

Nullification; Our Only Hope

by

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The American Timeline

The Thirteen British-American Colonies

NH, MA, RI, CT

NY, NJ, PA, DE

MD, VA, NC, SC, GA

Established as Proprietary Colonies: 1607-1732.

Became Crown Colonies: 1624-1752.

The American Revolution

19 April 1775

The British attempt to confiscate
the Colonists' rifles and gun powder.

Result: The Battles of Lexington & Concord.

The Shot Heard 'Round the World.

The Crown Colonies became the 13 American Colonies.

The Continental Congress was Formed.

The Colonies Drafted Constitutions and Became **States**.

The Declaration of Independence

04 July 1776

Declared that the 13 States were United in their Independence from Great Britain.

They became 13 Independent, Sovereign States United in their act of Secession from the Mother Country.

The Articles of Confederation and Perpetual Union

The Articles were approved by the Continental Congress between July 1776 and November 1777 and sent to the States for Ratification.

Ratification was completed on 01 March 1781.

The **Articles** preserved the Independence and Sovereignty of the States by creating a **WEAK** Central Government.

The Battle of Yorktown

19 October 1781

Essentially ends the Revolutionary War.

The Treaty of Paris

03 September 1783

Formally ends the Revolutionary War and recognizes the "United States" as a collection of Free, Independent and Sovereign States.

Amending the Articles of Confederation

The States agreed to meet and discuss making changes to the Articles to "*correct*" what some saw as "*problems*" with this form of government.

The meeting was held in Philadelphia on 25 May 1787.

Although the State Representatives to this meeting **were only authorized to amend the Articles, they held secret, closed-door sessions and wrote a completely new "governing document". This Constitution gave much more POWER to the Central Government.**

"Antifederalists feared what Patrick Henry termed the "consolidated government" proposed by the new Constitution. They saw in Federalist hopes for commercial growth and international prestige only the lust of ambitious men for a "splendid empire" that, in the time-honored way of empires, would oppress the people with taxes, conscription, and military campaigns.

Uncertain that any government over so vast a domain as the United States could be controlled by the people, Antifederalists saw in the enlarged powers of the general government only the familiar threats to the rights and liberties of the people."

Ketcham, Ralph (1990). Roots of the Republic: American Founding Documents Interpreted

*Finally, the Confederation's lack of coercive **POWER** reduced the likelihood for profit to be made by political means, thus potential rulers were uninspired to seek power.*

The United States Constitution

Adopted 17 September 1787 at the meeting in Philadelphia to Amend the Articles of Confederation.

Ratified 04 March 1789

The new form of government created by the Constitution was a Republic with a written set of limitations on the powers granted to the Federal government and it recognized Ten "*Natural Rights*" granted to each citizen that neither the State nor Federal governments could violate.

The Bill of Rights was added to the Constitution to address the concerns of the AntiFederalists that the strong Central Government created by the Constitution could not be held in check and would one day become as authoritarian as the British Crown. After all, the only thing stopping those running such a government would be the *"words on parchment"* and their *"good character"*.

How long would it be before the new "Constitutional" government violated these Rights?

It must ALWAYS be remembered that the 13 original States were the Parties that came together to organize and create a Federal government that was designed to be a Constitutional Republic. **The American People created the States FIRST and THEN the States created the Federal Government. The order of creation establishes the hierarchy of power.** The States were the Principals and the Federal Government was the Agent that they established to perform certain well specified and very LIMITED functions.

As the Principals, the States have the ultimate power in this Constitutional Republic; if they will only use it!

The Fugitive Slave Act

In 1793, Congress passed the Fugitive Slave Act that allowed slave owners to "recover" their slaves in other States. States that did not allow slavery began to "resist" these "recovery efforts". **These States asserted their right NOT to cooperate with Federal officials seeking to enforce this FEDERAL LAW in their States.**

When any State believes that the Federal government has exceeded their limited Constitutional authority; THIS is the proper response; NOT federal lawsuits!

This is Nullification!

The Sedition Act of 1798

James Madison and the Virginia Resolutions

In 1798, Congress passed the Sedition Act which criminalized statements critical of the Federal government, i.e. President John Adams and his Federalist Party. In response, James Madison wrote the Virginia Resolutions of 1798 denouncing the Sedition Act as unconstitutional. Madison asserted the right of States to declare a Federal Act unconstitutional in THEIR State.

Thomas Jefferson and the Kentucky Resolutions

Similarly, Thomas Jefferson wrote the Kentucky Resolutions of 1798 also denouncing the Sedition Act. Jefferson stated that all undelegated powers, and the Acts derived therefrom, are automatically null and void; *"where powers are assumed that have not been delegated, nullification is the rightful remedy"*.

Jefferson further stated that the Federal courts cannot be allowed to determine how much power to delegate to the Federal government, because they have a major conflict of interest. He said that the Federal courts cannot determine what is "Constitutional" within a State.

The Tariffs of 1828 and 1832

During the disagreements over the Tariffs of 1828 and 1832, **John C. Calhoun, of South Carolina, argued that the Nullification of a Federal law by one State Nullified the law nationwide unless and until 3/4 of the States overrode the Nullification.** Madison, Jefferson, and most current Nullification advocates did NOT and do NOT agree with Calhoun!

