Civics and the Constitution

An American View of Law, Liberty, & Government

Jake Macaulay & Ricki Pepin

First printing: June 2019

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Unless otherwise noted, Scripture quotations are from the King James Version of the Bible.

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Publishers' Note:
This course is modified from The Institute of the Constitution's course on the U.S. Constitution. The course originally had 12 lectures instead of the current 15; therefore, the video may sometimes reference lectures, page numbers, etc. that are different from what is written in the book. Please follow the book references rather than the video references.

Disclaimer:
This course was developed by Institute on the Constitution as an educational outreach. We are not providing legal advice nor practicing law through this forum.

Note from Authors:

Dear Friends,

Welcome to this course developed by the Institute on the Constitution! As one of the founders of the Institute, I want to commend you for your interest in constitutional government and for your love and respect of America.

As you work through this course, you should know that you are taking part in the noble experiment in self-government that our Founders envisioned. It is essential that all Americans have a foundational understanding of the proper role and limits of civil government in these United States of America, and that this understanding be passed on to our children and to their children. Liberty under law is our heritage and it is the blessing we earnestly seek to preserve for posterity.

For God, the Family, and the Republic,

Michael A. Peroutka

A Dedication

This course of study is dedicated to the memory of Georgia State Representative Bobby Franklin, whose faithful Christian witness and tireless commitment to The American View of Law, Liberty and Government, inspire us to persevere and to plow our row in Our Master's field. For more information, please visit The American View.com and see the Profiles in Courage page.

About the Authors

IOTC's Mission

Institute on the Constitution (IOTC) is an educational effort out of Pasadena, Maryland.

They desire to help individuals across America to understand their own history, and to learn and fully appreciate their own heritage by reacquainting them with the worldview and vision of our Founders.

They believe that by understanding the way in which the framers of our Constitutional Republic viewed their relationship to God, to other nations, among the various states and to each other, we can gain valuable insight into the foundational principles of America and the difficulties that face us at this time and the times to come.

They hope to encourage individuals, families, churches, legislatures, civic and other organizations to become conversant with the foundational principles on which American civil government and proper jurisprudence rest. We believe that, so informed and educated, the American people will be empowered to take an active and meaningful role in the biblical jurisdictions of family, church and civil government.

Our Challenge

Alexis de Tocqueville, who toured this country during the 1820 - 30s, and who wrote extensively of his experiences as an observer of American culture, after noting American ignorance about European affairs, wrote the following:

> "But if you question him [the average American] respecting his own country, the cloud which dimmed his intelligence will immediately disperse; his language will become as clear and as precise as his thoughts. He will inform you what his rights are, and by what means he exercises them; he will be able to point out the customs which obtain in the political world. You will find that he is well acquainted with the rules of the administration, and that he is familiar with the mechanism of the laws. The citizen of the United States does not acquire his practical science and his positive notions from books; the instruction he has acquired may have prepared him for receiving those ideas, but it did not furnish them. The American learns to know the laws by participating in the act of legislation; and he takes a lesson in the forms of government from governing. The great work of society is ever going on beneath his eyes, and, as it were, under his hands."[1]

Clearly, major changes have occurred in America since the time of Tocqueville's observations and we suffer the results of our current ignorance of our history by living in a culture that gradually acquiesces to increasing infringements on rights and liberties that our Founders considered God-given and unalienable. Indeed, there are many who make the case that we are living in slavery in America at this time.

The Vision

What to do? Well, why not begin at the beginning and take the positive steps that will lead to real, tangible, palpable results?

Let us, first of all, thank God for the freedoms that He has allowed us to retain and let us begin to recover the lost tools of self-government by learning about our place in His history. Let us learn the history of our own country, and the plan that our Founders fashioned for its preservation. The purpose of that plan was set forth in the Declaration of Independence in 1776 and the structure of that plan took the form of an agreement between the sovereign states known as the United States Constitution.

1 Tocqueville, A., Reeve, H. and Bigelow, J. *Democracy in America*. (New York: D. Appleton and Company, 1904), p. 343.

We need to study these profound documents and the historical context in which they were written and adopted. We need, furthermore, to understand the religious and philosophical worldview of the drafters of the Constitution and the clear intent of the States in ratifying a document that set forth the limited nature of the powers being vested in the Federal government. We need to understand the Founders intent in adopting a Bill of Rights that acted as a check on the power of Congress and the executive authority from infringing the rights of people from whom their authority was derived.

Regrettably, but perhaps not surprisingly, the government schools have gradually lessened their emphasis on the teaching of American history and government. There seems to be a systematic and organized attempt to disconnect the youth of America from their heritage so that, at the present, although but a few generations from our Founders, school children today have very little concept of the basic principles that their forefathers fought and died to defend.

It is our hope that through the use of this lecture series along with the study notes and other materials, working in small community groups and connected through the technology of the internet, participants in the Institute on the Constitution series can begin and continue the challenging but rewarding and Godly task of restoring our lost freedoms and passing on our Constitutional heritage of liberty to future generations of free Americans.

Quick Start Guide

1. Read the opening quotes, general objective, and specific objectives of the lecture.
2. Watch the lecture video.
3. Review the lecture video notes.
4. Read the lecture's related topic information.
5. Review the notes or the lecture video. (Optional)
6. Complete the lecture review worksheet. (Teacher Guide)
7. Complete any additional worksheets for the lecture. (Teacher Guide - Optional)
8. Complete the lecture quiz. (Teacher Guide)
9. For additional information and videos on matters pertaining to the Constitution and related news, please visit: theamericanview.com.
10. If you are interested in looking up words from *Webster's 1828 Dictionary*, it can be found at: http://webstersdictionary1828.com.

Note: Chapters 15, 16, and 17 do not have an associated video lecture. Students will read the lecture (including historical documents) in this student book and complete the assignments in the Teacher Guide. Video Lecture 15 is associated with Chapter 18 in the book.

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About this course:

This course is based on a system of learning known as the Principle Approach — the method of education used by our Founding Fathers. This system enables students to begin to think and reason for themselves from a biblical worldview. Unlike our current education system that teaches students what to think, the Principle Approach uses definitions from *Noah Webster's 1828 Dictionary*, seven biblical principles and leading questions to help students search out the truth in any subject.

The Principle Approach method is known as the Four R's:

- **Research** – using the Bible, *Webster's 1828 Dictionary* and other primary sources, such as the Founders' original writings, so as to better define terms.
- **Reason** – using leading questions to identify truth or former misconceptions.
- **Relate** – connecting this truth to history, a current event or any subject before us.
- **Record** – writing or applying the knowledge; i.e. contacting Congressmen or speaking to others with Constitutional or principled arguments rather than opinions.

Traditionally, schools who use this approach have been successful. The students from these schools have consistently maintained their biblical worldview through the years. They are becoming citizens who can consistently think and reason from a biblical perspective, absolutely an essential element in restoring America to its biblical foundations of limited, constitutional government.

Using the Principle Approach

It was this process of learning that led to the very documents and form of government that we are studying in this Constitution course. It is for this reason that we have incorporated this approach into the development of the materials in this course. You will learn how to think, not be told what to think!

***Webster's 1828 Dictionary* Definitions**

Noah Webster was a master of 27 languages and dedicated years of his life to compiling the first American dictionary. His mastery of languages combined with his strong Christian underpinnings are two main reasons for using this specific dictionary, but the third and greatest reason is to overcome modern revisionist definitions of words and terms. Words matter and their meaning shouldn't change, but unfortunately over time, people use words in ways that alter their meaning in popular culture. Therefore, it is vital that you understand the context of the word in the historical time and place and how it was used. When you are assessing a document like the Declaration of Independence or the U.S. Constitution, words matter a lot and it is vital you review it with the definitions of the time to know what the Founding Fathers really meant and how important these words were for them to be included in these and other historical documents with their original meaning. This is why *Webster's 1828 Dictionary* definitions are key to this course. The following example will dramatically demonstrate this phenomenon:

- Right – conformity to standards or prevailing conditions[1] *(Harcourt Brace Dictionary, 1968)*
- Right – according to the will of God[2] *(Webster's 1828 Dictionary)*

The modern dictionary declares that "right" is determined by the circumstances in which we find ourselves — no absolute standard — whereas *Webster's 1828 Dictionary* establishes an absolute truth.

1 *Harcourt Brace Intermediate Dictionary*, (New York: Harcourt, Brace & World, 1968), p. 631.
2 Definition for the word as an adverb – see definition 2. http://webstersdictionary1828.com/Dictionary/right

Seven Biblical Principles

The Seven Biblical Principles are listed below and are emphasized throughout the course.

1. God's Sovereignty
2. Man's Individuality
3. Government – as related to Self, Family, Church and Civil realms
4. Property or Stewardship
5. Christian Character
6. Sowing and Reaping or Education
7. Unity and Union or Covenant

Leading Questions

The purpose of leading ideas or questions is to guide the student to the biblical or Constitutional root of any issue, policy or law. Using the Four R's (Research, Reason, Relate, Record) to answer these questions, students are taken through a process of thinking that teaches them a biblical worldview. Examples of some leading questions are as follows:

1. What is the foundation of all law?
2. What is the purpose of law?
3. Does this policy, action, law or idea adhere to the principles of our U.S. Constitution?

Answers to these basic research questions are built upon by asking more leading questions to teach the student biblical reasoning, and ultimately relating that reasoning to the question before them. The questions used in this course, including in the teacher guide, are done with this method, so it is important that you understand this concept. (See the example of Figure 1, pages 11-12.)

The teacher guide for this course contains your daily schedule for this semester course, as well as worksheets and quizzes for you to complete after each lecture and lesson.

VIDEO LECTURES

This course also includes 15 video lectures led by Michael Anthony Peroutka, founder of IOTC and former Presidential Candidate, along with Jake MacAulay, ordained minister, former syndicated talk show host and current President of the IOTC. Students can watch the lessons as they follow along and add to the video notes included in their student book.

Figure 1 - The Principle Approach In Action

PRESS RELEASE STATEMENT - 1973:

The Supreme Court decision of Roe v. Wade made abortion the law of the land, legal in all 50 states.

Research:

Leading Question #1: What is the foundation of all Law?

Answer #1 – The Laws of Nature and of Nature's God.

Source(s) #1 – Declaration of Independence, U.S. Constitution, *Webster's 1828 Dictionary*

Leading Question #2: What are the Laws of Nature and of Nature's God?

Answer #1 – The Laws of Nature's God is the Moral Law contained in the Ten Commandments as written by the finger of God.

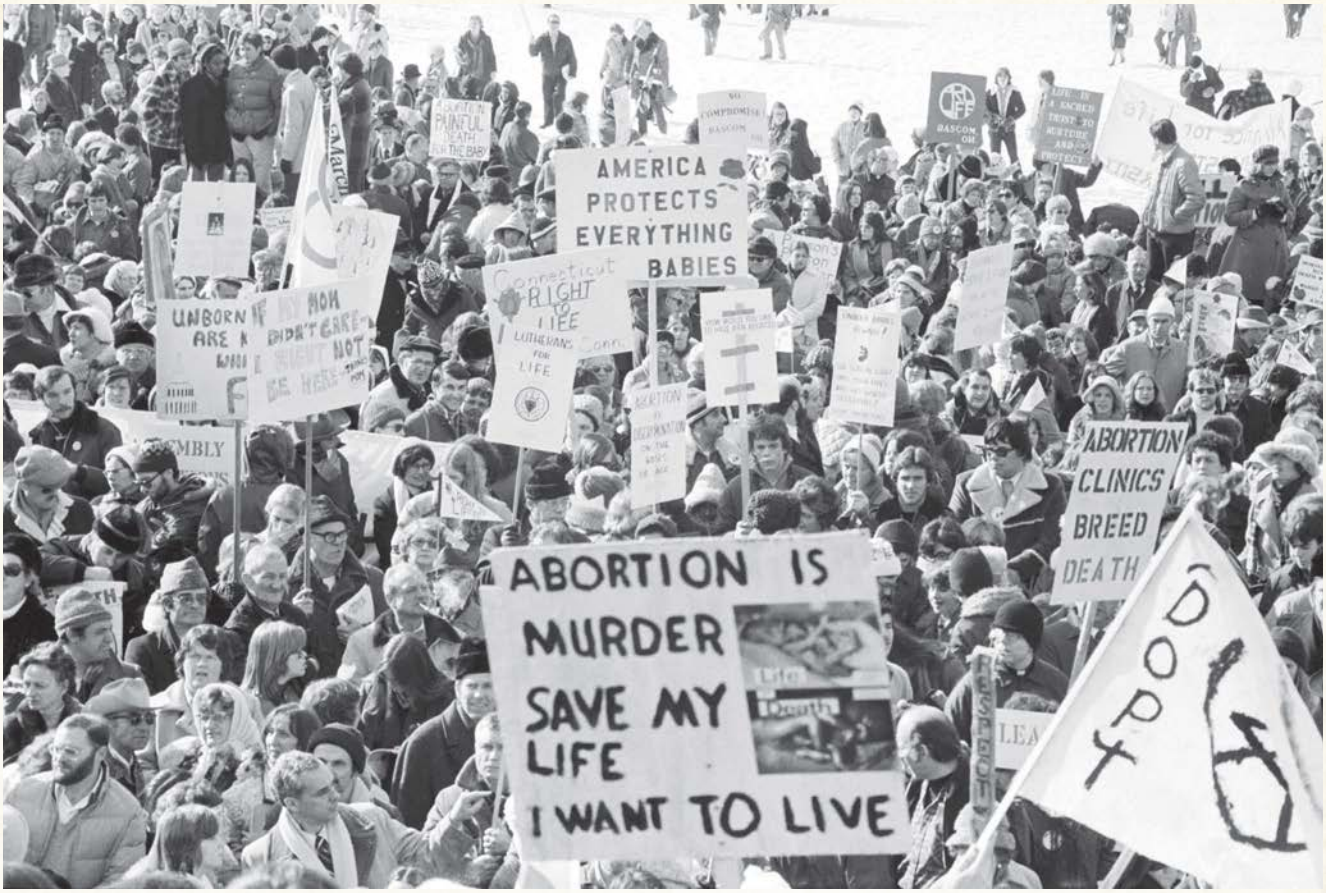
Source(s) #1 – *Webster's 1828 Dictionary*

Answer #2 – The Law of Nature is a rule of conduct arising out of the natural relations of human beings established by the Creator, and existing prior to any positive [written] precept. Thus, it is a law of nature that one man should not injure another, and murder and fraud would be crimes, independent of any [written] prohibition from the supreme power.

