



Lesson 1: State Sovereignty, Federalism, and the Right to Refuse Unconstitutional Federal Acts

https://media.blubrry.com/jbs_freedom_is_the_cure/jbs.org/assets/podcast/masa/JBS-MASA-01.mp3

Podcast: [Play in new window](#) | [Download](#)

Understanding State Sovereignty and Federalism

In the United States, the balance of power between the federal government and the states is governed by the principles of federalism and state sovereignty. Federalism is the system in which power is divided between a central government and individual states, while state sovereignty refers to the idea that states have independent authority and control over their own affairs. A key aspect of this relationship is the authority of the states to resist or refuse to enforce federal laws that they believe overstep constitutional boundaries.

States' Commitment to Constitutional Principles

Upon forming the Union, states made a strong commitment to uphold and protect both the U.S. Constitution and the various state constitutions against any threats, whether foreign or domestic. This means that while the states support the federal government, they do so only when the government's actions are in line with the Constitution. The Constitution is the supreme law of the land, and any actions taken by the federal government must adhere to it.

The Duty to Resist Constitutional Violations

The states believed they had a duty to watch for and resist any violations of the principles that are foundational to the Union. This duty is essential for ensuring the survival of the Union and the well-being of its people. The many state assemblies clearly stated that the federal government's powers came from an agreement made between the states when they ratified the Constitution. These powers are limited to what is explicitly stated in the Constitution, and the federal government cannot extend its authority beyond these limits.

State Authority to Nullify Unconstitutional Actions

If the federal government deliberately oversteps its authority in a way that is obvious and dangerous, the states have both the right and the responsibility to step in and stop the misuse of power. This concept is known as nullification, where a state can declare a federal action null and void within its borders if that action is deemed unconstitutional. This principle protects the states' authority, rights, and freedoms.

Virginia's Response to the Alien and Sedition Acts

One historical example of this principle in action is Virginia's response to the Alien and Sedition Acts passed by Congress. Virginia believed these laws were unconstitutional because they exceeded the powers granted to the federal government by the Constitution. Despite pressure from other states, Virginia's representatives felt it was their duty to speak out against these laws rather than silently accept them. They argued that staying silent on such a significant matter would be irresponsible and harmful to citizens' rights.

The Importance of Upholding the Constitution

State assemblies strongly affirmed their attachment to the Union and the Constitution as originally intended. They warned, however, if the federal government is allowed to overstep its limits, it could lead to the destruction of state governments and the creation of a centralized government, which would ultimately result in tyranny. This situation occurs when the federal government alone decides the extent of its powers, acting based on its discretion rather than the Constitution.

The John Birch Society

Author: [Sam Mittelsteadt](#)

Date: October 8, 2024



State Protests and Commitment to Constitutional Governance

To prevent any misunderstanding, states made it clear that they will never stop opposing attempts to violate the Constitution. The assemblies' formal protests against the Alien and Sedition Acts were a declaration of their commitment to constitutional principles and the rights of the states. This protest ensures that these laws will not be used as precedents for future violations of the Constitution.

Conclusion: The Role of States in Safeguarding Liberty

This lesson highlights the important role states play in safeguarding liberty and maintaining the balance of power within the federal system. The principles of state sovereignty and federalism allow states to act as a check on federal authority, ensuring that the federal government remains within its constitutional limits. By understanding these principles, we can better appreciate the unique structure of American government and the protections it provides for individual rights and freedoms.