

# Two New State Nullification Bills – Will They Pass?



By: Devvy

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Back on July 14, 2014, I wrote a column, [Nullification: Get to your state legislators now](#) explaining why it was critical we get our state legislators educated on nullification demanding they find their backbone and stand up to the criminal syndicate in Washington, DC, Congress. The biggest whore house in North America.

July 10, 2012, [Obamacare: Nullification, equal protection and important court cases](#), I again wrote about nullification and the absolute right of the states of the Union to just say no, we aren't going to cave every time both parties in Congress pass legislation that is beyond their legislative authority.

July 6, 2012, [Oklahoma State Rep. to Propose ObamaCare Nullification Bill](#) – “Last week the Supreme Court of the United States exceeded its authority by declaring an unconstitutional act of Congress constitutional. While there are many powerful weapons in the fight that must be fought to dismantle ObamaCare, one of the best items in the arsenal is nullification.

“Simply stated, nullification is a concept of legal statutory construction that endows each state with the right to nullify, or invalidate, any federal measure that a state deems unconstitutional. Nullification is founded on the assertion that the sovereign states formed the union, and as creators of

the compact, they hold ultimate authority as to the limits of the power of the central government to enact laws that are applicable to the states and the citizens thereof.”

**READ** that column above. GOP State Representative Mike Ritze (a family practice physician) fought like a warrior: “Citing the Tenth Amendment, Ritze’s bill – HB 1276 – declares that the Patient Protection and Affordable Care Act, as well as the Health Care and Education Reconciliation Act of 2010:

Are not authorized by the Constitution of the United States and violate its true meaning and intent as given by the founders and ratifiers, and are hereby declared to be invalid in the State of Oklahoma, shall not be recognized by this state, are specifically rejected by this state, and shall be considered null and void and of no effect in this state.

“Admirably, Representative Ritze’s bill does not stop at merely labeling ObamaCare unconstitutional; it includes a provision that criminalizes its enforcement in the Sooner State. The relevant portion of the bill reads:

“Any official, agent, or employee of the United States government or any employee of a corporation providing services to the United States government that enforces or attempts to enforce an act, order, law, statute, rule or regulation of the government of the United States in violation of this act shall be guilty of a felony and upon conviction must be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00), or a term of imprisonment not exceeding five (5) years, or both.

“Any public officer or employee of the State of Oklahoma that enforces or attempts to enforce an act, order, law, statute, rule, or regulation of the government of the United States in violation of this act shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.”

And that is right on point which I have cited in many columns (Bold emphasis mine): “We know from reading Art. 1, Sec. 8 of the U.S. Constitution that **health care is not an enumerated power granted to Congress**. We should also go back and look at the Zellman memo:

“...for a law to be valid, it must be constitutional and second, let’s remember what killed Comrade Hillary Clinton’s attempt back in 1993 when she was co-president. The Zellman memo was obtained under the Freedom of Information Act in an effort to find out what went on in those secret health care meetings:

“Memorandum for Walter Zellman from Sallyanne Payton, clearly marked: Preliminary Draft for Official Use Only. Do Not Quote or Release For Any Purpose, page 4, Health Care Task Reform under Hillary Clinton. Please note these sections:

“(b) may the federal government use other actors in the governmental system and the private sector as its agents and give them orders as though they were parts of a prefectorial system? The short answer is “no.” State governments are independent, although subordinated, sovereignties, not subdivisions of the federal government.

“Although the federal government may regulate many of their functions directly [as well, for example, it subjects state water districts to the Clean Water Act], it may not require them to exercise their own governmental powers in a manner dictated by federal law. **The states may be encouraged, bribed or threatened into entering into joint federal state programs of various sorts, from unemployment insurance to Medicaid; but they may not be commanded directly to use their own governmental apparatus in the service of federal policy.** There is a modest jurisprudence of the Tenth Amendment that seems to have settled on this proposition. See the DOJ [Dept. of Justice] memorandum for a fuller elaboration.”

How many times did Republicans promise to get rid of

Obamacare? How much time was spent jaw-jacking by Sean Hannity and other radio talk show hosts Republicans hold the majority and they are going to repeal Obamacare? Hmm. 50, 60 times since 2010? What about the 18 months they controlled Congress with Trump in the WH? And Americans continued to reelect those same Republicans who did nothing.

March 8, 2021, I wrote another piece: [H.R. 1 vs States Rights](#) – “Under the Tenth Amendment, Congress has zero authority to force states to get on their knees and accept a nationalized voting process within their state.

