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## States push back against federal power

By Henry Lamb

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Texas State Rep. Lois Kolkhorst has introduced a bill that could have massive implications for every state government as well as the federal government. Her bill ([HB 1129](#)) directs the State Attorney General to conduct an investigation, and report to the legislature before the end of 2012, how international treaties and agreements might affect Texas law.

Of particular concern are “soft law” documents and agreements that the federal government may embrace, but which require no Senate confirmation. Agenda 21 is one of those U.N. “soft law” documents, signed by President George H.W. Bush in 1992. This 40-chapter document prescribes rules and regulations that set forth how government should control land use as a primary way to force integration of economic development with social equity and environmental protection. This document has never been debated nor approved by Congress, but its policies have been foisted upon state and local governments through the agencies of the federal government.

The Security and Prosperity Partnership (SPP) signed by George W. Bush, along with the Mexico’s Vicente Fox, and Canada’s Paul Martin in 2005 is another “international agreement” that attempts to “harmonize” rules and regulations of the three nations. Congress has never debated nor approved this agreement. Nevertheless, implementation of the “harmonization” process could affect the laws in every state.

Other agreements of concern include:

*The North American Free Trade Agreement (NAFTA), (Continued on page three)*

## Winning ‘Thuggly’

By [Frank Salvato](#)



One of the most important elections in recent times took place in the state of Wisconsin. It wasn’t for president, governor, senator or Congress, and it wasn’t in pursuit of a recall, although where certain State Senators are concerned, there are grassroots efforts afoot to do just that. It was for a seat on the Wisconsin Supreme Court. This singular election could very well serve as a barometer for the 2012 General Election; a barometer that, at the very least, gauges the raw coercive power of national and international labor unions in local, state and federal elections...that and, perhaps, election fraud.

Truth be told, many times, in states where judges are elected, ballots can be cast without the electorate really knowing anything about judicial candidates. In fact, many conscientious voters most often have trouble divining from what political ideology a judicial candidate emanates, given the fact that judges are supposed to be non-partisan advocates of the law over politics, the critical words here being “supposed to be.” In reality the idea of a non-partisan elected judge is pure fiction, but for the incredibly rare instance. The occasion of the race in Wisconsin is not such a case.

Wisconsin Assistant Attorney General JoAnne Kloppenburg initially held a [204 vote lead](#) over incumbent Supreme Court Justice David Prosser, with 99 percent of the vote counted in the initial polling. This race has been infused with politics because of the probability that the Wisconsin Supreme Court will hear an assortment of cases related to the recently passed, signed and “enacted” legislation that limits public-sector labor union power to negotiate benefits. Contrary to what the media, the labor unions and many elected Progressives insist, the bill *does not* “bust unions” or “end collective bargaining”

for public sector union employees. But that hasn't stopped Progressives and labor union activists from lying about it for political gain. But I digress...

Kloppenburg, a Progressive Democrat, championed by Progressive Left activists and the labor unions, just this past February, [lost a five-way primary](#) to Prosser by a margin of 54.99 percent to 24.99 percent, or 231,017 votes to 105,002 votes. In fact, if you delivered all of the votes to Kloppenburg from those who voted for someone other than Prosser, Prosser still beat Kloppenburg 231,017 votes to 189,093 votes; a 41,924 vote margin.

Today, the vote totals, at least initially, are quite different. Not only was the traditionally low Wisconsin voter turnout elevated – Wisconsin has a shameful 18 to 20 percent voter turnout average, yet this current contest boasted a 33 percent turnout, if one can be proud of the fact that only one out of every three voters exercised their right – but the primary results were up-ended; initially, Kloppenburg led Prosser by a tally of 740,090 votes to 739,886 votes.

Interestingly, and purely using averages, if the voter turnout was 13 percent higher than the normal turnout of 20 percent – and that's using the average high-end statistic – then we should have expected the total number of ballots cast in the Supreme Court race to be in the area of 470,500 votes. The total number of votes cast per the official results stands at 1,479,976. Seems to me that a heck of a lot more voters took an interest in the Supreme Court race this time around; 1,059,866 voters, to be somewhat exact.

To be certain, the issue of the limiting of public-sector union employee collective bargaining power remains contentious today. We should have expected a spike in the voter turnout. But in a state where voter apathy seems to be the order of the day for approximately 80 percent of the citizenry, we need to examine – at least in a cursory manner – the motivating factors for this increase in voter turnout - and whether or not they are tactics that will be employed on an even wider and even larger scale.

