

Week of 28 Mar 2021

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To the Sovereigns of:

For those who have read the previous nine Constitutional Minutes, we have given you plenty academic evidence that you as State Legislative bodies possess the authority and power to reel in the ENTIRE general (i.e. federal) government and force compliance to the Constitution.

I understand this may be a long read, but if you care about what is happening to our liberties, Constitution, and our Republic **YOU MUST TAKE ACTION NOW!** With all the attacks on our Constitution under the unconstitutional Administration of Joe Biden, from the invasion on our Southern Border, the violations of separations of powers with Joe's Executive Orders, calling for violations of the 2<sup>nd</sup> Amendment, the continued removal of parental rights, violating State's sovereignty over elections, and so much more. Consequently, you must convene emergency sessions because our nation is facing its greatest peril and ultimate demise is you do not act. I believe many of you do not fathom the power you possess as the State Sovereigns over this Constitution. Due to the exigencies at hand – consider this one email as your academic handbook of what you must do. To be successful, you must act and you must put aside your differences, your biases, and self-interests as the framers did and focus on saving our Constitution.

Sadly, a schism exists in the ranks of those who seek to respond to the treasonous actions of POTUS, SCOTUS, and Congress. This division proves the adage united we stand divided we fall, and the irony is both sides are standing in and upon the wrong position for the problems we are facing. On one side of this rift are those seeking to call for a Convention to modify the Constitution and on the other are those who seek to do nothing or who claim nullification is the proper path. Let me be clear, I see both sides primarily occupied by Patriots and the very few who are driven by avarice and self-promoting opportunities are enticing others to follow them.

What I ask is for all to take a deep breath and first recognize the fact that on the issues across the board you all agree on over 90% of these issues. The big divide that is causing bitterness and dissention and outright hostility between the Patriots in office is specifically over the Convention. The question I pose for you ponder as you read the following is simple, could you be wrong, because I can prove that both sides are both correct and incorrect; thus, placing both sides in an impotent position.

The first fact that both sides adamantly agree upon is the general government is operating well outside the Constitutional framework. So before I begin to poke either side, I feel it is paramount to show what James Madison and Thomas Jefferson did when the general government blatantly violated the Constitution with the Alien and Sedition Acts. As I do this, please keep a frame of reference as to whether you are following their footsteps or whether you are following someone else's lead. In doing this, you should begin to see how and why you are in the wrong position. More importantly, I pray with all my heart and vigor that these words will touch your mind and heart to recognize how to act and what you must do arrest the evil that is consuming upon our Republic.

For those who are unfamiliar with the Kentucky and Virginia Resolutions as well as Madison and Jefferson's writing on this subject I have attached the five word documents and at the bottom of this correspondence am providing you the links to these source documents.

The first formal action in response to the Alien and Sedition Acts was penned by Thomas Jefferson for the State of Kentucky (see the Kentucky Resolutions 1798), and in the first resolution Jefferson asserts the defined limitations of the general government and that the States were the only Parties to the Constitution, excluding the general government. In the next five resolutions, Jefferson audits the Constitution and points out how each of the Acts violates the Constitution. In the eighth resolution Jefferson calls for a "committee of conference and correspondence be appointed." It was these committees of correspondence that was used prior to the establishment of the Continental Congress.

The next formal action was James Madison's Virginia Resolutions (see the Virginia Resolutions 1798) which was a direct response to the Kentucky Resolutions which was transmitted to the other States. Madison actually articulates clearly that the required action from the State Legislatures was interposition, not just nullification in stating in the third resolution:

"that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them."

In Madison's seventh resolution he clarifies his position on interposition stating:

"the General Assembly doth solemnly appeal to the like dispositions of the other states, in confidence that they will concur with this commonwealth in declaring, as it does hereby declare, that the acts aforesaid, are unconstitutional; and that the necessary and proper measures will be taken by each, for co-operating with this state, in maintaining the Authorities, Rights, and Liberties, referred to the States respectively, or to the people."

Both Kentucky and Virginia successfully nullified these acts; however, the following documents from both Jefferson and Madison prove that they were dissatisfied with their sister States in failing to protect their citizens from federal tyranny. In December 1799, Thomas Jefferson and the Kentucky Legislature responded to the failings of the sister States in a final set of Resolutions, where Jefferson laments in stating:

"We cannot however but lament, that in the discussion of those interesting subjects, by sundry of the legislatures of our sister states, unfounded suggestions, and uncandid insinuations, derogatory of the true character and principles of the good people of this commonwealth, have been substituted in place of fair reasoning and sound argument."

Lamenting is a contrary expression for one, who successfully nullified these unconstitutional laws in the State of Kentucky... obviously; Jefferson was not seeking simple nullification. Keep in mind Jefferson was serving as Vice President and maintained a silence to his involvement in these endeavors for almost his entire life and finding any clarity in his writings is hard to impossible. Madison on the other hand was very even more revealing in his subsequent Report on the Virginia Resolutions (see James Madison's Report on the Virginia Resolutions of 1800) and even more so in Madison's Notes on Nullification of 1834 (see James Madison Notes On Nullification 1834).

