



Written by [Joe Wolverton, II, J.D.](#) on July 12, 2018

South Carolina County Calls for NDAA Nullification

On July 10, the Laurens County, South Carolina, County Council passed a resolution requiring officials of the county government to do as they were meant to do, namely stand as a barrier between federal tyranny and the citizens of the county they represent.

Resolution 2018-31, sponsored by County Councilman Stewart Jones, passed by a vote of three in favor, one opposed, and one absent.



Specifically, the measure calls on the state of South Carolina to stand interposed between provisions contained within the Fiscal Year 2012 National Defense Authorization Act (NDAA) passed in 2011 by the U.S. Congress and signed by then-President Barack Obama in December of that year.

The two constitutionally repugnant sections — 1021 and 1022 — purport to authorize the president of the United States, acting on his own authority, to apprehend and indefinitely detain any American whom he suspects of cooperating with the nation's enemies. Sections 1021 and 1022 also deny those held under the act access to an attorney and a public trial, as well as other fundamental aspects of due process.

Republican Senator Lindsey Graham, the senior senator from South Carolina, was and remains a rock-ribbed supporter of the NDAA's denial of due process to citizens of the United States who are living within the United States. Appropriately, then, it is a majority of local leaders from a county in the Palmetto State that are standing staunchly against Graham and in favor of freedom.

The resolution passed in Laurens County directs the state's congressional delegation to propose legislation repealing Sections 1021 and 1022 of the Fiscal Year 2012 NDAA.

Councilman Jones's ordinance is an example of the effective and necessary use of one of the most potent weapons in the arsenal of liberty that should be maintained in every state, county, and city in the United States: *nullification*.

Nullification occurs when a state holds as null, void, and of no legal effect any act of the federal government that exceeds the boundaries of its constitutional powers.

Nullification recognizes that states never ceded to the union the authority to hold as invalid any federal measure that exceeds the few and defined powers granted to the federal government in the U.S. Constitution.

In the face of federal overreach, states are, to use the words of James Madison in the Virginia Resolution, "duty bound to interpose for the arresting of the evil."

That is to say, state lawmakers are uniquely qualified to act as arbiters of the constitutionality of federal acts because the states created the union, and as creators of the compact, they hold ultimate authority as to the limits of the power of the general government to enact laws that are purportedly enforceable on the states and the citizens thereof.



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Despite purposefully and patently false claims made by those who advocate for a more powerful federal government — such as Senator Lindsey Graham — nullification would not lead to anarchy, as it is only the *unconstitutional* federal acts that will be subject to state invalidation.

An analogy from everyday makes the practice of nullification easier to understand.

Imagine that a person entered into a contract with a homebuilder to construct a new home. The blueprints contained the agreed-upon specifications of the house and the contract set out the duties and obligations of the homeowner and the homebuilder.

As long as both parties abide by the terms of the contract, the relationship will continue on as set forth in the contract. What would happen, however, if the homebuilder decides to exceed the scope of the contract and begins digging a pool? On a visit to the construction site, the homeowner notices the pool and confronts the contractor. When the homebuilder hands his client the bill for the cost of the pool, would the homeowner be required to pay for it?

Absolutely not.

However, when it comes to the bills sent to the states by the federal government demanding payment for unconstitutional acts, the states forget the contract and pay the bills, and now they are going broke.

The increasing indebtedness of the states compels them to seek solvency by taking money from the federal government. As anyone can see, this not only does not help relieve the financial strain felt by the states, but it puts states in a position where nullification is impossible because of their reliance on the largesse of the very legislators who control the federal purse strings. Not exactly a firm foundation upon which an attack on federal despotism can be launched. And that's just how the federal government and the people who control it want it to stay.

So, as Congress continues to surrender to the president all legislative, executive, and judicial power, the need for nullification is urgent, and liberty-minded citizens are encouraged to see state legislators boldly asserting their right to restrain the federal government through application of that very powerful and very constitutional principle.

For his part, Laurens County Councilman Jones posted on his Facebook page that he is “very glad” that his resolution passed.

Constitutionalists and friends of liberty across the union would be very glad, too, were more state and local lawmakers willing to step into the breach to fend off the federal assault on due process and the rule of law that has protected our liberties for generations.





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