Source(s) #2 – *Webster's 1828 Dictionary*

Reason

In other words, the Laws of Nature and of Nature's God come from God and the Bible. The first is written, the other is intuitively and instinctively known to man, written in his heart by God, his Creator. Both are derived from the principle of God's Sovereignty as the Supreme Ruler of the universe.



O'Halloran, Thomas J, photographer. "Right to Life" demonstration, at White House and Capitol Crowd with banner, Abortion is murder. , 1978. Photograph. https://www.loc.gov/item/2016646416/.

Relate

Leading Question #3: Does this court opinion adhere to the principles of our U.S. Constitution? Can abortion, the taking of an innocent life (murder), be legalized by a court decision?

Record

Answer #3 – Clearly and simply, NO! In order for man's law to be valid, it must conform to God's law. The Supreme Court (man) does not have the authority to overrule the Supreme Being (God's) law. In addition, the U.S. Constitution declares only Congress can make law (Article I, Section 1) that cannot contradict the "Laws of Nature and of Nature's God" to be legitimate. Lastly, the purpose of law is to protect life, not take it.

CONCLUSION – Roe v. Wade is not law at all, much less the "law of the land." No Supreme Court decision is the "law of the land" as only Congress can make law.

Introduction – Course Basics

A. **Restoring not Revolutionary!** The mission of this course is not a *revolutionary* one. Rather, it addresses the need to restore a constitutional system.

Too many citizens of this country seem to be ignorant of:

1. Our form of government.[1]
2. Our American history and heritage.

In today's America, most "Americans" know very little about America, what it means to be American, or what beliefs and values define America.

The result is we don't have the basic tools we need to do our duty as citizens. You may have concerns or be dissatisfied with Economy-Bailouts-Wars-Health Care-Property Rights-Right to Self Defense or generally believe something is broken in America.

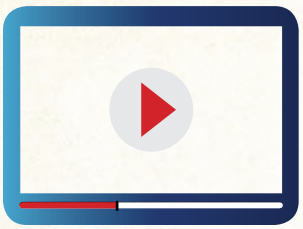
Are we lost at sea? Can we uncover and recover the foundational principles of American thinking and believing?

B. **Can we restore lawful government?** Yes. Thankfully, the documents are still here, and some oral history remains (it is fading away), but there is much evidence that some spark is still in the people's hearts.

Our belief is that fundamentally we have lost our way because we don't think like Americans anymore.

But we can recover this view, and it is essential to the future of our country.

1 https://www.theamericanview.com/what-is-a-republic-anyway/



Chapter One

An American View of Law, Liberty and Government

General Objectives

You should understand that there is a specific view of Law and Government which is distinctively American in nature. This is called "The American View," and it is based on a biblical worldview.

Specific Objectives

- ☆ *Understand the presuppositions upon which "The American View" is based and be able to identify these presuppositions in the text of the Declaration of Independence.*
- ☆ *Understand the relevance of God and His Word to Law and Government by articulating the biblical purpose of government.*
- ☆ *Distinguish The American/Biblical View from other views of law and government.*
- ☆ *Appreciate the basic principles of law, including Blackstone's definitions of The Law of Nature, Revealed Law, and Municipal Law.*
- ☆ *Understand the definition of "Constitution."*
- ☆ *Appreciate the importance of the study of history to the restoration and maintenance of lawful government.*

"Anyone who desires to be ignorant and free, desires what never was and never will be."[1]
–Thomas Jefferson

"My people are destroyed for lack of knowledge."
–Hosea 4:6

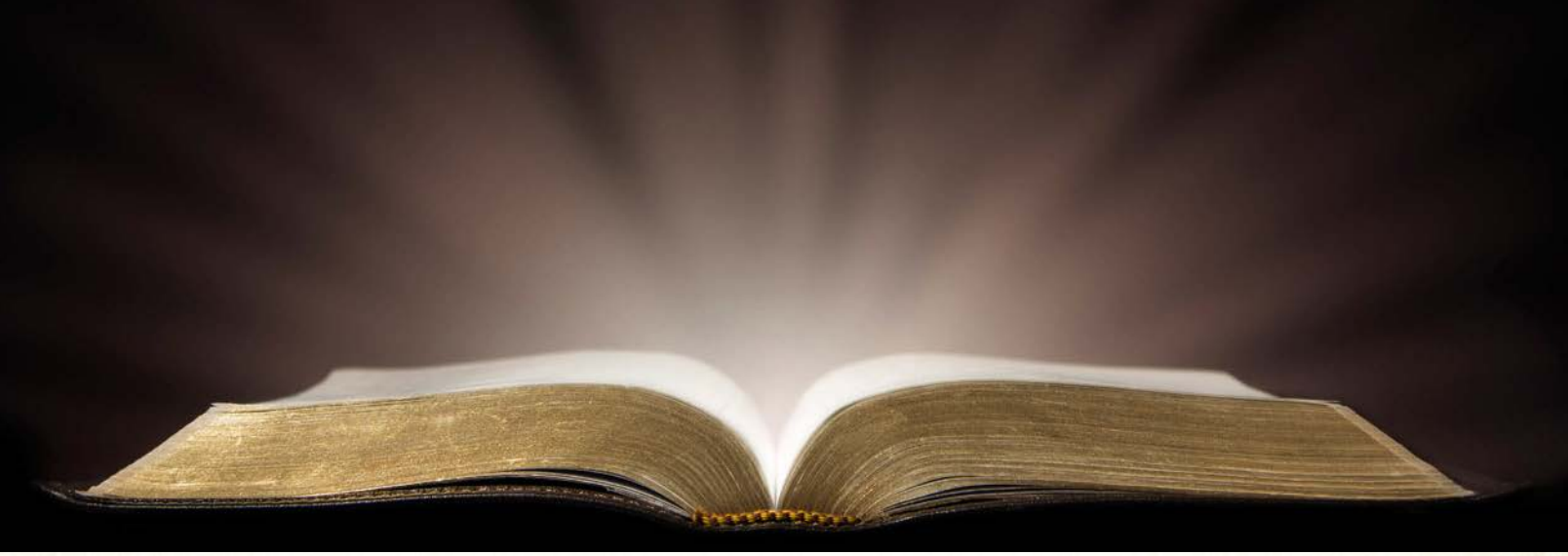
1 "Will We Be Ignorant or Free?" https://www.theamericanview.com/will-we-be-free/

Lecture One: The American View of Law and Government; follow along with the notes in the following section.

A. PRESUPPOSITIONS: These are the things which are accepted as true before any argument can commence.

	General Presupposition	that truth exists and is absolute, objective and unchanging. *...We hold these truths to be self-evident...*
	Specific Presuppositions	contained in The Declaration of Independence.
1.	There is a GOD	*...that all men are created equal*
2.	Our rights come from Him	*...that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness;*
3.	Purpose of civil government is to protect God-given rights	*...that to secure these rights governments are instituted among men...*
4.	All civil government is derived through the consent of the people	*...deriving their just powers from the consent of the governed;*
5.	Whenever any government becomes destructive of this purpose the people have a right and a duty to "alter or abolish" it.	*...that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it...*

This is the *American View of Law and Government,* which is based on a biblical worldview, and is an application of the Bible and God's law to civil government and the body politic.



B. THE RELEVANCE OF GOD AND HIS WORD TO LAW AND GOVERNMENT

1.	God exists.
2.	He knows what is happening on earth.
3.	He has moral convictions about what is happening on earth.
4.	He communicates those convictions to us.
5.	He communicates those convictions through the Bible.
6.	Much of the Bible addresses law and government.
7.	If we ignore what the Bible says about law and government, we are not preaching the whole counsel of God. (Acts 20:27)
8.	Church leaders throughout history have addressed issues of civil government: Augustine, Aquinas, Luther, Calvin, Rutherford, our own Pilgrim and Puritan forbearers.
9.	The refusal of many modern Christians to address issues of law and government is a modern heresy.

C. THE FUNCTIONS OF CIVIL GOVERNMENT: it is given the power of the sword (force) in order to:

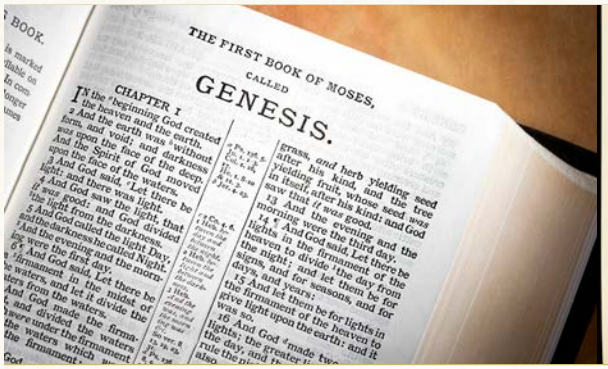
1.	Restrain the exercise of sin (Romans 13:3-4): "For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to [execute] wrath upon him that doeth evil."
2.	Enforce God's standard of right and wrong. (Romans 13:3-4)
3.	Maintain order so Christians and others can practice right living (1 Timothy 2:2): "For kings, and [for] all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty."

COMPARISON OF AMERICAN AND ALTERNATE VIEWS OF GOVERNMENT

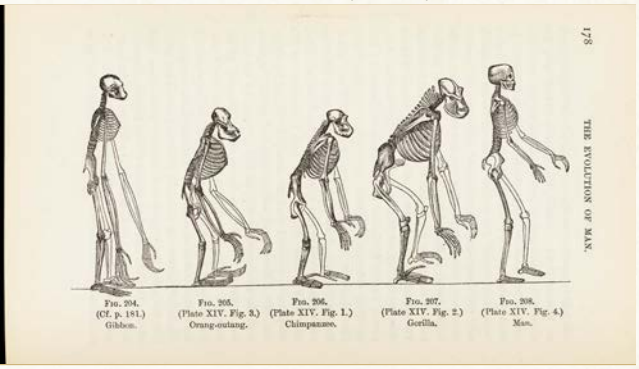
There are other views of government and its purpose that are not biblical: Socialist View, Marxist View, Communist View. We can compare the views by contrasting their various attributes:

A. ELEMENTS OF BIBLICAL VS PAGAN

Biblical View of Government	Pagan View of Government
State is Divinely Ordained	State is Divine
State Authority is Limited	State Authority is Unlimited
Leads to Patriotism	Leads to State Worship
Results in Republic	Results in Tyranny



Based on Creation



Based on Evolution

B. AMERICA WAS FOUNDED ON THE BIBLICAL VIEW, but the Pagan View is in operation today, which is creating unrest and lawlessness. Some examples:

1. Unconstitutional wars
2. Lawlessness in our cities with a bloated welfare system
3. The murder of 60 million unborn babies in the United States

C. HISTORICAL FACTORS contributing to American cultural disconnect and dissension

1. Revolution in American thought – American institutions promote anti-American values and ideas. This topic will be explored in greater depth later in this study.
2. False understanding of Separation of Church and State[1]
3. U.S. Supreme Court case Engel v. Vitale, 370 U.S. 421 (1962)[2]
4. Many attribute it to the failure of American churches. No longer independent.[3]

1 For additional information, see IOTC's DVD "Separation of Church & State: The Truth and The Lie" by Michael Peroutka's June 2016 video.
2 https://www.law.cornell.edu/supremecourt/text/370/421
3 For additional information, see IOTC's DVD "Why Churches Must Not Incorporate or Become 501C3 Organizations" by Pastor David Whitney.

"...when Christ said, 'Render unto Caesar the things that are Caesar's and unto God the things that are God's,' He gave to the State a legitimacy it had never before enjoyed, and set bounds to it that had never yet been acknowledged. And He not only delivered the precept, but He also forged the instrument to execute it. To limit the power of the State ceased to be the hope of patient, ineffectual philosophers and became the perpetual charge of a universal Church." — Lord Acton in a speech delivered February 26, 1877[4]

BASIC PRINCIPLES OF LAW

A. OLD TESTAMENT – Torah: to direct, to point out, to lead.

B. NEW TESTAMENT – Nomos: commandment or assignment from higher authority.

C. LAW IS – (Summarizing from Sir William Blackstone's *Commentaries on the Laws of England*, Volume I)

1. A rule of conduct.
2. Backed by force, not just custom.
3. Based on higher moral authority.[5]

D. FORMS OF LAW according to Sir William Blackstone's *Commentaries on the Laws of England.*

"Man, considered as a creature, must necessarily be subject to the laws of his Creator… it is necessary that he should, in all points, conform to his Maker's will. This will of his Maker is called the law of nature… This law of nature, dictated by God himself, is… superior in obligation to any other. It is binding over all the globe, in all countries, and at all times; **no human laws are of any validity if contrary to this**." [emphasis added][6]

1. Law of Nature – revealed by God through human reason and conscience (Romans 2:14-15): "For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which shew the work of the law written in their hearts, their conscience also bearing witness, and [their] thoughts the mean while accusing or else excusing one another."
2. Revealed Law – which is found only in Scripture (e.g. Ten Commandments, Leviticus, Deuteronomy, etc.)
3. Municipal Law – man-made, enacted by civil government, valid only if it conforms to Law of Nature and Revealed Law.