In the case of the Wisconsin Supreme Court election, advocates on both sides of the issue [spent a small fortune](#) in television ads advocating for both Kloppenburg and Prosser. In fact, the mainstream media is quick to point out that Conservative advocacy groups out-spent labor union and Progressive advocacy groups on ad revenue leading up to the election. If that were the only element contributing to an elevated vote tally, the argument

would be moot. But, in the United States today – and, progressively (no pun intended) around the world – that is not the case. Two more important elements that contribute to increasing vote tallies are superior organization and the ability to perpetrate voter fraud without getting caught, at least not until after the election vote tallies are certified.

Without doubt, organized labor had a huge impact on the elevated election tally in Wisconsin's Supreme Court election. Just as we saw tens of thousands of activists descend on Madison, the state's capitol, during the contentious argument over the then proposed collective bargaining legislation, you would have to engage a "willing suspension of disbelief" to embrace the notion that labor unions didn't have a full contingent of boots on the ground for this election. A fully charged union presence would mean organized get-out-the-vote campaigns, all-hands-on-deck for union employees (both in the private and public sectors) and the full weight of the unions' friendly relationships with the mainstream media outlets.

Then, there are the Progressive advocacy groups. As reported at the Progressive publication [MotherJones.com](#):

*"...the labor unions and progressive organizers behind the events in Madison set their sights on the Prosser-Kloppenburg race.*

*"Quickly, the race transformed from a little-noticed judicial election to a liberal cause célèbre. National media started covering the contest, and the flow of outside cash into the race grew from a trickle to a rush. While both candidates pledged to use Wisconsin's public financing system for their campaigns, limiting them to \$100,000 in the primary and \$300,000 for the general election, outside independent groups...have taken out ads and ginned up contributions for the preferred candidate.*

*"One television ad from the Greater Wisconsin Committee, a state-based progressive group, bashed Prosser for not prosecuting a Wisconsin priest accused of sexually assaulting young boys, telling viewers: "Tell David Prosser judges should protect our children, not sex offenders." Another Greater Wisconsin Committee ad questioned Prosser's impartiality and called him a "rubber stamp for Scott Walker."*

*"Kloppenburg's message has echoed those attacks. Repeatedly linking Prosser to Walker, the most divisive man in Wisconsin right now, she said at a March 22*

*debate that her supporters 'are disturbed and alarmed by my opponent's expressions of his partisan background and his partisan conduct on the court and his campaign's expressions of his partisan approach to cases that may reach the court.'"*

A recount in this race is all but inevitable and unless the Conservatives and the Tea Party Movement apply a maximum amount of pressure in an effort to guard the sanctity of the ballot box, we can all but surmise that Kloppenburg will win the race regardless of whether the true tally of the votes cast is reflected in the final vote certification. If that sounds cynical, consider this information brought forth by [this exquisite piece of journalism](#) by *The Wall Street Journal's* John Fund:

*"A 67-page 2008 report by investigators for the Milwaukee Police Department blew the whistle on what it called an 'illegal organized attempt to influence the outcome of [the 2004] election in the state of Wisconsin' – a swing state where recent presidential elections have often been very close.*

*"The report found that in 2004 between 4,600 and 5,300 more votes were counted in Milwaukee than the number of voters recorded as having cast ballots. Absentee ballots were cast by people living elsewhere; ineligible felons not only voted but worked at the polls; transient college students cast improper votes; and homeless voters possibly voted more than once. The report found that in 2004 a total of 1,305 'same day' voters gave information that was declared 'un-enterable' or invalid by election officials.*

*"According to the report, this loophole was abused by many out-of-state workers for the John Kerry campaign. They had 'other staff members who were registered voters vouch for them by corroborating their residency.'*

*"The investigative unit believed that at least 16 workers from the Kerry campaign, and two allied get-out-the-vote groups, 'committed felony crimes.' But local prosecutors didn't pursue them in part because of a 'lack of confidence' in the abysmal record-keeping of the city's Election Commission."*

If the Tea Party Movement is to effect real and tangible "change" – change that moves our country back to the realm of being a "nation of laws, not men" – then they must take the lead in exposing any and all voter fraud or illegal and unethical union behavior, while demanding that appropriate action be taken to not only acknowledge the crimes but that they not be allowed to be accepted as

having influenced any election results. If enough fraud and coercion is provable, then the good citizens of Wisconsin would certainly deserve a second election, one devoid of intimidation, coercion, fraud and outside influence, and that includes the behemoth footprint influence of national and international organized labor.

If the Tea Party Movement doesn't balance the coercive influence of organized labor unions and Progressive advocacy groups, then this election will be stolen from the voters of Wisconsin, just like [Al Franken's](#) senatorial election was stolen from the voters of Minnesota and the Washington State gubernatorial election was stolen from the voters there, in the election of [Christine Gregorian](#).

