

On Certain Aspects of American Economics Relevant to 2016

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Abstract

This paper seeks to shine a light on some glaring economic problems of contemporary society. Too often economic issues are framed in the context of moral wedges that divide people. Here we select issues for discussion that likely can be solved and do not strictly require the resolution of any difficult moral quandaries. We show that certain popular debates are not so interesting because sufficient evidence exists to identify the relevant premises as true and false. We suggest an economic program based in part on hypothetical new energy resources that should guide the United States and the Earth's other national states towards a more equitable valley in the space of all economic configurations. This paper is intended to be persuasive and not purely expository.

“Give money to the poor.”

~ Jesus Christ

Consider guns and how gun rights two-dimensionalize the complex space of all ideas about freedom versus security. The Second Amendment plainly states that the Congress is not empowered to make any law that limits the right to keep and bear arms and yet people keep asking them to do it. In the original text quoted below, the right is taken for granted and the amendment only specifies that it will not be infringed in the United States. Interpretations of the Second Amendment based on an appeal to arbitrary limiting cases of specific militias and a set of government regulations that define “well regulated” are contrived and cannot be derived from the amendment as it appears in the Bill of Rights. In the practical sense that is surely the spirit of the law, if militia forces procrastinate securing a sufficient arms cache until the time it is necessary to secure the free state, it is likely that the effort will be thwarted by the enemies of the free state. Therefore, the arms need to be distributed among the people before that time and it seems they only prefaced the words “the right [*sic*] shall not be infringed” with some minimal contextual device like these first paragraphs and a foray into modern economics.

“A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.”

Any act by the Congress or state legislatures that infringes the right to keep and bear arms is unconstitutional and the Supreme Court exists in a state of malfeasance when they do not overturn such acts. However, members of the ratifying convention did not consider the case of arms like nerve gas and thermonuclear missiles which the people should not be able to keep and bear, so it is right that the government should infringe to some extent.

The Constitution is quite clear that in order to do that the Constitution itself must be amended and this also goes for popular and unpopular notions about restricting access to traditional kinetic energy weapons. There is no ambiguity so when police arrest Master Sergeant C.J. Grisham for having a rifle slung over his shoulder on walk down a lonely rural road, something is terribly wrong in the government. It is true that those local police did receive a complaint that an armed man was walking peacefully in public with his son but it is not true that any government agency has the constitutional authority to do anything about it. Like all Americans, Grisham has the right to keep arms *and* to bear them.

Gun rights are only one way to two-dimensionalize the argument about freedom versus security which is also known as taking a linear approximation. Another linear approximation is to consider that even when gun homicides exceed 10,000 per year, about three times as many people die in car accidents and about 100 times as many are injured. Certain trauma like the vehicular ejection of passengers not wearing seat belts can be equated with the 20,000 or so annual gun suicides, but some large number of car accident deaths can be attributed to weak vehicle frames and insufficient safety features. These deaths and maimings should be equated with the highly contentious firearm murders.

Surely the Congress has investigated and found that the vehicles are safe but this is almost certainly the result of corruption and is demonstrably wrong, *i.e.*: more than 30,000 yearly auto deaths. There will always be some point where “safe” gives way to “safe enough” but consider that even in the gun debate, nearly all parties agree that the number of gun murders is too high. The downside there is to forfeit the second limitation on government that those early conventions thought to put in the Bill of Rights so the similar number of preventable car accident deaths is also too high when the downside is only to decrease margins for the biggest handful of manufacturers when they are forced to conform to costlier safety standards. The linear approximation to gun rights versus gun deaths is an inferior logical premise when measured against the more profound linear case of corporate profits versus annual car deaths. The economy stagnates and fails when policy remains preoccupied with such inferior considerations.

Consider the free market that existed long ago before central governance. As human civilization developed, people built bigger towns that needed more complex rules because the ability of the townspeople to collaborate efficiently should not be hindered by random idiots’ desires to mess things up. In response to evolving conditions in the towns, one might

say that the free market asked the town councils to enforce certain regulations. Therefore, all the regulations that are in place today are the product of what the free market already asked for on the road from prehistory to modernity.