E. NOT REVOLUTIONARY ... but restorative.

4 Himmelfarb, Gertrude. 2015. "Lord Acton And The Idea Of Liberty." Acton Institute. https://acton.org/pub/commentary/2015/11/10/lord-acton-and-idea-liberty
5 Blackstone, William. *Commentaries on the Laws of England. Book the First.* Third Edition. (Oxford: Clarendon Press, 1768).
6 Ibid, pp. 39-41.

WHAT IS A CONSTITUTION

A. *BLACK'S LAW DICTIONARY*, 4TH EDITION:

"The organic and fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of its different departments, and prescribing the extent and manner of the exercise of sovereign powers."[7]

1. Every organization has one.
2. Can be written or unwritten.
3. More general, basic, and foundational than statutory law.

B. NATURE OF THE U.S. CONSTITUTION:

1. Document of omission. Limits government, not the people.
2. Tenth Amendment as STOP sign!

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

7 Black, Henry Campbell. *Black's Law Dictionary*. Fourth Edition. (St. Paul: West Publishing Company, 1968), p. 384.

THE ROLE OF HISTORY

A. **"Mall directory"** illustration – Professor Chris Schlect said, "History is like a mall map that gives contextual meaning to the little red arrow that says, 'You are here.'"

B. History shows **God's Sovereign** and providential plan for the United States.

C. History helps us appreciate our constitutional **heritage.**

D. History shows us how various forms of government have **worked** or not worked.

E. History helps us understand the **meaning and intent** of those who drafted the Constitution.

F. History shows how the Constitution has been **interpreted and applied** since it was written and adopted.

G. History alerts us to **dangers** facing our constitutional republic today.

topic

SHOULD CHRISTIANS BE INVOLVED IN POLITICS? ©Ricki Pepin 2016

A politician's response:

Today, a very little publicized historical fact is that President James A. Garfield was a Christian Minister. He said:

"Now, more than ever before, the people are responsible for the character of their Congress. If that body be ignorant, reckless, and corrupt, it is because the people tolerate ignorance, recklessness and corruption. If it be intelligent, brave and pure, it is because the people demand these high qualities to represent them in the national legislature…If the next centennial does not find us a great nation…it will be because those who represent the enterprise, the culture and the morality of the nation do not aid in controlling the political forces."

A theologian's response:

Charles Finney was arguably the greatest preacher during the Second Great Awakening, a time of incredible spiritual revival during America's founding period. He said:

"The time has come that Christians must vote for honest men and take consistent ground in politics…God cannot sustain this free and blessed country which we love and pray for unless the Church will take right ground…God will bless or curse this nation according to the course Christians take [in politics]."[8]

Politics: the science of government; that part of ethics which consists in the regulation and government of a nation or state for the preservation of its safety, peace and prosperity… also for the protection of its citizens in their rights, with the preservation and improvement of their morals.[9]

8 Finney, C.. *Lectures on Revivals of Religion*. (New York: Fleming H. Revell Company, 1968), p. 281. https://archive.org/details/lecturesonreviva00finn/page/280

9 http://webstersdictionary1828.com/Dictionary/politics

Who is better equipped to "preserve and improve morals," Christians with a biblical worldview or non-Christians?
Therefore, who should be involved in politics?

Edward Everett Hale	John Quincy Adams	John Adams	George Washington
I am only one, but I am one. I can't do everything, but I can do something. What I can do, that I ought to do. And what I ought to do, by the grace of God, I shall do.[10]	*Duty is ours. Results are God's.*[11]	*Statesmen may plan and speculate for liberty, but it is religion and morality alone which can establish the principles upon which freedom can securely stand.*	*No people can be bound to acknowledge and adore the Invisible Hand [the Almighty Being] which conducts the affairs of men more than those of the United States.*[12]

topic

THE FOUNDATIONS AND PURPOSE OF AMERICAN GOVERNMENT & LAW IN THE WORDS OF THE FOUNDERS

Read the excerpts from the following historical documents:

Mayflower Compact –"Having undertaken [this voyage] for the glory of God, and advancement of the Christian Faith…" [13]

Note: This was a government document, not a church document, declaring the purpose for which America was founded.

Declaration of Independence –"We hold these truths to be self-evident, that all men are created equal…" [14]

Note: This statement presupposes a God who created men. It is made in a foundational government document, not a church document.

Declaration of Independence – "…that [men] are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men…" [15]

Note: The Founder's declaration of the purpose of government – protection of God-given rights, not provision of goods and/or services.

Declaration of Independence – "When…it becomes necessary to dissolve the political bands which have connected them with another, and the assume among the powers of the earth, [in other words to rule or govern themselves] the separate and equal station to which the Laws of Nature and Nature's God entitle them…" [16]

10 Popularly attributed to Edward Everett Hale. Another variant attributed to him is: I am only one, but still I am one. I cannot do everything, but still I can do something; and because I cannot do everything, I will not refuse to do something I can do. https://en.wikiquote.org/wiki/Edward_Everett_Hale
11 Ricki Pepin, "Overcoming the World - 'Duty is ours - Results are God's.'" October 13, 2016. The American View. https://www.theamericanview.com/overcoming-the-world-duty-is-ours-results-are-gods/
12 First Inaugural Address of President George Washington, 1789. https://www.bartleby.com/124/pres13.html
13 Bowman, G. *The Mayflower compact and its signers: with facsimiles and a list of the Mayflower passengers*. (Boston, MA: Massachusetts Society of Mayflower Descendants, 1920), p. 6.
14 The Library of Congress holds a number of artifacts related to this historic document, including the "original Rough draught" showing edits from the initial text to the final text. http://www.loc.gov/exhibits/treasures/tr00.html#obj1
15 Ibid.
16 You can read a transcription of the full text of the Declaration of Independence at the National Archives website. https://www.archives.gov/founding-docs/declaration-transcript

Laws of Nature's God	Laws of Nature
…the moral law…contained in the…10 Commandments written by the finger of God." [17]	"A rule of conduct arising out of the natural relations of human beings established by the Creator, and existing prior to any positive [written] precept. Thus, it is a law of nature that one man should not injure another, and murder and fraud would be crimes independent of any [written] prohibition from the supreme power." [18]

Paraphrase and simplified: The Laws of Nature are intuitively and instinctively known to man. They do not have to be written out. They are in your God-given conscience.

The Laws of Nature and Nature's God, according to the Founders, are the foundation for all law in America. All Laws, Executive Orders or Supreme Court decisions are valid only if they conform to the Laws of Nature and Nature's God. Any laws, orders or rulings made outside the boundaries of the Laws of Nature and Nature's God are not real, legitimate, enforceable or legally binding. Check it out with the words of the Founders:

Declaration of Independence

Grievance #13 – "He [the king] has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended legislation…

Grievance #19 – "…for transporting us beyond Seas to be tried for pretended offenses."[19]

Question: What does "pretend" mean? – The Founders declared any laws outside the Laws of Nature and Nature's God to be "pretend": not real but make-believe; not legal or enforceable.

Optional Reading Assignments

LECTURE ONE

1. *The Law* by Frederic Bastiat (text in Student Manual; pages 239-269). French Statesman article written in 1850, beautifully stating republican government principles and comparing them to the woes of Socialism. Optional weekly assignments will be given until it is finished.

   Lecture One: Start at "The Law" and read to "The Complete Perversion of the Law" (pages 251-252).

2. "How Tyranny Came to America" (pages 241-250 in the back of this book).

17 Note the dictionary definition 8 for "law". http://webstersdictionary1828.com/Dictionary/Law
18 Note the dictionary definition 3 (and 17) for "law". http://webstersdictionary1828.com/Dictionary/Law
19 https://www.archives.gov/founding-docs/declaration-transcript

LECTURE REVIEWS

1. Complete Lecture One Review Worksheet.
2. Complete the worksheet questions on "How Tyranny Came to America" (optional).
3. Complete Lecture One Quiz, including True & False Questions.

GOING DEEPER: SUPPLEMENTAL READING & VIDEO OPTIONS

Found at www.theamericanview.com/constitution-course-supplemental-assignments which can also be found at the bottom of TheAmericanView.com under Resources.

"Separation of Church & State: The Truth and The Lie" (DVD) by Michael A. Peroutka. This video gives the student a grounding in understanding the four God-ordained governments and the essential boundaries God has placed on each of those four governments.

Chapter Five
Immigration:
From Constitutional Beginnings to Anchor Babies

General Objectives

How is citizenship defined in the United States and why does it matter? You may be familiar with the basic rights afforded to you as a citizen of this nation, but it is important to realize you have a responsibility to be active in voting, choosing the right representatives that adhere to constitutional principles, and being vigilant about what our leaders choose to support or want to enact as law. As you learn more about the issue of immigration, you will understand how far from the original Founders' intentions we have drifted, and you will begin to understand the ramifications of these unconstitutional decisions. Understanding your role as a citizen is one way to preserve the legacy of freedom you have inherited and will be better informed to support or oppose legislation based on its constitutionality.

Specific Objectives

- ☆ *Examine the drafting of the 14th Amendment in both the House and Senate.*
- ☆ *Explore the debates which took place in both Houses prior to final approval.*
- ☆ *Investigate Supreme Court litigation on the citizenship issue as it relates to children of illegal immigrants.*
- ☆ *Examine both majority and dissenting opinions in terms of how they connected to the meaning assigned the text of the 14th Amendment by those who drafted that language in Congress.*

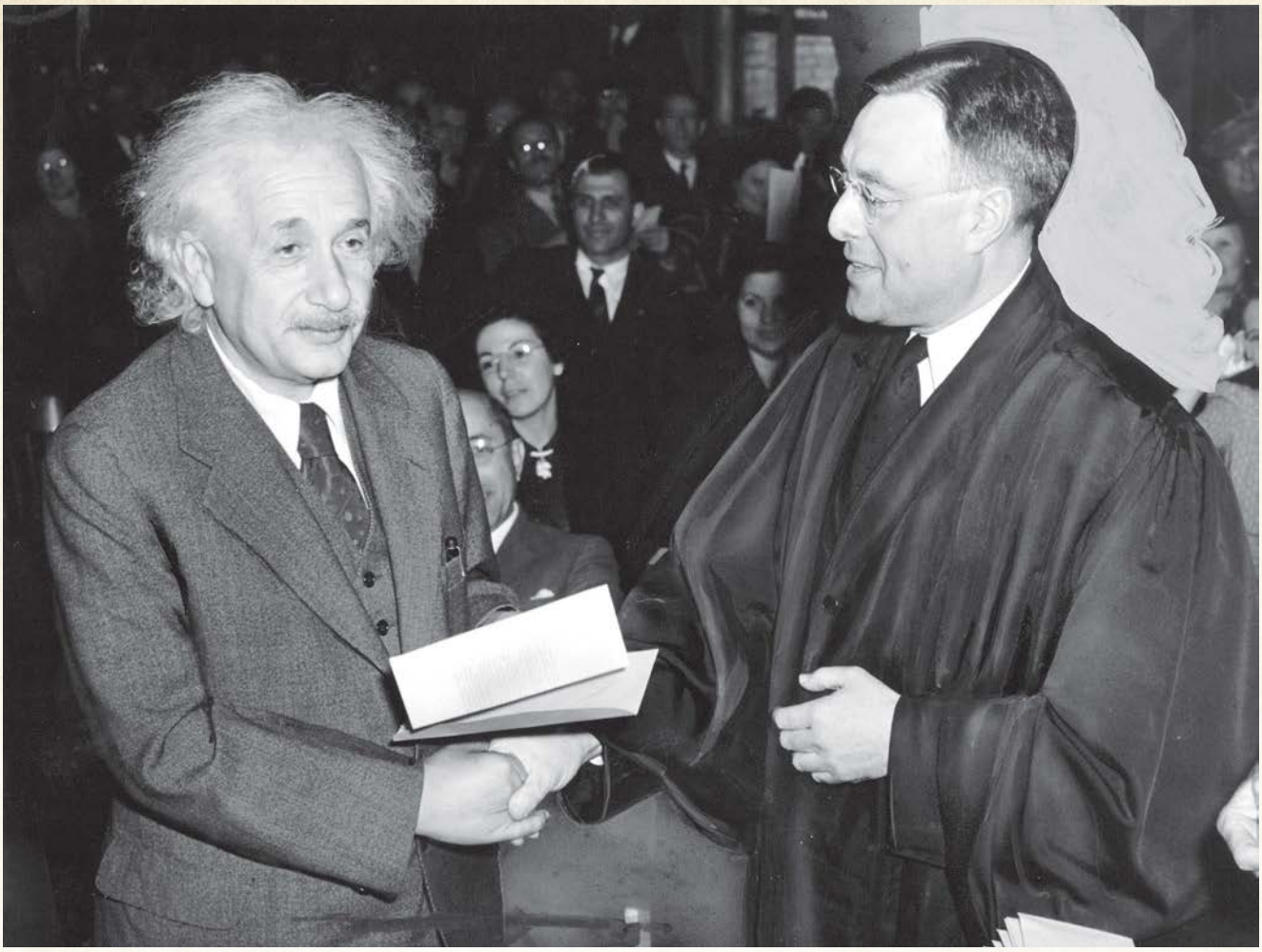
"Let each citizen remember at the moment he is offering his vote that he is not making a present or a compliment to please an individual – or at least that he ought not so to do; but that he is executing one of the most solemn trusts in human society for which he is accountable to God and his country."[1]

– Samuel Adams

"Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation."