Before covering the clarity on exactly what Jefferson and Madison were doing in 1798 let me elucidate **what Jefferson and Madison did not do** when the general government began violating the Constitution. First they did not call for an Article V Convention. As one argument today for the proponents of a Convention assert, this is the only thing in the Constitution the States have to dealing with federal overreach. Really? This is their justification for making changes to the Constitution? One must completely ignore the following facts that 1) the States are the ONLY parties to the compact, 2) the ninth and tenth amendments regarding the powers left to the States are unlimited, and 3) the Ratification Debates of the Constitution clearly identify the few enumerated powers in the Constitution are the extent of federal jurisdiction. Bottom line the problem is not the Constitution so why are we wasting time talking about making changes to the Constitution? Our time to solve this problem is finite and we are losing what little we have left on a needless discussion.

WRT the ninth and tenth amendments as well as the Ratification Debates, the States have all powers necessary to enforce their compact. The only restrictions placed on the States are the powers formally delegated to the general government in the Constitution and those specific restrictions upon the States in Article I Section 10. Nowhere in the Constitution are the States restricted from exerting the necessary political force in enforcing their compact. As a matter of fact see Article IV Section 2 subsection 2 and Section 3 of the Fourteenth Amendment. Inherent with basic contract law, the Parties of a compact have the full authority to judge and remedy violations to their compact. This is critical for ALL to understand because this is exactly what Madison asserted in both his report of 1800 and his notes of 1834.

**Another thing Madison and Jefferson did not do** is create a society to educate the people to obtain compliance. Societies instantly become entities that need to self-perpetuate and actually become vested in their own interests of relevance and existence. **These men were leaders** and considered these violations an utmost threat to liberty. **This is why they acted** and when their efforts failed, they still did not turn to an Article V Convention or the creation of a "society." Instead they took desperate action and created the Republican Party and ousted John Adams and a good percentage of the big government Federalists. Keep in mind the coup they successfully pulled off took them a little more than a year for the 1800 Presidential election.

So here are Madison's clarifications on what his and Jefferson's intents really were:

In Madison's Report on the Virginia Resolutions Madison (the father of the Constitution) asserted:

First in paragraph 14 Madison points to the tenth amendment asserting:

"in all the contemporary discussions and comments which the Constitution underwent, it was constantly justified and recommended on the ground that the powers not given to the government were withheld from it; and that, if any doubt could have existed on this subject, under the original text of the Constitution, it is removed, as far as words could remove it, by the 12th amendment, now a part of the Constitution, which expressly declares, "that 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."

His reference to the 12<sup>th</sup> Amendment was referring to the 12 that were submitted to the States for ratification and the first 10 were ratified in 1791 and the second was ratified in 1992.

In paragraph 18 Madison clarifies the States authority in stating:

“that, where resort can be had to **no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges, in the last resort**, whether the bargain made has been pursued or violated. The Constitution of the United States was formed by the sanction of the states, given by each in its sovereign capacity. It adds to the stability and dignity, as well as to the authority, of the Constitution, that it rests on this legitimate and solid foundation. **The states, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity that there can be no tribunal, above their authority, to decide, in the last resort, whether the compact made by them be violated; and consequently, that, as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition.**”

Finally in paragraphs 22 – 25 Madison not only supports the States authority he points to the fact that the Judiciary cannot possess this final authority:

“If the deliberate exercise of dangerous powers, palpably withheld by the Constitution, could not justify the parties to it in interposing even so far as to arrest the progress of the evil, and thereby to preserve the Constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power, and a direct subversion of the rights specified or recognized under all the state constitutions, as well as a plain denial of the fundamental principle on which our independence itself was declared.

But it is objected, that the judicial authority is to be regarded as the sole expositor of the Constitution in the last resort; and it may be asked for what reason the declaration by the General Assembly, supposing it to be theoretically true, could be required at the present day, and in so solemn a manner.

On this objection it might be observed, first, that there may be instances of usurped power, which the forms of the Constitution would never draw within the control of the judicial department; secondly, that, if the decision of the judiciary be raised above the authority of the sovereign parties to the Constitution, the decisions of the other departments, not carried by the forms of the Constitution before the judiciary, must be equally authoritative and final with the decisions of that department. But the proper answer to the objection is, that the resolution of the General Assembly relates to those great and extraordinary cases, in which all the forms of the Constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. **The resolution supposes that dangerous powers, not delegated, may not only be usurped and executed by the other departments, but that the judicial department, also, may exercise or sanction dangerous powers beyond the grant of the Constitution; and, consequently, that the ultimate right of the parties to the Constitution, to judge whether the compact has been dangerously violated, must extend to violations by one delegated authority as well as by another--by the judiciary as well as by the executive, or the legislature.**

However true, therefore, it may be, that the judicial department is, in all questions submitted to it by the forms of the Constitution, to decide in the last resort, **this resort must necessarily be deemed the last in relation to the authorities of the other departments of the government; not in relation to the rights of the parties to the constitutional compact, from which the judicial, as well as the other departments, hold their delegated trusts.**”