Consider the free market advocate that believes government regulations are the main problem in the market and wants to disenfranchise the government through deregulation. Such an advocate truly calls to empower the government to such an extent that it can take away everything that the free market already asked for. The position is untenable. The correct position is to advocate that good regulations are good and bad ones are bad; obviously the government should not have bad regulations and all malicious market participants should be called to account. The solution to market failure is to create new regulations that will correct the market as the government self-corrects by deprecating the legal framework in which the market failed.

Automotive death statistics prove that the free market does not find the solution that reflects the honest intention of the most powerful group of market participants. The failure is most generally manifest when the Supreme Court malfeasantly applies the Constitution's interstate commerce clause to everything and the resultant federal bloatocracy causes all public programs to fail or underperform. The merits of one streamlined government can be compared with fifty concurrent state governments but it is quite plain that the Constitution describes a confederal system and not the current federal monstrosity. The distortion of the interstate commerce clause has even gone so far as to allow the Congress to make laws regarding abortion because medical devices cross state lines on delivery routes.

Many people believe "The American Way" means that business should be allowed to sell inferior products (and employ exploitative labor practices) because the people in the market will exhibit timely wisdom in avoidance. By making judicious choices in accepting employment and carefully studying service and goods providers, the wise citizens will guide the economy in an effective consensus of uncoordinated actions. Note well, that is not the American way and the very notion is ideological cancer.

Consider what Thomas Jefferson wrote in the second paragraph of the Declaration of Independence and the fact that the Supreme Court is not vested with the authority to interpret the Declaration of Independence or even opine on it in an authoritative capacity.

"Prudence, indeed, will dictate that Governments long established should

not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.”

The perceived “right” of “corporate persons” to unopposedly mangle millions of Americans in “The Free Market” by selling vehicles that only meet the safety standards codified by their own lobbyists is profoundly un-American. No such right exists; the role of the government is to actively intervene in markets to minimize the suffering of evils. How is it that such a large body of Americans thinks it is the citizens’ responsibility to regulate the largest business interests with nothing more than the collective sum of their individual buying power? It is the responsibility of the government to enforce standards in a way that reasonably minimizes the number of people killed, disfigured, and dismembered every year.

Car safety is an extreme case compared to gun violence. The extremity shows that the free-marketeer is usually not an anarchist and would like auto safety standards to be adequately regulated at some level of government. If the free-marketeers and their big-government ideological counterparty both want safe vehicles then why doesn’t the market reflect what is agreed upon mutually? Why do the gun murders get so much more attention when they are fewer? In place of relevant information, our media reports on the scandalous *and down-right nefarious* General Motors scandal wherein the shyster big wigs chose not to issue a part recall that may have caused as many as 100 preventable road deaths.

Consider how the Federal Reserve is charged to guide the economy by setting interest rates. By modifying the cost of borrowing, the Fed ostensibly throttles activity by making borrowing either more or less attractive. On the level of the citizenry, the modern forward-guidance Fed monster is not operating on this basic principle anymore because manufacturers chose to produce cheaper, inferior products that the people can still afford when rates would otherwise discourage spending. Mortally unsafe automobiles are a single manifestation and it begs the question why. Why doesn’t the Fed regulate the economy in a way that makes the manufacturers build safer cars? The answer is that the Fed is not part of the government and that is not within their purview. One might further inquire: Why does the government maintain lax safety standards that allow the regular bodily maiming of so many Americans? In that case, the answer is that the people don’t make the government do better. Are evils still sufferable or is time to right ourselves?

What does it mean to right ourselves in the sense of the economy? Such an answer can't be found in linear cases and the full non-linear problem is the origin of the field of economics. Due to recent developments in computing capacity, classical economics and even classical quantitative economics are no longer the correct disciplines when informing economic policy. The size of the world economy has become much smaller than the systems that can be efficiently solved on computers so the correct predictive tool is the theory of dynamical systems. A Ph.D. in economics without complimentary mathematical bona fides should not be considered a valid punditry credential. In the hypothetical case that it were possible to ask Keynes or von Mises, either would surely say, "Oh! You can compute the whole thing and find the real solution? Yes, do that. Surely that is better."

