

Action Plan for Permanent Solutions

BACKGROUND

This plan of action is already being implemented in several states and IT IS WORKING! In recent years, the federal government passed the Real ID Act, which is an unfunded mandate to States that their ID cards (i.e. driver's licenses) comply with federal requirements. The act is patently unconstitutional and federal courts have ruled numerous times that the federal government cannot direct States what to do; i.e. the States are not political subdivisions of the federal government. Eleven States passed legislation nullifying the Real ID Act, and several of them even told the Department of Homeland Security they would not file for deadline extensions (in other words, take your deadline and shove it). The result of this rebellion of eleven States is that the DHS quietly moved the deadline itself on repeated occasions. Now the Obama administration is faced with no alternative except to either invade these States with troops to force compliance or to seek repeal of the Real ID Act. The administration is wisely pursuing the latter, and the score is now: States 1, Feds 0.

The next two federal abuses currently being attacked by States are illegal firearms regulations and universal healthcare. Montana and Tennessee have already passed into law the Firearms Freedom Act which nullifies federal regulation on firearms, ammunition and accessories manufactured and kept within their States. Several other States will pass identical legislation shortly. Arizona's legislature passed and voters will vote on a ballot initiative in 2010 that will nullify universal healthcare within their State (Health Care Freedom Act -HCR2014). Five other states are considering similar measures. The score will soon be: States 3, Feds 0.

OUR PLAN

County Solution - Elect Supervisors and Sheriffs who:

1. Obey and apply the U.S. Constitution as it is written.
2. Take an oath to uphold the Constitution as they "understand it, and not as it is understood by others."¹
3. Will prevent enforcement of federal acts and rulings that violate the U.S. Constitution.

State Solution

1. Build a coalition of rural counties that will nullify unfunded mandates; e.g. AB32 global warming bill.
 - a. Tackle mandates that are unpopular and unlikely to cost rural counties any state funds.

Federal Solution

1. Identify states considering nullification of illegal federal legislation or court rulings violating the U.S. Constitution. (www.TenthAmendmentCenter.com)
2. Send letters, emails and phone calls of encouragement to the legislators and state officers who support nullification of federal acts and rulings that violate the U.S. Constitution.
 - a. For example, contact the Montana legislators who voted for the Firearms Freedom Act (HB 246) and demand they disregard any federal court rulings that purport to strike the act down.
 - i. [http://laws.leg.mt.gov/laws09/law0203w\\$.startup](http://laws.leg.mt.gov/laws09/law0203w$.startup)
 - b. Do the same with the Tennessee legislators who voted for the Firearms Freedom Act (HB 1796 and SB 1610): <http://www.legislature.state.tn.us/>
 - c. Encourage states to nullify federal universal healthcare just as Arizona will do in 2010.
3. Write, call and encourage sheriffs around the country who join The Sheriff Project with Sheriff Mack. (www.usa1911.com and www.SheriffMack.com)

¹ President Andrew Jackson, 1832 Bank Veto

WHY NULLIFICATION?

Because it is legal and it is peaceful. It is also less expensive, more effective, more efficient and more permanent than attempting reform through Washington.

Previous attempts to reform Washington, D.C. through federal elections have provided only temporary successes. For example, the “Reagan Revolution” certainly improved America after the damage of socialism’s strides in the ‘60s and ‘70s, but it did not rollback major socialist programs nor rid us of socialists who later attempted to pass socialized medicine under the lead of Hillary Clinton. When HillaryCare was rejected, the “Republican Revolution” occurred in 1994 as a backlash and sent 84 freshman Republicans to Congress along with the Contract with America. This triumph also proved temporary as the GOP, despite later controlling the White House and controlling both houses of Congress for six years (2002-2008), expanded the size and scope of the federal government to unimaginable proportions. Socialism and blatant violations of the U.S. Constitution continued under the Republicans with acts like No Child Left Behind and the Medicare Prescription Drug benefit, which is already \$8 trillion in the red despite their promises of a \$500 billion cost². It was the Republicans who passed the \$750 billion TARP plan last year, and it was the Democrats who topped that with an \$800 billion stimulus plan this year (some of them are calling for a second stimulus before the first one’s even been spent). And now what are we battling again? **SOCIALIZED MEDICINE**. But didn’t we already defeat that back in the ‘90s?