“If those states think they might get favorable opinions from the U.S. Supreme Court, they might wish to bet Elvis is still in the building. When that “high” court kicked the election cases to the curb, they sent a clear message to America: We are Gods and we refuse to put Donald Trump back in office regardless of the solid legal challenges in those cases. Roberts, Kagan, Sotomayor, Breyer, Kavanaugh are partisan cowards. Barrett got lucky, she recused herself.

“Which is why I sent my own letter the day before those AG’s sent theirs. Mine went to my U.S. Rep, Arrington, Texas Speaker of the House at our Capitol, one of our best state senators and one of our state reps who wants Texas to secede from the Union. I skipped my state rep, Drew ‘Do Nothing’ Darby and my state senator, Seliger, who wouldn’t know what the Constitution said if James Madison read it to him word by word.

“Going back to the Democrat House member above: He sided with his constituents and Republicans because they *made their voices heard*. YOU must, too. Not an email. A snail mail letter to your U.S. Senator (House is passed now) and your state rep and senator – by the thousands. We are in a damn war and it’s imperative We the People make sure our reps and senators, state and federal, understand we know the Constitution and they had better go out and rent a bucket of

guts and stand up to Lucifer's Democrat/Communist Party USA.

"Below is an abbreviated version of my letter; just left off how important those primaries are coming up in nine months. Several of the contested states are attempting to fix what allowed the vile DemonRats to steal the election along with judges complicit in The Steal. Cowards or partisan hacks in robes.

"You can use whatever you need from my letter and add what you think is appropriate, like telling them who you are, what you do and you will only support a candidate in the upcoming primaries who will stand up to the bullies in Congress and the hell with what the prostitute media says."

Due to the massive push-back, that [unconstitutional bill](#) was passed in the House but not the Senate.

I can't give you exact numbers, but a lot of constitutionally grounded Americans are involved with nullification efforts all across this country. They don't just talk about it at work or over lunch, they are boots on the ground. That means educating state legislators they don't have to lick the boot straps of the corrupt in Congress or whoever is sitting in the WH, Republican or Democrat/Communist Party USA.

The Tenth Amendment Center has been around quite a long time and is an EXCELLENT educational tool for Americans, state legislators and governors covering the Supremacy Clause, Nullification, Commerce Clause and more. Their most recent: [How States can Undermine Biden's Unconstitutional "Ghost Gun" Rule](#) – "Like President Trump's bump stock ban in 2018, Biden's new rule is unconstitutional in more ways than one. First, the Second Amendment specifically prohibits the federal government from infringing on the right to keep and bear arms. Second, this infringement doesn't even stem from Congress passing a law. Rather, it was carried out by unelected bureaucrats in an executive branch agency who received 211,564 comments during

the rulemaking process.

“The good news is, three states have already retroactively set the stage to nullify this new rule in practice and effect.

“In 2021, Montana enacted a law prohibiting state employees and resources from being used to enforce any federal gun laws or regulations implemented after January 2021. That same year, Arizona enacted a similar law that withholds local or state aid to enforce federal gun laws that lack a concurrent state policy. Meanwhile, Missouri passed the Second Amendment Preservation Act, prohibiting state cooperation in enforcing a wide range of federal gun control, past, present, and future.

“The feds can’t enforce federal laws by themselves. They rely heavily on state cooperation and support. If the state refuses to participate, the feds are on their own. They can’t use any local police, SWAT teams, or city or county jails; holding them in other states will require an extradition, which can take weeks. Also, all planning for any raids or arrests will have to be done by the feds – and the feds alone.

“And it’s an open secret they don’t have the manpower or resources to do that.

“An article by *The Trace* noted that the enforcement of another unconstitutional regulation on pistol braces “will hinge on the efficiency of an obscure division at the Bureau of Alcohol, Tobacco, Firearms and Explosives that routinely misses its own performance benchmarks. And now, with millions of stabilizing braces estimated to be in circulation, some outside observers are warning the efforts to restrict them could flounder if federal regulators are unable to handle the workload.”

“These states have shown the right path forward to undermine illegal federal gun laws and rules. Other states that haven’t done so already need to enact similar laws that prohibit any

cooperation with the feds regarding federal gun control.

“Trying to work through Congress to protect the right to keep and bear arms is ultimately a futile endeavor, because as both the Republicans under Trump and the Democrats led by Biden have demonstrated, they just simply bypass the legislative branch. When they do, the federal judiciary repeatedly fails to restrain them.

“The feds will likely continue this path of enacting whatever gun control measures it wants. But, if they can’t enforce them, then it is as if they were never written.”

