

Dr. Herbert W. Titus, J.D.  
Founder and Director Of The Forecast Foundation  
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How many of you received your Constitution when you came in tonight? Well, you are going to need one! We are going to read it and that is a radical thing! When I was a student at Harvard I took Constitutional Law class and we never read the Constitution. We only read the opinions of the Supreme Court about the Constitution. Tonight as we sketch out a blueprint to for state action to recover constitutional liberty and law for America, we are actually going to look at the document and read what it says.

Let me read the words to you [from the 10th 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.” Now I have talked to many people about the 10th Amendment and most do not ask the next question, What are those powers not delegated to the United States nor prohibited to the states but reserved to the states or to the people?

Now tonight I do not have time to expound on very many of those powers so I am going to speak on one power that has been forgotten in all the literature I have read--the power of interposition. Yet, at the very heart of liberty in America is the exercise of lower civil magistrates to interpose between the people and a tyrannical government. Indeed, if you read the Declaration of Independence it was the lower civil magistrates of the colonial assemblies that risked their lives fortunes and sacred honor to interpose themselves between the people and a tyrannical king and a lawless Parliament. If you look at the last paragraph of the Declaration, the Charter of the United States, you will see that they were the representatives of the United States of America and they declared the independence of the States There was never a time in the history of the colonies that they were one national government. There was no such thing as one nation. It was a nation of free and independent states because it was the officers of the state that interposed between the people and the tyrannical king and the lawless Parliament.

So it is today. The states are established by the United States Constitution to interpose between their people and a tyrannical government that has taken over the nation in Washington, D.C. I want to talk to you tonight about four practical action opportunities for the states of the United States to interpose between the people whose liberties and lawful opportunities are being stolen by a tyrannical government that has taken over in Washington, D.C. We are going to talk about political interposition; second, then legal interposition; and third, economical interposition and lastly, offer some solutions to these issues.

When, you look at how the Constitution was ratified, it would state by state, not to the people as a whole because the people of the United States do not act as a whole they act by state by state. This was to retain the principle that this was a union of free and independent, sovereign states and the officials of each state had a duty to protect the liberties of the people of the states they represented. One way they would protect the liberties of the people was that the proposed Constitution would not become the Constitution of the United States unless it was ratified by at least 9 state conventions composed of representatives elected by the people of those original states. Retaining the power of the states to interpose between the people of the states and this new government should this government not obey the new written constitution.

### **Political Interposition.**

In presidential elections there is only one authority who determines [how the president is to be elected]. Article 2, Section 1, paragraph 2, states, “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress. But no senator or Representative, or Person holding an Office of Trust or profit under the United States shall be appointed an Elector.”

Do you know that the state legislature of New Hampshire could decide that the presidential electors of this state would be appointed by the state legislature? There is nothing in the Constitution that commands that the President be popularly elected! Do you know that the Congress today completely governs the manner by which the President is elected in America

through a Federal Election Commission that subsidizes the President with your money. I know that most of you have not checked that box on your tax return form! Do you know that it does not matter? They still take your money! That box is only there to give Congress guidance as to how much of your money will be appropriated to subsidize the presidential elections. Perhaps some of you read just recently in the Wall Street Journal where one of the new members of the Federal Election Commission stated “Did you enjoy the Democratic and Republican National Conventions? You should have! You paid for them!”

Not only that but they give special licensing privileges to some candidates and not to others. What we would see in the October debates is “Tweedle Dee” and “Tweedle Dum” because the FEC is composed of three Democrats and three Republicans. It is deliberately designed that way by Congress to shape the political debate. So it will be either a Democrat or a Republican, and it is getting hard to tell the difference. This is a licensed “duopoly!” Isn’t it interesting that the government is chasing Microsoft when they ought to be chasing the Democratic and Republican Parties that have monopolized the elections.