In fact, if the Tea Party Movement, Conservatives and honest Americans don't stand-up now for clean, untainted and honest elections from this point forth, Progressives will just keep counting votes – or in this case simply not searching as hard for those "uncast votes" as they did for Franken and Gregorian – until they have enough to claim victory.

And you wonder why Pres. Obama doesn't look too worried about his chances for re-election.

*Frank Salvato is the Executive Director and Director of Terrorism Research for [BasicsProject.org](#) a non-profit, non-partisan, 501(c)(3) research and education initiative.*

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## **States push back against federal power**

*(Continued from page one)*

*The Security and Prosperity Partnership of North America*

*The World Trade Organization (WTO)*

*The World Health Organization (WHO)*

*The United Nations (includes the World Court)*

*The North American SuperCorridor Coalition (NASCO)*

*The International Standards Organization (ISO)*

*The International Codes Council*

The state of Texas wants to know exactly how these agreements and documents might affect the sovereignty of the state of Texas. Every other state should ask the same question. South Carolina's Rep. William E. Sandifer III has introduced a bill to challenge the federal government's authority to dictate the type of light bulb

South Carolina citizens must purchase. The Energy Independence and Security Act of 2007 require that all incandescent bulbs be banned by January 1, 2012. South Carolina believes that the federal government has no authority to regulate *intrastate* commerce and light bulbs manufactured, sold, and consumed in South Carolina are none of the federal government's business. Rep. Sandifer told The Washington Times: "I think the feds have overstepped our 10th Amendment constitutional rights as they've so often done under the Commerce Clause."

South Carolina wants to know how abuses of the commerce clause affect the sovereignty of the state of South Carolina. Every other state should ask the same question.

Utah is going a step further. State Senator Howard Stephenson has introduced a bill titled Legislative Counsel Relating to United States Senators. Rep. Ken Ivory introduced a companion bill in the House ([HB 257](#)).

"This bill addresses issues related to the Seventeenth Amendment to the United States Constitution and permits the Legislature to provide counsel to United States senators representing Utah and to receive certain reports from them."

This bill "allows" the legislature to provide counsel to U.S. Senators elected in Utah, and "allows" Senators to make reports to the legislature when requested to do so.

Utah is the only state that flatly refused to ratify the 17<sup>th</sup> Amendment, which removed the election of Senators from state legislatures and allowed Senators to be elected by popular vote. The 17<sup>th</sup> Amendment stripped state governments from any representation in the federal government.

Since the states lost their seat at the federal law-making table, the federal government has ignored the 10<sup>th</sup> Amendment altogether, and expanded the commerce clause, even to the point of requiring every American to purchase a health care insurance product designated by the federal government. It is clear that the Founders never intended for this nation to be governed by a single national sovereign government. The original design was a Federal Republic – a unique sovereignty-sharing arrangement, guaranteed by a ratified Constitution. The 17<sup>th</sup> Amendment destroyed this original design.

A new and growing coalition, [Repeal 17 now](#), is working to restore the original design by repealing the 17<sup>th</sup> Amendment. As more and more states run afoul of the federal government, they are looking for ways to curtail the power of the federal government and expand their own sovereignty as the Founders thought they had protected.

Were Senators still elected by and accountable to state legislatures, it is highly unlikely that Texas, or any other state, would have to worry about the affect of international treaties and agreements. The states would have a voice in the federal government which could not be ignored. South Carolina would not likely be concerned about its light bulb sales. The state's voice in the federal government could clearly define the difference between interstate and *intrastate* commerce.

Utah would not have to enact legislation to "allow" the legislature to "counsel" its Senators, or to "request" reports from them, were the 17<sup>th</sup> Amendment to be repealed. It is time to return to the states the sovereignty that the 17<sup>th</sup> Amendment stripped from them.

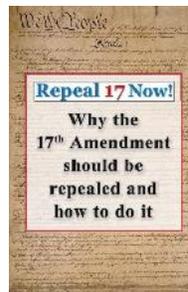
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## Please help repeal the 17 Amendment

Visit the website, [Repeal 17 Now](#)

Read the proposed [resolutions](#), and [share your thoughts](#).

View this DVD. Learn why the Founders insisted on giving the states the power to choose their Senators, rather than having them elected by the public. Election of Senators by the state legislature is the process through which the states participate in the federal government.



Read and share this 44-page booklet with your friends, and with every member of your local organizations. Most people have no idea that the only way to limit the power of the federal government is by repealing the 17th Amendment. Our task is to help them learn, understand and support this goal.