

STATE INTERPOSITION OF FEDERAL EDUCATION ENCROACHMENT ACT

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Senate Bill _____ and/or House Bill _____.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF
THE STATE OF _____,

An Act to codify interposition required against federal encroachments of state rights to educate citizens under authority of state law titled:

STATE INTERPOSITION ACT

Which codifies in perpetuity ***“Defend state prerogatives by adopting “the simple expedient of not yielding” to federal blandishments whenever we do not want to embrace the federal policies, as States are separate and independent sovereigns. Sometimes States have to act like it.”***—Chief Justice John Roberts, Supreme Court of the United States, 2012.

Section 1. SUMMARY

This Act codifies the sworn duty and process of our State to interpose to prevent usurpation or encroachment upon our sovereign state by federal government education programs, policies, law, Executive order or other restrictions in violation of state rights in intrastate commerce, culture, federalism, education of our citizens and our citizen’s constitutional rights.

Section 2. LEGAL FOUNDATION

a. 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 U.S. Constitution and subsequent federal law of the land.

b. James Madison, in his Virginia Resolution of 1798, asserted 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.

c. The Supreme Court of the United States confirmed state interposition rights in great detail, setting new precedent in *National Federation of Business et al v. Sebelius, 2011*.

Chief Justice John Roberts’ majority opinion...

See state law titled...STATE INTERPOSITION ACT.

Section 3. VIOLATIONS, USURPATION, ENCROACHMENTS BY THE FEDERAL GOVERNMENT UPON STATE DUTY AND RIGHTS TO EDUCATE CITIZENS.

a. Federal Government has enumerated powers under contract terms with States in the form of the U.S. Constitution.

b. Education of citizens is not an enumerated power.

c. Education is not 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 under the U.S. Constitution and the 10th Amendment specifically.

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

e. “Common Core” is an encroachment of 10th Amendment

rights, regardless of program merits as determined by federal government, thus state interposition is hereby enacted.

f. *Printz v. United States*, 521 U.S. 898 (1997) Supreme Court majority opinion by Justice Scalia documented the “dual sovereignty” established by the U.S. Constitution that federalism is built upon. His 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.

g. 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.

h. Federal treaties executed with foreign nations have no bearing or effect on state duty and rights to educate citizens whether ratified by the Senate or not. Any efforts to enforce such illegal acts, regardless of enforcement origins, will be resisted and repelled in perpetuity by state interposition upon authorization of this act.

Section 4. CIVIL AND CRIMINAL PENALTIES

Any person(s) who conspire or act to interfere with interposition or undermine interposition in this cause whether detailed in this Act or not, will be prosecuted by the State to recover all compensatory damages and treble that amount in punitive damages in civil courts, in addition to any and all criminal actions, which are punishable as a felony, with a minimum sentence of no less than 12 months and maximum of 36 months in a state penitentiary.

Section 5. SEVERABILITY

If any provision of this Act or the application thereof to any person, entity or circumstance is held invalid, the remainder of

the Act and the application of such provision to other persons, entities or circumstances shall not be affected thereby.

Section 6. CONCLUSION OF LAW

For all the aforementioned reasons stated herein, this act shall take effect upon becoming a law, the public welfare requiring it.