Yet, Article 2, Section 1 paragraph 2 says that it is the state legislatures that have the authority to determine the manner by which presidents are elected. Congress has no authority to limit campaign contributions to a presidential candidate. Congress has no authority to prohibit soft money, hard money, or stolen money--paper money--They have no authority and it is time for the state legislatures to step in and say, “We will do our constitutional duty. We will determine the manner by which the President is elected according to Article 2, Section 1, paragraph 2!” That, ladies and gentlemen, is political interposition and it is time for the state legislatures to take their constitutional duty seriously and determine the manner in which the president is elected.

Now if you don’t believe this then turn to Article 2, Section 1, paragraph 4 and you will see what Congress’ role is. “The Congress may determine the time of choosing the Electors, and the Day on which they shall give their votes; which day shall be the same throughout the United States.” That is all the Congress has authority to do, to determine the time. The place where the electors meet to elect the President is determined in the 12th Amendment. Contrast that language with

Article 1, Section 4 which states, “The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by Law make or alter such regulations, except as to the places of choosing Senators.”

Notice that the State legislatures have authority to set the time, places and manner of holding elections for the House and the Senate. But there is an escape clause. The Congress does have authority with regard to the time place and manner with respect to the members of the House and Senate but by the constitutional text itself they only have the authority to determine the day on which the electors and the Electoral College meet.

Now turn back to Article 2, Section 1 and see that not one member of the House and not one member of the Senate can be one of those Electors. They are disqualified. Why? If you read the Federalist Papers you would know that they did not want the President to be dependent upon the Congress. They wanted the President to be responsive to the State Legislatures and the States. It was designed deliberately to enhance the power of the States, vis a vis that the one elected to the highest office the land would not be a tyrant but would be responsive to the interests of the people state by state.

### **Legal interposition**

The United States Supreme Court recently struck down the partial birth abortion statute enacted by the Nebraska State Legislature and in the process the other statutes passed over 35 other states. In addition, the Supreme Court also struck down a Texas case that people could no longer pray at a football game. Now those from Texas will know that these are fighting words when you can't pray at a football game!

If George W. Bush was a Constitutional governor he would have told the Supreme Court, “We will not obey that lawless order!” If the governor of Nebraska was doing his constitutional duty he would have told the Supreme court, “We will enforce the law prohibiting partial birth abortion in this state! I don't care what the Supreme Court has said!” But neither the governor of

Texas nor Nebraska has read Article 6 of the Constitution. See today State officials would have you believe that the only one who has a Constitutional duty is the Court. In fact they believe that the Court is Supreme! Now Article 6 does not say that this Supreme court is the supreme law of the land! To the contrary it says, "This Constitution, and all the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the land." A Court opinion is not the constitution! It is just a Court opinion. Sir William Blackstone put it this way, "Court opinion is evidence of Law. However, today most Court opinions is bad evidence of law because they don't pay attention to the law! They don't read the Constitution they just read their own opinion.

Turn to the second paragraph of Article 6. "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by Oath or affirmation, to support this Consitution;" not the opinions of the Supreme Court about what the Constitution means. Every state officer whether they are a governor, state legislator or attorney general, or local prosecutor, or police officer or sheriff is bound by Article 6 to support this Constitution. If the United States Supreme Court renders a decision contrary to the Constitution, what are these officials by their oath of office bound to do? Disobey! Disobey! Guess what that would do? That would require the President to send out the National Guard. Now can you imagine the President sending out the Guard to a Texas football game?

You see the power of the state to interpose on behalf of its people in the name of this Constitution is a power that has been neglected not because it isn't in the 10th Amendment of the Constitution but because they would rather have you not know that they have that duty. Life is much easier to say "the Supreme Court has spoken. We must obey."

However, Article 2, Section 3 says that the President "...shall take care that the laws be faithfully executed..." Now if a state governor would refuse to obey a Supreme court opinion, it would require the President to decide what the Law is. He would have to determine whether or not the Supreme Court opinion was lawful. If he sent out the National Guard we would know that it was

only by force and not by law what that decree was for. We have not seen a constitutional governor for some time in our nation.