– Romans 13:1-2

1 Adams, Samuel. *The Writings of Samuel Adams: 1778-1802., Vol. 4.* Edited by Harry Alonzo Cushing. (New York: G.P. Putnam's Sons, 1908), p. 253.



America gains a famous citizen. Albert Einstein receiving from Judge Phillip Forman his certificate of American citizenship. Photo by Al. Aumuller (1940, LOC).

What is a citizen? According to *Webster's 1828 Dictionary*: "in the United States, [it is] a person, native or naturalized, who has the privilege of exercising the elective franchise, or the qualifications which enable him to vote for rulers, and to purchase and hold real estate."[2]

The word "immigration" does not appear in the U.S. Constitution or any of its amendments. "Naturalization" is addressed in both Article I, Section 8 and the 14th Amendment, but both of these are referring to citizenship, not immigration. Therefore, Constitutionally, immigration laws are not in the jurisdiction of the Federal government. The rules of immigration were reserved to the States through the Tenth Amendment, which means States could and did make differing determinations regarding the issue of immigration.

In spite of this, Congress passed the "Immigration Act of 1875" – the first federal law regarding immigration. The Founding Fathers would have referred to this as "pretended legislation," as clearly there was no authority for Congress to enact legislation in an area that was unnamed in the Constitution. Piling one wrong on top of another, the U.S. Supreme Court ruled in the following year that immigration regulation was an exclusive Federal responsibility. Congress escalated the active involvement of the federal government by establishing the Immigration Service in 1891, followed by the opening of Ellis Island in 1892 as our nation's first federal immigration station.

A series of legislative action including quotas,[3] adherence to United Nation protocols[4] for

2 http://webstersdictionary1828.com/Dictionary/citizen

3 After World War I (1921 and 1924) Congress enacted quota systems, restricting entry to two percent of the total number of people of each nationality in America as of the 1890 national census to maintain the balance of ethnic groups already in the Americas. Some claimed it favored immigrants from Western Europe, however it also maintained stability so that people of different value systems (those not holding a biblical worldview) would not overwhelm the country and destroy the system designed to secure and protect God-given rights.

4 "The Refugee Act of 1980" was the first time that the U.S. used international standards and definitions for immigration policies with blatant disregard of the impact on the national security and protection of the American people.

refugees, as well as several amnesty programs has led to ever-growing numbers of immigrants – some legal, but many illegally.

Sanctuary cities began in 1979 in Los Angeles to prevent police from inquiring about the immigration status of arrestees. Churches joined the ranks in the 1980s to "provide sanctuary" for people fleeing nations where they were persecuted. Incredibly, this idea morphed into "protecting" illegals who committed other crimes such as rape or murder, shielding them from arrest and deportation.

This lawlessness has become so rampant that Congress proposed legislation in 2015 – Mobilizing Against Sanctuary Cities. The idea was to withhold federal funds for one year from any cities that aided and abetted known criminal illegals.

Why is federal money being sent to cities for the expressed purpose of assisting criminals (illegal immigrants) to break the law? Do we have sanctuary cities for other categories of lawbreakers? The entire idea of "sanctuary cities" is ridiculous, illegal and immoral. Lawbreakers should find no sanctuary.

In 2012, President Barack Obama created the Deferred Action for Childhood Arrivals (DACA) which allowed some protection from deportation of children illegally brought to the United States by their undocumented parents. He did so using an executive branch memorandum – bypassing the legislative process completely. In 2014, President Obama wanted to expand the controversial program and multiple states sued to stop it. Efforts have been made to stop the program, but courts have kept the issue alive. In 2018, it was determined by District Court Judge Andrew Hanen that DACA is likely unconstitutional, but the program remains while moving through in the court system.

In summary, what we have today is an immigration system that is unconstitutional from the ground up, with layer upon layer of unconstitutionality. The Constitutional solution is found in Article IV which requires the federal government to protect the States from invasion. In addition, returning immigration authority to the States would certainly cause a sharp decline in illegal immigration. If State Governors could muster the will to do so, they could put the feds on notice that they are in violation of the Constitution and that they will no longer tolerate this and will pass their own immigration laws and enforce them.

Citizenship Rights and Responsibilities

Rights	Responsibilities
Freedom to express yourself.	Support and defend the Constitution.
Freedom to worship as you wish.	Stay informed of the issues affecting your community.
Right to a prompt, fair trial by jury.	Participate in the democratic process.
Right to vote in elections for public officials.	Respect and obey federal, state, and local laws.
Right to apply for federal employment requiring U.S. citizenship.	Respect the rights, beliefs, and opinions of others.
Right to run for elected office.	Participate in your local community.
Freedom to pursue "life, liberty, and the pursuit of happiness."	Pay taxes honestly, and on time, to federal, state, and local authorities.
	Serve on a jury when called upon.
	Defend the country if the need should arise.

Lecture Five: Immigration: From Constitutional Beginnings to Anchor Babies; follow along with the notes in the following section.

What makes a U.S. citizen?

A. A group of undocumented (also termed illegal alien) parents are currently suing the state of Texas because their babies weren't awarded birth certificates by that State.

1.	Some refer to these children as "anchor babies" – children born in America to parents who are illegally in the country, having bypassed legal immigration channels, and who hope these children will help them to stay in the country despite their illegal status.

B. Mexico's amicus brief against Texas includes:

1.	The argument that "the denial of birth certificates to U.S. citizen children born to immigrant parents not only jeopardizes their dignity and well-being, but could threaten the unique relationship between Mexico and Texas."[5]
2.	The amicus brief claims that denying the children U.S. birth certificates also blocks their claims to Mexican citizenship. A child born to Mexican parents has that right but must show proof of identity. Mexico claims that infringing on that *is a violation of international law.*[6]

5 "Mexican Government: Denial of Birth Certificates Harms Children." Julian Aguilar. August 25, 2015. https://www.texastribune.org/2015/08/25/mexican-government-denial-birth-certificates-could/; case information at https://law.justia.com/cases/federal/district-courts/texas/txwdce/1:2015cv00446/753442/82/

6 Ibid.

4.	Also, the amicus brief indicates that Mexican children born in the U.S. are eligible for Mexican citizenship. In the 1990s, Mexico changed its citizenship law to permit dual citizenship, and it did so to permit Mexicans residing in the U.S. to exercise dual citizenship and vote in the U.S.[7]

C. The Framers' view of interpreting the Constitution:

1.	"If the sense in which the Constitution was accepted and ratified by the Nation … be not the guide in expounding it, there can be no security for a faithful exercise of its powers." – James Madison[8]
2.	"The Constitution on which our Union rests, shall be administered by me according to the safe and honest meaning contemplated by the plain understanding of the people of the United States, at the time of its adoption." – Thomas Jefferson[9]
3.	In 1823, Thomas Jefferson noted, "On every question of construction, (let us) carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed."[10]

D. Six critical words from the Constitution are key to this issue:

1.	"All persons born or naturalized in the United States, **and subject to the jurisdiction thereof**, are citizens of the United States and of the State wherein they reside."
2.	This is known as "the jurisdiction phrase."

E. These issues are connected to the 14th Amendment, which was debated at the time in Congress.

1.	The Senate debate before the 14th Amendment's ratification makes clear that the Citizenship Clause's proponents were careful to preclude any automatic grant of citizenship based only on birth within the territory of the United States.
2.	They were well aware that a blanket grant of birthright citizenship was not consistent with American tradition and **could lead to a demographic transformation in the event of high immigration**. To prevent it, the senators included the jurisdiction phrase. The floor debate reveals their concerns and their views of how far birthright citizenship should extend.

a. A primary concern of the Amendment's proponents was the extension of civil rights to recently freed slaves. Senators feared that state legislatures would assert that, not having been born U.S. citizens, emancipation did not make freedmen citizens of their states (hence of the United States; state citizenship was a prerequisite to U.S. citizenship). To forestall any denial of citizenship to freed blacks and to overturn the Dred Scott decision explicitly, the 14th Amendment's proponents introduced the Citizenship Clause.

7 Ibid.
8 "From James Madison to Henry Lee, 25 June 1824." https://founders.archives.gov/documents/Madison/04-03-02-0333
9 "From Thomas Jefferson to Providence Citizens, 27 March 1801." https://founders.archives.gov/documents/Jefferson/01-33-02-0410
10 "From Thomas Jefferson to William Johnson, 12 June 1823." https://founders.archives.gov/documents/Jefferson/98-01-02-3562

b. Introducing the proposed amendment, Senator Jacob Merritt Howard of Michigan stated that he believed the Citizenship Clause was "simply declaratory of what I regard as the law of the land already, that every person born within the limits of the United States, and subject to their jurisdiction, is by virtue of natural and national law, a citizen of the United States."[11] He went on to say specifically whom he considered that natural and national law excluded:

- "This will not, of course, include persons born in the United States who are foreigners, aliens, who belong to the families of ambassadors or foreign ministers accredited…."[12]

- What about Native Americans? As Howard pointed out: "Indians born within the limits of the United States, and who maintain their tribal relations, are not, in the sense of this amendment, born subject to the jurisdiction of the United States. They are regarded, and always have been in our legislation and jurisprudence, as being quasi-foreign nations." [i.e. the Cherokee nation, Sioux nation, Shawnee nation.][13]

- Senator Edgar Cowan of Pennsylvania spoke of citizenship as it related to the Chinese in California who had immigrated in large numbers to work on the railroad. He said, "It is perfectly clear that the mere fact that a man is born in the country has not heretofore entitled him to the right to exercise political power. …I do not know that there is any danger to many of the States in this Union; but is it proposed that the people of California are to remain quiescent while they are overrun by a flood of immigration…? Are they to be immigrated out of house and home by Chinese? I should think not. It is not supposed that the people of California, in a broad and general sense, have any higher rights than the people of China; but they are in possession of the Country of California, and if another people, of different religion, of different manners, of different traditions, different tastes and sympathies are to come there and have the free right to locate there and settle among them, and if they have an opportunity of pouring in such an immigration as in a short time will double or treble the population of California, I ask, are the people of California powerless to protect themselves? … As I understand the rights of the States under the Constitution at present, California has the right, if she deems it proper, to forbid the entrance into her territory of any person she chooses who is not a citizen of some one of the United States."[14]

- Senator James Rood Doolittle, (R-WI, 1866) – "[C]itizenship, if conferred, carries with it, as a matter of course, the rights, the responsibilities, the duties, the immunities, the privileges of citizens, for that is the very purpose of this constitutional amendment to extend. … [I]n the Constitution as [the Founding Fathers] adopted it they excluded the Indians who are not taxed; not enumerate them, indeed, as part of the population upon which they based representation and taxation; much less did they make them citizens of the United States."[15]

11 *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 - 1875*. Congressional Globe, Senate, 39th Congress, 1st Session. Pg. 2890. http://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=073/llcg073.db&recNum=11
12 Ibid.
13 Ibid.
14 Ibid, p. 2890-2891.
15 Ibid, p. 2893.

- Senator Reverdy Johnson of Maryland – "Now, all this amendment provides is, that all persons born in the United States and not subject to some foreign power – for that, no doubt, is the meaning of the committee who have brought the matter before us – shall be considered as citizens of the United States. … I am, however, by no means prepared to say, as I think I have intimated before, that being born within the United States, independent of any new constitutional provision on the subject, creates the relation of citizen to the United States."[16]

- Johnson went on to quote from the Civil Rights Act of 1866, which had just passed. He considered that its wording better expressed what the Citizenship Clause was meant to achieve: "That all persons born in the United States and not subject to any foreign Power, excluding Indians not taxed, are hereby declared to be citizens."[17]

F. Current federal policy is to confer American citizenship automatically on any child (with very narrow exceptions, none applicable to illegal, undocumented aliens) born within the United States. The legal status of the parents is deemed irrelevant.

1. A baby born to foreign parents five minutes after they came over the border illegally is just as American as a baby whose parents are both Americans and U.S. citizens and whose ancestors have been here 350 years.

   a. This new American baby is not the end of the story. The U.S.-born child becomes what some refer to as an "anchor" in American soil that will permit his parents and minor siblings to remain and, later, his grandparents, aunts, uncles, in-laws and all of their children to immigrate legally, not to mention any friends and acquaintances from home who may follow them illegally. All of their children born here will also be considered American citizens.

G. What the 14th Amendment really says:

1. But the actual text of the 14th means anyone who illegally enters the country and gives birth to a baby, both the parents and the baby are still subject to a foreign jurisdiction, that of the country which they left.
2. The birth of a baby does not change the status of the parents, whose status in turn determines that of their offspring.
3. Thus, regarding these children as so-called "anchor babies" are a misinterpretation of the text of the 14th Amendment.

OPTIONAL READING ASSIGNMENTS

LECTURE FIVE

1. Continue reading *The Law* by Fredric Bastiat. Start at "Legal Plunder Has Many Names" and read to "The Seductive Lure of Socialism" (pages 258-259).
2. "The Constitutional Pardon of Joe Arpaio" by Jake MacAulay; this article is found at https://www.theamericanview.com/the-constitutional-pardon-of-joe-arpaio/. We will learn more about Presidential pardons in a later chapter.

