

State Legislators Must Use Nullification to Enforce the Constitution

by Peter Rykowski - March 17, 2021



With far-left Democrats controlling Congress and the White House, the federal government has accelerated its implementation of unconstitutional and socialist policies. Already, Joe Biden has signed a record number of executive orders, enacted a \$1.9 trillion spending bill, and is advancing a number of radical policies through the federal bureaucracy.

Patriots must not give up, however, as there remains much that they can still do to save the American Republic and counter these radical policies. One of the most powerful tools that can be used in this fight is nullification.

[Nullification](#) is firmly grounded in the text of the U.S. Constitution, specifically [Article VI](#). It states: "This Constitution, and the Laws of the United States *which shall be made in Pursuance thereof* ... shall be the supreme Law of the Land." (Emphasis added.) This clearly implies that laws not in accordance with the Constitution are null and void.

Additionally, the [10th Amendment](#) makes clear that all powers not granted by the Constitution to the federal government are reserved to the states and to the people. By enforcing this important

constitutional provision alone, the states can push back against a significant amount of federal overreach.

In addition to being constitutionally sound, nullification is effective. As [The John Birch Society notes](#), at least 80 percent of current federal spending and programs is unconstitutional. Additionally, nullification would have an immediate effect and is not dependent upon approval by the federal judiciary. Thus, unlike inferior and more risky methods such as an [Article V convention](#), nullification can immediately push back against significant portions of federal government overreach.

State legislatures have a major role in this. The article “[Nullification: What State Legislatures Are Doing](#),” published in the March 22, 2021, edition of *The New American* magazine outlines some of the bills legislators should be considering and passing:

- Comprehensive nullification, to create a formal process for systematically reviewing all federal actions and nullifying them if found unconstitutional. Model legislation includes H.B. 1215 in Texas and [H.B. 256](#) in Wyoming.
- Gun-control nullification, to prohibit enforcement of all federal actions that violate the [Second Amendment's](#) prohibitions on gun control. Model legislation includes S.F. 81 in Wyoming, H.B. 157 in Alabama, and [S.B. 1328](#) in Arizona.
- Abortion nullification, to prohibit the enforcement of *Roe v. Wade* and other unconstitutional court rulings. Such legislation would apply regardless of whether the Supreme Court corrects its erroneous past rulings on the issue. Model legislation includes [H.B. 2877](#) in Arizona.
- “Defend the Guard” legislation, which would prohibit foreign deployments of state National Guard units if such orders violate [Article I, Section 8, Clauses 11 and 15](#). Model legislation includes [H.B. 1163](#) in Florida.
- Legislation to nullify unconstitutional presidential executive orders. Model legislation includes [S.B. 277](#) in Montana and [H.B. 1236](#) in Oklahoma.

Nullification is not limited to the above topics, of course. State legislatures can, and should, pass legislation to counter any federal government policy that violates the Constitution.

Considering the present situation in Congress and the White House, it is imperative that legislators do this and also push back against all unconstitutional laws at every level of government.

To urge your state legislators to enforce the Constitution by nullifying unconstitutional federal laws and edicts, visit [The John Birch Society's legislative alert here](#). Additionally, you can find legislative alerts supporting specific nullification bills in state legislatures [here](#).