

# The Constitution Party of Ohio Citizen's Courier

## September 17th—Constitution Day



### HISTORY

Citizens of the United States have celebrated Independence Day and Presidents' Day since the 1870s, and in 2005, the nation began to celebrate **Constitution Day**. Also known as Citizenship Day, Constitution Day is an American holiday honoring the day 39 delegates to the Constitutional Convention signed the United States Constitution. This historic date was September 17, 1787.

In 1939, the New York City news tycoon **William Randolph Hearst** suggested the creation of a holiday to celebrate American citizenship. Not only did Hearst have a wide readership of his many daily newspapers, but he had significant political connections, and in 1940, Congress designated the third Sunday in May as "I am an American Day."

President Harry Truman present the resolution, setting aside this date in honor of the American people, especially those who had recently become citizens of the United States.

The holiday quickly gained support and popularity through the efforts of the United States Immigration and Naturalization Service. Additionally, in 1944, Hearst sponsored a 16 minute film titled *I Am an American*, which was featured in American theaters, and subsequently became a top news story. It was an immediate hit. Within 5 years, the governors of the existing forty-eight states had issued

state proclamations in agreement with the national holiday.

One of the most significant individuals in the development of the holiday was a Louisville, Ohio resident named **Olga T. Weber**. In 1952, she petitioned the leaders of the municipality to change the date of the holiday to correspond with the anniversary of the signing of the United States Constitution. Once they agreed to it, she didn't stop there, and took her requests to the State, who also approved. In 1953, Olga went to United States Congress, and both the Senate and the House of Representatives approved her requests. The original resolution was overturned and a new law took its place.



After Dwight D. Eisenhower signed it, the "I am an American Day" observation became "Citizenship Day" and moved to September 17.

Louisville, Kentucky was the first city in the United States to celebrate Citizenship Day on September 17, 1952.

Another important figure in the creation of Constitution Day is Louise Leigh. Leigh, after taking a course in Constitutional History with the National Center for Constitutional Studies, was inspired to spread her newfound love of the Constitution throughout the country. In 1997, she founded a nonprofit organization

called Constitution Day, Inc. to help encourage recognition of the importance of this national holiday.

Through her efforts, Constitution Day became an official holiday alongside Citizenship Day in 2004 when, with the help of support from Senator Robert Byrd, the "Constitution Day" amendment to the Omnibus Spending Bill passed. In May 2005, the United States Department of Education backed the law when it announced that it would apply to any school receiving federal funds of any kind.

The two allowances of the law were that the head of every federal agency provide each employee with educational materials concerning the Constitution on 17th of September and that each educational institution which receives Federal funds should hold a program for students every Constitution Day.

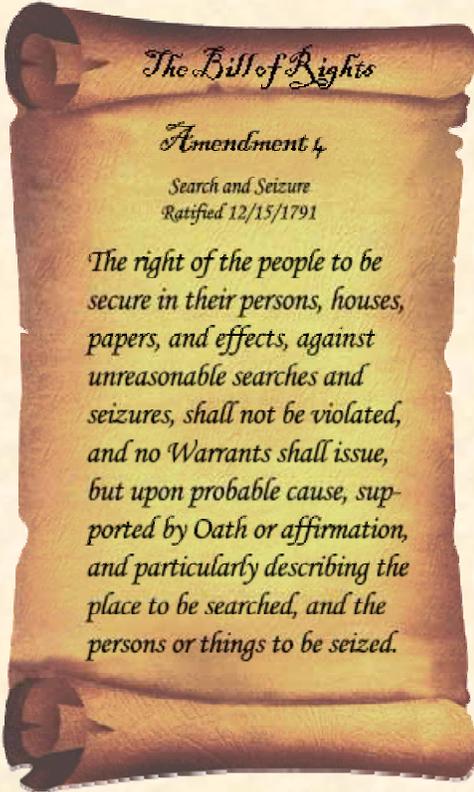
Constitution Day, along with Independence Day and Presidents' Day, is an important part of the cultural heritage of the United States of America, because it recognizes the value of the American experiment, and the success of a nation of free people whose rights and liberties are protected by a written Constitution.

