THE DOCTRINE OF INTERPOSITION

We, the citizens of the State of Indiana through the action of the Indiana General Assembly and other duly elected officials unequivocally ask that the State of Indiana interpose on behalf of the citizens to keep HR 3590 known as the "Patient Protection and Affordable Care Act", or any other amendment appended to this act from becoming law in Indiana. The “Patient Protection and Affordable Care Act” is in violation of the US Constitution, as well as the Constitution of the State of Indiana. This aforementioned law is also a violation of the State of Indiana's sovereignty, as well as disallowing freedom of choice of health care for the individual citizen. By asserting interposition and nullification the State of Indiana would be finding the federal government has no authority to enforce this law in this state.

The following is a summary of interposition and nullification and how it should be utilized to limit unconstitutional mandates by the federal government. The principle question that one should ask is interposition and nullification a viable principle in restricting the actions of the federal government? There are many opinions. Modern progressives have attempted to argue for decades that interposition is an outdated concept. It is true, its use has been limited, but limited usage and the passage of time should neither restrict nor diminish the principles upon which our nation stands.

Duly elected state officials have a constitutional and ethical obligation to obey the state and federal constitutions. Within that duty is to actively and aggressively protect state rights against an oppressive federal government. As a collective, our elected officials have failed at all levels of government. It is now incumbent as citizens to demand that our state legislature, governor and judicial system reverse these wrongs and immediately refuse new unconstitutional federal mandates and begin a process of review and reversal of historic unconstitutional mandates. Among these is to discontinue the practice of abdicating our constitutional liberties to the U.S. Supreme Courts, international courts, federal regulatory agencies and the United Nations.

Any elected official that allows the federal government or other entities to impose unconstitutional mandates upon its citizens or to abdicate such decisions to a corrupt federal judicial system are at minimal, tacitly violating their constitutional duties.

Interposition is the doctrine that an individual state within the United States, in the exercise of its sovereignty, may use such to reject any mandate of the federal government that it deems unconstitutional, or reject said mandate when the federal government exceeds its constitutional authority. It should be noted that before the United States was formed the colonies used interposition through the Articles of Confederation. After the colonies became the United States, they used interposition again in the form of our United States Constitution.

This doctrine acknowledges the right of an individual state to use its sovereignty to stand between the citizens and an unconstitutional federal violation. Or for that matter, before the United States was formed, for the colonies to interpose between the British Empire and the colonists. History, both past and recent past, has proven such a doctrine works. But it can and will work, only when the elected officials of individual states perform their constitutional obligations and use their authority to implement such.

Further evidence of the right of interposition and nullification was presented by James Madison (referred

to as the "Father of the Constitution") and Thomas Jefferson in 1798 with the Kentucky and Virginia interposition resolutions against the Alien and Sedition Acts of 1798. The Alien and Sedition Act made it a crime to disparage the U.S. government. James Madison, the governor of Virginia, penned the Virginia interposition resolution against the Act. Thomas Jefferson as vice president secretly penned the Kentucky interposition resolution. As a result of Madison, and Thomas Jefferson, by 1802 most of the acts had either expired or were repealed.

It should also be noted that, in his 80's, Madison insisted his original version of interposition was a step toward arousing the public or amending the Constitution. Interposition, in this form, is consistent with that of supremacy of the state and nation, as well as supporting a perpetual union.

Certain facts from history and law tell us when a state can interpose its sovereign powers if the federal government oversteps it bounds.

First, in the Articles of Confederation, then the United States Constitution, the individual states acted separate from the rest in signing both.

Second, when the federal government exceeds the powers granted to it then the state has the sovereign right to intervene.

Third, when the federal government exceeds its powers it cannot be the proper one to decide whether or when this has happened. As a party to the US Constitution, it is up to the state.

Fourth, it was not the federal government who enacted the US Constitution. Rather it was the vote of the United States citizen. Thus, the federal government would not be in place without this enactment. Therefore, the federal government must itself adhere to the Constitution.

Fifth, any attempt at interposition must be consistent with an individual state's own constitution.

So from where does this "power" or "sovereignty" come? The basis for this is found in the Sixth Article , clause 2; Then in the Ninth, Tenth, and the Fourteenth Amendments to our US Constitution. The one Article, and then the amendments, taken together, states the power or rights given to the federal government, states, and citizens. Anything outside those parameters is reserved to the individual states, or to the people.

