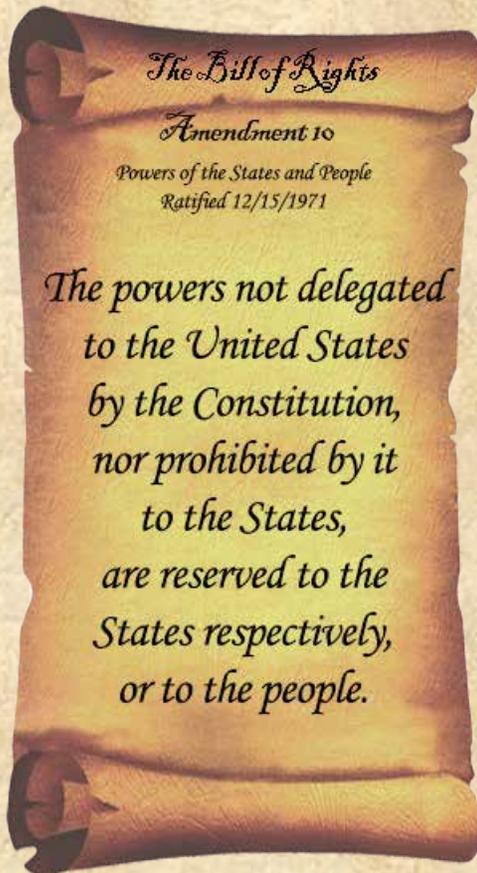


Citizen's Courier

NULLIFICATION: WHAT IS IT?



What is it?

State nullification is the idea that the states can and must refuse to enforce unconstitutional federal laws.

Says Who?

Says Thomas Jefferson, among other distinguished Americans. His draft of the Kentucky Resolutions of 1798 first introduced the word

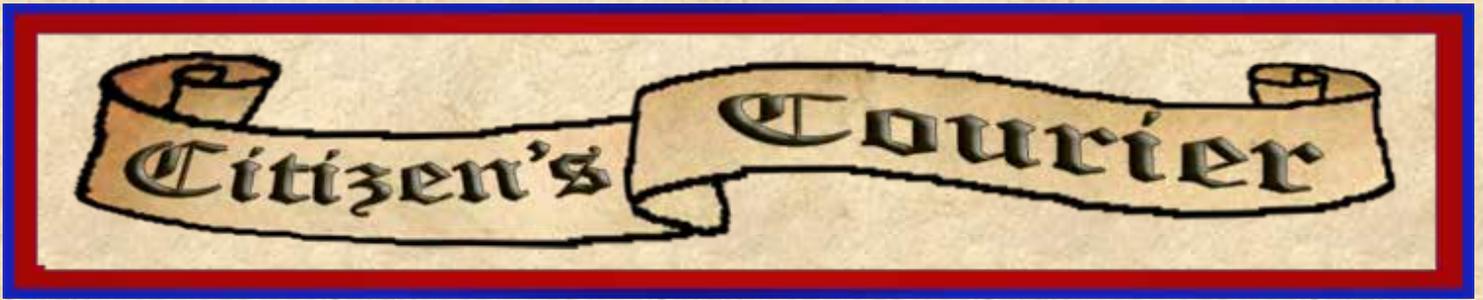
“nullification” into American political life, and follow-up resolutions in 1799 employed Jefferson’s formulation that “nullification...is the rightful remedy” when the federal government reaches beyond its constitutional powers. In the Virginia Resolutions of 1798, James Madison said the states were “duty bound to resist” when the federal government violated the Constitution.

But Jefferson didn’t invent the idea. Federalist supporters of the Constitution at the Virginia ratifying convention of 1788 assured Virginians that they would be “exonerated” should the federal government attempt to impose “any supplementary condition” upon them – in other words, if it tried to exercise a power over and above the ones the states had delegated to it. Patrick Henry and later Jefferson himself elaborated on these safeguards that Virginians had been assured of at their ratifying convention.