Source:

<http://www.constitutionfacts.com/us-constitution-day/history-of-constitution-day/>



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## The Bill of Rights

### Amendment 4

Search and Seizure  
Ratified 12/15/1791

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 persons or things to be seized.

The **4th Amendment** requires that in order for a government official, such as a police officer, to search a person's home, business, papers, bank accounts, computer or other personal items, in most cases, he must obtain a search warrant signed by the proper authority, which usually means by a judge.

In order for a warrant to be issued, someone must affirm to the judge that he has a reasonable belief that a crime has been committed and that by searching the premises of a particular location, he believes he will find evidence that will verify the crime. The person submitting this information to the judge is usually a police officer. The police officer does not have to be correct in his assumption, he just has to have a reasonable belief that

searching someone's private property will yield evidence of the crime.

The judge then reviews the information and if he also believes the information the officer has submitted shows probable cause, he will issue the warrant. In order for the warrant to be good, it must identify the place and the particular items or persons that are to be seized if they are found. A warrant is *not* a general order that can be used to search for anything, anywhere the officer wants. In order for the warrant to be in compliance with the **4th Amendment**, the warrant must be very specific about what is being looked for and where the officer can look for it.

#### HISTORY

The **4th Amendment** idea that citizens should be protected from unreasonable searches and seizures goes back far into English history. In 1604, in the famous *Semayne's Case*, the Judge, **Sir Edward Coke**, first identified this right. He ruled that, "**The house of every one is to him as his castle and fortress, as well for his defence against injury and violence as for his repose.**"

In this case, it was determined that subjects of the kingdom had the right to be protected from searches and seizures that were unlawfully conducted, even if they were conducted by the king's representatives. The case also recognized that *lawfully* conducted searches and seizures were acceptable. This case

established a precedent that has remained a part of English law ever since.

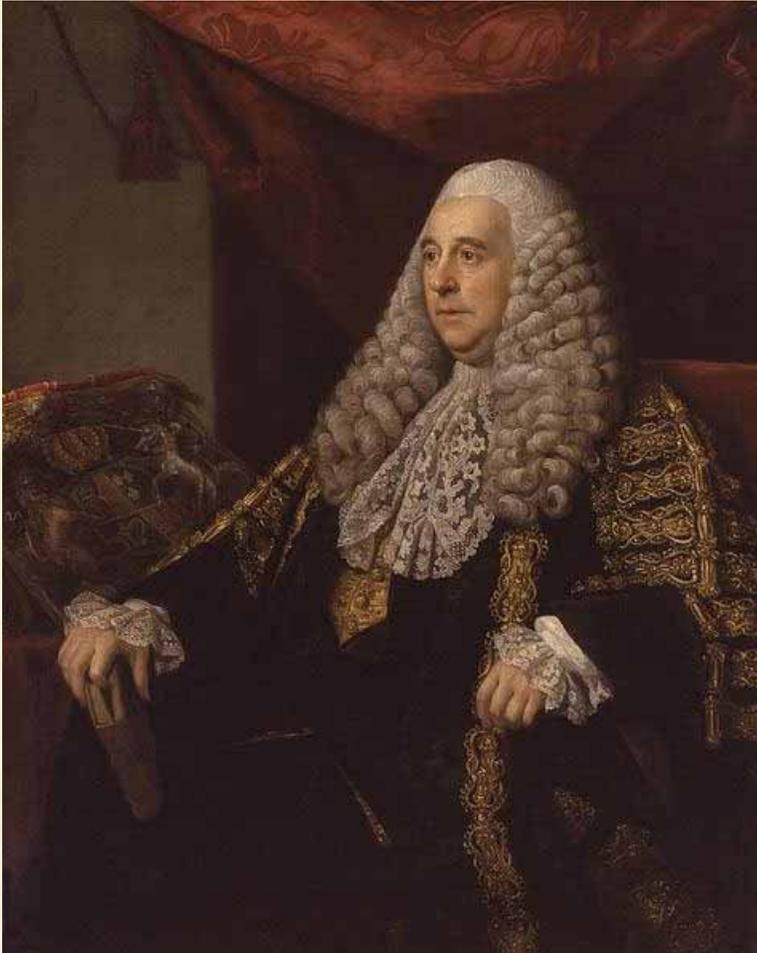
The most famous English case dealing with the right to freedom from illegal search and seizure is called **Entick vs. Carrington**, 1765. In this case, royal representatives had broken into the private home of John Entick in search of material that was critical of the king and his policies. In the process, they broke into locked boxes and desks and confiscated many papers, charts, pamphlets, etc. The officers were acting on the orders of Lord Halifax.