The Tenth Amendment Center has an [entire section on Nullification](#). Americans must, not need, but must learn why its not unconstitutional and how we can stop those lying crooks in Congress on so many issues. It should be mandatory reading for every state legislator in the country, but of course, you can exclude members of the Democrat/Communist Party USA. They are the Unreachables. Their minds have been washed and so many absolutely hate the U.S. Constitution and you and me. They should book a one-way ticket to No. Korea or China.

Two new bills are in my state legislature right now called the strongest nullification bills in the country. They must get passed, *but will they?* Americans think Texas is such a great example of conservatism because we’ve had Republicans in all the top jobs for a very long time. Governor, Lt. Governor, Attorney General and control both the House and Senate in our legislature. But too much of the time they’ve been selling we Texans out to the highest bidder like the “smart” meters. In that case it was energy companies filling Abbott’s coffers and sprinkling bribe bux over our state capitol. Too many are simply power hungry.

**A lot of the blame goes right to voters in my state who continue to reelect the same scoundrels (I’m trying to keep my**

**language clean). They vote for the same corrupt incumbents just like they vote the same poltroons back to Congress.**

Last year at the state GOP convention top of the list for our legislature was no more putting the minority party (Democrat/Communist Party USA) as Chairmen (or women) on committees. *How freaking insane is that?* For a long time, we had another RINO named Joe Straus as Speaker of our House in Austin. Texas is one of four states where our legislature is only in session a few shorts months (ours is 140 days) and then they don't go back until the next odd number year. Our legislature convened this month. By May they will be gone and don't come back until 2025. They can hold special sessions.

We finally got rid of old Joe and a GIANT RINO named Dade Phelan became speaker who immediately got into bed with the communists and socialists in our legislature. And what did low information or outright ignorant voters in Phelan's district do last year? They voted for that Judas in the primary so he, of course, won again in November and the first thing he did was kick conservatives in the teeth.

[The Texas Minute](#) is a daily and concise reporting of what's going on in Austin; sign up for free. Jan. 11, 2023:

"In a 145-3-2 vote, State Rep. Dade Phelan (R-Beaumont) was re-elected as speaker of the Texas House on Tuesday. Tinderholt received three votes, while two members registered themselves as "present not voting." Tinderholt framed his race for the speakership as being in opposition to Democrats holding committee chairmanships.

"Our speaker courted the Democrats to get his position, gave them chairmanships, protected them from being punished when they fled to D.C. ...and today, every single one of our Democrat colleagues will be voting for his leadership in this chamber," said State Rep. Bryan Slaton (R-Royse City) in his nomination of Tinderholt. "Some will claim this is good bipartisanship.



But it's actually just a powerful consolation prize for losing elections."

"The resounding message from both Phelan's nominators and his own acceptance speech was clear: Establishment Republicans will share power in the lower chamber with Democrats. Phelan's supporters painted him as a "good" speaker who would prioritize cooperation and bipartisanship above all else.

"State Rep. Cody Harris (R-Palestine) explained that Phelan's decision to continue awarding committee chairmanships to Democrats is the "perfect example of how a representative government is supposed to work." Meanwhile, State Rep. Tracy King (D-Uvalde) said he was supporting Phelan because "Phelan gets it."

In that posting, this woman hit the nail right on the head: **"Why elect Republicans if you're going to have Democrats run things?"** asked Jeannine Owen of San Antonio." Continuing:

### **Phelan's First Act? Snub Texas GOP Activists**

"In his first move as Texas House Speaker, Dade Phelan accelerated the debate on House Rules to *10 a.m. today*, spurning the Republican Party of Texas and many grassroots activists who are convoying to Austin *on Thursday* to voice their opinions on the House Rules.

"Among other things, the Rules debate will determine if the Republican-controlled House will continue to allow Democrats to chair chairmanships. Banning the practice is one of eight priorities of the Texas GOP and was approved by more than 80 percent of Republican primary voters in the March 2022 election.

"Here's how Republican Party of Texas Chairman Matt Rinaldi described the move: **"Reprehensible, but not surprising. House Republicans too often show contempt for their voting base, and they will twice [on Wednesday]. The first will be when they**

take the unusual step of debating House rules a day early to avoid visiting constituents; the second, when many House Republicans will vote to award powerful leadership positions to Democrats.”

[Rinaldi went after Phelan](#): “Matt Rinaldi is going on offense, and continues to exemplify the posture every state GOP should have with RINO’s in their own legislatures. Last week Dade Phelan abused his power to kill an amendment that would have prevented him from giving liberal Democrats powerful chairmanships. This is a top priority of the Republican Party of Texas.

