

The Bottom Line on the Balance of Powers Act

The constitutionally correct answer begins with the most appropriate questions...

1. Is our State still a sovereign State with constitutionally protected rights?
2. Does our State Government govern our State, or does Washington DC?
3. Are the U.S. Constitution, the Bill of Rights and our State Constitution still in force?

If you can't answer these three questions correctly, you will not understand the State Balance of Powers Act.

If the U.S. Constitution and Bill of Rights is still in force, then the State Balance of Powers Act is 100% "constitutional." Likewise, if the State Balance of Powers Act is "not constitutional," then the Constitution and Bill of Rights are no longer in force. The Balance of Powers Act is not "nullification." You cannot "nullify" that which does not exist in law.

What does the Balance of Powers Act Say?

- It says that powers not delegated to the United States by the Constitution, nor prohibited by it to our State, are reserved to the State, or to the people respectively.
- It affirms that the primary function of State Government under the Tenth Amendment is to protect the people of our State from any and all infringements upon constitutionally protected rights, as established by our State Constitution.
- It says that the enumeration in the U.S. Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people, or our State.
- It affirms the inalienable rights of the people of our State under the State Constitution, the U.S. Constitution and the Bill of Rights, specifically protected by the Ninth Amendment.
- It defines "constitutional" federal acts as those acts *made in Pursuance of* the U.S. Constitution and Bill of Rights.
- It defines all federal acts *not made in Pursuance thereof*; as "unconstitutional" acts.
- It affirms that only the U.S. Congress has the constitutional authority to make federal laws.
- It identifies and rejects past and ongoing abuses of federal power via the commerce clause, the general welfare clause, the necessary and proper clause and the federal supremacy clause.
- It affirms that if Congress (the federal government) exceeded its authority, the congressional (federal) act is invalid and, despite the *Supremacy Clause*, has no priority over our State or the people.
- It establishes a State Legislative Committee to review federal policies for the purpose of lawfully determining the constitutionality of federal actions within our State.
- It establishes that upon recommendation from the State Constitutional Review Committee, the State Legislature shall decide whether or not to accept a federal action on the sole basis of its constitutionality.
- It affirms that in disputes arising between the State and the federal government over matters of constitutionality, that the U.S. Supreme Court shall have *original jurisdiction*, and that no other court has any jurisdiction on the matter of constitutional disputes.
- Although the U.S. Supreme Court shall have *original jurisdiction*, it affirms that the people of our State have the right and the authority to be the *final arbiter* of what is and is not constitutional within the State.
- It affirms that the people of our State and our State Government are under no moral or legal obligation to accept, adhere to, abide by or enforce any federal acts which the people and the state determine to be beyond the constitutional authority of the federal government, or in direct violation of the Bill of Rights, deemed thereby "unconstitutional," invalid, void and without force of law.

The federal supremacy clause protects only those laws, created by the legislative branch, *made in Pursuance of* the U.S. Constitution and Bill of Rights. All federal actions *not made in Pursuance thereof* are invalid and void.

Under the Tenth Amendment of the Bill of Rights, each State Government has the Right and the sworn duty to uphold, protect and preserve the U.S. Constitution, the Bill of Rights and their State Constitution. The Balance of Powers Act simply establishes a streamlined method by which the State can keep its oath to protect the people of the state.