It was too bad that Governor Fob James and the great state of Alabama forgot its history when they didn't reelect Fob James. Remember what he said that if a federal court tells Judge Roy Moore to take Ten Commandments off the wall of his court room, I'll be at the door of the Court House. That is the type of governor that this Constitution is speaking of. That is the type of governor we must insist upon. That's the kind of governor that would interpose and do his constitutional duty on behalf of his state against a tyrannical Supreme Court. After all, one thing about Courts is that they cannot enforce their own opinion. That is why Alexander Hamilton called them the least dangerous branch. The only one who can enforce a court opinion is the one who has executive power. If a governor who has executive power in a state says, "I will not execute that Supreme Court opinion," then it is going to require the President to send out the troops.

### **Economic Interposition**

We have heard much talk tonight about the 16th Amendment. There is no question that it has been used to rob the people of what is rightfully theirs. Many times, instead of asking what kind of economic power they have, the State officials hide behind the 16th Amendment and say, "Well, it is because the Federal Government takes all the taxes and sends them to Washington that we just don't have any power any more because we cannot raise enough money from the people."

I am working on a case right now by filing an amicus brief challenging the constitutionality of the Clean Air Act on the grounds that it was an unlawful delegation of Congressional power. If you look at the statute to find out what the rules are in regards to clean air, you cannot find them in the statute even though Article 1, Section 1 vests all legislative power in the Congress and the very essence of legislative power is to pass the rules. Instead the EPA passes the rules. But did you know that they don't enforce them? Did you know that when the EPA passed the rules on ozone and particulate matter in the air that they don't enforce them? Do you know who does?

The states! The states enforce the federal standards for clean air which were not even enacted by Congress.

Now by what constitutional authority does the state enforce federal law? The answer is none, zero! Nada! How do we know that? Because we, unlike most governors, have read Article 2, Section 2. The President "...shall have power, by and with the advice and consent of the Senate, to make treaties, provided that two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by Law..." Now did the President appoint the Governor of New Hampshire? No! The people of the state of New Hampshire did. So is the Governor of New Hampshire a federal officer? No! Yet, the clean Air Act requires him to enforce the clean air standards passed by the EPA.

Now why would Congress do that? Because it is regulation on the cheap. It is cheaper that way. It is called unfunded mandates. They mandate the state officials to enforce the federal law because they don't to take the money they have and spend that money to enforce the rules. Do you want to know another reason the Congress does not want to spend the money? Because they do not want to make the hard choices. When the EPA hands down a new rule about ozone or particulate matter, it is up to the Governor to decide which industries have to be shut down. He has to make the tough choices. You know what these governors should do? Make the Federal officers enforce it. Then Congress might say, "If you want your highway funds..." But if 50 governors said we won't enforce it, then what?

You know the governors meet periodically. Have you ever watched what they talk about? They become a lobbying organization. Like all the rest, they go to Washington to see how much they can get of your money instead of doing their constitutional duty by saying, "Look Article 2, Section 1 of the Consitution of the United States vests all executive power in the President. He has only the authority to appoint other federal officers and that has to be done with and by the advice and consent of the Senate. We are not one of those officers. We cannot enforce this law and we won't enforce this law.

That is what two sheriffs did when they passed the Brady Bill. The Sheriff in Montana and Arizona did this and were taken to Court and the United States Supreme court agreed with them. But the United States Supreme Court would not have had the opportunity to agree with them if they had acted like all the other sheriffs and never challenged it.

Unless the state officials do their constitutional duty and refuse to lend the economic power that they still have despite the 16th Amendment, [we will not see this changed] because Congress doesn't want to spend that money. Not to just enforce many environmental laws but also educational laws. We have heard very eloquently tonight that the United States government has no authority over education. What would happen if the school board said, "We will not take your money!" I have read recent studies that educational quality does not turn on how much money they spend. As a matter of fact I have seen that the more money they spend the worse the education they have. We need to get away from this notion that if you spend more money you get more quality. In fact, do you know where all that money goes? It goes to the people who do not teach! Now we have discovered that teachers teach because they cannot do, and administrators don't teach because they cannot teach!

