

The Freedom for Virginians Act

Enforcing States Sovereignty

In the Year of our Lord Two Thousand Twelve

Summary

The Freedom for Virginians Act creates a procedure for nullification of any act by the Congress of the United States, executive order of the President, regulation by any agent, judicial order by the judicatories or treaty entered into by the United States of America which assumes a power not delegated to it by the U.S. Constitution and creates a requirement in statute for all state & local officials whether elected, hired or appointed to prevent the enforcement in Virginia of anything deemed unconstitutional and nullified in Virginia.

The following is the basis for Virginia's authority for this action:

The Tenth Amendment defines the total scope of federal power as being that specifically granted enumerated by the Constitution of the United States and no more; and

The United States Government was created by sovereign states specifically to be an agent of the states for the purpose of administering only the specific enumerated powers and no more; and

The enumerated powers of the United States are defined by ARTICLE 1, SECTION 8 of the United States Constitution. The enumerated powers are:

“The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;--And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

The phrase “general Welfare” in Article 1 section 8 refers to carrying out the enumerated powers listed in that section in a manner as to promote the general Welfare of the United States and does not grant Congress power to legislate in any other case whatsoever even if Congress deems the legislation to be in the general Welfare; and

The phrase “provide for the common Defence” in Article 1 section 8 refers to the limited power Congress has to “lay and collect Taxes” to carry out its responsibility to defend the United States

of America and does not grant Congress power to legislate in all cases whatsoever even if Congress deems the legislation to be for common defence; and

The phrase "To regulate Commerce with foreign Nations, and among the several States" in Article 1 section 8 refers to the power Congress has to regulate commerce between states and does not grant the Congress power to legislate in all cases whatsoever as the result of commerce between individuals or entities who reside or operate in different States nor the power to compel individuals or entities to engage in commerce against their will because the resulting commerce would take place across State lines; and

The phrase "to make all Laws which shall be necessary and proper" refers to the power to make laws for carrying into execution the enumerated powers of Congress and does not grant Congress the power to legislate in all cases whatsoever even if Congress deems the law to be necessary and/or proper.

The phrase "shall be the supreme Law of the Land" in Article 6 refers to the supremacy of laws passed through Constitutional procedures and with respect to authority, duties and responsibilities specifically listed in the Constitution of the United States of America. It does not grant the government of the United States of America its agents or assigns any authority to legislate, make rules, executive orders, regulations, treaties or rule with judgment in all cases whatsoever; nor are laws, rules, executive orders, regulations, treaties or judgments supreme when they do not pertain to an authority, duty or responsibility specifically listed in the Constitution of the United States of America or are specifically prohibited by it.

The Ninth Amendment to the United States Constitution states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and

Thomas Jefferson in the Kentucky Resolution of 1799 stated "That the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."; and

Many federal laws, regulations, executive orders, treaties and judgments are directly in violation of the Ninth and Tenth Amendment to the Constitution of the United States; and

It is anticipated, the Government of the United States will further violate the Constitution of the United States.

Freedom for Virginians Act

A BILL to create procedures for nullification and clarify responsibilities for enforcement.

1. That the Code of Virginia is amended by adding the following section:

§ Nullification and constitutional protection

Any Act by Congress, executive order of the President, judgment or judicial order by the Judiciaries, treaty entered into by the Federal Government of the United States of America or regulation by any agent thereof which assumes a power not delegated to it by the U.S. Constitution shall constitute a breach of that Constitution.

The Commonwealth of Virginia reserves the right to determine whether any law, regulation, executive order, treaty, judgment or judicial order goes beyond the powers vested to the Federal Government of the United States of America by this Commonwealth and the states that entered into a compact defined by the U.S. Constitution.

A. Any law, regulation, treaty, executive order, judgment or judicial order that this Commonwealth deems not constitutional shall be nullified, considered moot and unenforceable within its borders by a simple majority vote of Virginia's legislature, by executive order of its Governor or by declaration of its Attorney General.

B. This Commonwealth and its political subdivisions shall prevent the Federal Government of the United States of America including its agents and assigns from the enforcement of any law, regulation, treaty, executive order, judgment or judicial order that has been nullified by the Commonwealth of Virginia.

C. Actions that shall be taken include but are not limited to preventing the seizure of assets and property, collection of taxes or fines, imprisonment or the refusal to recognize rights and privileges of the Commonwealth of Virginia its agents, assigns, or citizens the Federal Government of the United States of America or its agents and assigns for actions that would violate any nullified law, regulation, treaty, executive order, judgment or judicial order.

D. If any elected or appointed official, employee, agent or assign of this Commonwealth or its political subdivisions refuses to prevent the enforcement of any nullified law, regulation, treaty, executive order, judgment or judicial order by taking action commensurate with the official powers and duties of their position, they shall be fined under this title or imprisoned not more than ten years, or both and are barred from holding any office, position or employment of this Commonwealth or its political subdivisions indefinitely.