

Introduction to the State Balance of Powers Act 2013

Researched and Prepared by The Constitutional Justice Division

The United States Patriots Union, LLC

Introduced by [The U.S. Patriots Union](#), [Veteran Defenders of America](#) and [The North American Law Center](#)

Due to a popular false assumption and assertion of supreme federal power subscribed to by all three branches of the U.S. Federal government today, but denied via the confines of the compact with the states and the people known as the U.S. Constitution, we assemble today to introduce a state-by-state measure designed to return the power of state governance to its constitutional place, the individual states and the people of the Sovereign Fifty States, recognizing the enumerated powers delegated to the U.S. government in Article I – Section 8 of the Constitution.

Unlike the symbolic Tenth and Second Amendment Resolutions passed by numerous states over the last two years, which rhetorically reclaim but fail to actually reassert the rights of the individual states and the people, this State Balance of Powers Act aims to return constitutional power to the states by providing each state a streamlined legislative branch mechanism by which to neutralize any federal legislation, mandate or executive order which the state in its sole discretion, determines to be beyond the constitutional scope and enumerated powers delegated to the United States government via the U.S. Constitution, in accordance with the Tenth Amendment which states unequivocally - **"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."**

The Balance of Powers Act establishes state power and methods by which each state can self-regulate and govern, forcing the federal government to live within the confines of delegated powers enumerated in Article I – Section 8 of the U.S. Constitution, and protecting the states and people from unconstitutional intrusions into the rights of the people and their respective sovereign states.

We proclaim that these measures are unfortunate, but necessary today, as the federal government acts at odds with the will of the vast majority of the people and the states with increasing regularity and without regard for that will, and offering no reasonable venue for redress for the people or the states.

We are lobbying numerous State legislators in every state, seeking leaders willing to stand with the people on behalf of the people and their states, and reject or neutralize any and all federal abuses of power emanating from the three branches of the federal government, past, present and future.

In this model bill are the following state powers;

- Reclaims and reasserts both Ninth and Tenth Amendment Rights
- Provides the Constitutional grounds for broad state nullification power
- Defines “constitutional” as the powers delegated and enumerated in the Constitution
- Rejects all “unconstitutional” acts by the federal government
- Addresses abuses via the commerce clause, necessary and proper clause, and general welfare clause
- Requires that all federal actions pass US and State Constitutional muster
- Rejects abusive judicial law making practices via precedent and procedure as without authority
- Establishes a state Constitutional Review commission to recommend case-by-case nullification
- Establishes rules and time limits in which the state must review and nullify upon determination of unconstitutionality
- Reaffirms that the U.S. Supreme Court has “original jurisdiction” in all matters between the Federal and State governments, in accordance with Article III – Section II
- Reaffirms state referendum authority as the final word of the people, in the event of improper adjudication (*in compliance with standing state statutes concerning referendums*)
- Positions each state legislature to protect and preserve for the people of their state, freedom from federal executive, legislative or judicial tyranny

For more than seventy years now, no matter which political party was in control of the federal government, that government grew, reaching farther and farther beyond the limited confines of constitutional authority and making every state and every citizen a dependent of the federal government, while the federal government is supposed to be “of, by and for the people.” The federal government is out of check, no longer functioning as a federal government formed by and obligated to the several states, but functioning instead as a central government free to run roughshod over the states and the people.

Our Declaration of Independence states unequivocally, our right and responsibility to “alter or abolish” a federal government which has become “destructive” towards states’ rights and individual liberty.

We have arrived at just such a time in history, and The Balance of Powers Act is designed to place the states and the people in a position to swiftly put the runaway Fed back in constitutional check.

The checks and balances supposed to exist within the different branches of the federal government do not exist today. All branches now act as one, usually at odds with the people and the states and well beyond the powers delegated them in the Constitution.

To return the federal government to the people, the states must take proper and necessary action to provide adequate checks and balances which no longer exist in practice at the federal level.

STANDARD ATTACKS AGAINST STATES RIGHTS

The basic assault against the power of states to neutralize unconstitutional federal acts usually comes in the following forms...

- “Andrew Jackson said shoot the first nullifier and hang the rest”
- “States lost their sovereign rights when they lost the civil war”
- The “supremacy clause” means the federal government reigns supreme
- State Constitutions were voided by the US Constitution

Yes, believe it or not, we have heard all of these attacks and then some. Here’s a diatribe from a Democrat state lawmaker whom we will leave unnamed... to protect the guilty.

1) Pres. Jackson's Presidential Proclamation of 1832, which declared nullification as treasonous:

" ...incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed ."

2) The Force Act of 1833, which authorized Jackson to use force to compel obedience to the tariff laws. This is important because Presidential proclamations do not have the force of law unless endorsed by the Congress. SC then "nullified" the Force Act itself. A tariff compromise was eventually struck, but nullification was firmly rejected as unconstitutional doctrine. (IN OTHER WORDS, NULLIFICATION WORKED AND THERE IS NO RECORD OF NULLIFICATION BEING AMENDED OUT OF EXISTENCE)

However, these statements are false, a perverted interpretation of history, not uncommon today.

The simple response to all of them is this –

To claim that the states do not have the right to void or nullify unconstitutional acts of the federal government is to suggest all of the following...

- State sovereignty doesn't exist
- States' rights don't exist
- The 9th and 10th Amendments don't exist
- The federal government is all-powerful, without restraint
- The US Constitution is meaningless
- State constitutions are meaningless
- The Bill of Rights is meaningless
- The Declaration of Independence is meaningless

I can keep going here, but you get the point. How do the states which created the federal government for the sole purpose of serving the states and the people, hold the federal government within the confines of the Constitution or compact, without the power to void, nullify or otherwise reject the unconstitutional acts of the government they created for their own benefit?

Contrary to popular belief, the states and people do not exist at the pleasure of the FED. The FED exists at the pleasure of the states and the people. Powers not delegated to the federal government are expressly reserved to the states and/or the people. When the federal government steps across this line, intruding into powers reserved to the state and the people, what should the states and people do about it?

The answer is – The Balance of Powers Act...

In closing, the states and the people are not legally, morally or ethically obligated to follow federal statutes, mandates, executive orders or court opinions which are wholly at odds with the will of the people under the general welfare requirement and Ninth Amendment protections, and/or states under the Tenth Amendment, and beyond the limited powers delegated to the federal government within the US Constitution.

The proper way to reject such federal abuses is to reject, neutralize, void or otherwise nullify them on arrival at the state line.

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The Constitutional Justice Division
1617 North Main Street, Suite B, Sheridan, WY 82801
www.PatriotsUnion.org
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