Democracy has failed because, among other things, the typical voter has not invested the study required to understand how macroeconomic theory differs from the microeconomic theory of balancing a checkbook in the kitchen. In physics, many popular yarns rely on the idea that the physics of the very large is totally different than the quantum mechanics of the very small. Given modern computing technology, this is more than a qualitative analogy. The theory of dynamical systems is the correct macroeconomic tool and it is also precisely the prescription by which field theory is applied to predict classical physical effects. The small difference is that the Einsteins and Maxwells have already solved for their equations but that task remains when realistic economic forces replace physical ones. The task to compute the solution is finite and absolutely doable. The only obstacle is that a large, but not too large scientific collaboration of means has not yet been convened for the express purpose of computing the answer. Since it has been possible to find the solution for many years now and computing power has continued to increase, the solution can be calculated directly on a known tier of relevant economic considerations.

Consider the free market ideology that does recognize a limited role for government intervention in markets such as ensuring road safety and providing for the common defense and general welfare. Like their big-government nemeses, free market advocates hold the ideal that the government should intervene in the market by just the right amount and not too much or too little. Both economic perspectives hold that a reasonable amount of intervention is desirable so what are their differences? The free market spirit embodies an earlier era when it was a time of exploration and frontiers. The premise was that if one works hard then one should find economic success because there were vast amounts of bounty and unclaimed

land to be had. Today all the land is claimed and there is no place to even find food except to join the wage system that is established to protect the status quo in the market. The little scraps of bounty that remain are fiercely fought for among the multinational capital firms. The few independent successes that are allowed fuel a media distortion of economic conditions that more than pays for itself through the consent of the governed. We argue it is more important that the government actively enforces some sufficiently robust set of reasonable regulations than that it insures unlimited corporate greed.

As the economy evolves it becomes necessary for economic theory to evolve in parallel. Given recent advances in fundamental physics we may be at the beginning of a new era of abundance. If nuclear fusion energy can be harnessed then vast semi-continental swathes of arid land can be irrigated via powered aqueducts and very large desalination infrastructure in coastal areas. In the most fundamental way that is evident in even the most ancient economic opinions, the creation of new fertile land is a technical means by which to literally grow money on trees, small plants, and various industrial fibers and miscellaneous crops. The feasibility analysis for fusion regarding recent developments in physics must be migrated to an accelerated development program. If it is viable, the total amount of wealth available will increase so much that all austerity policies are invalidated to they extent that they are not already invalidated by the Reinhart-Rogoff ruction and various other fallacious and sound arguments.

Consider that much of the American west is parched and therefore undervalued, and also that there exists a large patch of dry soil extending from West Africa to Mongolia, and that American firms are well positioned to profit by assisting in the irrigation of that land with nuclear water pumps. Likewise, the entire continent of Australia is quite dry. All the land can become unreservedly valuable when environmental preservation and conservation conditions for natural waterways do not limit the economic development of the land. Economic strategies that do not plan to capitalize on the global development potential will be provably inferior in a time of fusion resources.

The free market has decided that traditional farming is not a productive activity and it must be the role of the government to veto the market's intention. If it is not possible to double or triple the amount of fertile land on Earth, then the transition costs associated with overriding the market solution to food production might be so high as to invalidate any feasible course of policy reversal. However, given the hypothetical ability to create

new farmable land and the desire to find synergy therein with policies that protect the environment, it will be very easy for the government to reverse the wrong policies that the free market has chosen.

On wrong policy, consider that precious old-growth rain forest is lost to deforestation mostly when small tropical farmers slash and burn tiny patches of jungle in an effort to farm the cleared land. Most of the jungle's nutrients are caught up in the lifecycle and not the soil itself which can be so poor that the reclaimed land is often farmable only for a few years or a decade. When the soil is depleted, the small village farmer with no other land is forced to clear more natural habitat in a terrible cycle of environmental annihilation. The macroeconomic status quo is at odds with the microeconomic practical considerations of ordinary market participants.

It is insane to allow car companies to sell dangerously flimsy automobiles and it is insane to allow the torturous enslavement of entire animal species in modern factory farming operations. It is unethical to have "farmed" animals persist in inhumane conditions and particularly so when the objective of the inhumanity is only to squeeze slightly more money out of the them. If the economics of free range, hunted, and similar farming implies that meat should be priced higher than comparable food items then the free market should be free to set those prices. The current factory model of industrial meat production dislocated from plant agriculture exhibits great disharmony when it becomes problematic both to fertilize crops and independently to dispose of the septic waste from the animal factories. In the natural lifecycle that is efficient and ethical, the animals and crops cohabitate on land ("a farm") and the animals fertilized the land to the extent that recycling is efficient.