Sovereignty refers to the authority granted by law. In this case this authority given to the states is independent from that given to the federal government. Thus the individual state has this right within its own jurisdiction. Sovereignty carries with it the responsibility for each state to protect persons and property, then to use its power of governance to adequately protect the territory they govern.

Next is the Northwest Ordinance. This Ordinance, of which Indiana is a part, was accepted by the Congress of Confederation. This Congress enacted the Ordinance in 1787 before the ratification of our US Constitution. That ratification came on June 21, 1788. Therefore, the Northwest Ordinance was in place before the ratification of our US Constitution.

Since the above is so, then our Indiana Northwest Ordinance predates the US Constitution.
In looking at the Indiana Constitution the following is found:

Article I, Section 1 of the Indiana Constitution states, " WE DECLARE, That all people are created equal; that they are endowed by their CREATOR with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the people have, at all times, an indefeasible right to alter and reform their government."

Indiana Code 1-1-2-1 Hierarchy of Law states as follows: Sec. 1. The law governing this state is declared to be: First) The Constitution of the United States and of this state. Second) All statutes of the general assembly of the state in force, and not inconsistent with such constitutions. Third) All statutes of the United States in force, and relating to subject over which congress has power to legislate for the states, and not inconsistent with the Constitution of the United States. Fourth) The common law of England, and statutes of the British Parliament made in aid thereof prior to the fourth year of the reign of James the First (except the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and the ninth chapter of thirty-seventh Henry the Eighth,) and which are of a general nature, not local to that kingdom, and not inconsistent with the first, second and third specifications of this section.

Article 14 of the Indiana Constitution has two sections. The first delineates the outline of the boundaries of the state. The second is entitled "Jurisdiction and Sovereignty". Its language is as follows; Section 2. "The State of Indiana shall possess jurisdiction and sovereignty co-extensive with the boundaries declared in the preceding section; and shall have concurrent jurisdiction, in civil and criminal cases, with the State of Kentucky on the Ohio river, and with the State of Illinois on the Wabash river. so far as said rivers form the common boundary between this State and said States respectively. " The first constitution was established on June 10, 1816 for what was then the Territory of Indiana. This was established after the US Congress granted Indiana statehood. The current constitution for Indiana was adopted in 1851, and since that time has been amended several times.

In 2010, at the request of Indiana U. S. Senator Richard Lugar, and pursuant to Indiana Code 4-6-8-2, Indiana Attorney General Gregory F. Zoeller prepared a 56 page report on HR 3590 and the Senate amendment 2786 to that act. The report focused on five areas, including constitutionality concerns, Indiana Medicaid costs and overall economic impact. The Attorney General speaking on the viability of this act is quoted to having said, "I can almost guarantee years and years of litigation."

It must also be remembered that Indiana has its own code on health care. That being IC 16. This code is the one currently adhered to in the State of Indiana.

Indiana also has The Healthy Indiana Plan (HIP). This is a health insurance program for uninsured adult Hoosiers between the ages of 19 to 64. It is sponsored by the State of Indiana and requires sliding-scale monthly contributions from enrollees.

Next, one must consider the arguments used by the federal government to defend HR 3590, and its amendment. They are: 1. The government, under the Commerce Clause, has the power to regulate commerce. 2. The government can collect the penalty for failure to purchase insurance because it is a 'tax'. This despite the fact they argued before the bills passage it would not be a 'tax'.

The federal government may or may not challenge an interposition attempt by a state. If the federal

government elects to make such a challenge, it would undoubtedly go to the United States supreme Court.

As a matter of history the federal courts have shied away from having to decide cases that involve another branch of the federal government. Citing the "Cases" or Controversies" to justify their not hearing such cases.

The first supreme Court Justice John Marshall had the position that to meet the cases and controversies requirement, the Court must decide the case on its merits. He stated as such in his opinion in Cohens V Virginia (1821). In 1803 in deciding Marbury V Madison wrote, "The province of the court is, solely, to decide on the rights of individuals,...questions in their nature political...can never be made in this court." It is also noteworthy this same Justice, in sidestepping any court decision in this case, also used it to proclaim the Supreme Court had the right, as the highest law in the land, to make such a decision.

In 1936 United States supreme Court Justice Louis Brendeis commented on that Court avoiding the cases and controversies doctrine. "One branch of the government cannot encroach upon the domain of another, without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule."