Nullification

The common understanding of Nullification is when any State decides to no longer enforce an offensive Federal law within that State, and does not allow Federal agents to enforce that law within that State; **but it does NOT invalidate the Federal law**; rather Nullification is a *"refusal to cooperate with officers of the Union"*.

Therefore, any party seeking to invalidate a Federal law nationwide must still get it "overturned" by the Supreme Court.

Prigg v. Pennsylvania 1842

Prigg v. Pennsylvania (1842) is the famous Supreme Court case involving the Fugitive Slave Act where the Court recognized the hierarchy of power created at the Founding and **reaffirmed that the Federal Government cannot compel State officials to enforce Federal laws.**

This strategy rests on a well-established legal principle known as the ANTI-COMMANDEERING DOCTRINE. Simply put, the federal government cannot force states to help implement or enforce any Federal act or program. The anti-commandeering doctrine is based primarily on four Supreme Court cases dating back to *Prigg*. *Printz v. U.S.* serves as the cornerstone (1997).

<https://tenthamentcenter.com/2013/12/28/states-dont-have-to-comply-the-anti-comandeering-doctrine/>

“We held in New York that Congress cannot compel the States to enact or enforce a federal regulatory program. Today we hold that Congress cannot circumvent that prohibition by conscripting the States’ officers directly. The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policy making is involved, and no case by case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty.”

Printz v. U.S.

The Secession of 1861-1865

After the unsuccessful Secession of 1861-1865 the States lost their courage to demand their rights in the Constitutional Compact, so Federal POWER expanded enormously.

The Disaster of 1913

By **1913**, the forces supporting unlimited Federal power were able to ratify the **17th Amendment** which called for **the direct election of U.S. Senators** instead of the original process where they were chosen by State legislatures.

The Founders intended for Senators to be a direct check on Federal power by having them carry out the wishes and directives of their State governments. With direct election, by the voters of each State, Senators fell under the influence of special interest groups whose agendas were often at odds with the States they represented, making it more and more difficult for each State to maintain a check on federal power.

Likewise, the **16th Amendment**, allowing the Federal Government to levy an income tax, was ratified and the **Federal Reserve Act** was also passed in 1913.

These three changes, in 1913, removed the last vestiges of direct State control of the Federal government and opened the door for massive tax increases as well as virtually unlimited increases in the creation of credit which has allowed the Federal Government to grow into the colossal Authoritarian parasite that it has become today.

State's Rights

After WWII, every attempt by States to reassert their rights was met with **the bogus attack that asserting States Rights were only attempts to "bring back slavery"**. This smear campaign intimidated 10th Amendment advocates until the modern States Rights/Nullification movement was able to gain a little momentum with the passage of the **California Medical Marijuana Law in 1996**.

State Experiments

The Founders envisioned 13 States with 13 different State laws and 13 different cultures that would be experiments in different forms of free societies.

Americans would then be free to migrate from one State to another when they discovered which State best suited their individual tastes and offered them the most freedom and opportunity. Today's centrally-planned Authoritarian Federal Government **demands national conformity**, so there is less and less difference between the States.

This means that the best way to push back against this Orwellian beast **is for each State to reassert its own unique identity by nullifying the Federal laws that conflict with its culture.**

For example, California could choose to be a Socialist Workers' Paradise while Texas could become a deregulated libertarian capitalist free market powerhouse. Let them compete against each other and compare and contrast the differences. This is the American Experiment that the Founders actually created in 1789!

Who could oppose such an experiment in freedom?

Everyone who is in favor of the Politburo on the Potomac regulating and dictating every aspect of our lives! In short, nothing is more threatening to their vision of a centrally-planned big-government Utopia than the States waking up and reasserting their Rights!

The Tenth Amendment Center

The non-partisan, non-ideological 10th Amendment Center (TAC) stands ready to help anyone from any State to Nullify any Federal law that they do not want in their State. In response to their efforts, TAC reports that the Progressive "Southern Poverty Law Center" put them on their "Hatewatch" list. Rachel Maddow called TAC "Confederates in the Attic" and Harvard put them on their "Fake News" list.

These vicious attacks by Progressives clearly demonstrate that they know very well that State Sovereignty and States Rights represent the only direct method to escape from Federal tyranny.

Nullification; Our Only Hope

For more than 50 years, the efforts of citizens and local and state political parties to reform the massive problems with the Federal government have been complete failures! Regardless of the method and strategy employed, **the Federal government has become less responsive, more corrupt, more incompetent and more Authoritarian! It simply cannot be fixed!**

Some look to new Constitutional Amendments or even a Constitutional Convention as the answer. However, if not even one committed State can rid itself of Federal domination within its own borders, **then 38 States will NEVER agree to ratify the Amendments to do so;** which leaves Nullification as our **ONLY Hope!**

Current Nullification Issues

Each State should begin targeting the most egregious Federal laws and start their own Nullification process.

Marijuana - Medical/Recreational

Right to Try/ Health Freedom/FDA

Sound Money

Asset Forfeiture

Industrial Hemp

Surveillance

Right to Keep and Bear Arms

Federal Militarization of Police

Common Core/Education Regulations

Raw Milk

Illegal Immigration

Texas Nullification Laws Passed Since Statehood