The states should reject the federal government's bid to offer a cancerous factory-food pipeline in place of the historical, healthy, natural food chain based on the proven techniques that do not subject the food to industrial processing. Exponential tax policies must be implemented to make the largest food producers inherently uncompetitive. Due to the "reduced efficiency" of healthy food production, this should lead to massive job creation when the food factories are replaced by very many small farms and artisanal businesses. The outcome of the government attack on mega-scale agribusiness will be superior to the cheap food and very few self-employed business owners achieved by market forces.

Aggressive taxation can be used to induce the reverse process by which Starbucks and similar have usurped and monopolized the small but steady revenue streams historically

allocated for local businesses. Likewise, any number of jobs lost overseas can be repatriated with simple protectionism. These policies are not at all hypothetical and the only limiting factor is the transition cost associated with each level of policy implementation. Ideally, the wealth bonanza from the irrigation of the dry soil should power through the resulting higher prices to catalyze a long lasting economic auto-dynamo.

A simple application that includes the non-farm economy is to create an exponential business tax structure on GAAP gross revenue that will reflect the well-being of the most powerful group of market participants. Penalizing abnormally high gross revenue is an efficient means to support small business because it cannot be confounded with the accounting gimmicks that contribute to net revenue. Another application is to keep the minimum wage the same for small mom-and-pop shops while requiring a higher minimum wage from businesses that gross millions or billions of dollar per quarter. It will be most efficient to load the tax burden into the upper tails of business revenue because the carefully crafted tax structures will give the undisguised competitive edge to small independent operators. Synergistically, the gross revenue tax will lessen the relevance of the moral debate on taxing the rich because the upper tail of the personal income distribution – considerably CEOs of high grossing companies – will automatically be diminished.

Consider personal income taxes. The lowest bracket for income up to about \$10,000 per year is 10% and it goes nearly as high as 40% for income near \$400,000. This is extremely beneficial to market participants earning on and above the order of \$1,000,000 per year. The economic drain is not the 47% of people that pay no income taxes but still do pay social security taxes, medicare taxes, the Obamacare tax that exists when the Supreme Court malfeasantly finds that the Congress is correctly empowered to outsource taxation to the private sector, sales taxes, automotive registration taxes, rents, baggage fees, tuition, and other taxes such as interest on unchecked predatory lending; the money disappears at the wealthy end of the spectrum. A poor citizen paying a hypothetical 10% on \$3,000 of annual income is much more heavily burdened by his tax bill than another citizen paying 40% on millions of dollars. Since the poor man would gladly trade market position with the rich man, it is illogical to argue that the system unfairly favors the poor man or that paying 10% or 0% on low income is a way to game the system for personal gains. There are no personal economic gains in the lowest tax brackets.

Current tax policy is for the IRS to tax “everyone.” The government uses some portion

of the tax revenue to provide stupid, marginally effective government entitlements to the poor *and to the rich*, and then it also lets the rich tax the poor in the market. The tax and welfare cycle must be such that macroeconomic welfare budgets directly convert to microeconomic spending amongst the most modestly situated market participants. That spending will naturally trickle up in the rules of the free market and very high tax rates at the top serve to keep more of the money circulating and that keeps the economy vibrant.

The ratio of the lowest tax bracket to the highest is about 1:40 but the ratio of the highest tax bracket to the highest earner is about 1:350. If the highest earner takes in \$150,000,000 per year then it is wrong to define 100% of the tax bracket variation in a narrow band of the lowest possible half a million dollars because that is a flat tax across more than 99.7% of the range of incomes. The market must be balanced with a suitably non-flat tax code because the market does not admit new participants in a way that can be represented as flat. If the middle earner making \$400,000 is in a much higher bracket than the earner at \$40,000, then earners near \$40,000,000 should not be able to ride the coattails of the very much less affluent by only paying their tax rate. The broad appeal of the exponential tax is to shift the burden of the tax cycle out of the range \$0 to \$400,000 and into the range where it does not affect the money people use for day-to-day living.

