

How States Can Nullify to Enforce the Constitution

by [Peter Rykowski](#) September 5, 2023



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The federal government — including the legislative, executive, and judicial branches — has for decades implemented and enforced unconstitutional and increasingly-socialist policies. These policies and programs have [significantly increased](#) the size of government, and are pulling our Republic away from the [U.S. Constitution](#) and its founding principles as enshrined in the [Declaration of](#)

Independence.

However, the situation is not hopeless; state (and local) governments can — and must — enforce the Constitution by nullifying these lawless federal actions.

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.

Additionally, the Constitution delegates only specific, enumerated powers to the federal government. The states, by contrast, retain the vast majority of powers, something James Madison affirms in The Federalist, No. 45. This is further cemented by the 10th Amendment, which makes clear that all powers not granted by the Constitution to the federal government are reserved to the states and to the people.

Accordingly, any federal action that violates or contradicts the Constitution cannot be "made in Pursuance thereof" and, thus, is not "the supreme Law of the Land" — and state officials are duty-bound to follow their oath "to support this Constitution" by nullifying those lawless actions.

In addition to being constitutionally sound, nullification is “the rightful remedy,” as Thomas Jefferson put it, for countering federal-government overreach. It has been successfully used [multiple times](#) throughout U.S. history — [and still today](#) — to push back against federal overreach. As The John Birch Society has noted, [more than 80 percent](#) of the federal government is unconstitutional. Additionally, nullification would have an immediate effect and is not dependent upon approval by the federal judiciary. Thus, unlike false “solutions” such as an [Article V convention](#), nullification can immediately and effectively counter federal overreach.



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Nullification-related legislation that state legislators can introduce and enact include:

- **Comprehensive nullification**, to create a [formal process](#) for systematically reviewing all federal actions and nullifying them if found unconstitutional. *Model legislation can be found [here](#), [here](#), and [here](#).*
- **Nullify federal gun control**, to [prohibit](#) enforcement of all federal actions that [violate](#) the [Second Amendment's](#) prohibitions on gun control. *Model legislation can be found [here](#), [here](#), and [here](#).*

- **Nullify the federalization of local law enforcement,** to [preserve](#) local control and prevent the gradual movement toward a nationalized police force. *Model legislation can be found [here](#) and [here](#).*
- **“Defend the Guard” legislation,** to [prohibit](#) foreign deployments of state National Guard units if it violates [Article I, Section 8, Clauses 11 and 15](#). *Model legislation can be found [here](#) and [here](#).*
- **Stop unconstitutional federal spending,** and protect against federal financial retaliation, by passing a [State Sovereignty and Federal Tax Funds Act](#), which would require that all federal taxes are first sent to the state. A panel of legislators would then assess the percentage of the budget that is constitutional and send the federal government only that percentage of funds. *Model legislation can be found [here](#) and [here](#).*
- **Nullify the unconstitutional and unaccountable Federal Reserve.** [Multiple](#) methods [exist](#) to do this, including enforcing the Constitution’s Gold and Silver Clause ([Article I, Section 10](#)), [ending taxes](#) on gold and silver, and [creating](#) a state gold depository. *Model legislation can be found [here](#), [here](#), and [here](#).*
- **Nullify the World Health Organization.** Any treaty inconsistent with the U.S. Constitution is [null and void](#) and ought to be treated as such by state legislatures — and this includes (but is not limited to) the World Health Organization. *Model legislation can be found [here](#) and*

[here](#).

- **Nullify federal vaccine mandates.** States have a duty to nullify federal vaccine mandates, including any potential future mandates. *Model legislation can be found [here](#) and [here](#).*
- **Nullify federal election interference.** Under the U.S. Constitution (including Article I, Section 4 and Article I, Section 8), the federal government has [no authority](#) over state and local elections. *Model legislation can be found [here](#) and [here](#).*
- **Nullify federal agricultural regulations.** States can [take action](#) to stop the [global war on farmers](#), an aspect of the United Nations' [Agenda 2030](#), while also nullifying unconstitutional federal overreach. *Model legislation can be found [here](#).*
- **Nullify the federal so-called Respect for Marriage Act.** The federal government has [no authority](#) to redefine marriage. *Model legislation can be found [here](#).*
- **Nullify unconstitutional federal-court rulings.** This applies for any [ruling](#), whether at the Supreme Court or a lower court. (Prior to its overturning, states had the ability and duty to nullify *Roe v. Wade* and thus protect the right to life; *model legislation can be found [here](#).*)
- **Nullify unconstitutional presidential executive orders.** *Model legislation can be found [here](#) and [here](#).*

Nullification is not limited to the above topics. State

legislatures can, and should, enact legislation to counter any federal government policy that violates the Constitution.

Also, nullification is not an action that only states can take. Local governments have also successfully enforced the Constitution by nullifying unconstitutional edicts, including [state](#) and [federal](#) gun-control efforts, along with Covid-19 restrictions ([here](#), [here](#), and [here](#)).

When opposing unconstitutional usurpations, state and local officials must be bold and courageous. Any state or locality acting to enforce the Constitution and prevent the implementation of unconstitutional edicts will likely face significant opposition from the federal government, judiciary, media, Big Business, and others. Following one's oath to uphold the Constitution will not come without a fight. However, if our leaders are bold and courageous, they can immediately and effectively enforce the Constitution and push back against unconstitutional usurpations. Furthermore, an informed electorate will support nullification efforts.

Regardless of what state one lives in, citizens should contact their state legislators and urge them to enforce the U.S. Constitution by enacting the legislation listed above. Restoring constitutional government starts with patriots educating the broader electorate and taking action to influence their elected officials.



To urge your state legislators to enforce the Constitution by nullifying unconstitutional federal laws and edicts, visit The John Birch Society's legislative alert [here](#). Additionally, you can find legislative alerts supporting specific nullification bills in state legislatures [here](#).