During the trial, Entick charged that the entire search and seizure had been unlawfully conducted, and the Court agreed. The Court said that Lord Halifax had no standing to issue the order to search the premises, that probable cause that a crime had been committed had not been demonstrated and that the warrant allowed a general confiscation of anything the officers found, not specifying exactly what they were to look for or could seize. In addition, there were no records kept of what the officers seized.

This ruling essentially declared that the government was not allowed to do anything that was not specified by law. It required the search and seizure be carried out according to the law. It also established that *(continued next page)*

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(cont. from pg. 2) the right to be able to protect one's private property was an important right to be safeguarded by the government. In his ruling, Lord Camden, the Chief Justice made this famous statement:



aside by private law, are various. Distresses, executions, forfeitures, taxes etc are all of this description; wherein every man by common consent gives up that right, for the sake of justice and the general

to answer for bruising the grass and even treading upon the soil. If he admits the fact, he is bound to show by way of justification, that some positive law has empowered or excused him. The justification is submitted to the judges, who are to look into the books; and if such a justification can be maintained by the text of the statute law, or by the principles of common law. If no excuse can be found or produced, the silence of the books is an authority against the defendant, and the plaintiff must have judgment."

In 1886, in a case called *Boyd vs. United States*, the Supreme Court of the United States referred to *Entick vs. Carrington* as a "great judgment," "one of the landmarks of English liberty" and "one of the permanent monuments of the British Constitution." This established the *Entick* decision as a guide to understanding what the **Founding Fathers** meant concerning search and seizure laws when they wrote the **4th Amendment**. (<http://www.revolutionary-war-and-beyond.com/founding-fathers.html>)

"The great end, for which men entered into society, was to secure their property. That right is preserved sacred and incommunicable in all instances, where it has not been taken away or abridged by some public law for the good of the whole. The cases where this right of property is set