It hurts the economy when the government disproportionately takes money from the group of people who spend every cent in the market or who only accumulate moderate wealth. If it is perceived by many as easier to receive a minimal subsistence of welfare than to participate in the market in the normal way then that is a sign that the market's vested business interests have become sclerotic and it is necessary to break them up with targeted taxes. The correct solution is to point the tax burden to the place where the market deposits money and to disburse the welfare budgets where they will go directly back into the market to be re-accumulated according to the merits and acumen of the complete group of market participants.

Every tax will have winners and losers. The current stratification of wealth (figure 1) reflects a very long-term trend whereby the winners in all new legislation were the rich and the losers were always the poor, the middle class, and the only modestly wealthy. When it comes to taxing the rich, it must be acknowledged that the large majority of American millionaires are not part of the notorious 1% and their wealth should not be attacked. The wealth that should be targeted is the 40% of all money controlled by the richest percentile

of Americans that are uber-millionaires and billionaires. On a philosophical level, many will argue that it is unfair to penalize that group's success but those should consider that life is unfair. In a flat tax structure across all income, the tax bill drives those at the bottom even further below the poverty line but the absolute worst possible outcome for the 1% targeted with exponentially increasing brackets is that they will move from the top 1% into the top 2%. Once in the second percentile of wealth, they have returned to the normal tax group.

On the positive side, the government will take in the same amount of money no matter where it comes from but the negative side is radically changed between flat and exponential taxes. Weighed on the pros and cons for the complete group of market participants, the exponential tax is indisputably better. As the massive pile of wealth controlled by the richest 1% decreases, the parameter in the tax exponent will be adjusted to give a flatter bracket structure that represents the increasingly equitable distribution of wealth. The hard coded values of the current tax bracket structure, which are arbitrarily redefined by the Congress randomly often, must be replaced with a dynamic index of variables that will automatically respond to market conditions in a predetermined, rigorously computed way. Until the market does reflect the efforts and realistic expectations of average market participants, it is mandatory that the losing aspect of all new regulation be assigned to the upper tail of the affected monies. Conversely, all positive aspects of the new tax policies must skew toward the lower tail of the relevant distribution. Due to the trickle up effect, skewing the benefits of tax policy toward the middle is counter-productive. All of society benefits by increasing the wealth of those at the bottom because they are the foundation upon which the economy rests.

Since there are very many more millionaires than there are people with yearly earnings over one million dollars, many millionaires can pay the capital gains tax that is roughly half of the rate paid by people with jobs. The capital gains rates can only be used by the wealthy so with the effective flat tax on income there is a double-whammy superposition of government regulations serving to drive the market's wealth into a black hole from which it can never return. In dynamical terms, the system has converged to its limit cycle. We need to allow the government to "pause the simulation" so we may move the country's economic state away from the unfavorable valley before restarting the system with rules that will push the market toward a new limit cycle.

By increasing government spending through programs potentially including the nuclear