There are however, two key cases decided by this high Court which, if adhered to, do not bode well for the federal government. They are: United States v. Lopez (1995) and United States v. Morrison (2000). The Supreme Court specifically rejected the proposition that the commerce clause allowed Congress to regulate non-economic activities merely because, through a chain of causal effects, they might have an economic impact. These decisions reflect judicial recognition that the commerce clause is not infinitely elastic and that, by enumerating its powers, the framers denied Congress the type of general police power that is freely exercised by the states.

In light of the above, certain facts stand out:

1. The US Constitution only grants the three branches of Federal Government certain specific and limited powers.
2. The granted powers were given to limit the Federal Government, and to protect the individual State and citizens from encroachment of the Fed.
3. The 10th Amendment specifies the limit of the Federal Government. That limit is what is granted in the US Constitution. All laws passed outside those limits are not within the bounds of the powers granted.
4. Federal court rulings outside the limitations of the US Constitution on the Administrative, Legislative, and Judicial violate legal interpretation. Such rulings, or laws passed, are beyond the scope of the Constitution.
5. When the Federal Government, whether it be the Administrative, Legislative, or Judicial branches enact, or deem laws passed outside the US Constitution are valid, then the citizens of the United States have no obligation to obey such law.
6. Nothing in the US Constitution grants the Federal Government the authority to regulate health care.
7. Each of those officers in the Federal government, upon being elected or appointed, take an oath to "preserve, protect and defend" the US Constitution.

Perhaps the most notorious use of interposition was after Brown v. Board of Education (1954), in which

some southern states campaigned against school desegregation with substantial opposition, this represented a form of interposition.

In Cooper v. Aaron, which involved the integration of schools in Little Rock, Arkansas, the federal courts asserted the principle that the Supreme Court had final authority to interpret the meaning of the Constitution.

The above assertion that a single branch of government (or nine individuals) is the final arbiter on all decisions is absolutely contrary to the beliefs of the founding fathers. This revolutionary departure from the core constitution beliefs is precisely the reason interposition exists. When any entity (federal government, foreign governments or state(s)) believe themselves to be above the written contracts established and also a final arbiter of dispute, abuse of government will ensue.

Interposition, contrary to recent to Marxist allegations, progressive media, and statist politicians is alive and well. The U.S. constitution is a document of negative rights and limits the authority of the U.S. government. The states who formed the federal government and its constitution agreed to a limited authority and clearly enumerated the powers of the federal. Any branch of federal government that ignores this contract becomes a revolutionary branch of government. Subsequently, the state(s) both individually and collectively have an obligation to uphold both the U.S. and state constitutions. Should the federal government cause a federal violation or abridgment of state's rights deemed by those states to be unconstitutional, the states have absolutely no legal or ethical choice but to interpose.

So to resolve the matter "is interposition and nullification a viable principle in restricting the actions of the federal government:" Thomas Jefferson, the principle drafter of the Declaration of Independence and James Madison, the Father of the Constitution, believed it so. Let the Progressives, Marxist and political statists debate the merits with these revolutionary fathers.

WHAT IS INTERPOSITION AND NULLIFICATION AND HOW DO THEY DIFFER.
There has been much debate on the terms "nullification" and "interposition" and how each interrelate to our present day dilemmas.

It is incumbent upon us to clarify and unify these concepts. Without clarification and unification, opportunistic politicians will utilize these weaknesses to avoid asserting their constitutional obligations. We must do what we can to empower and support the patriot statesmen that will bring this issue to the forefront.

There appear to be three separate approaches to addressing the present unconstitutional mandates imposed by the Federal Government, with emphasis on healthcare:

- Absolute nullification
- Partial nullification
- Interposition

Absolute nullification of the HealthCare Act on the surface is appealing but poses problematic issues. Parts of the Health Act may be constitutional. Therefore, as citizens to the state(s) and of the federal government, it is incumbent upon us to obey the constitutions. In fact if we are to preserve our liberties we must lead by example irrespective of the behavior of the federal government (congress, executive, and judicial branches). Therefore we cannot demand our elected state officials to violate the constitution(s). The practicality of the matter is they will refuse and the endeavor will falter.

The second issue with absolute nullification is the states and many of citizens are actively participating with the federal government in programs that are patently unconstitutional i.e. Medicare / Medicaid. To absolutely nullify the Healthcare Act would also nullify Medicare / Medicaid, something the states or the citizens are not willing to do. Therefore before the segments of the Healthcare Act that overlay these issues are resolved, we have to determine how to address Medicare / Medicaid. Resolution is only possible when the citizens and the state stop accepting federal extortion money and stand financially independent. The weaning of oneself from a dependency will prove to be the greatest challenge.