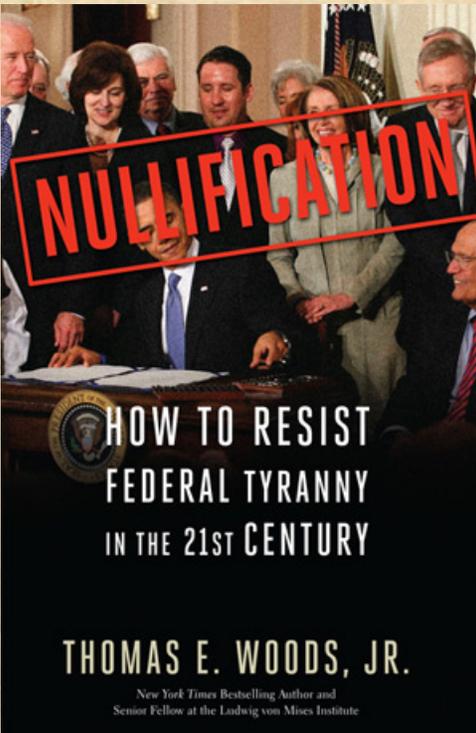
What’s the Argument for It?

Here’s an extremely basic summary:

1) The states preceded the Union. The Declaration of Independence speaks of “free and independent states” that “have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.” The British acknowledged the independence not of a single blob, but of individual states, which they proceeded to list one by one. Article II of the Articles of Confederation says the states “retain their sovereignty, freedom, and independence”; they must have enjoyed that sovereignty in the past in order for them to “retain” it in 1781 when the Articles were officially adopted. The ratification of the Constitution was accomplished not by a single, national vote, but by the individual ratifications of the various states, each assembled in convention.



2) In the American system no government is sovereign. The peoples of the states are the sovereigns. It is they who apportion powers between themselves, their state



governments, and the federal government. In doing so they are not impairing their sovereignty in any way. To the contrary, they are exercising it.

3) Since the peoples of the states are the sovereigns, then when the federal government exercises a power of dubious constitutionality on a matter of great importance, it

is they themselves who are the proper disputants, as they review whether their agent was intended to hold such a power. No other arrangement makes sense. No one asks his agent whether the agent has or should have such-and-such power. In other words, the very nature of sovereignty, and of the American system itself, is such that the sovereigns must retain the power to restrain the agent they themselves created. James Madison explains this clearly in the famous Virginia Report of 1800.

Why Do We Need It?

As Jefferson warned, if the federal government is allowed to hold a monopoly on determining the extent of its own powers, we have no right to be surprised when it keeps discovering new ones. If the federal government has the exclusive right to judge the extent of its own powers, it will continue to grow – regardless of elections, the separation of powers, and other much-touted limits on government power. In his Report of 1800, Madison reminded Virginians and Americans at large that the judicial branch was not infallible,

and that some remedy must be found for those cases in which all three branches of the federal government exceed their constitutional limits.

More At Source:

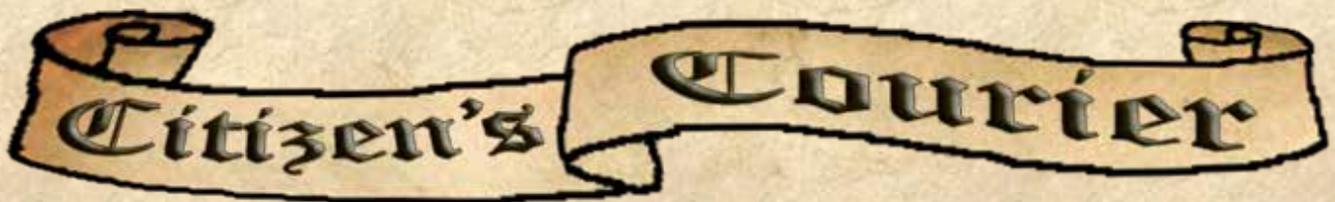
www.libertyclassroom.com/nullification/

Nullification in One Lesson

There's not much attention paid to the Constitution in Washington. There's not much attention paid to it by our executive branch of government. And we don't get much protection from our courts. So one thing that might finally happen from this if the people finally feel so frustrated that they can't get the results out of Washington — they're going to start thinking about options. They might start thinking about nullification and a few things like that." – Rep. Ron Paul

NULLIFICATION?