So Congress has essentially enslaved the states just as much as the Court has usurped state power.

The FCC has hijacked the presidential election process. It is time to not only for political interposition, not only for legal interposition, not only for economic interposition but it is also time for Constitutional interposition.

You know the greatest danger for our liberty is not in Washington D.C. But in New York City. If you have been following the newspapers recently they have just had a conference on Global Government. It was the United Nations. I have a copy of the United Nation's Charter. I suggest you read it but not before going to bed! We are told that the Charter is a treaty. It is not. It was never designed as a treaty. It was designed as a Constitution for world government from the beginning.

Like the United States Constitution, it has provision whereby it may be amended without it ever being submitted to the United State's Senate for ratification. It has its own internal amendment process just like the United State's Consitution may be amended without the unanimous consent of the states, the UN Charter may be amended with the unanimous consent of the member nations. The new members may be added without all the members agreeing. Libya could be added tomorrow.

Some people say, "Yes, but we have veto power in the Security Council." But veto power is not according to the Constitutional provision in regard to a treaty. If a new member is to be added to the United Nations, it should only be if it is ratified by the Senate, *if it was a treaty*. But it was never designed to be a treaty! Indeed, all you have to do is read the first words of the Charter, "We the people of the United Nations." Look at the Preamble to the United States Constitution. What does it say? "We the People of the United States..." If the UN Charter was a treaty it should say, "We the government officials of the various member nations..." They are the ones who have authority to make treaties. Why did they say "We the People of the United Nations"? Simply because they were displacing the Consitution of the United States with a new Constitutional document. But unlike the Constitution of the United States, it has never been submitted to the People of the United States for ratification. It is an illegitimate document and organization and must be resisted!

I read President Clinton's speech that he gave at this Council on Global Government and he was giving kudos to Kofee Anan, that wonderful United Nations beaucrocat who is the only one who came up through the ranks to become Secretary General. This is what he said, "This man is sent from heaven." There is only one I know who has been sent from heaven. There is only one who is Prince of Peace. The United Nations would bring peace by outlawing war. They outlaw war by ridding us of our national boundaries. Then everything becomes a police action.

Is that really what they are about? In a human development report 2000 that was issued just about a month and one half ago Kofee Anan said, "The United Nations is composed of member nations but it exists for the benefit of the peoples of the world and no national boundaries will

stand in the way of our reaching the peoples of the world!” That’s Koffe Anan. That’s the United Nations and the way it is designed.

Some say, “Well, they have not yet taxed us!” Oh yes they have. Article 1, Section 7 of the United States Constitution says, “All bills for raising revenue shall originate in the House of Representatives...” Do you know where the bill originates that raises revenue for the United Nations? In the General Assembly. That’s why they bill us! It would be the same as if the EPA said, “This is the amount of money we need. Now you owe it to us Congress!” You see we are already being *taxed without representation*. It already violates that principle upon which the Revolution was founded--No taxation without Representation! We must resist the illegitimate and unlawful United Nations that would usurp the power of the people to constitute the government as this nation had been founded.

What shall we do then? May I propose that cities, counties, and states pass laws declaring that they are United Nations free zone? There is a way to combating an illegitimate intrusion upon the national sovereignty of the nation and the sovereignty of the 50 states. It is time that the people rise up and remind our government officials that we constitute the government--THEY DON’T! And we reconstitute the government, they don’t! It is time for action in this arena. Last week we continued to be betrayed by the President of the United States and his minions in the Senate who were afraid to stand on principle.

In the House of Representatives there is a bill numbered 1146. It is sponsored by 17 members of the House. The leading sponsor is Rep. Ron Paul of Texas. Two years ago Ron Paul by amendment to the appropriations bill got 54 votes from members of the House to get the United States out of the United Nations and the United Nations out of the United States. I had the privilege of writing the constitutional analysis, some of which I shared with you this evening, in support of HR 1146. If you want to see that analysis, it is on the Internet at [www.libertycommittee.org](http://www.libertycommittee.org).