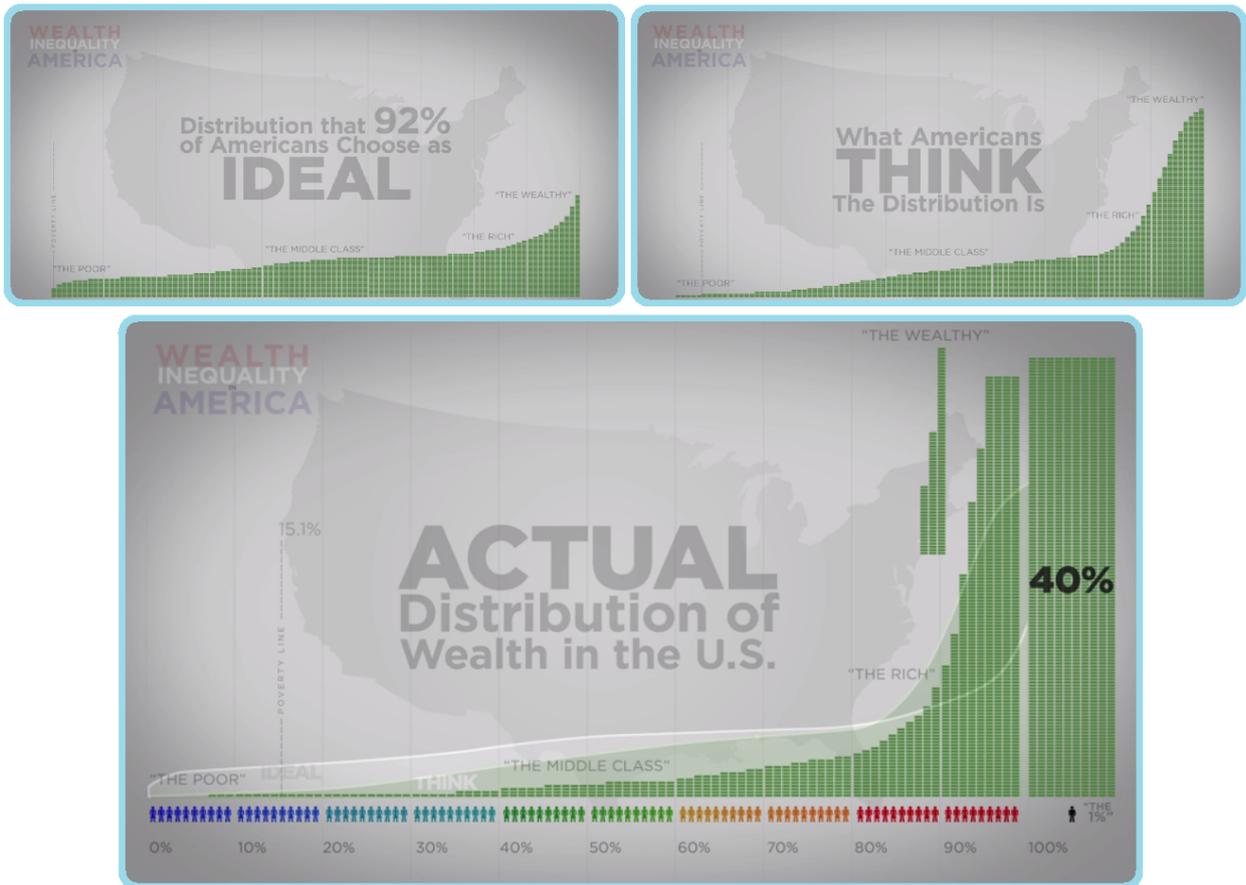


FIG. 1: Three screen shots from one of the best videos on the internet: *Wealth Inequality in America*. The two figures on top represent survey results about the perceived distribution of wealth in America and below is the actual distribution. Note that the ideal distribution on the left is very different than the expected distribution on the right, and also that the actual distribution including wealth hidden in off-shore shell companies will be different than the figure on bottom which only includes “on the books” wealth. The large block labelled 40% shows the 40% of American wealth controlled by the richest 1% of Americans. When wealth is taken as a proxy for income, it is clear that the non-flat tax bracket structure should be moved to the right away from the more or less flat incomes on the left where it currently lives.

irrigation of continents, economic pressure exerted by burdensome new exponential business taxes will very quickly replace mega-business with small businesses. The tax burden to pay for welfare is offloaded onto the very wealthy and their business interests but that burden is quickly reduced when small businesses are more likely to pay living wages on account of the personal relationships between the owners and the employees. A very large number of small business owners also implies fewer available workers who should then be able to demand higher wages in the transition to the new limit cycle.

The simplest form of welfare is social security. Social security must be fully funded and never privatized because it is wrong to require that the citizenry entrust their retirement or monetary well-being to a financial interest that is not their own. Consider the idea that the profiteer himself is more trustworthy than the government which mishandles money and does not provide sufficient funds management on account of the profiteer's lobbyists meddling in the Congress. The government and the profiteer are both able to mismanage the funds, but it is only the profiteer that directly introduces a competing interest. The government has no vested interest in depleting social security or other pensions but the profiteer's profits are directly linked to the taking of the people's money.

