

State Sovereignty Update

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Now that most of the state legislatures are back in session, we're starting to see some progress on the passage of state sovereignty bills. It looks like at least 22 states have bills in some stage of development. About half are in the process of being drafted, several are in committee or out for debate, and the pack is being led by Arizona, Oklahoma, and New Hampshire, where the bills have strong support and will likely be voted on within a matter of weeks. As yet none have passed into law, but we may see that happen in some of the most active states fairly quickly.

The [Arizona](#) bill is interesting because it actually cites *New York v. US* in the text of the bill, pointing out one of the 10th Amendment cases which is often cited in arguments for state nullification of federal mandates. It seems to have a lot of support and a realistic chance of passage.

Oklahoma's sovereignty bill, which passed their House last session but got stalled in the Senate, came out of the rules committee last week with [unanimous support](#) and should move forward quickly. It may run into problems in the state Senate again because that body is more evenly split between Democrats and Republicans than is their House of Representatives.

As demonstrated in the recently introduced [Michigan resolution](#) some of the bills target a much more specific threat. Michigan's bill asserts 10th Amendment rights, but does it in the context of reiterating and guaranteeing protection of the right of the citizens to own firearms, taking a stand against possible gun seizures from the federal government. The Montana resolution was introduced at the same time and is largely the same with the same focus on gun rights.

State Representative Dan Itse, author of the New Hampshire sovereignty resolution, appeared on the Glenn Beck show on Fox News over the weekend to explain the bill. Although New Hampshire's bill is one of the most radical, Itse stressed that it was not about secession from the union, but about reasserting state control, saying, "This isn't about withdrawing from the union. The happiest resolution of this resolution would be a renewed union within the confines of the Constitution."

But he went on to make the key distinction that the New Hampshire bill actually makes the claim, based on the writings of Jefferson and Madison, that if the government fails to obey the Constitution then it has effectively negated itself and dissolved the union formed by that document. Itse said, "If the general government nullifies the Constitution, how do you withdraw from something which does not exist?"

Oklahoma State Representative Jason Murphey wrote an editorial for the [Edmond Sun](#) explaining his state's sovereignty bill and linking it specifically to the unfunded mandates and massive spending in the so-called stimulus bill, linking this issue to the [efforts of some governors](#) to block federal spending within their states. He notes that it is "is going to be important for the state to refuse to participate in new

inappropriate federal programs such as the apparent expansion of the welfare program included in the stimulus bill." He also expresses the widespread concern that much of the money in the stimulus is intended to benefit the Democratic Party's political allies, pointing out that "we can expect the federal government to reflect the desires of powerful special interests, liberal politicians and their support groups like ACORN — the possible recipient of \$2 billion because of the stimulus bill."

A lot of [crazy claims](#) about the sovereignty movement are still circulating, many of them seemingly generated by Ron Paul supporters involved in his Campaign for Liberty to advance their own interests. But the truth is that, contrary to their assertions, this is not a movement for secession from the union, and the sovereignty bills are generally not arising out of grassroots efforts from far-right groups like C4L.

Rather, these resolutions are originating from inside legislatures and from established state politicians, specifically in response to concerns about unfunded mandates and excessive burdens placed on the states by the federal government. The expense and partisan character of many of the elements of the stimulus bill is increasing concern and helping to motivate legislators to pass these state resolutions as are federal efforts to limit the constitutional rights of individuals on a nationwide basis. While the 10th Amendment is central to their argument, legislators are more concerned about retaining power they see being gradually eroded by the federal government than more abstract issues of Constitutional rights.

[See at: <http://blogcritics.org/archives/2009/02/17/1228532.php>]