

SENATE BILL 2159

By Summerville

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 49, to enact the “State Interposition of Federal Education Encroachment Act”.

WHEREAS, our State has the sworn duty and process to interpose to prevent usurpation or encroachment upon our Sovereign State by Federal Government education programs, policies, law, executive orders or other restrictions in violation of State Rights in Intrastate Commerce, Culture, Federalism, Education of our citizens and our Citizen’s Constitutional Rights; and

WHEREAS, State Rights and Powers are Sovereign, a unique culture, heritage, and history with liberties requiring neither permission or approval by the Federal Government, while Federal Government Powers are enumerated, limited, and defined by the United States Constitution and subsequent Federal Law of the Land; and

WHEREAS, James Madison, in his Virginia Resolution of 1798, asserted that State governments not only have the right to resist unconstitutional Federal acts, but that in order to protect liberty, they are “duty bound to interpose” or stand between the Federal government and the people of their state; and

WHEREAS, the Supreme Court of the United States confirmed State Interposition Rights in great detail, setting new precedent in *National Federation of Business v. Sebelius*, 132 S. Ct. 2566; 183 L. Ed. 2d 450 (2012) (Roberts, C.J., Majority Opinion); and

WHEREAS, the Federal Government has enumerated powers under contract terms with states in the form of the United States Constitution; and

WHEREAS, Education of citizens is not an enumerated power; and

WHEREAS, Federal Education has proven not to be in the general welfare or common good of citizens of this State, which is determined solely by the State Legislature elected for and by the people of this State, and under the United States Constitution, the 10th Amendment specifically; and

WHEREAS, State citizens have experienced drastic erosion in education quality with ever increasing federal involvement since the 1950s when the United States ranked in the top 5 in education of citizens. The United States currently ranks, at best, at 47th among civilized nations, which is more than adequate reason for States to regain control and restore our citizens to top 5 status; and

WHEREAS, “Common core”, by lowering standards further, is an encroachment of 10th Amendment rights, regardless of program merits as determined by federal government. Thus, enactment of a law prohibiting interference with State Interposition must be enacted; and

WHEREAS, *Printz v. United States*, 521 U.S. 898 (1997), documented the “dual sovereignty” established by the United States Constitution that federalism is built upon. Justice Scalia’s majority opinion clearly states that the Framers designed the Constitution to allow Federal regulation of international and interstate matters, not internal matters reserved to the State Legislatures. All such efforts are unconstitutional, regardless of Federal attempts to circumvent; and

WHEREAS, State duty and rights to educate citizens are no longer subject to federal wishes, laws, orders or other restrictions on the number or type of education programs, the quantity or quality or content, or other limitations that impede or restrict the rights of States to educate citizens; and

WHEREAS, Federal treaties executed with foreign nations have no bearing or effect on State duty and rights to educate citizens whether ratified by the United States Senate or not. Any efforts to enforce such illegal acts, regardless of enforcement origins, will be resisted and repelled in perpetuity by State Interposition; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 1, Part 1, is amended by adding the following language as a new section:

4-1-110.

(a) This section shall be known and may be cited as the “State Interposition of Federal Education Encroachment Act”.

(b) It is the intent of the general assembly to codify the sworn duty and process of this state to interpose to prevent usurpation or encroachment upon this sovereign state by federal education programs, policies, law, executive orders or other restrictions, declaring such measures void ab initio and in violation of documented state rights to educate the state’s citizens.

(c) A state education interposition act enacted to prevent usurpation or encroachment upon this sovereign state by federal education programs, policies, law, executive orders or other restrictions shall contain all legal encroachment issues, orderly specified, with any legal precedent or judicial position, for the purpose of making public the state grievances, positions, authorities and actions. Any state education interposition act so enacted to protect against encroachment is required to interpose using an orderly process.

(d) Pursuant to subsection (c), encroachment issues resulting from the specific encroachment of federal education programs, policies, law, executive orders or other restrictions include, but are not limited to, the following orderly specified issues:

(1) Usurpation of the state’s duty and rights to educate its citizens; and

(2) Common core state standards.

(e) A person who knowingly interferes with the state interposition of federal education programs, policies, law, executive orders or other restrictions pursuant to the a state education interposition act commits a Class E felony. Additionally, such person

may also be found civilly liable for the restitution of all damages caused to the state or its citizens.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2014, the public welfare requiring it.