

## What Makes You a Good, Loyal American?

Written by Kathleen McCarthy  
Wednesday, 19 January 2011 05:17

---

Thomas E. Woods Jr.'s recent *Nullification: How to Resist Federal Tyranny in the 21st Century* is a must-read book to understand what is at stake for each of us in the states, and what we the people can do to restore our constitutionally protected liberties.

But before we can restore anything, we must first be clear about what is lost, and how we lost it. In Chapter 4, "What Is (or Are) the United States, Anyway?" Woods opens with a fascinating inquiry: "Was the United States created by a group of independent political societies that established a federal government as their agent, reserving all undelegated powers to themselves? Or was the United States the creation of a single, undifferentiated American people?"

Woods asserts that the federal government was created by America's original 13 colonies, operating as separate and distinct states, which established a compact, known as the Constitution for the United States of America, for dealing with foreign nations, common defense when necessary, and commerce between the 13 chartered states.

History, when studied in earnest, reveals that the various states' ratification documents accepting the Constitution emphasized one dominant, overarching principle: Powers not specifically enumerated to the federal government in the Constitution are automatically retained by the individual states. No exceptions.

Over time, the federal government has sought to expand its powers, systematically usurping authority from the 50 united states, treating them as one central body instead of the 50 distinct self-governing entities that they are and always have been.

According to Woods, the record shows that the states have the right, and the duty, to nullify unconstitutional laws. States have the right to declare such laws void, and need not obey them as such. This is so critical, and fundamental, to the preservation of America's constitutional republic. Without this tool of nullification, the federal government is unstoppable in its quest for more power, not stopping until it dominates every aspect of our personal lives.

The means by which the federal government has usurped power so far rests in the blatantly

## What Makes You a Good, Loyal American?

Written by Kathleen McCarthy

Wednesday, 19 January 2011 05:17

---

improper use of three clauses in the Constitution: the “Commerce” clause, the “General Welfare” clause, and the “Necessary & Proper” clause. Thanks to power-hungry legislatures, regulatory agencies, and the courts, extremely inappropriate application of these three clauses continues to undermine the states’ compacts’ constitutional structure.

The Commerce clause in the 14th Amendment declares that Congress shall “regulate Commerce with foreign nations and among the several States, and with the Indian Tribes.” The term “regulate” back then meant literally to “make regular trade or exchange,” not “all gainful activity,” as the usurpers have asserted since. “Among the States” meant precisely what it says – trade or exchange between one state and another – not commerce that might have an “effect” on another state. This interpretation has allowed for countless abuses of our rights under the Constitution, using the Commerce clause to create the “substantial effects rule” that allows the federal government to regulate/control any activity that has an “effect” on something.

At the core of this legal manipulation is access to and control of individual wealth and resources. For example, again in Chapter 4: “In *Wickard V. Filburn* (1942), the court ruled that the federal government could regulate the amount of wheat grown on an individual’s farm even though the wheat never left the state, and the farmer and his livestock consumed it themselves. Had they not grown and consumed that wheat, the argument went, they might have purchased it from another state, and hence their abstention from this commerce indirectly affected interstate commerce.”

According to Woods, this absurd ruling is the foundation of how control began to pass to the federal government and away from the states and its peoples. This open dismissal of the very document that defines the conduct of the states is the ultimate insult to Americans, yet we mostly sit idly by because we claim not to know what to do about all this corruption.

Nullification is how individual states have rendered void such ridiculous federal legislation. It is an absolutely viable, completely peaceful, and 100-percent lawful solution. Nullification is something we the people can insist on in our state legislatures, in our counties, and in our municipalities.

Woods points out that two dozen states nullified the REAL ID Act of 2005, which was opposed for its unfunded federal mandate imposed on the states and its violations of personal privacy. And despite a Supreme Court ruling regarding medical marijuana, many states such as California, Arizona, and Colorado ignore such rulings, opting for the boon to their revenue

## What Makes You a Good, Loyal American?

Written by Kathleen McCarthy  
Wednesday, 19 January 2011 05:17

---

coffers.

Nullification has been used, as Woods' book illustrates, many times in history, and until recently was nearly a forgotten measure. The book is hopeful that nullification will not be a casualty of this republic that was once made up of participating self-governing states and has now deteriorated into a democracy (a word that appears in no founding documents or state constitutions) governing simply by one more than a majority – or mob rules.

Woods draws the line in Chapter 5, "Nullification Today," with this query: "Now the question remains: Can the honorable if moribund tradition of state resistance to unconstitutional federal power be resuscitated, or are Americans too deeply in thrall to the myth that unlimited submission to federal authority is the only course available to them, and is what makes them good and loyal Americans?"

Well, what say you?