Social security is a much loved program because of the system whereby money from the government tax accounts is routed into the citizens' private bank accounts. The profiteer who is not to be trusted to manage social security – or other public monies – is not to be trusted even when he is not a fraudster because he will always seek to “improve” the administration of the funds by adding increasingly many layers of bureaucracy to processes by which each new layer reduces the amount of money available for the final recipient. The bureaucracy of one million greedy hands is the tool of the profiteer who is unable to siphon funds directly. The bureaucracy should be minimized but to remove it altogether is to take away the profiteer's siphon in favor of pouring the coins directly into his pockets.

The Constitution does not describe a sprawling federal bureaucracy. Reducing the bureaucracy that stands between the country's executive officers and the government of each state will create value boosting efficiency factors that drive economic activity. A vesture of power in the government is needed because concerning market forces have deprived the government of its historical ability to solve problems to the degree that is technically possible.

The federal law should be simple enough that each person can understand the market's rules. We must do away with hundreds of thousands of pages of U.S. Code and tax law.

The unlimited “case law” based on nothing more than precedent or custom – or likely malfeasant judicial activism – must likewise be abolished. Georgia state law prescribes a plain meaning rule declaring that in the absence of words of limitation, words in a statute will have their ordinary and everyday meaning but most of the federal government justifies itself making reference words’ nonstandard meanings that may not even exist. The malfeasance of improper interpretation is exacerbated when the relevant words themselves are often only the words of limitation and not the main content of the statute in question. To solve the problem of erroneous legal precedent, all eventual interpretations of the words in a statute must be derivable from the statute’s text as recorded. The plain meaning rule must be an integral part of the federal government’s new regulations as set forth in a constitutional convention convened by the states. The buffer layer of the United States’ many state and county governments implies that the day-to-day lives of non-federal employees need not include undue hardship in the expeditious implementation of reasonable new regulations regarding how the government intervenes in the market.

The primary malfunction of the market can be understood as a monopoly on rents that complements the disfunction in the tax code. Improperly restrained market forces impose tax-like rents on poor and average market participants but the government does not tax the profits of those rents in kind. For example, consider the death loophole. When a fortune is inherited, the heir’s baseline of capital gains is the value of the fortune at the time of the inheritance even when that fortune may already represent many consecutive lifetimes of vast surpluses of unrealized gains on residual rents. While the death loophole gives an example, it should be the primary purpose of new policy to redistribute the revenue that will be generated from new economic activity; redistribution of revenue generated from old activity is at most a secondary consideration. The programmatic dissolution of the rent monopoly should provide for self-sustaining market livelihood without ongoing radical government intervention.

A classical anecdote is to contrast the merits of giving a man a fish with those when the man is taught to fish. In fact, the solution that would likely be selected in dynamical systems theory is to give the man a fishing pole. He can get his own fish after learning how to fish online given that he also has some bait, clothes, is reasonably well fed, and has a way to get back and forth to some place where he is allowed to take fish out of the water for free every day for the rest of his life. The classical example did not consider the case of giving the

man a fishing pole and that may reflect the situation in which it was not possible to simply purchase from an unlimited supply of cheap fishing poles and tackle in the market. The efficiency of the trickle up economy is tapped when the government pays local artisans to produce the fishing poles instead of funding a welfare department to employ 50,000 people to oversee the distribution of the fishing poles from whichever corrupt agent secured the pork spending for a given manufacturing conglomerate.

Consider pork spending in the prison-industrial complex. The first section of the Thirteenth Amendment is one place that a statute's words of limitation do clearly restrict the ordinary meaning of the other words.

“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

The exception to the abolition of slavery is stated clearly in the law and is not reliant on any hypothetical exterior abstractions as when Second Amendment detractors cite some unwritten context for militias. Recall how the unconstitutional context takes the form of endlessly burgeoning legal precedent set by malfeasant judicial agents and that it becomes “law” when the malfeasant precedent is given higher consideration in the courts than the Constitution itself.

Regarding slavery, the state has largely privatized the prison industry which then colludes with the school-to-prison pipeline to take profits from an untenable interpretation of the abolition of slavery. A conviction in the judiciary must never result in the enslavement of a citizen when the statute defining the crime itself is unconstitutional. The burden lies with the judicial branch of government to invalidate unconstitutional law; the burden is not on the citizen to suffer in slavery while malfeasance goes uncorrected. The citizen's right to be free is superior to the government's intention to operate in a general state of malfeasance contingent on the very many specific, denominated malfeasant acts of the Justices of the Supreme Court. Also note that if nine was the correct number of Justices to handle the nation's problems in the 18th century, nine is probably an insufficient number of Justices to evaluate the constitutionality of the current volume material.