16 Ibid, p. 2893.
17 Ibid, p. 2894.

LECTURE REVIEWS

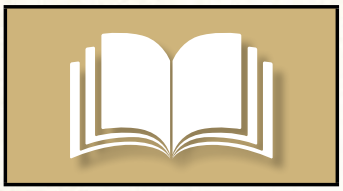
1. Complete Lecture Five Review Worksheet.
2. Complete Lecture Five Quiz, including True & False Questions.

GOING DEEPER: SUPPLEMENTAL READING & VIDEO OPTIONS

Found at www.theamericanview.com/constitution-course-supplemental-assignments which can also be found at the bottom of theamericanview.com under Resources.

"Is The Blue Wave Actually a Crime Wave?" optional video featuring Jake MacAulay: https://www.theamericanview.com/blue-wave-actually-crime-wave/

The U.S. Constitution (text in Appendix on pages 222-231). In preparation for the three following lectures, which will overview the seven articles of our Constitution.



Chapter Fifteen

State's Powers in our Constitutional Republic

"The heart of the prudent getteth knowledge; and the ear of the wise seeketh knowledge."
–Proverbs 18:15

"While imperfect, the electoral college has generally served the republic well. It forces candidates to campaign in a variety of closely contested races, where political debate is typically robust."[1]
–William M. Daley

"The Electoral College is a process, not a place. The founding fathers established it in the Constitution as a compromise between election of the President by a vote in Congress and election of the President by a popular vote of qualified citizens.
–National Archives

Specific Objectives

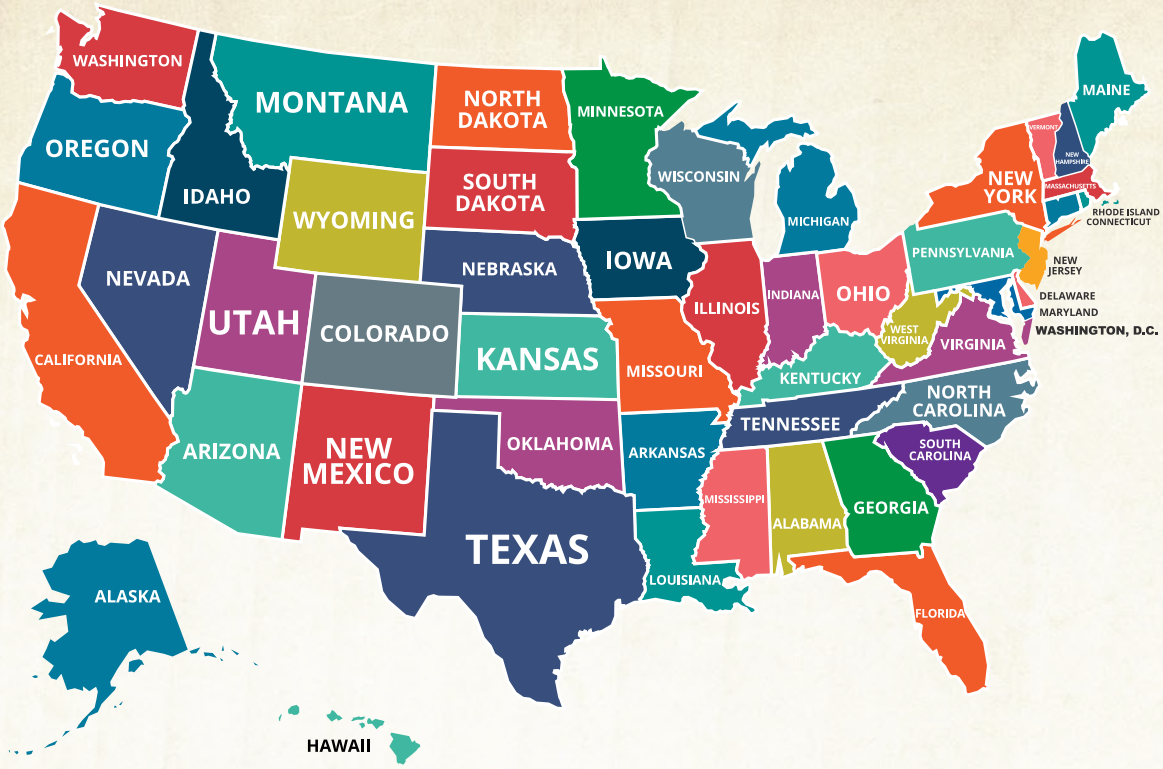
Many assume that the Constitution is all about the powers and structure of the Federal government. While that is part of it, there are also some very important rights spelled out within the document about the rights and powers of the states. We will look at:

- ☆ *Language in the text of the Constitution that supports the rights of states*
- ☆ *Opinions among the Founding Fathers about the balance of Federal and State power*
- ☆ *The importance of "interposition" in terms of keeping in check Federal over-reach*

You should be able to answer the following questions:

- ☆ *Why did the Founders believe the Articles of Confederation were not sufficient and a new Constitution was necessary?*
- ☆ *What is the balance of power between the States and the Federal government, and why was it needed?*
- ☆ *How does the Electoral College support the rights of States and the balance of power among them?*

1 www.brainyquote.com/authors/william_m_daley



Our founders had a distinctive understanding of human nature, which formed the basis for the decisions they made in framing our civil government. Their understanding was based upon a plain reading of the Bible and they knew (and believed) what the Apostle Paul wrote in Romans 3:10-18, 23:

> As it is written, There is none righteous, no, not one: there is none that understandeth, there is none that seeketh after God. They are all gone out of the way, they are together become unprofitable; there is none that doeth good, no, not one. Their throat is an open sepulchre; with their tongues they have used deceit; the poison of asps is under their lips: whose mouth is full of cursing and bitterness: their feet are swift to shed blood: destruction and misery are in their ways: and the way of peace have they not known: there is no fear of God before their eyes. . . . for all have sinned, and come short of the glory of God.

These statements have sobering implications and the founders took them seriously as they crafted a new form of civil government for these United States. Since all men are sinners, no man (or group of men) could ever be entrusted with unchecked powers. Moreover, history and their own experience convinced them that safety and prudence would only be served by the establishment of multiple checks from multiple sources on the exercise of any power or prerogative entrusted into the hands of any man.

Although most citizens are aware that the Constitution provides for *horizontal* checks and balances between and among the three branches — Legislative, Executive and Judicial — on the federal level, most do not realize that, in the opinion of the founders, the more important check was a *vertical* one. That is to say, between the higher and lower *levels* of government, federal, state, and local. Inasmuch as they feared the accumulation and consolidation of power, they wanted to ensure that if the federal government would attempt to act beyond the powers granted to it in the Constitution, the state governments would stand in the gap against that overreach. In this chapter we will explore three categories of checks and balances:

- The greater powers of the state governments
- Interposition
- The state legislature's powers via the electoral college

The Greater Powers of the State Governments

We must remember that it was the states which created the federal government. When independence was declared on July 4, 1776, the former colonial governments of all 13 colonies were officially abolished. Each state proceeded to form a new government based upon a State Constitution ratified by the citizens of those states. Those states sent delegates to craft a form of government that would govern the relationships between the newly formed states. That first agreement, The Articles of Confederation, was not ratified by all 13 states until March 1, 1781, after four years of bickering among the states over its terms. (This was barely six months before the surrender of Lord Cornwallis at Yorktown and the virtual end of the War for Independence.)

Despite its claim to establish a "perpetual union," the agreement itself was not long lived. Voices calling for a convention to consider amendments to the Articles reached enough force to bring delegates together from 12 states in May 1787. That convention through the long, hot Philadelphia summer produced our Constitution. James Madison, rightly called the Father of our Constitution, was one of three authors writing the Federalist Papers, which argued for the ratification of this new form of central government to replace the Articles of Confederation. In Federalist Paper #45, Madison explains the relationship between the Sovereign States and the proposed new government which would be inaugurated by the Constitution.

> The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected.
>
> The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order,

> improvement, and prosperity of the State. The operations of the federal government will be most extensive and important in times of war and danger; those of the State governments, in times of peace and security. As the former periods will probably bear a small proportion to the latter, the State governments will here enjoy another advantage over the federal government.[2]

Clearly, Madison and the other delegates to the Philadelphia convention envisioned a balance of powers between the existing states and the newly proposed federal government under the Constitution, where the states retained their "numerous and indefinite" powers. The federal government would only possess "few and defined" powers that are clearly set out in the text of the Constitution. There are 22 powers that relate to taxing and spending and three others that relate to elections, immigration, and importation, as well as implementing certain amendments to the Constitution. The federal government's powers were small in number and very restricted in scope in contrast to those held by the state governments: "The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State." To seal the restrictions on the federal government, the Bill of Rights was ratified as the first ten amendments to the Constitution.

The Tenth Amendment forcefully states,

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Tenth Amendment frames and is firmly fixed on the principle that the federal government possesses no powers except those specifically enumerated in the Constitution, and that the states retained all powers which they possessed before the Constitution was ratified and did not surrender by means of the Constitution's specific terms.

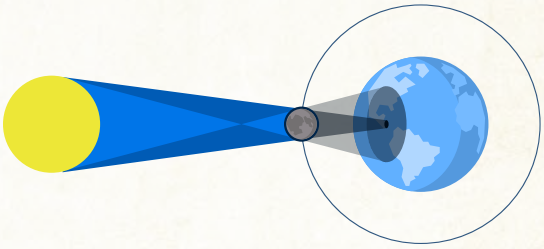
In light of these purposes and intentions, the question then presents itself: what did the founders expect would happen when the federal government, given the fallen nature of man, began to encroach upon the powers of the state governments and the God-given rights of the people? The answer is "interposition."

Interposition

The doctrine of interposition is known by a few names. Author and Pastor Matt Trewhella refers to "The Doctrine of the Lesser Magistrates" in his book by that title.[3] Dr. Paul Jehle, Founder and Director of the Plymouth Rock Foundation, speaks of the "Applied Doctrine of Interposition."[4] And while the term is not widely known or used in modern discussions among politicians or pundits, it is a well-established and well-documented remedy against unlawful actions by those men or groups of men who are charged with upholding and defending the law.

Webster's 1828 Dictionary defines interposition (in part):

> A being, placing or coming between; intervention; as the interposition of the Baltic sea between Germany and Sweden. The interposition of the moon between the earth and the sun occasions a solar eclipse.[5]



2 https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-45
3 Trewhella, Matthew J. *The Doctrine of the Lesser Magistrates: A Proper Resistance to Tyranny and a Repudiation of Unlimited Obedience to Civil Government*. North Charleston: CreateSpace Independent Publishing Platform, 2013.
4 https://plymrock.org/; https://www.pilgriminstitute.org/index.php/home/our-mission/bios/speakers-bios/paul-jehle
5 http://webstersdictionary1828.com/Dictionary/interposition

And as recently as 1966, *Random House Dictionary* included this historically important idea in its definition of "interposition":

> *U.S.* Doctrine that an individual State may oppose any federal action it believes encroaches on its sovereignty.[6]

Furthermore, *Black's Law Dictionary* defines interposition as "The action of a State while exercising its sovereignty in rejecting a federal mandate that it believes is unconstitutional or overreaching."[7]

Whatever the formal name, it is vital that we citizens be able to understand and to describe the concept of interposition and the "Doctrine of the Lesser Magistrates" to be able to articulate the duty of the lesser magistrate to stand against and to protect the citizen from a tyrannical government, and to be fully equipped to judge the ability of those seeking office to assume the responsibilities of the lesser magistrate.

Why is interposition so important? Because it is the lawful remedy for unlawful civil government.

Let me describe it with an illustration from your front yard — what I call "Interposition and the Family Dog."

You're a good parent. So, let's suppose you think it wise to buy a watchdog so that when your little girl plays in the front yard the dog can protect and defend her from any intruders who may wish to do her harm.

After a little time goes by, the puppy you bought becomes a full-grown animal. His muscles become fully developed, his teeth are big and sharp, and now he towers over your little girl. You are worried that he is becoming too aggressive and one day you look out the door and witness your worst fear — you see the dog attacking your child.

As you burst out the front door, your daughter has gotten free and is cowering in the corner of the fence by the tree. The dog is charging across the yard and in a few seconds will be on her again. You just have time to do what your instincts tell you to do. You get your body — you insert yourself — between the dog and the child — between the danger and the daughter.

You don't stop to think what will happen to you. Your desire and your duty come together in an instant. You thrust yourself between the aggressor and the victim.

What you just did was an act of interposition.

You interposed between the agency that was originally a protector, but had become a threat, and the person or persons you have the duty to protect.

Interposition is as American as apple pie, baseball, and jazz. When we hire civil government to protect and defend our God-given rights, if at any level it ever turns into the aggressor, we need a separate level of civil government to interpose on our behalf, protecting us from the dangerous invasion of our God-given rights.

In *The Doctrine of the Lesser Magistrates*, Pastor Matt Trewhella explains that when the superior or higher civil authority makes a decree (or undertakes some action under the color of law) which is either immoral or unjust, the lesser or lower-ranking civil authority has both the right and the duty to refuse

6 *The Random House Dictionary of the English Language: The Unabridged Edition* was edited by Jess Stein and released in October of 1966. This definition of interposition is still included from The Random House Unabridged Dictionary at https://www.dictionary.com/browse/interposition.

