



Constitution In 10 Lessons

- Papers #10 - Why States Must Nullify Unconstitutional Acts of Congress: Instructions from Hamilton, Madison, and Jefferson.
- Paper #11 - Why the Balanced Budget Amendment is a Hoax



Understanding Nullification

- Learning some new words and definitions.

Void

Having no legal or binding force; null; not effectual to bind parties, or to convey or support a right; not sufficient to produce its effect.

Webster's 1828 Dictionary

Invalid

- Weak; or no force, weight, or cogency
- In law, having no force, effect or efficiency, void, null.

Usurpation

- The act of seizing or occupying and enjoying the property of another with out right.

Usurp - to seize and hold in possession by force or without right [as in a crown or throne.]



Nullification

- Nullify, to annul; to make void, to render invalid, to deprive legal force or efficacy.

Efficacy

- Power to produce effects; production to the effect intended; as the efficacy of the gospel in converting men from sin; the efficacy of prayer; the efficacy of medicine in counteracting disease; the efficacy of manure in fertilizing land.



Interposition

- 1. A being, placing or coming between; intervention; as the interposition of the Baltic sea between Germany and Sweden. The interposition of the moon between the earth and the sun occasions a solar eclipse.
- 2. Intervenient agency; as the interposition of the magistrate in quieting sedition. How many evidences have we of divine interposition in favor of good men!
- 3. Mediation; agency between parties. By the interposition of a common friend, the parties have been reconciled.
- 4. Any thing interposed.

Enumerated Authority

- The Federal Legislature must *repeal* unconstitutional legislation.
- The State Legislatures must *nullify* unconstitutional Federal legislation.

Because

Unconstitutional legislation is lawlessness.

The Process of State Nullification

- Helps to clarify in the minds of all citizens the various ways in which the questioned legislation is unconstitutional.
- Takes note of each incident in which the questioned legislation deprives a citizen of his rights.

The Arguments of Interposition

- The case for repeal builds as the State Legislators build their cases of nullification by listing grievances & abuses such as:
 - denial of God given rights.
 - Overreach beyond enumerated powers.
 - Abuse of authority by empowering unelected bureaucrats to write/enforce legislation.



The Framers did NOT say States should
file Lawsuits and let Federal Judges
decide!

Publius Huldah

Defies Logic....

“Why would the States, which formed a Federation for the limited purposes enumerated in Art. 1 Sec. 8; ask one branch of the federal government (judiciary) to opine on whether a ‘law’ approved by the two other branches (legislative, executive), exceeds the enumerated powers of Congress and encroaches on the reserved powers of the States and People (10th Amendment.”

Publius Huldah

The Work of Statesmen

Supreme Court Justices may be impeached for usurpations,

Therefore, they are not an infallible authority on the meaning of the Constitution...

That authority is given to We the People.

Therefore, **State Legislators must nullify unconstitutional Federal Legislation.**

Without That Check...

The people would become a lawless mob
“swept away by rage and lust for
revenge. Do not become the murderous,
unthinking red-capped mob of the
French Revolution.”

Publius Huldah



Or...

- The States have no sovereignty, no authority,
- and we are all chattel to be used in service to the Federal Government.



Conclusion

- State Legislatures must work to nullify unconstitutional Federal legislation
- The Federal Legislature must repeal unconstitutional legislation.

Paper #11

- Balanced Budget Amendment



Amendments to the Constitution

- Change the way the Constitution works.
- Because, each word and phrase, each clause adds power to the various branches of government that did not exist previously.
- Amendments change the nature of the Constitution.

Therefore, the Devil to each Constitutional Amendment

- Is in the details.

For instance, each Balanced Budget Amendment gives to Congress “new” power to spend... in order to Balance The Budget.

How Did the Budget Get So In Debt?

- Unconstitutional Spending!!

So, what's magic about an Amendment?

If the problem is unchecked
unconstitutional activity ...

Then why should we think Congress will
abide by a new amendment to the
Constitution, constitutionally???

What does our Constitution Permit Congress to Spend Money On?

- Article 1 Section 8

The Purpose of Gov't

- Is not to raise revenue.
- So, listen carefully to the gambling initiative in Texas... as they sing the siren's song of how much revenue such business would bring the State.
- Their argument is the classic bait and switch swindle...because we have grown numb to the original purpose of gov't.

If the purpose of Gov't is NOT to create revenue

- Then don't empower Congress to spend ONLY a certain percentage of GDP.
- Or attempt to not allow them to spend more revenue than they take in.

Congress has a spending problem, and they will do whatever kind of creative bookkeeping necessary to spend our money on unconstitutional items.

It's The the Unconstitutional Spending...

- **A BBA repeals the enumerated powers aspect of our Constitution.**
- “If Congress limited its appropriations to its enumerated powers, do you think they could really spend a sum as vast as 18% of the GDP?”

Publius Huldah

If giving Congress unconstitutional general spending powers is the solution...

To Congress not adhering to those
certain enumerated spending powers,

Then...

The Constitution is just words on a piece
of paper.

Some Proposed BBA IIs

- Transfer the constitutional power to make the appropriations and to determine taxes to the President.
- Instead of Congress producing the budget, the Executive Branch produces the budget.
- The Supreme Court is given the “new” power to order tax increases.
- The President is given the power of the purse for the military.

The People Lose Power

- The people have a closer relationship with their Representative, than with the President or the Executive Branch.
- Therefore, the voice of the people is restrained.
- Just because Congress can no longer vote to raise taxes, is no guard against the Supreme Court or President doing so.

Federalist Papers: Madison 58

The House of Representatives cannot only refuse, but they alone can propose, the supplies requisite for the support of government. They, in a word, hold the purse that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the government. **This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.**

Federalist 26: Hamilton

- Hamilton addresses how Congress is to determine (after public deliberations) the appropriations of the military; **and** warns that the President must never be given power over the purse respecting armed forces:

Federalist 26

- The legislature of the United States will be OBLIGED, by this provision (Art. 1 Se. 8, cl. 12), once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter, by a formal vote in the face of their constituents.....

Federalist 26

“They are not AT LIBERTY to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence.”

Federalist 26

“It has been said that the provision which limits the appropriation of money for the support of an army to the period of two years would be unavailing, because the Executive, when one possessed of a force large enough to awe the people into submission, would find resources in that very force sufficient to enable him to dispense with supplies from the acts of the legislature...”



The Balanced Budget Amendment would give to the President both the power of the Purse and the Sword.

Our Current Situation

Only the House of Representatives submitted and voted upon a budget.

The Senate rejected the House budget as well as the President's Budget.

The attention has been to discourage the people from supporting the House Budget - for whatever reason...

There is no gain for the people

- To excuse unconstitutional spending by providing Congress with the general power to spend on unenumerated items.
- To reward the behavior of the irresponsible - no budget at all - by failing to support the only resemblance to a budget we currently have access to.



To Restore Constitutional Gov't

- We must set our course on an orderly and gradual dismantlement of the unconstitutional entitlement programs.
- Once upon that course of action, we must see through to the end as the generations pass from ever being encumbered by those entitlement programs.



We The People...

- Must reclaim our glorious Heritage as endowed rights from our Creator.
- Must learn and respect the Constitution.
- Must expect our candidates to know and respect the Constitution so that they work to dismantle the multitude of offices, agencies, and departments that harass us and eat out our prosperity.



Work locally

- To elect State legislators that will nullify agencies, offices, and departments that are destructive to our rights as well as our well-being.
- Hold State legislators accountable to their duty to protect our life, liberty, and pursuit of happiness.
- Encourage more accurate Constitutional representation per citizen to comprise a district.