“This week, the Texas GOP started running radio ads in Phelan’s district. This is just another reason why Rinaldi continues to provide state parties a national model for how the GOP should be used to actually push for conservative policy.”

My state rep. Drew Do Nothing Darby voted for Phelan. I have been putting the word out in my district: we must throw Darby out of office in the primary next year. Two elections ago a nice lady from San Angelo ran against him but she was way out of her league. He walked in the reelection door last Nov. We need a fighter, not a milquetoast getting paid with my taxes who will warm a seat in the capitol until he keels over.

As for the jackass above, Rep. Harris, Phelan’s rewarding our enemy is a great thing? Are you just plain stupid or did Phelan reward you with a committee seat or some other perk? Perhaps you can find time when not kissing Phelan’s backside to read Sun Tzu’s Art of War.

I also did NOT vote for Gov. Greg Abbott in the primary last year; I voted for him every other time for the offices he held. Too bad he won, again. Greg Abbott is not the big hero people have been led to believe. In any event, if those two nullification bills pass, will Abbott sign them into law?

First, we have to put a bonfire under the noses of Republicans in our House and Senate who hold the majority. If you live in Texas, know someone who does, make sure you get this information to them. It takes boots on the ground and I don't mean an email. Our state legislators receive thousands of emails a month depending on what the "hot" issue is at the time. Their systems are set to recognize an issue and reply with a canned response. I know as I've seen so many people email to me hot under the collar.

You can call and leave a message but don't expect a call back. **However, still call and follow up with a snail mail short letter. It's the only thing that gets the attention of a living, breathing staff member.** While I do not support my U.S. House rep, Jodie Arrington, his staff in Abeline are the best in responding to snail mail either by letter or phone calls. **A pile of 1,000 or 10,000 paper letters can't be ignored.** Yeah, we're all tired, but how long does it take to type a letter: Vote for bill such and such (or against) or you don't get my vote in the next primary. Five minutes?

Time is short for our legislative session. We must get these bills passed: Texas Sovereignty Act, HB 384 & SB 313. I voted for our new state senator, Kevin Sparks, and have already written him on a half dozen issues. I had the opportunity to meet and speak with him on the phone a couple of times before the primary and Nov. election.

House side: [HB 384](#) and on the Senate side by one of our best state senators, Bob Hall: [SB 313](#)

This is the [web site for the Texas State Legislature](#) where you can find your state rep and senator AND what committees they sit on, phone and mailing address. **Don't depend on someone else to get the job done.** There's too many in every state who will whine about what's going on – if they are even paying attention – who still do nothing.

Don't Mess With Texas. Well, Texans, our state legislature is messing with us and that, to me, is unacceptable.

*Do you know what's going on in your legislature while you're working hard every day?* Try to find a reporting web site like The Texas Minute mentioned above in your state. Fight back or get fitted for tighter chains.

Please do get this column out far and wide so people in all the states can learn about Nullification and go after their state legislators and governors.

For a thorough, comprehensive education on the Fed, the income tax, education, Medicare, SS, the critical, fraudulent ratification of the Seventeenth Amendment and more, be sure to order my book by calling 800-955-0116 or click the link, "[Taking Politics Out of Solutions](#)". 400 pages of facts and solutions. Order two books and save \$10.00

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[It won't be just the states suing to nullify unconstitutional health care "law"](#)

## **Employers**

"This nightmare the Outlaw Congress passed will cost jobs. It will run smaller businesses into bankruptcy. Employers must fight back; this is a good case to read:

[Railroad Retirement Board](#), supra, 295 U.S., at 368, Congress had no authority to establish a retirement scheme through its most tremendous power, its control over interstate commerce:

"The catalogue of means and actions which might be imposed upon an employer in any business, tending to the satisfaction

and comfort of his employees, seems endless. Provision for free medical attendance and nursing, for clothing, for food, for housing, for the education of children, and a hundred other matters might with equal propriety be proposed as tending to relieve the employee of mental strain and worry.

“Can it fairly be said that the power of Congress to regulate interstate commerce extends to the prescription of any or all of these things? Is it not apparent that they are really and essentially related solely to the social welfare of the worker, and therefore remote from any regulation of commerce as such? We think the answer is plain. **These matters obviously lie outside the orbit of congressional power.**” (Emphasis mine.)

United States Supreme Court, RAILROAD RETIREMENT BOARD v. ALTON R. CO.(1935),No. 566, Decided: May 6, 1935