

Nullification Used Today

Nullification is still being used today to push back against federal usurpations. Prominent examples include:

- **Gun control:** Multiple states have enacted measures nullifying federal gun control. These include Missouri's Second Amendment Preservation Act (2021), which even nullifies the 1934 National Firearms Act and the 1968 Gun Control Act.
- **Federal Reserve:** Dozens of states have enacted legislation bypassing the Fed and enforcing the Constitution's monetary provisions.
- **Sheriffs:** Local sheriffs are key to resisting federal usurpations. For example, many sheriffs have nullified federal gun-control laws, and during Covid they protected Americans from tyrannical restrictions.

States can do much more to enforce the Constitution, including:

- **Passing "comprehensive" nullification bills** to comprehensively review and nullify federal actions.
- **Passing a "State Sovereignty and Federal Tax Funds Act"** to stop unlawful federal spending.
- **Enforcing the Gold and Silver Clause** of the Constitution (Article I, Section 10).
- **Passing a "Defend the Guard" bill** that prohibits unconstitutional federal deployments of state National Guard units.
- **Nullifying unconstitutional federal court rulings.**

How Do We Achieve Nullification?

Clearly, states can enforce the Constitution by nullifying federal usurpations. Here are some steps to accomplish this:

Inform others: Our action-project page includes model bills, articles, videos, and other resources that you can use to inform others about nullification. Scan the QR code below to access this page.

Constituents, contact your state legislators: Urge them to support nullification legislation in your state. Scan the QR code below for an easy way to do this.

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Inform
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Nullification

The Founders' Solution to Federal Overreach



The federal government has far exceeded its constitutional limitations, regularly violating Americans' God-given rights and exercising powers not delegated to it.

State governments have an obligation to resist this overreach by nullifying unconstitutional laws.

What Is Nullification?

Nullification is the principle that, when the federal government usurps power not delegated to it by the Constitution, states can act to ensure those usurpations are not enforced and, by extension, are null and void.

Nullification is firmly grounded in the text of the U.S. Constitution, specifically Article VI. It states, "This Constitution, and the Laws of the United States *which shall be made in Pursuance thereof* ... shall be the supreme Law of the Land." (Emphasis added.) This clearly implies that laws *not* in accordance with the Constitution are null and void.

The Constitution delegates only specific, enumerated powers to the federal government. The states and people, by contrast, retain all other powers. James Madison affirms this fact in *The Federalist*, No. 45, while the 10th Amendment cements it.

Nullification under Article VI is a *duty*, not just an option. Article VI also declares that state legislators, executive officials, and judges "shall be bound by Oath or Affirmation, to support this Constitution." In the face of federal overreach, which state official is faithful to his oath: the one who acquiesces to the usurpation, or the one who resists? Clearly the latter.

Is It Secession?

No. Nullification and secession are entirely different principles. Nullification under Article VI only targets *unconstitutional* federal edicts, while *constitutional* federal actions are upheld. Secession, on the other hand, is the act of leaving the Union. Rather than rejecting the Constitution's authority, nullification upholds both the Constitution and the Union in the way the Founding Fathers intended.

Nullification Is the Right Solution

Nullification is "the rightful remedy," as Thomas Jefferson put it, for countering federal-government overreach. The most obvious reason is that **nullification enforces – not changes – the Constitution.**

The federal government currently operates far outside its constitutional limitations. **This is not because of the Constitution, but rather from officials ignoring or misinterpreting it.** If the Constitution were fully enforced, the federal government would shrink by an estimated 80 percent.

Nullification can be used to stop reckless federal spending. For example, states can enact a "State Sovereignty and Federal Tax Funds Act" (also called an "escrow bill"). Under it, federal taxes are first sent to the state; the state then calculates the percentage of constitutional federal spending and sends only that percentage of the funds to the federal government.

States can also **nullify the Federal Reserve**, which encourages reckless federal spending. This includes (but is not limited to) enforcing the Constitution's Gold and Silver Clause (Article I, Section 10).

For nullification to succeed, state and local officials must be bold and courageous. States that nullify federal usurpations will face significant opposition from the federal government, the judiciary, media, big business, and others. State and local leaders must be prepared for this. However, an educated electorate will support nullification efforts.

Nullification Used in History

Nullification stretches back to the Founding Fathers themselves. For example, Madison, writing in *The Federalist*, No. 46, implied that nullification was an effective tool states could use to resist "unwarrantable measure[s]" passed by the federal government.

Alexander Hamilton, writing in *The Federalist*, Nos. 33 and 78, expressly stated that any federal laws contrary to the Constitution are void. In the former, he wrote that such laws are "merely acts of usurpation, and will deserve to be treated as such."

Nullification was first used in the Kentucky and Virginia Resolutions, written by Thomas Jefferson in 1798 and Madison in 1799, respectively. These resolutions condemned the Alien and Sedition Acts as unconstitutional. Furthermore, they asserted that state governments had authority to nullify, or interpose, the acts along with any other unconstitutional law.

In the 1850s, opponents of slavery used nullification to prevent the enforcement of the Fugitive Slave Act of 1850, a law that unconstitutionally infringed upon individual freedom and state sovereignty. For example, when the U.S. Supreme Court ordered the State of Wisconsin to obey the law, the state's legislature and supreme court nullified that decision.