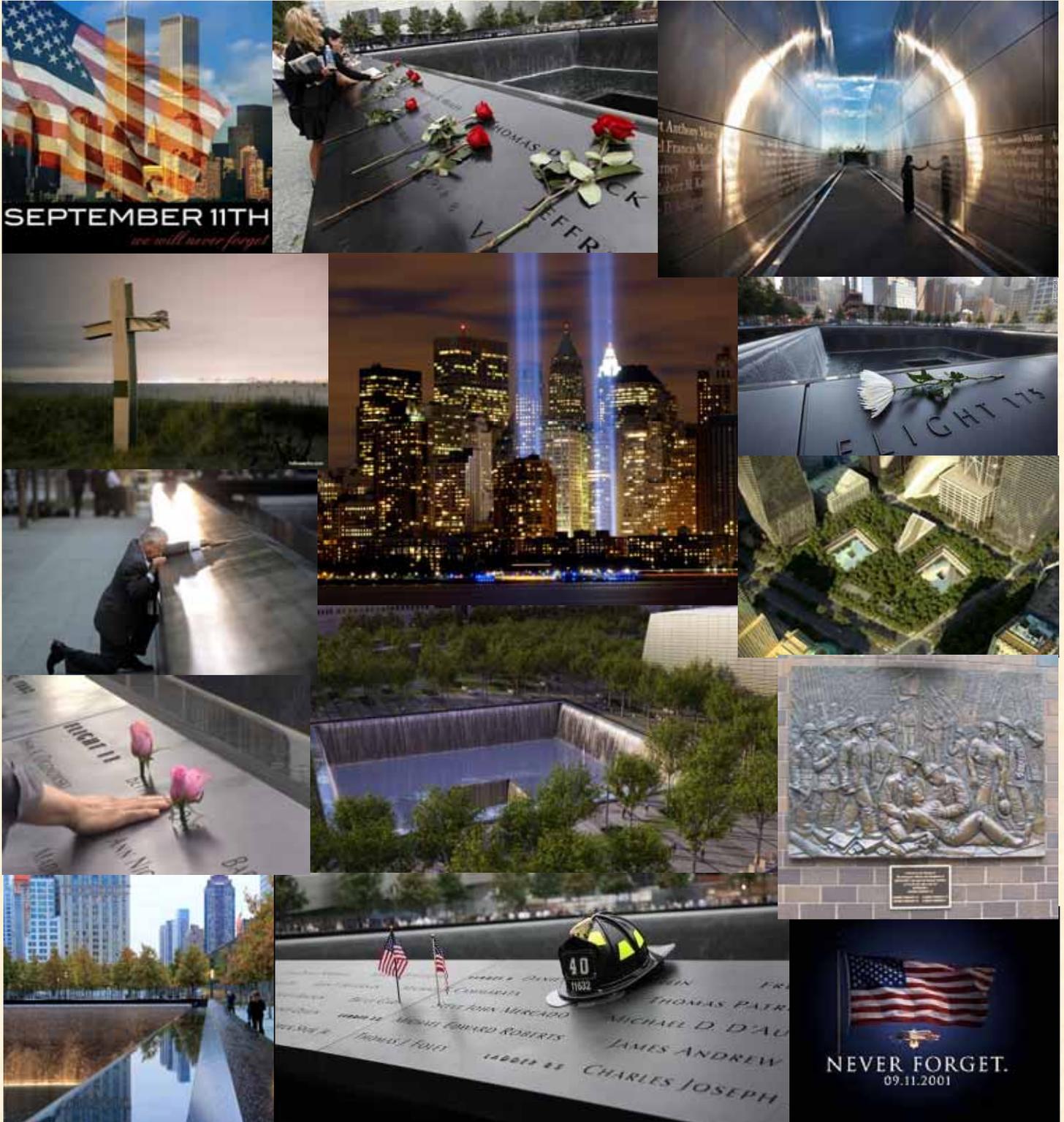
good. By the laws of England, every invasion of private property, be it ever so minute, is a trespass. No man can set his foot upon my ground without my license, but he is liable to an action, though the damage be nothing; which is proved by every declaration in trespass, where the defendant is called upon

Read More:

<http://www.revolutionary-war-and-beyond.com/4th-amendment.html>



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## Benghazi 9-11-12

In Washington, senior State Department officials at headquarters in Foggy Bottom could follow developments minute by minute as the agent in the operations center reported them. The toxic smoke was so thick in the main villa that Ubben, the ambassador, and Smith could barely see. They tried to take refuge in a small bathroom with a window, but there wasn't enough air. Ubben, barely able to breathe or speak, opened a bedroom window and rolled out onto a little patio protected by sandbags. Tracer bullets whizzed through the air nearby, and every so often he heard deafening explosions. Ubben, an Iraq War veteran, thought he was under fire, but at that point that was not his first concern. The ambassador and Smith hadn't followed him out. Ubben went back, but he couldn't find them. He radioed the other agents, half strangling as he talked. They joined the search through the clouds of smoke and toxic fumes. Finally, one found Smith and pulled him out, but he was already dead. They could not find the ambassador.