7 Black, Henry Campbell. *Black's Law Dictionary*. Fourth Edition. (St. Paul: West Publishing Company, 1968), p. 953. You read about interposition earlier in Chapter 7 of this book and it was paired with the idea of nullification, defined as "the action of making something void; the action of a state in abrogating a federal law on the basis of state sovereignty." Black, Henry Campbell. Black's Law Dictionary. Fifth Edition. (St. Paul: West Publishing Company, 1979), p. 963.

obedience to that superior authority. Moreover, in some cases, the lower authority may actively resist the superior authority.[8]

According to Dr. Archie Jones: "The doctrine of interposition is based on the biblical truth that the powers that be, the rulers of civil government, are ordained by God and are His ministers."[9]

Romans 13:3-5 clearly establishes this fact.

> For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake (Romans 13:3–5).

Dr. Jones continues, "As God's ministers they are to serve Him — not anyone else. They are to serve Him by protecting and giving praise to those who do good, and by punishing, and therefore restraining, those who do evil. As God's ministers they must follow, obey, and apply His definitions and standards of what is good and what is evil: not their own, nor anyone else's definitions or standards of good and evil."[10]

Interposition by the lower magistrate has been practiced since before the time of Christ. However, it was Christians establishing Western civilization who formalized and embedded the Doctrine of the Lesser Magistrates into their political institutions. Furthermore, interposition by the lesser magistrate is the appropriate biblical and constitutional method to resist tyranny. Properly understood and implemented, it can provide a pathway for citizens to rein in lawless acts by civil government so that justice can be restored, justice being defined as "giving to everyone what is his due" according to *Webster's 1828 Dictionary*.[11]

MAGNA CHARTA PRESENTED TO KING JOHN.

There are many historic examples of interposition and the doctrine of the lesser magistrates.

Consider the Magna Carta of 1215, where the Christian Noblemen who confronted King John at Runnymeade forced the king (who had acted as a tyrant) to sign a treaty acknowledging certain rights for men. The Magna Carta made it clear that all authority comes from God, that all men are subject to the law, and that civil government's role was a limited one.

During the Reformation, both John Calvin in his *Institutes of the Christian Religion* and John Knox in his *Appellation* wrote about the necessity for interposition. Knox cited over 70 passages from Scripture supporting the doctrine. In his famous work *Lex Rex*, published in 1644, Samuel Rutherford also contributed to the importance and necessity of interposition.

Also consider the founding of these United States. According to Dr. Paul Jehle (Plymouth Rock Foundation), the Declaration of Independence is a premier example of a document of interposition because it clearly addresses the five components of Applied Interposition Doctrine. Dr. Jehle argues that lawful interposition must address these five questions:

8 Book description, https://lessermagistrate.com/lesser-magistrates-book/
9 Jones, Dr. Archie. *Gateway to Liberty: The Constitutional Power of the 10th Amendment*. American Vision: 2010
10 Ibid.
11 http://webstersdictionary1828.com/Dictionary/justice

1. What are the sources of the rights violated?
2. Under what authority are you interposing? (Who is the Lesser Magistrate?)
3. How have you demonstrated submissive appeals for a reasonable period?
4. To what specific abuses do you attribute your resistance and how are these abuses unlawful?
5. To what higher authority are you appealing?

One area in which interposition is vitally needed today is for the protection and defense of property rights. There is an agenda crafted by the UN Commission on Sustainable Development, and the UN General Assembly's "Earth Summit+5" Special Session generally known as Agenda 21 (although recently touted as 2030). Sustainable Development is the tool to implement this agenda and was apparently developed as a means of restructuring the world population to lessen environmental impact and achieve an improved supposed quality of life. In one major aspect it either takes direct control of private property or defeats the purpose for owning property at all. This agenda is in nearly every county in our land most commonly (but not limited to) the name of "Regional Planning Commissions," where unelected bureaucrats usurp elected county representatives' authority and openly attack citizen's property rights through random regulations.

Many other examples could be given to illustrate areas where Interposition is called for in response to Federal overreach. Why isn't it happening? For one, many elected officials have no understanding that Interposition is their power and their duty. Constitutional education can correct this problem. Thomas Jefferson taught us with his clear-eyed exhortation,

> "…the States should be watchful to note every material usurpation on their rights; denounce them as they occur in the most peremptory terms; to protest against them as wrongs to which our present submission, shall be considered, not as yet acknowledgments or precedents of right, but as a temporary yielding to the lesser evil until their accumulation shall overweigh that of separation."[12]

Also, James Madison in Federalist Paper #51 stated,

> "Ambition must be made to counteract ambition…In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself." [13]

Now the second and more difficult issue is the perennial one – taxes. Our Founders structured the taxing powers of the federal government in a fashion which prohibited direct taxation upon the citizens themselves. Thus in Art. I Sec. 9 our Constitution forbids "Capitation or other direct taxes." A Capitation Tax is "an imposition levied upon the person simply."[14] Tax revenue at the Federal level was primarily through Tariffs. If any taxation of citizens was to take place, it could not be against the citizens directly but only as a tax levied upon the States "laid … in proportion to the Census or Enumeration herein before directed to be taken" (Art. I Sec. 9). So the States would be sent a tax bill from the Federal government proportional to their population as determined by the Census. Each State Legislature would then determine the method by which they would raise the fund necessary to pay the Federal tax owed by the State.

This all relates to the failure of Interposition today because when Washington, D.C, takes money

12 Young, Andrew. *The American Statesman: a Political History, Exhibiting the Origin, Nature and Practical Operation of Constitutional Government in the United States*. (New York: J.C. Derby & N.C. Miller, 1866), p. 432.
13 https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-51
14 *Black's Law Dictionary,* 3rd ed.

directly from the citizens, it turns around and offers to give some of that money through grants to the State and Local governments. But that grant money always comes with strings attached. Those State and Local governments are then unwilling to interpose Federal overreach knowing they might lose that revenue stream. One example of this was the National Maximum Speed Law enacted in January 1974. States had to agree to the limit the speed on their highways to the National Standard (55 mph at the time) if they wanted to continue receiving federal funding for highway repair.

One State that tested this was Nevada. On June 1, 1986, Nevada posted a 70mph limit on 3 miles of Interstate 80. They quickly discovered the consequences as the Federal Highway Administration immediately withheld highway funding for Nevada, and Nevada quickly backed down submitting to the National Standard. We see then that States and Local governments are virtually bribed by the Federal government to turn a blind eye to any Federal overreach. The solution to this problem is to elect legislators at State and Local levels that refuse the bait offered by the Federal government and to work with State governments to join in the cause of restoring the taxing powers to the State governments by eliminating Capitation Taxes.

State Legislature's Powers and The Electoral College

In addition to the duty of interposition there are two specific checks assigned by our Constitution to the State Legislature — one against the Federal Legislature and a second against the Federal Executive. The first check was that the senators were appointed by the state legislators, not elected by the people directly as is done today. In this power, the state legislator could instruct their senators regarding their wishes, such that in essence the only federal legislation adopted would be that which a majority of state legislatures approved. This unwisely was taken away by the 17th Amendment, weakening a very important check the states had against federal overreach.

The other powerful check the state legislatures were to have on the federal government was a check against the executive branch. That check is the electoral college. It was our founders method for electing a president.

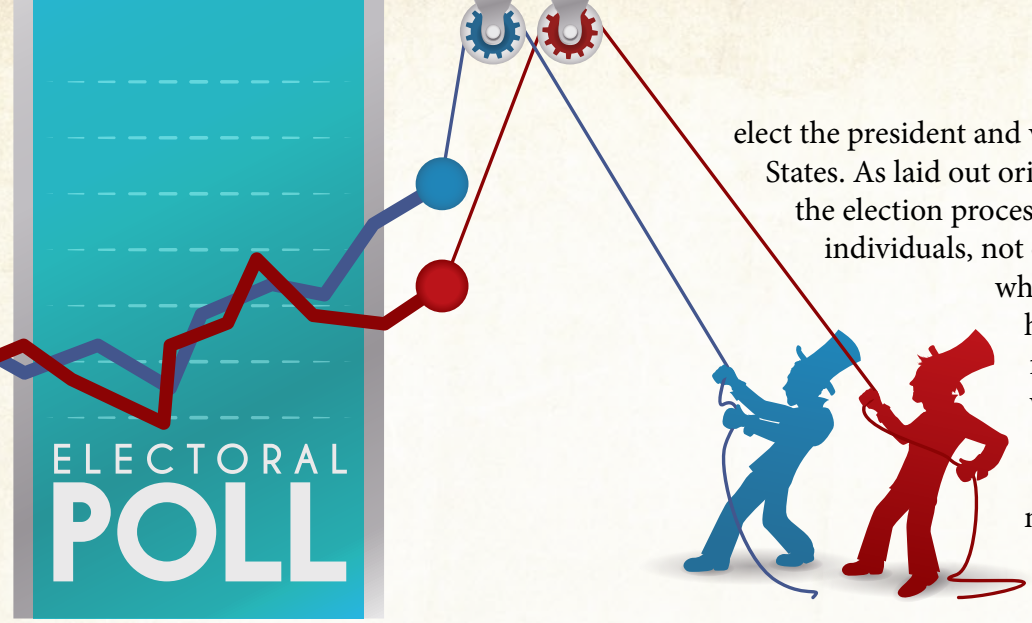
When we hear the word "college," an image of ivy-covered walls arises. But the meaning to our founders was not limited to an educational institution. In *Webster's 1828 Dictionary*, college is defined as:

> In a general sense, a collection, assemblage, or society of men, invested with certain powers and rights, performing certain duties, or engaged in some common employment, or pursuit.[15]

The electors in this assemblage, or society of men, were designed to be a check on the federal government executive branch by the state legislatures. Their powers were limited to only electing a president. When that work was done, they were disbanded.

As a body, the electors were chosen by the method determined by each state legislature and tasked to

15 http://webstersdictionary1828.com/Dictionary/college



elect the president and vice-president of the United States. As laid out originally in the Constitution, the election process was meant to be a contest of individuals, not of political parties. Before 1804, when an elector cast his ballot he listed his top two choices for president. The choices weren't ranked as "first choice" or "second choice" and no mention of vice-president was made on the ballot. One list was then drawn up that included both names from every elector's ballot. Each elector voted for two persons. The person with the majority of votes cast by the total number of electors was named president. The person with the next highest number of votes was named vice-president. There were no "running mates" in this original system.

Article II Section 1 of our Constitution provided that state legislatures should decide the manner in which their electors were chosen. Even those that did use the method of the popular vote, as most states do today, had widely varying restrictions based upon property ownership.

In the first presidential election of 1788–89 the different states chose differing methods to choose their electors.

- Five states chose electors by direct appointment of the state legislature — Connecticut, Georgia, New Jersey, New York, and South Carolina.
- In two states, the legislature divided the state into electoral districts, with one elector chosen per district by the voters of that district — Virginia and Delaware.
- In two states, the legislature decided the electors would be chosen at large by voters — Maryland and Pennsylvania.
- One state chose two electors appointed by state legislature and each remaining elector was chosen by state legislature from top two candidates in each U.S. House district — Massachusetts.
- In one state each elector was chosen by voters statewide; however, if no candidate won a majority, the state legislature appointed electors from the top two candidates — New Hampshire.
- North Carolina and Rhode Island had not yet ratified the Constitution, remaining their own country under the Articles of Confederation.

In the votes cast by the electoral college:

- George Washington received 69 votes, one from each elector
- John Adams received 34 votes
- John Jay received 9 votes
- Robert H. Harrison received 6 votes
- John Rutledge received 6 votes
- John Hancock received 4 votes

- George Clinton received 3 votes
- Samuel Huntington received 2 votes
- John Milton received 2 votes
- James Armstrong received 1 vote
- Benjamin Lincoln received 1 vote
- Edward Telfair received 1 vote

In the second presidential election in 1792, there were 132 electors as North Carolina, Rhode Island, Vermont, and Kentucky had joined the Union.

- Nine states chose electors by appointment by the state legislature — Connecticut, Georgia, New Jersey, New York, Delaware, North Carolina, Rhode Island, Vermont, and South Carolina.
- In two states, the legislature divided the state into electoral districts, with one elector chosen per district by the voters of that district — Virginia and Kentucky.
- In two states, the legislature decided the electors would be chosen at large by voters — Maryland and Pennsylvania.
- In one state, each elector was chosen by voters statewide; however, if an insufficient number of electors were chosen by majority vote, a runoff was held between the top 2n vote-getters, where n is the number of vacancies remaining — New Hampshire.
- In one state, two congressional districts chose five electors each; the remaining two districts chose three electors. Each elector was chosen by majority vote of voters in a congressional district. If an insufficient number of electors were chosen by majority vote, remaining electors would be appointed by the state legislature — Massachusetts.

In this election:

- George Washington received 132 electoral votes, one from each elector
- John Adams received 77 votes
- George Clinton received 50 votes
- Thomas Jefferson received 4 votes
- Aaron Burr received 1 electoral vote

In the third presidential election of 1796:

- Eight states chose electors by appointment by the state legislature — one state with voter input.
- In four electoral districts, voters choose electors.
- In three states, electors were chosen by voters statewide. Remember, the voters are not directly voting for the president and vice-president but for electors in the electoral college who are indicating they will vote in the electoral college for those they deem most suited to be president and vice-president.
- In one it was done by popular vote, but the county voters chose delegates and the delegates then chose electors.