Even considering the above exceptions there is much room for nullification. The state(s) should identify the portions of the Act which are unconstitutional and not in conflict with our current practices and nullify those portions. The state(s) should then assess historic federal mandates and begin to resolve historic unconstitutional mandates.

Interposition in this context is when the state(s) interposes to protect its citizens from the federal government. Interposition is necessary when there is a direct police enforcement action the federal government can take against a state citizen.

Not all conflicts between the state and federal government require interposition. An example of not needing interposition would be the federal government mandating to the state(s) a 55MPH speed limit. The state can refuse (nullify) and we can still drive 70MPH without fear of the federal police arresting us. In this example the conflict is between the federal government and the state government.

An example of when interposition was necessary is the Alien and Sedition Acts of 1798. The Sedition Act made it a crime to publish "false, scandalous, and malicious writing" against the government or its officials. The federal government could and did directly enter state jurisdictions and arrest and imprison citizens for speaking or writing against the federal government. The Healthcare Act enables a direct federal police enforcement action against the citizens, i.e., the IRS. Therefore, in addition to nullification, it is critical the state(s) pass and aggressively enforce interposition legislation protecting (as best it can) the individual citizens from direct federal police enforcement actions. This will take great fortitude on the part of the patriot statesman. The federal government will test the resolve of the state and the state cannot falter. There will never be a clearer demarcation between a politician and statesman than at this conjuncture.

WHY YOU HAVE A CONSTITUTIONAL OBLIGATION TO NULLIFY AND INTERPOSE OBAMACARE

Imagine if to come to a tee in the road and posted are two traffic signs one which reads right turn only and the other which reads left turn only. You are suddenly placed in a situation where you cannot obey the law without breaking the law. This is exactly the position ObamaCare places upon the states. They cannot obey the ObamaCare law without violating the 14th Amendment.
The 14th Amendment of the Constitution of the United States of America, ratified on December 6, 1865 was the instrument used to emancipate the black persons from slavery. Section 1 reads:

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."
Essentially that which separates a free person from a slave is the right of free contact. ObamaCare abolishes the right of free contract and forces free citizens to an obligatory contract… also known as involuntary servitude. Obama and congress essentially revoked the contract of emancipation (to abolish

black slavery) and instead seeks to enslave people of all color.

This is why all legislators and all governors in all states are obligated by constitutional law to assert Interposition against ObamaCare. Every state in the Union today is guilty of either violating the 14th Amendment to the Constitution or ObamaCare… pick your poison. Considering the 14th Amendment was ratified by the states and has held precedence for 145 years, compared to ObamaCare which was secretly pinned in closed hearing, never read by the corrupt federal legislators and ultimately passed via billion dollar bribes, the decision on which instrument to obey and which to break should not be a difficult one.

What is required? It is simply an action by the state to "interpose" on behalf of its citizens against unconstitutional mandates. The state would need to pass a resolution or legislation of Interposition saying since they have no choice in violating the law they will choose to obey the Constitution of the United States and disregard ObamaCare. In addition, the state must also pass accompanying legislation protecting (as best they can) the citizens from enforcement actions from the federal government and the 16,000 new IRS agents.

The federal government will of course file suit and order the state to appear before a federal judge. At which time the state should politely (or otherwise) inform the federal court of the fact that this is a state issue and not a federal issue. Furthermore, we (the state) will not entertain this discussion or appeal whatever arbitrary and capricious decision you render because in doing so would only suggest we are abdicating an authority to you of which you have none. This brings us to the final discussion regarding the federal courts and specifically the Supreme Court.

ABUSE OF COURTS:

Imagine if three thugs were to approach you. Two of the thugs pointed guns at you and said give us your money. What would be your response? Would you request the third thug act as an arbitrator on your behalf? Of course not, that would be absurd. Then why is it not absurd in regards to the federal government which is exactly the absurdity we have entertained for a 100 years. Two branches of government invade upon our liberties and we ask the third branch to adjudicate.

Somewhere in our nations past we have accepted as "a truth" that the Supreme Court is the final arbiter of what is constitutional. This is the "Great (Progressive's) Lie". As Thomas Jefferson warned repeatedly, the greatest threat to the Rule of Law and constitutional limitations on central government was an unbridled judiciary.

The 10th Amendment 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"… not the federal judiciary.