In the White House, President Obama was meeting with National Security Adviser Thomas Donilon, Defense Secretary Leon Panetta, and Gen. Martin Dempsey,

chairman of the joint chiefs of staff, to review the options, but the news they were getting from the fledgling government in Libya was crazily contradictory. The only thing for sure was that the Americans in the consulate were facing a concerted terrorist assault, and the local forces hadn't been able to make a difference. A Libyan relief force of 40 made it to the consulate but were overwhelmed. A second couldn't get there because roads were blocked by the attackers, and they came under sniper fire.

In fact, the closest crack combat unit, described by State Department officials as a six-man "quick-reaction security team," was only about a mile away at the CIA annex. But by the time it arrived accompanied by 16 Libyans, the consulate villa was burning and the ambassador seemed to have disappeared.

The compound was still full of attackers, and the Libyans in the rescue team started to insist that "it's time to leave. We've got to leave." The five diplomatic-security agents crowded into an armored vehicle with Smith's body, driving through a hail of bullets impacting the windows and explosives thrown under the tires. At last they made it to the CIA annex.

At the consulate, smoke in the burning villa was thinning out; crowds of curiosity seekers and looters were moving in. As they rummaged through the building, they came across a blond man in a white shirt and gray pants, his nose and mouth blackened by soot and body fluids. They dragged him out through the window at the back of the villa. "The man is alive," shouted someone in the crowd. "Move out of the way." Then several other men

shouted: "Alive! Alive! God is great." But when the man was taken to the hospital, the doctors couldn't revive him. And finally, at 2:30 in the morning, someone identified him positively as Ambassador Stevens.

Read more:

<http://www.thedailybeast.com/newsweek/2012/10/21/truth-behind-the-benghazi-attack.html>



Fox News has learned from sources who were on the ground in Benghazi that an urgent request from the CIA annex for military back-up during the attack on the U.S. Consulate and subsequent attack several hours later was denied by U.S. officials — who also told the CIA operators twice to "stand down" rather than help the ambassador's team when shots were heard at approximately 9:40 p.m. in Benghazi on Sept. 11.

Former Navy SEAL Tyrone Woods was part of a small team who was at the CIA annex about a mile from the U.S. Consulate where Ambassador Chris Stevens and his team came under attack. When he and others heard the shots fired, they informed their higher-ups at the annex to tell them what they were hearing and requested permission to go to the consulate and help out. They were told to "stand down," according to sources

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familiar with the exchange. Soon after, they were again told to “stand down.”

Woods and at least two others ignored those orders and made their way to the Consulate which at that point was on fire. Shots were exchanged. The quick reaction force from the CIA annex evacuated those who remained at the Consulate and Sean Smith, who had been killed in the initial attack. They could not find the ambassador and returned to the CIA annex at about midnight.

Read more:

<http://www.secretsofthefed.com/false-flag-cia-ops-denied-help-during-benghazi-attack/>

## Benghazi Fallen

The names on the two plaques — Glen Doherty and Tyrone Woods — will be familiar to those following the news coverage of the Sept. 11 attack on the U.S. Consulate compound in Benghazi, Libya.

Their addition Monday to the walls of the Mount Soledad Veterans Memorial ensures they won't be forgotten when the controversy ends.

The two former San Diego County-based Navy SEALs, who were killed

defending fellow Americans in the Benghazi terrorist attack, joined this country is proud to produce as more than 3,000 other veterans citizens and as warriors,” Ehret said. honored at the site in a special “That fateful night in Benghazi, they Memorial Day ceremony. Family members were on hand to receive replicas of the plaques to take home as well the hell of war and knew that sacrifice made by Doherty and Woods.

Navy SEAL Capt. Jason Ehret, a close friend of Doherty's, gave the keynote address in which he noted that neither man had any interest in living a common life.

“Glen and Ty were the kind of men this country is proud to produce as citizens and as warriors,” Ehret said. “That fateful night in Benghazi, they did what I expect any SEAL would have done. ... They ran to the sound of gunfire. They had experienced all too well the hell of war and knew that Americans were in need of assistance.”

Read more:

<http://www.utsandiego.com/news/2013/May/27/navy-seals-benghazi-mount-soledad/>