If you are someone who prays, and if you don’t you ought, may I ask you to pray the prayer based upon Proverbs 21:1, “The heart of a king is a channel of water in God’s hands. He moves

it whichever way that He wishes.” Indeed, if we are to see action as I have outlined to you tonight in having the state officials interpose and once again bring the presidential elections back home where it belongs, out of the clutches of the FEC; if we are to see state officials exercise the legal authority they have to defend the Constitution against unconstitutional opinions of the Supreme Court of the United States; if we are going to see state officials who are willing to exercise the economic power they have even though they might risk losing some of those federal funds; and if we are to see the People of the United States rise up and say, “We are the ones who constitute our government. We will not be a part of an unconstitutional United Nations,” we need to pray for what I have outlined for you tonight is impossible. But with God all things are possible for He is the One who moves the hearts of kings.

I was once involved with a Christian Law school that had to go before the American Bar Association to be accredited. I can assure you that the American Bar Association was not happy that the Bible has reentered a law school classroom. This law school I was associated with was of all places Oral Roberts University. We got one vote from a committee in June and 22 against us in 1981. We had another opportunity to get a second review and there was 21 against us in June. In August the ABA accredited the Law school. Why? Because God moves the hearts of even an accrediting authority of the ABA. How do I know this? Because we took them to court. Guess what God gave us an activist judge who said to the ABA, “if you do not accredit that Law School I will!”

Now the ABA could have appealed and taken it to a higher court. Instead they folded. The second committee where we only got one voted unanimously. The chairman of that committee spoke on our behalf and voted for us. Two weeks later I got a letter with a newspaper article in which that man who voted and spoke for us said, “the biggest mistake the ABA has ever done is accredit the law school at ORU. “The heart of a king is like a channel of water in His hands, He moves it whichever way He wishes.”

So if we are to see a blueprint of restoration where the states take their constitutional duty and right of interposition, we need to be on our knees praying that even though those state governors who do not want to do it would be moved by God to do what they do not want to do. You see

God is not out of the nation building business. He still moves kings and governors and presidents and judges. We just need to take a stand. In order to take this stand, we need to know what the Constitution says.

Jesus Christ, who is my political hero demonstrated that when He encountered the devil in the wilderness. When He was challenged by the devil to turn the stone into bread, and He had the power to do so for He was the Son of God, He showed He did not have the authority to do so for He said this, "Man does not live by bread alone but by every word that proceeds out of the mouth of God." Satan picked up on that in the next temptation when he said, "Jump off the pinnacle of this Temple." And then he quoted Scripture, "for the angels will take care of you." Remember what Jesus said? You live by every word of God. He responded by that word, "You shall not tempt the Lord your God." Then Satan showed Him all the kingdoms of this world. He said there you are. They are yours for the taking if you will "bow down and worship me." Jesus said, "Thou shalt worship the Lord your God and Him alone."

Remember each time that Jesus responded He said "**It is written! It is written! It is written!**" If we are to serve in this nation, then we not only have to know the written Word of God, we also need to know the written word of this Constitution! If we neglect that written word, then how can we hold our state officials to what is written?

Even Chief Justice Marshall, if you read the case of *Marbury v. Madison* said that the reason why the Court would strike down a Congressional statute and have the power to do so was because the Constitution is written. It is written for the purpose of establishing the rule of law by which no government official can transcend. Then he said this, "*The Constitution is an instrument for the government of the Court as well as an instrument for the government of Congress.*" He did not believe that the Court was above the written Constitution because he had read in Article 6 that this Constitution is the Supreme law of the land. Not a court opinion! Not your opinion or my opinion but Constitution as it is written.

I challenge you, I exhort you, I encourage you that as God calls you as citizens of this great land, that you step out in faith trusting that as you stand for the written covenant of this great nation;

and as you call upon your local and state officials to interpose and defend the liberties of the people against this tyranny we face in this nation, may you do your part and meet your Maker He will say, "Well done thou good and faithful servant." God bless and thank you for inviting me.