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Subject: [natural_persons] Nullification

Hi All --

This is an editorial Thomas Linzey wrote on nullification, a principle which, as I understand it, provides a legal basis for local ordinances to challenge the federal legislation and grants of corporate privilege which would ordinarily supercede state, county and municipal laws. Good material for further discussion and learning!

**Not in Our Local Democracies:
Defending Constitutional Rights by Nullifying Federal Actions**
Guest Editorial by Thomas Alan Linzey
Community Environmental Legal Defense Fund, Inc.
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Congress' adoption of the Patriot Act and the Presidents' fervent drive to war with Iraq have prompted the passage of non-binding municipal resolutions urging the Act to be overturned and for the world to stop the coming war of aggression.

It's truly a sign of the times that the Iraq Resolutions are aimed more at ensuring other countries of the desire of Americans for peaceful solutions, rather than at our own government now a source of escalating tyranny at home, and expansion of empire abroad.

Those Resolutions however, have become tentative steps towards recognizing the elephant in the room -- that we do not have a democracy in this country. From that perspective, the decision to make war makes sense, the use of the courts by the few to enlarge the power of corporations looks downright logical, and economic globalization becomes inevitable.

It's a serious charge, but one that's been leveled repeatedly over the past several years in small fires burning across this country.

In Pennsylvania, local governments are beginning to adopt laws refusing to recognize corporate claims to constitutional rights; groups in several states have sought to stop corporate harms by seeking to revoke corporate charters; activists in Ohio have even traced the history of corporations in their state and described how elected officials have been, and continue to be, complicit in empowering corporations to deny the rights of the majority of people.

And now, over a hundred communities have gone on record as being opposed to a war in Iraq, and close to a dozen have declared that the Patriot Act violates the fundamental rights guaranteed to people under the Bill of Rights and the Constitution's Fourteenth Amendment.

There seems to be a rebellion in the works. One that understands that when federal public officials deliberately crush fundamental liberties, it is the duty of state and municipal governments to nullify those actions.

Nullification, of course, has a complex antebellum history. Everyone knows that it was used by the southern states as the foundation for secession and to defend slavery as an institution.

The theory of nullification, however, was actually conceived by our early patriots -- who saw unbridled federal power as a threat to civil liberties. Thomas Jefferson was one of the first to advocate for nullification when Congress and the Adams' administration passed the Alien and Sedition Acts in 1798. Those Acts prohibited criticism of the federal government and stripped constitutional rights from non-citizens. Jefferson, believing it the duty of citizens to defend constitutional liberties against federal violation of those rights, drafted the Kentucky Resolution, later copied by James Madison into the Virginia Resolution.

Jefferson, you see, believed that municipal and state governments had a duty to reign in a federal government that attacked its own people.

The Kentucky Resolution declared that "whenever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force." Jefferson went on to declare that "when powers are assumed which have not been delegated, a nullification of the act is the rightful remedy." Indeed, it becomes an act required of governments established by the people to protect civil rights.

The Kentucky legislature adopted the law in 1799 as a binding act of nullification. Virginia followed several years later by adopting its own Resolution, which also nullified the enforcement of the Alien and Sedition Acts within its borders.

Non-binding resolutions against the war and against the Patriot Act are ways citizens can express their feelings against federal officials that violate their rights. Unfortunately, those in power pay little attention to such expressions of feelings.

Municipal or state nullification of federal actions, however, are about expressions of will -- a triggering of the rule of law to forcefully strip federal officials of their ability to act on behalf of this nation. It is the ultimate act of patriotism -- and is founded on the traditions of democracy that we inherited from our forebears who fought, bled, and died for this nation to be governed by the many, not the few.

Citizens must drive our thousands of cities, towns, and counties -- big and small -- in every state, against federal officials seeking to use our local democracies in the name of war and the trampling of our cherished liberties. Expressions of feelings will not stop them, but refusal to be accessories will.

We the people live in municipalities. We the people must move beyond expressions of feelings to expressions of will, putting our hands firmly on the coercive force of law, to reign in the armed might of this nation.

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See Also: Thomas Alan Linzey on the Model Ordinance on Corporate Personhood, 4/18/03

<http://www.ratical.org/corporations/nullifyingFA.html>