So, you can see in these first three presidential elections the wide variation between the states. The point is that the state legislatures were in the driver's seat; they could determine the method by which to select their electors to the electoral college. Such a system produced a wide ranging outcome from the electoral college in 1796:

- John Adams received 71 votes
- Thomas Jefferson received 68 votes
- Thomas Pinckney received 59 votes
- Aaron Burr received 30 votes
- Samuel Adams received 15 votes
- Oliver Ellsworth received 11 votes
- George Clinton received 7 votes
- John Jay received 5 votes
- James Iredell received 3 votes
- Samuel Johnson received 2 votes
- John Henry received 2 votes
- George Washington received 2 votes
- Charles Cotesworth Pinckney received 1 vote

One odd note here is that George Washington received 2 votes when he had declared that he was not running. But two out of the 138 electors believed that he would be the best president. That was their job as electors. It was not a popularity contest to choose a homecoming king, but to evaluate the character, ability, and track record of leading men in the country to determine who would be the best president for our country.

The fourth presidential election, in 1800, saw the rise of the political parties and the jockeying for electoral college votes to produce the party's desired nominee for president. The Democratic-Republican Party had chosen Thomas Jefferson as the party's candidate for president and Aaron Burr was to be his vice-president. But evidently some electors did not obey what their party bosses determined. The result in the electoral college was a tie between Thomas Jefferson and Aaron Burr. This resulted in the election being decided by the House of Representatives as Article II Section 1 Clause 3 calls for. It took 36 ballots before the tie could be broken in the House of Representatives and Thomas Jefferson chosen as president.

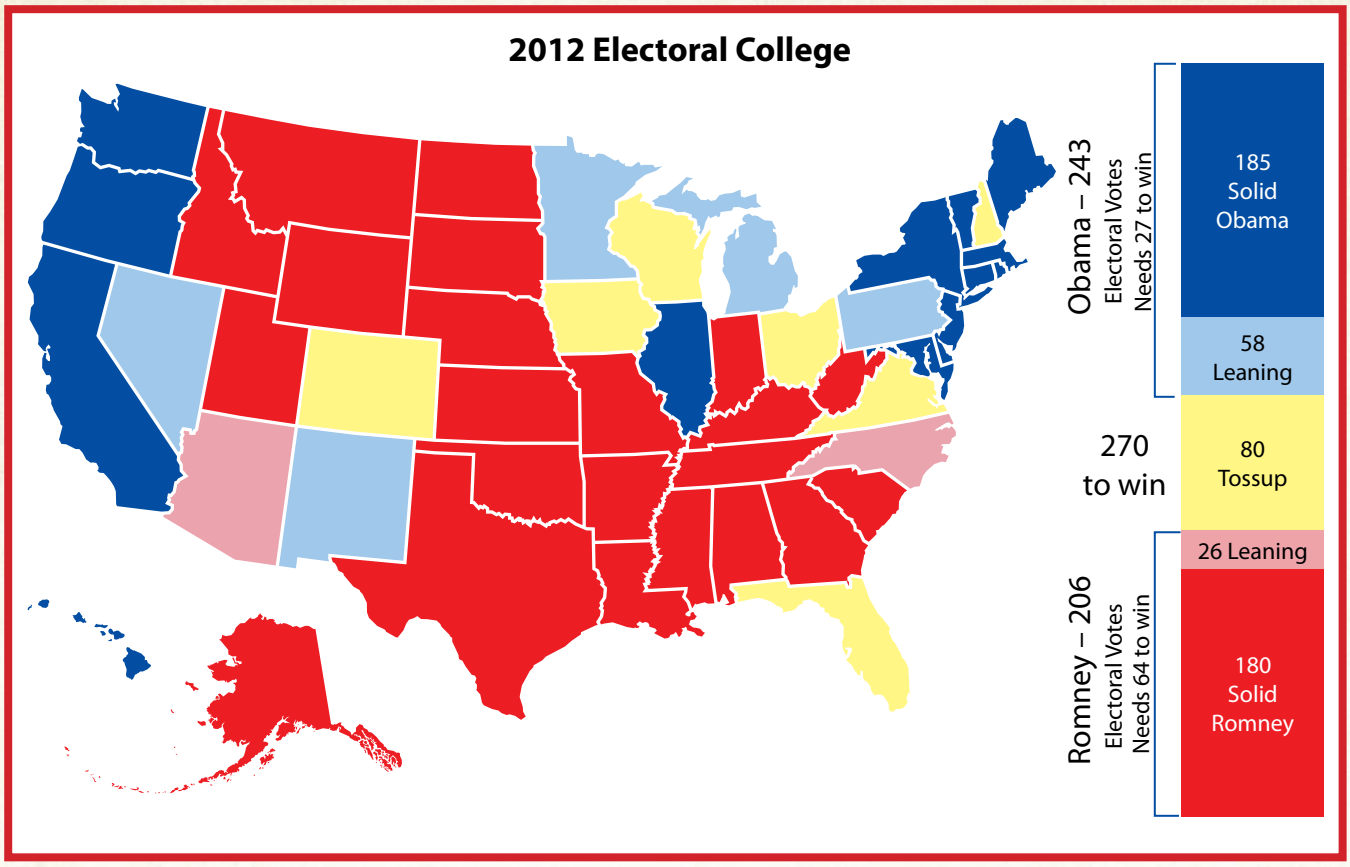
This election of 1800 caused a great stir, which ultimately changed the electoral college. The 12th Amendment was proposed in 1803 and ratified in 1804. It sought a solution to the problem created by the rise of political parties in that the Constitution did not require electors to vote for president and vice-president separately. The 12th Amendment changed the system so that the electors would indicate their choice separately for president and vice-president. Thus, the party system was, in effect, constitutionally recognized by the Amendment.

Fast forward to our day, and all but two state legislatures have chosen a state-wide selection process with the winner take all (that is, all the state's electors are given to the electors committed to the slate for president and vice-president that received the majority in the November election for electoral college candidates).

State legislators can change this structure at any time. Two states have done so in recent memory. Maine changed its method of selecting electors in advance of the 1972 presidential election, while Nebraska enacted a change starting with the 1992 election. In both States, the winner does not take all the electors, instead they are using the "congressional district method." These states allocate two electoral votes to the state popular vote winner, and then one electoral vote to the popular vote winner in each congressional district (2 in Maine, 3 in Nebraska). This creates multiple popular vote contests in these two states. Consider the difference this made in 2008: Obama won Nebraska's 2nd Congressional District (Omaha and its suburbs), gaining a Democratic electoral vote in that state for the first time since 1964. Also, in 2016, Donald Trump won Maine's 2nd Congressional District, which covers most of the state away from Portland, Augusta, and nearby coastal areas. Statewide, Maine last voted Republican in 1988.

Moving States to this congressional district method for selecting electors for the electoral college would give those outside the heavily populated urban areas true representation in the electoral college. It would make the presidential campaigns nationwide, and not laser focused on the swing states and those urban areas with the greatest population. This chart gives a proportional understanding of the

weighting of each state in the electoral college. (Note: Red = Republican, Blue = Democrat, Yellow = swing State; also note Maine and Nebraska with their congressional district plan for selecting electors.)

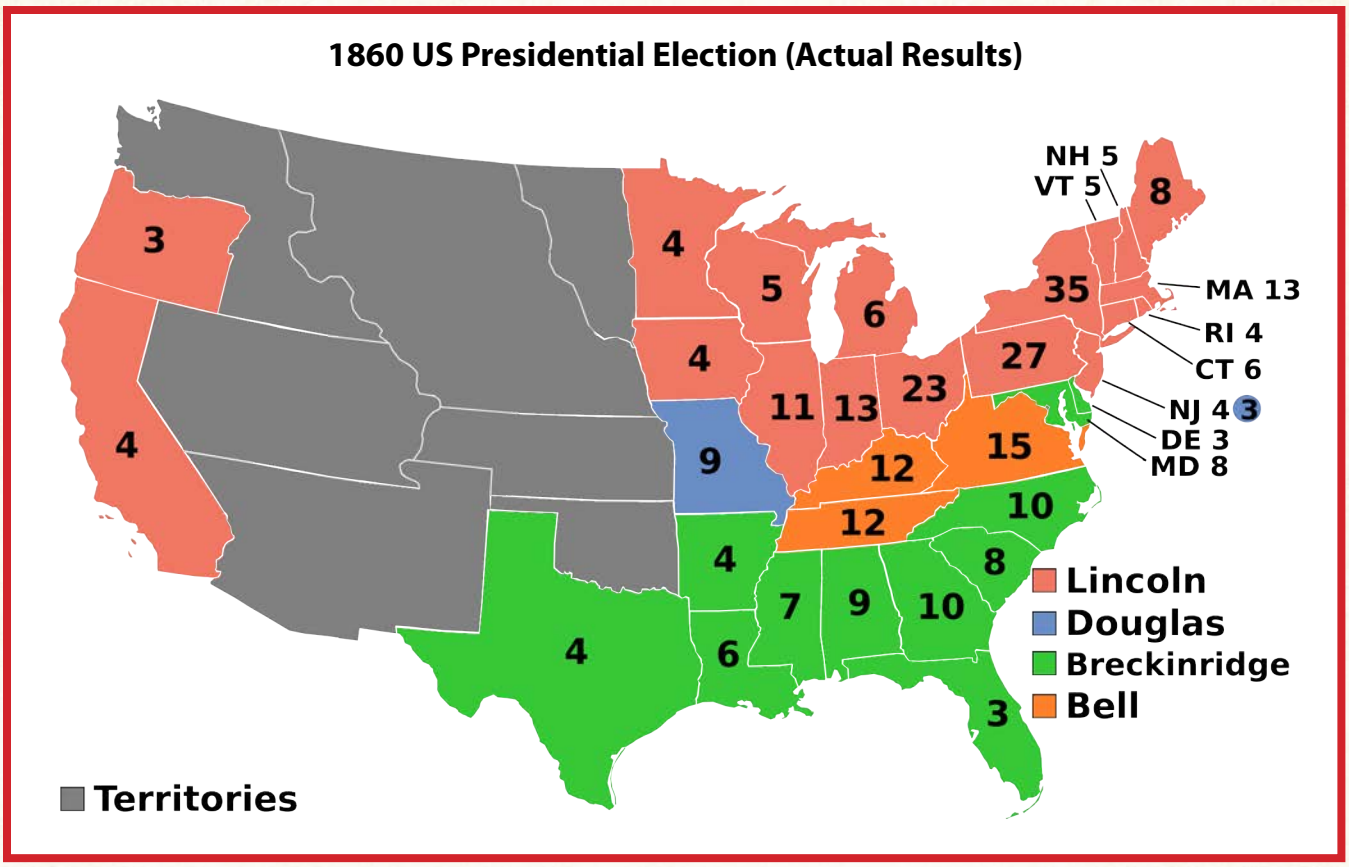


But a growing movement today is calling for the abolition of the electoral college. They want it crushed and the national popular vote to be established as the way we elect a president.

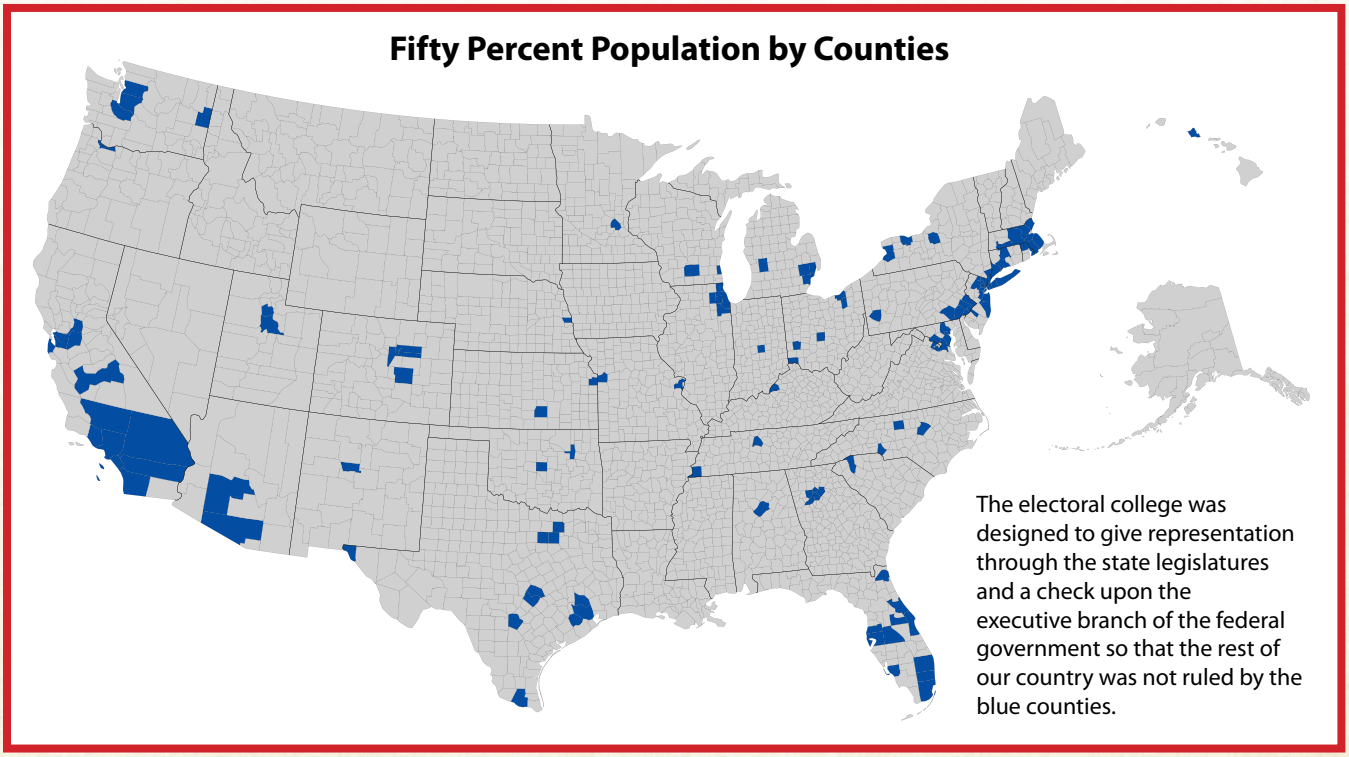
Recognizing the difficulty of amending the Constitution, the advocates are pursuing an unconstitutional initiative, hoping to persuade enough states to pass laws assigning all of their electoral votes to the winner of the national popular vote. The strategy would kick in when states with enough electoral college votes to put a candidate in the White House join the movement. Ten Democrat-leaning states and the District of Columbia have joined so far, representing 165 electoral votes. States representing another 105 electoral votes would be needed to secure the 270 electoral votes required to win the presidency. But this is an illegitimate route, as they would be circumventing the Constitution rather than amending it.