In 1834, when Senator John C. Calhoun and South Carolina perverted the concept of nullification/interposition Madison was forced to expound even more deeply on his and Jefferson’s

efforts and spoke to the perfunctory process of nullification and FOUR times Madison emphasized that the States “collectively together” MUST interpose as he states:

In paragraph 12 and 13:

“Now is there any thing here from which a single State can infer a right to arrest or annul an Act of the General Govt. which it may deem unconstitutional? So far from it, that the obvious & proper inference precludes such a right on the part of a single State; **plural number being used in every application of the term.**

In the nexplace, the course & scope of the reasoning requires that by the rightful authority to interpose in the cases & for the purpose referred to, was meant, **not the authority of the States singly & separately, but their authority as the parties to the Constn., the authority which in fact made the Constitution; the authority which being paramount to the Constitution was paramount to the Authorities constituted by it, to the Judiciary as well as the other authorities.** The resolution clearly derives the asserted right of interposition for arresting the progress of usurpations by the Federal Govt. from the fact, that its powers were limited to the grant made by the States; a grant certainly not made by a single party to the grant but by the parties to the Compact containing the grant. The mode of their interposition, in extraordinary cases, is left by the Resolution, to the parties themselves; as the mode of interposition lies with the parties to other Constitutions, in the event of usurpations of power not remediable, under the in the forms & by the means provided by the Constitutions. If it be asked why a claim by a Single party to the Constitutional compact, to arrest a law, deemed by it a breach of the Compact, was not expressly guarded agst.”

In paragraphs 17-20 Madison again points to collective States cooperating in stating:

“Thus from the 3d. Resoln. itself, whether regard be had to the employment of the term States in the plural number, to the argumentative use of it, or to the object namely the "maintaining the authority & rights of each, "**which must be the same in all as in each, it is manifest that the adequate interposition to which it relates, must be not a single, but a concurrent interposition.**

If we pass from the 3d. to the 7th. Resolution, which, tho’ it repeats and reinforces the 3d. and which is always skipped over by the nullifying commentators, the fallacy of their claim, will at once be seen. The resolution is in the following words.

"That the good people of the commonwealth having ever felt and continuing to feel the most sincere affection to their brethren of the other states, the truest anxiety for establishing and perpetuating the union of all, and the most scrupulous fidelity to that Constitution which is the pledge of mutual friendship and the instrument of mutual happiness, the General Assembly doth solemnly appeal to the like dispositions in the other states, in confidence that they will concur with this commonwealth in declaring, as it does hereby declare, that the acts aforesaid are unconstitutional, and that the necessary and proper measures will be taken by each for co-operating with this state in maintaining unimpaired the authorities, rights, and liberties reserved in the states respectively or to the people."

**Here it distinctly appears as in the 3d Resoln., that the course contemplated by the Legislature, "for maintaining the authorities, rights, & liberties, reserved to the States**

**respectively," was not a solitary or separate interposition, but a co-operation in the means necessary & proper for the purpose."**

Again in paragraphs 27-30 Madison emphasizes the need for plural States, and finally in paragraph 34 he points to the plurality required for the States to obtain compliance to the Constitution.

If there is any doubt what the State Legislatures must do immediately – the actions of Jefferson and Madison in 1798 is referred to as Republic Review, I have attached three documents will help you digest the process of Republic Review. The first document is an Article that analyzes and breaks down what Jefferson and Madison were actually doing. This article is titled "Nullification or InterpositionV2." There is a lot more evidence that proves and supports the premise of Republic Review, but I believe this should pique your interest at a minimum. The next document is the academic argument for Republic Review titled "Bullet Points for Republic Review." The next document actually lays out how the process or Republic Review works "Bullet Points Republic Review Model Process Chart" and the other file titled "Flow Chart" is a model as to the flow of the process.

Do not allow a lawyer or judge to tell you that you do not have this authority. You are the judges and jury as Madison (the father of the Constitution) stated and there is nothing in the Constitution or any ratified amendments that have altered your sovereignty in this capacity.

If there are questions or matters that you would like addressed please let us know by responding to these emails. This is our ninth Constitutional Minute for the Legislators of this Great Constitutional Republic. If you have missed any of these please go to the following link to read the previous messages. Just look for the bold Red text on this page stating "Constitutional Minutes:" <http://www.reclaimingtherepublic.org/CA.html>

Links for source documents

[https://avalon.law.yale.edu/18th\\_century/kenres.asp](https://avalon.law.yale.edu/18th_century/kenres.asp)

[https://avalon.law.yale.edu/18th\\_century/jeffken.asp](https://avalon.law.yale.edu/18th_century/jeffken.asp)

[https://avalon.law.yale.edu/18th\\_century/virres.asp](https://avalon.law.yale.edu/18th_century/virres.asp)

<https://rotunda.upress.virginia.edu/founders/default.xqy?keys=FOEA-print-02-02-02-3065>

<https://press-pubs.uchicago.edu/founders/documents/v1ch8s42.html>

I feel the urgency of these Constitutional minutes supersedes the necessity of editing these emails; please forgive me for any spelling or grammatical errors. I am not trying to offend you, but our circumstances outweigh the time in getting another to edit these messages.

Best Regards

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