For anyone unfamiliar with the concept of state nullification, it was the idea expressed by then sitting vice president Thomas Jefferson when he authored what came to be



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known as the Kentucky Resolutions of 1798. The resolutions made the case that the federal government is a creature of the states, and that states have the authority to judge the constitutionality of the federal government's laws and decrees. He also argued that states should refuse to enforce laws which they deem unconstitutional.

James Madison wrote a similar resolution for Virginia that same year, in which he asserted that whenever the federal government exceeds its constitutional limits and begins to oppress the citizens of a state, that state's legislature is "duty bound" to interpose its power and prevent the federal government from victimizing its people. Very similar to Jefferson's concept of nullification, Madison's doctrine of interposition differed in some small but important ways.

These two documents together came to be known as The Virginia and Kentucky Resolutions (or Resolves), of 1798. Both were

written in response to the dreaded Alien and Sedition Acts, and the phrase, "Principles of '98" became shorthand for nullification and / or interposition. Over time, "The Principles of '98" would be invoked by many other states, many times for a variety of issues.

A LITTLE MORE

But in order to best-understand what Nullification IS, you should first understand some things nullification is NOT.

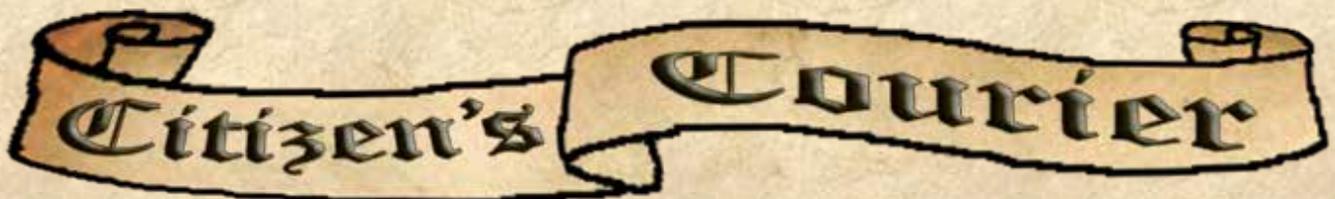
Nullification is not secession or insurrection, but neither is it unconditional or unlimited submission. Nullification is not something that requires any decision, statement or action from any branch of the federal government. Nullification is not the result of obtaining a favorable court ruling. Nullification is not the petitioning of the federal government to start doing or to stop doing anything. Nullification doesn't depend on any federal law being repealed. Nullification does not require permission from any

person or institution outside of one's own state.

So just what IS nullification and how does it happen?

Nullification is any act or set of acts, which has as its end result, a particular federal law being rendered null and void, or just plain unenforceable in your area.

Nullification often begins with members of your state legislature declaring a federal act unconstitutional and then committing to resist its implementation. It usually involves a bill, passed by both houses and signed by your governor. In some cases, it might be approved by the voters of your state directly, in a referendum. It may change your state's statutory law, or it might even amend your state constitution. In this case, it is quite simply a refusal on the part of your state government to cooperate with, or enforce a particular federal law it deems unconstitutional.



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The same process can happen on a local level too. Your county board of commissioners or city council might take up a measure that rejects or resists a federal law. Once it gets passed, all local agencies might be required to refuse compliance with any federal agents trying to enforce the federal act in question.

In either case, Nullification carries with it the force of state or local law. It cannot be legally repealed by Congress without amending the U.S. Constitution. It cannot be lawfully abolished by an executive order. It cannot be overruled by the Supreme Court if the people in the state reject the Court's opinion. It is the people of a state or local community asserting their rights, acting as a political society in its highest sovereign capacity. It is the moderate, middle way that wisely avoids harsh remedies like secession on the one hand, and slavish, unlimited submission on the other.

It is the constitutional remedy for unconstitutional federal laws.

With the exception of a constitutional amendment, the

federal government cannot oppose (except perhaps rhetorically), these actions to nullify an unconstitutional federal law without resorting to extra-legal measures or violence. But such measures would more than likely backfire, since most Americans still believe might does not make right.

There is no question as to whether or when such "official" nullification will happen: It has ALREADY HAPPENED.

In fact, not only has it happened recently, it has been a success! Perhaps this is why the federal government hopes you will never hear about it.

