



Written by [Joe Wolverton, II, J.D.](#) on February 3, 2012

Missouri State Senator Introduces Nullification Bill

In Federalist No. 46, James Madison predicted: But ambitious encroachments of the federal government, on the authority of the State governments, would not excite the opposition of a single State, or of a few States only. They would be signals of general alarm. Every government would espouse the common cause. A correspondence would be opened. Plans of resistance would be concerted. One spirit would animate and conduct the whole. The same combinations, in short, would result from an apprehension of the federal, as was produced by the dread of a foreign, yoke; and unless the projected innovations should be voluntarily renounced, the same appeal to a trial of force would be made in the one case as was made in the other.



Happily, there seems to a number of state governments committed to the cause of sounding the “general alarm” of the unrepentant and unrelenting assault by the forces of the federal government on the territory of state sovereignty.

The New American faithfully has chronicled this noble resistance to tyranny as it spreads from state to state.

For example, the states of Tennessee, [Montana](#), [Virginia](#), and [Washington](#) have all seen the introduction of legislation requiring the governments of those states to nullify the recently enacted [National Defense Authorization Act](#) (NDAA).

This act, [signed by the President on New Year's Eve 2011](#), grants to the President the nearly unchecked power to deploy the armed forces of the United States to arrest and indefinitely detain an American citizen, whether here or abroad, suspected by the President of posing a threat to the security of the homeland. This unconstitutional enlargement of the power of the executive has the potential to rob Americans of the right to a writ of habeas corpus, the due process of law, and the right to the assistance of counsel. Thankfully, the aforementioned states are prepared to withstand this federal larceny of civil liberties.

One of the latest examples of states standing firm in the face of the fierce federal attack on the Constitution is occurring in the Show Me State.

Earlier this month, [Senator Brian Nieves](#) (R-District 26, pictured above) introduced [SJR 45](#), a bill which would place before the citizens of Missouri the opportunity to vote on an amendment to the state constitution forbidding the legislative, executive, and judicial branches from “recognizing, enforcing, or acting in furtherance of any federal action that exceeds the powers delegated to the federal government.”



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This is a bold and laudable attempt by Senator Nieves to restore the right of the state of Missouri to govern in all matters not specifically enumerated to the federal authority in the Constitution. The [Tenth Amendment to the U.S. Constitution](#) makes such a segregation of sovereignty clear, as well as the proper boundaries between the two governments:

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.

Senator Nieves is to be commended for his Sisyphean tenacity in the cause of liberty. During the 2011 session of the Missouri State Legislature, the representative of Franklin, Warren, and west St. Louis Counties [proposed a similar measure, SJR 15](#). That bill passed the General Laws Committee of the State Senate, but it was never voted on by the whole chamber.

When asked by *The New American* why he continues to tenaciously defend the right of his state to govern itself, Nieves responded that, "It is time for the members of the State Legislatures of this great Republic to stand up and assert the proper relationship between the several states and the federal government."

"For far too long I've heard state legislators say 'We can't do that, the feds won't let us' when instead, it should be members of our U.S. Congress saying 'We can't do that, the states won't let us!' " he added.

Should Missourians vote in favor of this proposed amendment, perhaps it would embolden other lawmakers in other states to draft similar legislation and the repercussions of such aggregate acts of self-determination would alter the inertia of the growth of government, driving Washington back to the banks of the Potomac and out of the lives of every American.

Not surprisingly, there are many who ridicule Senator Nieves and his bill. The [blog of the law firm of Angela L. Williams](#) uses vulgarity (that has been omitted in this quote) to demonstrate not only a coarseness of language, but a deplorable ignorance of the Tenth Amendment and timeless principles of sovereignty. Of SJR 45, Ms. Williams's blog declares:

This is another piece of disturbing legislation proposed by none other than List of Shame long time member, Brian Nieves. It mandates that the Missouri not recognize any federal law or court decision that in Mr. Nieves view "exceeds federal authority" Wow that is really the pot calling the kettle black, the State can exceed their authority all it wants by writing immigration laws, something that is specifically designated to the federal government in the main body of the Constitution, but any law or decision in the federal government that involve any of the following, Missouri shall not recognize or follow...and [Senator Nieves] wants to change the Missouri Constitution to express it.

Whoever authored this assessment of the proposed amendment on behalf of Ms. Williams's law firm would be wise to reread the Constitution. Perhaps then he or she would discover that in that document the only grant of power given to the federal government regarding immigration is to "to establish a uniform rule of naturalization"; thus, per the dictates of the Tenth Amendment, any remaining power is reserved to the states and to the people.

[One opponent](#) of the bill accused the author of SJR 45 of "paranoia" and described another similar measure as a "veritable thesaurus of tenther drivels."

Paranoia is defined as "delusions resulting from the supposed hostilities of others." In the case of the federal government's crusade to eliminate the sovereignty of the states, Senator Nieves and his fellows



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don't qualify as paranoid as the hostilities are all too real.

Constitutionalists will find much to applaud in the text of Senator Nieves's proposed amendment. The bill reads:

The state also shall not recognize, enforce, or act in furtherance of any federal actions that: restrict the right to bear arms; legalize or fund abortions, or the destruction of any embryo from the zygote stage; require the sale or trade of carbon credits or impose a tax on the release of carbon emissions; involve certain health care issues; mandate the recognition of same sex marriage or civil unions; increase the punishment for a crime based on perpetrator's thoughts or designate a crime as a hate crime; interpret the establishment clause as creating a wall of separation between church and state; or restrict the right of parents or guardians to home school or enroll their children in a private or parochial school or restrict school curriculum.

The state is also required to interpret the U.S. Constitution based on its language and the original intent of the signers of the Constitution. Amendments to the U.S. Constitution shall be interpreted based on their language and the intent of the congressional sponsor and co-sponsors of the amendment.

The amendment also declares that Missouri citizens have standing to enforce the provisions of the amendment and that enforcement of the amendment applies to federal actions taken after the amendment is approved by the voters, federal actions specified in the amendment, and any federal action, regardless of when it occurred, that the general assembly or the Missouri Supreme Court determines to exceed the powers enumerated and delegated to the federal government by the U.S. Constitution.

To his credit, Senator Nieves has left little wiggle room for the federal government to stick its nose in the business of the people of Missouri. In the areas of abortion, hate crime legislation, establishment of school curriculum, mandated purchase of health care insurance, submission to death panels, and formalized recognition of homosexual marriage, among others, the voters of the state of Missouri may soon be permitted to participate in Madison's "plan of resistance" against the federal yoke.



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