After these experiences are we really so foolish as to think that permanent solutions will ever come from sending Republicans or Democrats to Washington, D.C.? There has got to be a better way. The good news: **THERE IS A BETTER WAY!**

Thomas Jefferson, James Madison, Andrew Jackson, Abraham Lincoln, and a whole host of States have at various times in our country’s history demonstrated the checks and balances built into our federal republic with the principal of nullification. Thomas Jefferson wrote in the Kentucky Resolutions of 1798, “the several States composing, the United States of America, are not united on the principle of unlimited submission to their general government.” President Andrew Jackson wrote in his bank veto of 1832:

Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

Jackson’s point is essential. Every “public officer” who takes an oath to the Constitution must apply his oath as he sees the document. Courts do not have the authority to violate the Constitution, and if they do they must be ignored just as Jefferson, Jackson and Lincoln did at various times. This responsibility to obey the Constitution rather than a court that violates the Constitution also falls to State and county officers, and a humorous example is Georgia’s nullification of the U.S. Supreme Court ruling in *Chisholm v. Georgia* wherein Georgia said any agents attempting to enforce the *Chisholm* decision would be “guilty of a felony and shall suffer death, without benefit of clergy, by being hanged.”

Our Founders clearly understood that the Constitution would bind the federal government only insofar as the States defended their reserved powers through nullification. Perhaps a little bit of Georgia’s attitude toward federal violations of the U.S. Constitution would do us some good today.

² Peter G. Peterson Foundation

Enumerated Powers of Congress (Article 1, Section 8 of the U.S. Constitution)

1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;
2. To borrow money on the credit of the United States;
3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;
4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
5. To coin money, regulate the value thereof, & of foreign coin, & fix the standard of weights and measures;
6. To provide for the punishment of counterfeiting the securities and current coin of the United States;
7. To establish post offices and post roads;
8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;
9. To constitute tribunals inferior to the Supreme Court;
10. To define & punish piracies & felonies committed on the high seas, & offenses against the law of nations;
11. To declare war, grant letters of marque & reprisal, and make rules concerning captures on land and water;
12. To raise & support armies, but no appropriation of money to that use shall be for a longer term than 2 yrs;
13. To provide and maintain a navy;
14. To make rules for the government and regulation of the land and naval forces;
15. To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;
16. To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;
17. To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;--And
18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Non-Enumerated Rights and Reserved Powers

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

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.

IMPORTANT NOTES:

Regarding the General Welfare clause in Article 1, Section 8:

The "general welfare" clause of the U.S. Constitution is not a grant of power, but rather a requirement that the use of Congress' enumerated powers in Article 1 Section 8 promote the "general" welfare of the nation rather than special interests.

Thomas Jefferson:

"Congress has not unlimited powers to provide for the general welfare, but only those specifically enumerated."

James Madison (principal author of the U.S. Constitution):

"With respect to the two words 'general welfare,' I have always regarded them as qualified by the detail of powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators."

Regarding the Commerce Clause in Article 1, Section 8:

The federal government only has jurisdiction over "commerce" that takes place "among the several states". In other words, an interchange of goods, commodities or services must occur; a transaction must take place. Furthermore, the transaction must involve parties in different states in order to be commerce "among the several states." The U.S. Supreme Court ruling in *Wickard v. Filburn* (1942) granted the feds jurisdiction over all commerce by inserting the term "affects" into our Constitution's language. This was an outrageous, unlawful amendment of the Constitution, and the Court's opinion and all subsequent opinions based upon this "affects" doctrine must be disregarded by any officeholder who takes an oath to uphold the U.S. Constitution.

Regarding the Necessary and Proper Clause in Article 1, Section 8:

The conjunction "and" requires that these implied powers be BOTH necessary and proper. An example of the U.S. Supreme Court's violation of this requirement is its decision in the 1930s that Congress could "emit bills of credit" (Federal Reserve Notes) because doing so was implied by Congress' authority to "borrow money". This is a lie, because the emission of bills of credit is NOT "necessary" for Congress to borrow money as proven by the fact that Congress had been exercising its power to borrow money for nearly 150 years prior to the Court's ruling. Additionally, twice the 1787 Constitutional Convention entertained whether to give Congress the authority to "emit bills of credit" and both times the suggestion was soundly rejected. The Court purposely ignored this historical fact and consequently its opinion on the constitutionality of a purely paper currency should be disregarded.