The government's current state cannot be derived directly from the previous state that is taken to be the United States of America as written in the Constitution and its amendments.

One of very many examples is that the federal law does not give due consideration to the general meaning of the words “neither slavery nor involuntary servitude [*sic*] shall exist.” Market forces exploit the loophole that allows them to profit off the caveat “except as a punishment” and then the land of the free becomes the land of the highest per capita incarceration rate. Conditions in the market degenerate when the prison industry invests its profits in efforts to further distort the legal definition of terms like “duly convicted,” and “crime” and “punishment.”

The prison-industrial complex and its current metastasis into the school-to-prison pipeline are the psychopathic outcome of unrestrained market dynamics associated with hysterical malice; such forces are somewhat able to steamroll normal market operations. The role of the strong central government is to counteract the unproductive market forces that are known to arise from time to time in the real economy but it is not currently empowered to execute that role. The constitutional convention must convene immediately to find new synergy between simultaneous implementations of good regulations and cancellations of bad ones. Simultaneous action will prevent the bad faith delays that typically result when the courts become preoccupied with case law that does not reflect the most current version of constitutional law or even conflicting congressional legislation.

The Declaration of Independence is the superior of the Constitution in the supreme law of the United States and similarly congressional legislation that amends the Constitution is superior to non-constitutional legislation. At the very bottom of all legal hierarchies, the lowest form of law is case law; it must not be given equal consideration with other law. To implement a new balance of power that will encourage rather than smite the economy, the courts should be transferred mostly to the states but the prisons must be transferred to the federal authorities for rapid adjudication of certain glaring grievances regarding the abolition of slavery.

Without going so far as having to use militias, it is still possible and easy under the Constitution to change how the government works. A state level convention to amend the Constitution in a way that “shall be valid to all intents and purposes” can be called at any time. Consider the prescience of the clauses in the Constitution’s fifth article.

“The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the leg-

islatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress;”

The convention must ratify what is computed. It is not important to adhere to one ancient economist’s guess or another’s when the main bottleneck in the economy is that the government fails to conform to rudimentary best practices even in areas that do not rely on guesswork. There is talk of terraforming Mars when much of the surface of the Earth is not yet terraformed.

The states can deputize a Federal Marshal empowered to remove the unwanted market forces from the apparatus of federal power. The status quo in the balance of power currently sides with the “authority” of the fugitives in the government to enjoin the apparatus of power in a way that will never permit the revocation of its ill-gotten authority. The fugitive element seems unstoppable because they are able to ignore all constitutional checks and balances by routing every issue into the court system. One federal actor may have authority over another but it has become the option of the subordinate party to declare that the other does not have authority and then take the issue to court where it will languish indefinitely long. If every issue is decided at some level of the judicial branch, then the government does not reflect the constitutional division of powers that oath takers swear to defend.

Since there are now 27 amendments to the original Constitution and each one has an associated legal and economic framework of case law, and unconstitutional laws based on a misrepresentation of the interstate commerce clause and other clauses remain uncorrected, it may be time to completely replace the Constitution with modern language and with modern issues in mind. Consider that much of the federal code and much of the years or even decades of federal courts backlog are derived from only five words set forth in Article I of the Constitution, Section 8.

“To regulate Commerce with foreign Nations, and among the several States,
and with the Indian Tribes;”

While the interstate commerce clause is only a lesser item in a line of Section 8, consider two top-level items where the Congress is specifically empowered.

“To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;”

“To constitute Tribunals inferior to the supreme Court;”

To most efficiently drive new economic activity the states must convene the constitutional convention forthwith and forego any needless consultation with the Congress. The first act of the convention should be to vest the Federal Marshal with judicial power that is superior to that of the Supreme Court.

RECOMMENDED

Wealth Inequality in America, YouTube video (6 min)

Reforming Taxation to Promote Growth and Equity, Joseph E. Stiglitz (2014)

Common Sense Revisited, William Smith (2000)

Money as Debt, YouTube video (47 min)