The states have an obligation to uphold the constitution of their state and the United States. When a revolutionary congress and president mandates unconstitutional laws against the states or the citizens, the states have a constitutional obligation to say "No" and protect the citizens from unlawful enforcement.

The Great Lie which we have come to accept is that we must ask the Supreme Court and accept their (often revolutionary) judgments as final. Entertain this thought… What if the federal government passed a law which stated the first born of all families must serve as indentured servants for a foreign nation and that the states must enforce this law. What would be your response?

The answer you present is critical to this discussion. If you refused, then you have created a mental milestone. You have acknowledged the federal court and the Supreme Court are not the final arbiter of decisions and that you need not abdicate our liberties. Now that you have decided it is OK to say "NO," the next step is determining when it is OK to say "NO" and when it is appropriate to allow the federal courts to decide. The next step in logic is to ask: Why should we ask the federal courts permission to enforce the constitution against unconstitutional provisions of ObamaCare? Henceforth in every federal mandate we ask that you deliberately consider where YOU draw the line and assume your constitutional obligations in saying "NO" to a revolutionary federal government.

The states, by even asking the federal courts these questions, are abdicating at a minimum our 10th & 14th Amendment rights. Depending on what unconstitutional actions our states are allowing the federal government to perpetrate, they may be committing treason upon its citizenry… harsh but true. Imagine the reaction from Thomas Jefferson or James Madison if the federal government attempted to impose; the Federal Reserve, Income Tax, Social Security, Medicare, Medicaid, abortion, bailouts, mandatory healthcare, Cap and Trade… Would they have abdicated their constitutional obligations to the Supreme Court? Would they allow the third branch of the corrupt federal government to be the final arbiter?

The Florida lawsuit which Indiana has joined is a continuation of the great lie that Progressives and Marxist have used to circumvent our constitution for a century. If we are to save our nation then we must stop abdicating and begin reclaiming our constitution obligations. To see how the
Great Lie is being indoctrinated in to our culture got to:
http://wiki.answers.com/Q/What_are_four_formal_ways_to_change_the_Constitution and see the Great Lie in action. The Progressives now list "Judicial Interpretation" as a "formal" way to change the constitution.

If we cannot say "No" to ObamaCare, the most horrendous attack on our liberties, then we will never say no. Some say we should stay in the lawsuit. Some say we should re-file in Indiana. Consider obeying the constitution and do what Thomas Jefferson would have done and just say "No"… to tyranny and oppression. By remaining in the lawsuit we are essentially abdicating the final say to a revolutionary Supreme Court. By remaining in the lawsuit we are doing exactly what the Progressives want. We are playing their game by their rules. Instead, let's play by the original rules established by the blood of our forefathers and defended by the lives of our young men and women. To honor them and our constitution is your (our) obligation.

Our participation in the lawsuit is of little consequence to the outcome. If the remaining 19 or so states prevail, fantastic! We have very little to lose by pulling out of the lawsuit. If we remain we have everything to lose. The federal government can always sue us but the difference is: We preserve our right to still say "No"!

You are requested to end the lawsuit by nullification and interposition. As an elected official you have a constitutional duty to obey the U.S. and state constitution. For you to abdicate this decision to the federal courts is a violation of your obligations.

Few patriots would disagree that we have a revolutionary congress and president and not to be trusted. The Supreme Court has been revolutionary for generations. The only difference is we have come to accept their unlawful actions as lawful and final. It is incumbent for you to educate yourself on the original intent and initial limitations of the federal government and begin the reversal of the unconstitutional mandates imposed upon us by the federal government. Reliance on case law, international law, United Nations resolutions, etc. must be ended.

In closing, you, our elected representative have a constitutional obligation to defend and protect both the state and U.S. constitutions. You have a duty to defend the rights of the state and the citizens thereof and to oppose, to whatever extent necessary, usurpation of those rights by any enemy, domestic or foreign. Consider the footprint of the federal government. Is this a footprint of a small centralized government with limited and enumerated powers? As citizens of the United States and the State of Indiana, we now implore and demand, both individually and collectively, the nullification and interposition of the healthcare law and future unconstitutional mandates. Furthermore to begin a process by which to reverse the unconstitutional mandates historically imposed upon the citizens of Indiana.

Henceforth we ask that on every single decision you make you ask one simple question: Am I making freedoms or taking freedom. You have the choice to be either a FreedomMaker or a FreedomTaker, please chose wisely. Your decisions will record you as either a politician or a statesman.

Thank you.

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