Chapter 17 – The Basis of Discrimination

Our country is created by people no smarter than we are, but maybe cleverer. The founders must mostly be lawyers in training (pro se) because they want to instantly amend everything they create.

The fathers create the Constitution and then boom; they start with the amending – the first 10 amendments are added to the Constitution to fix some omissions in the original version, and being politicians too, they cleverly name the ten amendments something else to cover their mistake: They call this collection of 10 omissions the Bill of Rights.

The original Constitution authors simply say: “Trust us; there is no need to put the Bill of Rights in writing.” The only reason the Bill of Rights is ratified today is that our founders can’t get enough support to omit them, especially from some Virginian anti-federalists, so the founders are forced to put the words in writing.

The more affirming truth is that the original 10 amendments are originally the original 12 amendments, the 10 amendments that make it through to amend the Constitution are actually numbers 3 thru12; of the other two amendments that missed, one is recently ratified (and then only as a college student’s prank-gone-amuck that results in a positive grade change). That recent amendment is about Congress’ pay with guaranteed cost of living adjustments every other year and is essentially also attempting to be the first congressional quid pro quo in suggesting that if Congress gets their pay benefit concerns taken care of, then granting some inclusive rights will not be that big of a deal.

So, the founders guarantee in writing that, after the Federal Government takes its own rights, the states, and the people can have all of the leftover rights; but, as fate will have it, the all inclusive people's share is divided into the top 100% of inclusive rights for white, male land-owners, and the remaining 0% of rights for everyone else, for their foreseeable future.

Even the Native Indians, who are the largest landowners of the day, are excluded from these inclusive rights, so being a landowner must not really be the deal breaker; and the white women whom I estimate to average being over 30% of the remaining population are excluded from the important inclusive rights, so having white-skin isn't the deal breaker either. There are plenty of other men who are being left out of the inclusive rights because these are not wealthy enough men to own land. Essentially this means that only the states and the wealthy get the protected inclusive rights that the Federal government doesn't take for itself…originally.

So far none of this proves anything about why it's OK to discriminate because discrimination is based on rights and no one really has the rights yet, except for the minority…the less than an estimated 5% who are wealthy white land-owners, plus the states, and the Federal government; this minority also now has the legal redress of civil rights protections if someone tries to violate their rights, regardless of if the violators have rights themselves – which it sounds like he or she probably won't.

Things go along and more laws essentially related to property are created, probably after some wealthy Dutch are swindled the first time they try to buy Manhattan Island (and Manhattan's initial land patent is decorated with a fraud)…sort of telling, but things change in 1868 regarding property law where freed slaves are given rights in writing too (ink on paper), and in 1920 the women earn the vote; in 1924, after the Natives lose enough of their property, they get a special set of civil rights too.

By keeping to the facts, I don't believe I am being cynical yet, it just seems that things are cynical enough already with no interpretation of the facts required.

So this is the American way and over time we fight to preserve and promote the American way, looting the treasury to spend money to fight wars and win, and over more time we dry-up the treasury and borrow millions to fight wars protecting our-way-of-life and win, and then we borrow billions to fight a police action and lose, and then we borrow billions and billions more to fight against things that end up being fiction when we get there, and finally we borrow trillions to fight a vaguely defined global war on a noun that can't surrender because it can't be defined and has no fingerprints, retinal scan, or credit score (and should probably be described both as a real and necessary police-action as well as the second time that we really screwed up in getting the phrases police-action and war confused).

Finally, and though it all, back in 1979 the United States Supreme Court starts to identify the basis of true discrimination in hearing arguments regarding a marina-style subdivision built around a shallow lagoon (named Kuapa Pond), on the island of Oahu, Hawaii. When contractors connect this private lagoon to a navigable waterway, the Army is again called out (the Army corps of engineers really) and get involved in a small legal war of sorts, not exactly a police-action but more like a courtroom civil-action.

Buried near the bottom of page 144 U.S. 176 in this matter of *Kaiser Aetna v. the United States*, are words that say that the Army just can't invade and take (or conduct a taking) without paying fair compensation. The justices are convinced that the pond's wealthy landowner *"has somehow lost one of the most essential sticks in the bundle of rights that are commonly characterized as property -- the right to exclude others."*

So, in the final analysis, people who think it's OK to discriminate can simply characterize people as property and exclude; exclude rather than to find out how wrong it is to take any of other's inclusive civil rights guarantees, by means of exclusion (discrimination).