With Massachusetts voters approving Question 3 on November 6, 2012, there are now 18 states that have legalized marijuana use for limited medicinal purposes – in flat out defiance of the Congress, the Executive Branch and the Supreme Court.

AHHH...MEMORIES

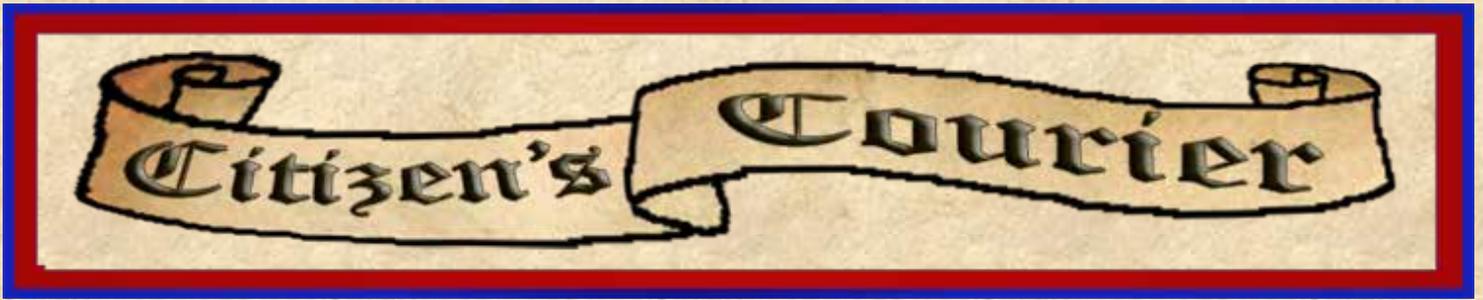
There was a time when the federal government took the Constitution seriously enough that Congress actually did what was required to enact a nationwide ban

**"Whensoever the
General Govern-
ment assumes un-
delegated powers,
its acts are
unauthoritative,
void, and of no
force"**

Thomas Jefferson

on a substance – amend the Constitution. Even though the experiment would eventually be viewed as a failure, the 18th Amendment was passed, and the era known as "Prohibition" began. Four years later, it was repealed.

But when it comes to marijuana prohibition, the feds pulled another trick out of their sleeves. All three branches of the federal government agreed on a very novel, liberal interpretation of the "commerce clause," allowing them to regulate virtually any substance, including marijuana, even though legal commerce involving pot



doesn't exist. Since that time, the federal government has claimed, with a straight face, that it has the power to regulate and ban a plant grown in your own back yard, never sold, and never leaving your property – all under the interstate “commerce clause.” Source: <http://tenthamentcenter.com/2012/11/14/nullification-in-one-lesson>

Revolt Against Common Core

Eleven-year-old Leo Tuttle is a fifth-grader at an Indianapolis private school, where he struggles to keep up with the demanding curriculum.

But the school is where Leo's mother, Erin Tuttle, wants him to be, rather than a public school or even the Catholic school he previously attended.

Erin Tuttle moved Leo to the private school when her home state of Indiana, along with 45 other states, agreed to follow the Common Core State Standards Initiative for all its public schools and those following the charter school program, such as the Catholic school. The Common Core standards are a set of guidelines for schools, initiated federally, to improve and make consistent education



standards in math and English language arts. The goal of Common Core is to... **More:**

www.foxnews.com/us/2014/04/07/parental-revolt-against-common-core-prompts-states-to-take-action/

30 states wage war on 'ObamaCore'

'They thought people would be sheep and roll over, but it hasn't turned out that way'

