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The Honorable Mitchell E. Daniels
Governor of Indiana
Office of the Governor
Statehouse
Indianapolis, Indiana 46204-2797

December 15, 2007

Dear Governor Daniels,

I don't blame you for the ungoverned, lawless state of our society. But I'll cut to the chase and make what should not be a strange request – I'm asking that you do your job and obey *and enforce* two written constitutions, as written.
(All the following in red is from the Indiana Constitution)

“Article 15., Section 4. Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation, to support the Constitution of this State, and of the United States, and also an oath of office.”

Every politician, policeman and soldier in this country is both authorized and limited by constitutions, both state and federal. Why the limits on politicians? Because just as un-policed police are dangerous, un-governed government is fatal. This is unequivocal. So politicians cannot break the laws that authorize their powers, or those powers are null and void.

“Article 1, Section 11. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.”

So both the federal and state constitutions would have to be amended to allow the politically mandated searches and seizures that happen by the minute at the Indianapolis International Airport, or the government's searches of email or phone calls now acknowledged to happen all the time. Ditto the right to arm and protect yourself, ditto the right to religious expression, ditto many, many other rights Americans once protected with their lives:

“Article 1, Section 2. All people shall be secured in the natural right to worship ALMIGHTY GOD, according to the dictates of their own consciences.

Article 1, Section 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.”

“Article 1, Section 32. The people shall have a right to bear arms, for the defense of themselves and the State.”

These are not vague or equivocal. These have not been altered, abridged or removed by subsequent amendments, so they are still the law.

Article 1, Section 25, which is something like the federal constitution's 10th Amendment, inarguably limits the power of politicians to written law:

“No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.”

This means that no law can contravene the constitution. No authority exceeds it. No state authority exists, in other words, outside what's written into the constitution. So it doesn't matter what a judge or Governor or Mayor *says* about the law. The constitution can be amended, but the constitution is to be obeyed, as written.

And what about "interpretations" from the bench?

"Article 3, Section 20. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms."

"Plainly worded." No decoder required. The constitution that expressed this sense for all laws is itself intended to be read with the same clear common-sense approach to human language. How else can you read what follows?

"Article 1, Section 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts."

This written law means that citizen jurors (not judges, not lawyers, not politicians) determine what the law means, and how it applies to the case at hand. This is the opposite of what we have been told for years, isn't it?

"Article 1, Section 12. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay."

In other words, law is like education (see the wording of Article 8, Section 1); paid for with tax money. In fact politically managed schooling is less sensible than politically managed courts. We shouldn't have legal arms races in the courtroom where the most money wins. Imagine it. "...*Without purchase.*" Truly equal standing before the law. No special deals for special people. Poor people could actually seek justice. You can't be turned away, and there's no stalling allowed.

"Article 1, Section 22. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale, for the payment of any debt or liability hereafter contracted: and there shall be no imprisonment for debt, except in case of fraud."

Isn't a home one of the necessary comforts of life? If so, a home cannot be legally seized and sold to pay any state tax. This means that an awful lot of Hoosiers have had their homes stolen by politicians breaking the laws that gave them their jobs. That should never, ever happen again. We should be very, very sorry that it ever happened at all.

Article 8, Section 1 mandates *"...a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all."*

Before the Indiana Constitution was rewritten, Horace Mann argued that "Common Schools" should be the "Great Equalizer," and that politics must intervene to provide this identical "ladder of opportunity" to rich and poor alike. What Indiana law mandates, in other words, are lots of identical schools all across the state where nobody gets a palace, nobody gets a dump. The constitutional way would be much, much better than sending kids on long bus rides to be a tiny fish in a huge ocean without the opportunities (in both education and sport) that kids had in years past with more, smaller schools.

"Article 8, Section 3. The principal of the Common School fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of Common Schools, and to no other purpose whatever."

We're supposed to pay for Common Schools with an endowed fund. Of course there is no Common School fund now; but legally there is supposed to be an inviolable one. And in all the specific maintenance funding mentioned in Article 8, Section 2 you'll see that personal property tax is **not** mentioned. Only *"...Taxes on the property of corporations, that may be assessed by the General Assembly for common school purposes."*

So only **corporate** property tax is to be used for the Common School system.

I'll let others talk about the constitutionality of our personal property tax, but Article 10, Sections 5 and 6 would lop off a lot more income, sales and property tax:

“No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: to meet casual deficits in the revenue; to pay the interest on the State Debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for the public defense.” “Section 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town, or township; nor of any corporation whatever.”

No more money to the Colts, Pacers, mall builders, foreign auto companies or any other campaign contributors. In other words, much of what government now spends our money on is illegal spending...not just immoral spending.

If that isn't clear enough, how about Article 11, Section 12?

“The State shall not be a stockholder in any bank; nor shall the credit of the State ever be given, or loaned, in aid of any person, association or corporation; nor shall the State become a stockholder in any corporation or association.”

Indiana's original constitution was really quite good. It was replaced in 1851 only because the state went broke investing in the public transportation craze of the early-mid 1800s (canal building). So those 1851 Hoosier politicians carved into law some very clear prohibitions against what today's politicians are doing to our wealth, property, rights and lives.

Article 1, Section 1: *“...all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the People have, at all times, an indefeasible right to alter and reform their government.”*

How are people to reform their government assuming government is unwilling to be reformed?

Consider how harsh and potentially frightening Article 1, Section 32 really is. “The State” is defined and literally authorized by the Indiana Constitution, not by those who disregard it. The “State” is our people and our agreed-upon social order, not politicians. And while it's understandable to protect oneself against a petty crook who steals the TV but leaves the house; it is that much more understandable that citizens must protect themselves against politicians who take half our wealth, take our homes, deny us our liberties and even kill us when we disobey “laws” not authorized by constitutions!

This is not a joke, and these perilous times warrant serious thought about what we've become and what we'd rather be.

At the beginning of this letter I'd asked you to do your job. Your job is to execute the Constitution of Indiana. But I also now appeal to you in your role as the “Cop of the Indiana Constitution.” What else can you call what's happened to our rights, property and lives but a continuous, organized and heinous crime?

I am asking you to stop the crimes against citizens, and to keep your oath of office to protect us from politicians (executive, legislative, judicial and bureaucratic) and other government agents (military, police, mercenaries, spies) who do us harm.

And I've only brushed the surface of the harm done to us. Breaches of law and subsequent harm from monetary policy, trade restrictions, political meddling in interpersonal relationships and in fact every aspect of our lives are easily proven.

Of course I would be happy to discuss this at your convenience. But please make it soon, as many people are hurting, and I must not wait too long before I take the next steps in our need of remedy.

Sincerely,

Andrew Horning
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