The results of a national popular vote would mean that the system of representation by each state in the selection of a president would be destroyed. A popular vote system nationwide would guarantee the president would be chosen by the major population centers and the great majority of the states would have no say in that election.

The last time in our history a candidate became president without receiving one vote from one elector in the electoral college from nearly half the country resulted in the bloodiest war that our land ever experienced. The states of AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX did not cast one vote for Abraham Lincoln. The geographical divide, where more than half the country did not cast a single vote for the man who became president, demonstrated the reality of secession, even before those states voted to secede.

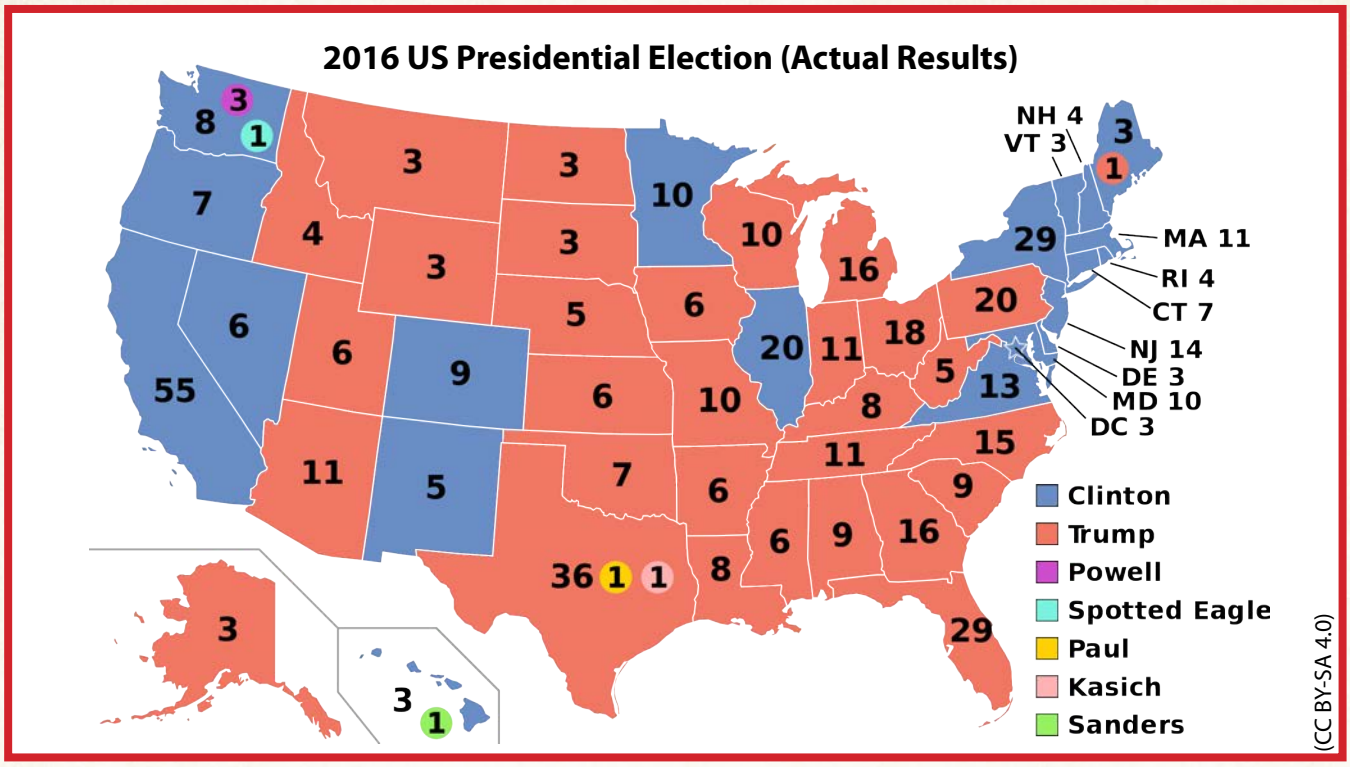


The national popular vote would bring a similar geographic divide in our country. Consider what that divide looks like between counties with more than one million in population, versus counties with less. Half of the population in the United States lives in the counties in blue. A national popular vote would enable a tiny minority of counties to determine our Presidential election outcome, virtually nullifying the votes of the vast majority of the other counties.



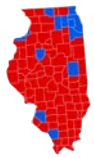
The electoral college was designed to give representation through the state legislatures and a check upon the executive branch of the federal government so that the rest of our country was not ruled by the blue counties.

For a closer comparison between the electoral college and the popular vote, consider the balance in national representation applied to the 2016 presidential election between Donald Trump and Hillary Clinton, in which Donald Trump won the election with 290 electoral votes while Hillary Clinton won the popular vote by just over 1 million. This chart shows the actual results of which candidates carried which states. Trump clearly won far more states than Clinton, even though Clinton won the national popular vote.



The electoral college was originally created by our founding fathers to ensure equal representation of all states, rather than all individuals (the difference between a republic and a democracy). Why is that necessary? It assures that all states have a reasonable representation, that larger states cannot silence the voice of the smaller. Originally, this was based on state size, now census-based population data has become the key factor. The number of electoral votes per state is equal to their representation in Congress: 2 votes per state plus the number of representatives they have in the House.

Realistically, this allows each state to popularly vote for the candidate of their choice and receive a constitutional share of the electoral votes.



20 electoral votes

Hillary Clinton	**55%**
Donald Trump	**39%**

5 electoral votes

Donald Trump	**60%**
Hillary Clinton	**34%**

20 electoral votes

Donald Trump	**49%**
Hillary Clinton	**40%**

29 electoral votes

Donald Trump	**49%**
Hillary Clinton	**48%**

20 electoral votes

Donald Trump	**48%**
Hillary Clinton	**47%**

20 electoral votes

Hillary Clinton	**48%**
Donald Trump	**46%**

(CC BY-SA 4.0)

In this election, there are multiple examples of the necessity of the electoral system. Looking at the following state maps, Trump was favored by the vast majority of Illinois counties, yet Clinton won the state by a huge margin: 55% to 39%. This is due to large population centers — huge numbers of people in small areas that do not necessarily reflect the needs of the majority of the state. In Nebraska, Clinton won 34% of the vote while winning only two counties. In Nevada, she won the entire state with only two counties! In Pennsylvania, Florida, and Michigan, Trump won the vast majority of the state, but still took less than 50% of the popular vote.

Imagine if this were to happen country-wide instead of state-wide. The majority of the states would not be accurately represented. A popular vote would guarantee a president chosen by population centers, while completely ignoring the majority of the country.

In this election, the country (and most of the states) came out vastly "red," yet Trump lost the popular vote by a minuscule margin (less than 1%), thus proving that the popular vote does NOT accurately represent either the individual states' or the country's demographics.

So, what are the "real" statistics of this election?

Trump won 29 states; Clinton won 21. This is a 16% majority.

Trump won 290 electoral votes; Clinton won 232. This is an 11% majority.

Trump received 61.0 million popular votes to Clinton's 62.1 million popular votes. This was a difference of .9% (9/10ths of 1%).[16]

16 https://elections16.usatoday.com/results/president.

Hillary Clinton campaigns in Raleigh, North Carolina

Donald Trump's campaign rally in Phoenix, Arizona

The outcome of the electoral college vote in 2016:

Presidential Electoral Votes:

- Donald Trump – 304 (306)
- Hillary Clinton – 227 (232)
- Colin Powell – 3
- Bernie Sanders – 1 [2 failed votes]
- John Kasich – 1 [1 failed vote]
- Ron Paul – 1
- Faith Spotted Eagle – 1

Vice-President Electoral Votes:

- Mike Pence – 305 (306)
- Tim Kaine – 227 (232)
- Elizabeth Warren – 2
- Susan Collins – 1
- Carly Fiorina – 1
- Winona LaDuke – 1
- Maria Cantwell – 1

So, as you can see, some electors understand they have the power to vote contrary to the popular vote which was cast in their state. We must be reminded of the great danger our founders warned against — the danger of mobocracy. Gouverneur Morris, penman of the final draft of our Constitution, famously stated, "I see with fear and trembling, that [we may be] under the worst of all possible dominions . . . the domination of a riotous mob."[17]

And James Madison sagely wrote in *Federalist Papers* No. 55:

> As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form. . . .[18]

Madison also warned in *The Federalist Papers*, No. 10:

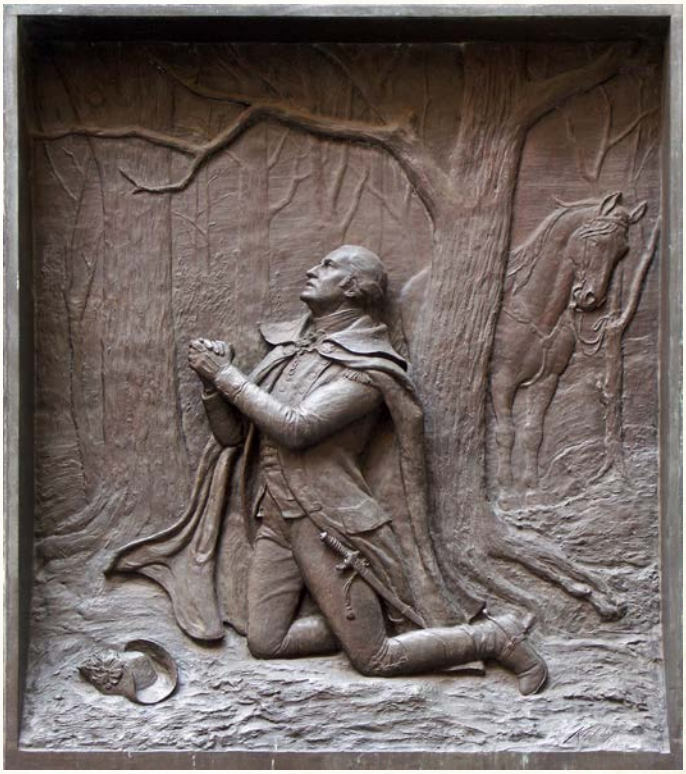
> . . . democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives as they are violent in their deaths.[19]

Our constitutional structure was designed to prevent the cities from ruling the rest of our country. The electoral college's purpose as a state check on the executive branch at the federal level was to assure that our God-given rights are not quashed by demagogues who may gain ascendency in the urban areas of our land.

17 Sparks, Jared. *The Life of Gouverner Morris with selections from his correspondence and miscellaneous papers, Vol. 1* (Boston: Gray & Bowen, 1832), p. 25.
18 https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-55
19 https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-10

Conclusion

As we have seen, our founders held a biblical worldview, especially regarding the nature of mankind. They knew men to be fallen, sinful, and far too ready to abuse any power entrusted to their hands. They wisely crafted a system of multiple checks and balances from multiple sources on anyone holding any office of profit or trust in this constitutional republic. They clearly structured the state governments to have powerful checks on the federal government. They limited the federal government to only those delegated, enumerated powers specified in the Constitution. States held the trump card in the balance of powers between federal and state governments.



Engraving on the Federal Building that shows a praying George Washington.

Our founders believed, taught, and practiced the doctrine of interposition. States officials were duty-bound by their oath of office to interpose on behalf of their citizens whenever the federal government stepped outside the boundaries clearly established by the Constitution.

Our founders also structured two very powerful tools by which state legislatures held a check upon the powers of the federal government. As we have seen, it was their design that the state legislators appoint their state's senators in the United States Congress to do the bidding of that legislature. That check was destroyed by the 17th Amendment. The second check was the electoral college by which each state legislature could determine the method by which they would be represented in the selection the president and vice-president of the United States. It should surprise no one then that this check is now under attack by the same forces that desire all power centralized in Washington, D.C. without any checks on that power by the state legislatures.

Today as never before it is critical that every freedom-loving American learn these foundation principles of freedom, teach them to others, and work to maintain the powers We the People delegated to our state governments to protect our God-given rights from an over-reaching mobocracy centralized in Washington, D.C. It is We the People that must enforce the Tenth Amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Optional Reading Assignments

LECTURE FIFTEEN

1. Continue reading *The Law* by Fredric Bastiat. Start at "Justice Means Equal Rights" and read to "Let Us Now Try Liberty" (pages 279-281).

LECTURE REVIEWS

1. Complete Lecture Fifteen Review Worksheet.
2. Complete Lecture Fifteen Quiz, including True & False Questions.

GOING DEEPER: SUPPLEMENTAL READING & VIDEO OPTIONS

Found at www.theamericanview.com/constitution-course-supplemental-assignments which can also be found at the bottom of TheAmericanView.com under Resources.

Multiplying the Message (DVD) by Ricki Pepin. Watch this video to see how you can participate in this great work of restoring our Constitutional Republic.