By Karen VanTil Gushta

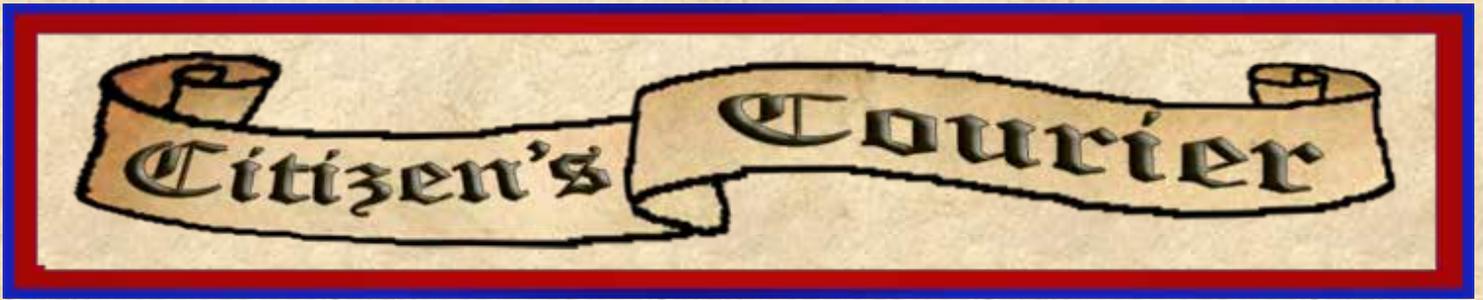
Editor's Note: *This is the third in a series of stories about Common Core, the controversial new educational agenda aimed at imposing federal government standards on every aspect of public and private education in America, which some are even calling*

"ObamaCore." [The first part](#) spelled out the high stakes for parents, students and education. [The second part](#) followed the money trail behind Common Core.

The battle over the deceptively titled Common Core State Standards Initiative, or CCSS, is raging, and the rhetoric is fierce. Supporters of the national standards have called their opponents “right-wing nuts” and “black helicopter” types.

“All of us get lumped together as ‘the fringe,’ ‘the far right,’ tea partiers,’ etc.,” said Jane Robbins, co-author of the report “Controlling Education from the Top: Why the Common Core is Bad for America.”

“When they don't have the facts on their side they resort to ad-hominem,” she said.



Opponents of Common Core claim it is the product of progressive elitists who want to put all children under control of federal government bureaucrats. That view was reinforced when a panelist at the liberal think-tank Center for American Progress discounted the opposition as only a “tiny minority,” claiming such views should be ignored because “the children belong to all of us.”

The term “Common Core” has become “toxic,” according to former Arkansas Gov. Mike Huckabee. He continues to support the standards in spite of a unanimous resolution by the Republican National Committee in April 2013 to oppose them. Huckabee told state education leaders at a meeting of the Council of Chief State School Officers: “Rebrand it, refocus it, but don’t retreat.”

So far, Arizona, Iowa, Florida and Pennsylvania have followed his advice, eliminating the name “Common Core” from their state standards.

‘White suburban moms’

Education Secretary Arne Duncan claims opposition to Common Core is coming from “white, suburban moms” who are suddenly discovering their children are not “as brilliant as they thought they were.” When Duncan’s comments went viral, “white,

suburban moms” quickly found many defenders in the blogosphere and opinion columns.

In January, Duncan spoke to a gathering of curriculum professionals. As he lectured them on the distinction between standards and curricula, he asserted that “not a word, not a single semi-colon of curriculum [sic] will be created, encouraged, or prescribed by the federal government.”

But Duncan’s pep talk to curriculum specialists about their role in implementing the standards only increased the perception that it is indeed a federal, not a state, initiative. George Will noted in his Washington Post article “Doubts Over Common Core” that when the federal government initiates top-down “reforms” in education, any mistakes that result are “*continental* mistakes.”

Will stated the obvious: “National standards must breed ineluctable pressure to standardize educational content. Targets, metrics, guidelines and curriculum models all induce conformity in instructional materials.”

Indeed, textbook companies now advertise “Common Core Editions,” and educational testing companies provide “Common Core-aligned” standardized tests.

The link between the national SAT test and Common Core was forged when the College Board, which puts out the placement test for college-bound students, hired David Coleman as president. The Gates and Mott foundations gave Coleman’s nonprofit, Student Achievement Partners, money to write the standards, which were commissioned by the Council of Chief State School Officers and the National Governors Association.

The new College Board assessments will start rolling out this year with the redesigned PSAT. The new SAT is scheduled for 2015. The once-venerable Iowa Test of Basic Skills is now Common Core-aligned, and even the GED is getting its first makeover since 2002 so it will line up with the standards.

Teachers withdraw support...

More:

<http://www.wnd.com/2014/03/30-states-wage-war-on-obama-initiative/>

