of the Bill of Rights, commercial, sexual, and political speech are increasingly censored. In the name of "national security", government employees have been censored for life. To combat pornography, federal and state governments have imprisoned musicians, seized the entire contents of bookstores and video rental outlets, and have even prosecuted museums and art galleries. To "fight crime," hundreds of communities have enacted curfews and "anti-loitering" laws. Children who refuse to attend government schools can be imprisoned along with their parents. Freedom of speech, press, religion, and assembly are under siege.

## AMENDMENT II

*A well-regulated militia, being necessary for the security of a free State, the right of the people to keep and bear Arms shall not be infringed.*

Our right to bear arms is being gradually destroyed as the federal government, the states, and communities enact *ever more* repressive "gun control" legislation. California made criminals of over 700,000 of its citizens with the stroke of a pen by banning many popular semi-automatic rifles. To fight government and criminal violence, Americans need the means to defend themselves more than ever, yet we are being legally disarmed.

## 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 prescribed by law.*

In Puerto Rico, National Guard troops have been permanently stationed in 54 apartment buildings. Government also destroys our privacy by wire-tapping our telephones, seizing business records and keeping extensive files on most citizens.

## 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 person or things to be seized.*

Recent Supreme Court decisions have given the police nearly unlimited power to search houses, businesses and cars – in many cases without a warrant. In Florida, courts have refused to stop police from boarding buses, blocking exits and searching passengers. RICO laws and "anti-drug" laws have given government the power to seize all of an individual's or company's assets without indictment or trial. Strip-searching persons arrested for even minor traffic violations is becoming more and more common. Courts and legislatures now consider virtually any government search and seizure "reasonable."

## 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 offence 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 deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.*

The Founding Fathers believed that no one should be indicted without a hearing. Today the IRS can seize your bank account, the FBI can take your computer, the Coast Guard can take your boat, and welfare authorities can take away your children, without any hearing or indictment by a Grand Jury. Increasingly, fundamental legal restraints on the power of government agencies are being abandoned.

## 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 the 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 assistance of counsel for his defence.*

The United States has adopted the totalitarian practice of imprisoning defendants for long periods before trial. As a growing list of personal behavior and technical errors are criminalized, the court system is being impossibly overloaded. It now takes years before most serious cases ever get to trial. The growing power of prosecutors, and government seizure of attorneys' fees, are destroying the ability of those accused to defend themselves.

## AMENDMENT VII

*In Suits of common law, where the value in controversy*