

# Dick's Proposal for Nullification of Unconstitutional Federal Laws & Regulations

10-20-2017Rev12-03-2017

The Supreme Court of the United States was nowhere given the power to reverse the laws legally made by Congress or to make law.

It was only given the power to decide individual cases. Presently, the only means of declaring a Federal Law or Regulation unconstitutional is by the Supreme Court, which has illegally given itself this power (it appears nowhere in our Constitution).

Further, as the Federal Government was created (as a "Servant") by a Compact between the Free, Individual, Sovereign States (its Masters), for their mutual Protection and protection of the Rights of *The-People*, with limited, specifically enumerated, powers (*only those written in Article-1, Section-8 of the Constitution*), the Servant has No Right to tell its Masters how to interpret the Constitution that the Masters created. The Servant cannot dictate nor control its Masters in any way not specifically authorized by its Masters in the Federal Constitution. To do so is equivalent to putting the Fox in charge of the hen-house. This is clearly declared and written into the 10th Amendment, which is largely being ignored.

Over the past 200 years, the various branches of the Federal Government have been guilty of TAKING ON Powers not given or allowed them in the Constitution, and the Congress has passed many unconstitutional laws, as well as ignoring its responsibilities & obligations by creating Agencies (many unconstitutional) and allowing them to dictate Regulations (which are essentially Laws), and unconstitutionally passing on or delegating its Power to make Law, which have greatly reduced the Powers of the States.

Unfortunately, there is no clear way for the States to Nullify Unconstitutional Federal Laws, Regulations or Actions.

It is not proper that the Federal Government, any more than any other person or group, should be able to judge ITSELF.

It is only right & proper that the Federal Government should be judged by its creators - the States & We-The-People. So, I propose the following Amendment to the Constitution to enable & clarify the States' Rights to Nullify any Unconstitutional Laws or Regulations.

## Within a State:

- (1) By an Initiative and Referendum mechanism as used in many States. Petitioners wishing to challenge an existing Federal Law or Regulation (the "Issue") collect signatures of the State's citizens on a petition to the State legislature. The State legislature determines the petition signature & voting time requirements. When the signature requirements are met, the State legislature MUST Vote, within a reasonable time (as it shall have determined), on its Constitutionality.
- (2) OR: The State Legislatures may of their own volition decide to vote on the unconstitutionality of the Issue.
- (3) If more than 2/3 of each State House votes the Issue is unconstitutional, it issues a Declaration that the Issue had been found to be Temporarily Unconstitutional by that State.
- (4) OR: If more than 50% of each State House votes the issue unconstitutional it is forwarded to that State's Supreme Court to decide, by a 2/3 Vote for that State, that the Issue is Temporarily Unconstitutional by that State.
- (5) Once Decided by a State, by either cases 1 or 2 and 3 or 4 above, that the Issue (Federal Law or Regulation) is considered Temporarily Unconstitutional, it will be Declared Temporarily Null & Void in that State until the other States have the opportunity to review the issue.
- (6) AND: Any person convicted of this Temporarily Declared Unconstitutional Federal Law or Regulation, within that State, is immediately released and exonerated of the crime and cannot be re-tried for this supposed crime.

## Federally:

- (7) If 33-1/3% of the State Legislatures Declare the Issue (Federal Law or Regulation) Unconstitutional (this means 2/3 of LESS believe it to be Constitutional), the Law is Permanently Declared Unconstitutional in the entire United States and immediately Repealed. Any person, in any State of the Union or its Territories, previously convicted of this crime will be immediately released and permanently exonerated of the crime and cannot be re-tried for this supposed crime even if the Law is later reversed and Declared Constitutional.

## Dick's Proposal for a 3rd Way to Make Constitutional Amendments

What if we had a 3rd method of making Constitutional Amendments to give us with a means of restricting such legislation to one or more specific issues & bypass Congress so as to eliminate the almost certain danger of a Constitutional Convention that might easily go out of control?

If 3/4 of the States (rather than the 2/3 required under the existing Constitutional procedures) propose an Amendment to the U.S. Constitution, we could bypass the present Constitutional Requirement that "*Congress propose the method of Ratification*" and allow Direct Ratification by the States themselves, the method of which shall be decided by each State's Legislature, either by Ratification by 3/4 of that State's Legislature or by 3/4 of their Citizens by a direct, Popular Vote.

(1) If 3/4 of the State Legislatures propose an Amendment to the Federal Constitution, each State Legislature shall decide its manner of

Ratification, by either a 3/4 Affirmative Vote in each State's Houses or by a 3/4 Affirmative Vote by their Citizens in a Direct, Popular Vote.

(2) When 3/4 of the States Vote Affirmative for the Amendment it is Ratified and becomes an Amendment to the Federal Constitution and  
part of our Supreme Law.

---