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H.J.res. 62. Amending the Constitution to end states rights?

May 17, 2011 by [ppjg](#)



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[H. J. Res. 62](#), Proposing an amendment to the Constitution of the United States to give States the right to repeal Federal laws and regulations when ratified by the Legislatures of two thirds of the several States

Sounds like a great deal..right? Wrong! The states already have the right to repeal Federal laws and regulations. It is called nullification under the 10th Amendment.

Or, states can refuse to contract with the Federal government or any of its privately owned corporate agencies thereby refusing the contract and any of its provisions (regulations or laws).

Secondary to this action, is the refusal to accept any federal funding offered to implement what is usually a series of laws or regulations, (these being written by unelected bureaucrats, lobbyists and other interested stakeholders), meant to deprive you of your rights, intrude on your privacy, interfere with your right to engage in business and otherwise reduce and abrogate your constitutionally protected freedoms.

Article 5

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the [first](#) and [fourth](#) Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be [deprived](#) of its equal Suffrage in the Senate.

Any amendments to the Constitution must be ratified by the legislatures of three-fourths of the states. Congress, neither House nor Senate, has the authority to alter or amend anything in the Constitution in and of their respective bodies.

So what are they after?

With numerous states voting to opt out of Obamacare, along with the huge number of states that refused to implement any provisions of REAL ID, and now the growing movement to squash the fake food safety bill which had nothing to do with food safety and everything to do with seizing control of the food production and supply and to force that supply into export, the Re-thug-licrats are looking for ways to nullify...nullification.

This resolution is intended to make it virtually impossible to reject non-positive code & title, such as Code 7 Agriculture. Agriculture is not in the enumerated powers of the Federal government. Title 7 exists only on paper and is not codified into public law as it is not within the Federal government's power. It is not enforceable on the federal level.

If the Re-thug-licrats have their way, this proposed amendment would take away the right of individual states, in and of themselves, to determine that a federal law or regulation would be so detrimental, such an abrogation of Constitutional provisions and rights, that they will not comply with it. That would mean that according to the Article 5 amended, it would take three-fourths of the states to repeal, refuse or reject any federal intrusion into the individual states business. We would lose our independent states right, to nullify harmful and unlawful federal laws and regulations. We could, by sheer force of numbers, be forced to comply with federal laws as the chances of three-fourths of the states agreeing to nullify would be slim to none. Which is just the way the Re-thug-licrats want it.

Wanting to make sure I had not misinterpreted [H.J. res. 62](#), and its underlying traps and trickery, I allowed this little piece to be previewed by a person who is considered quite an authority on these issues. My source chooses to remain anonymous, which of course, I agreed to. After all, if Lame Street Media can cite anonymous sources, so can I.

Here are the observations of my anonymous source:

- 1. Nullification is different from repeal. In other words, at present, each state can refuse to comply (nullify), but they cannot repeal the law. In that sense, this proposal seems like a step forward.**
- 2. Based on the wording, a constitutional convention would be called to propose the amendment, and that would be a huge step backward. In fact, the appeal of possibly giving the states the power to repeal federal laws could be bait to lure states-rights people into accepting a constitutional convention, thinking they are going to get what they want, only to discover the proceedings have been rigged so that they lose what little they now have. In a constitutional convention, the 10th Amendment could be repealed or, itself, amended.**

Note:**Governors of 35 states have filed suit against the Federal government for imposing unlawful, unconstitutional mandates upon them and abrogation of states and individual rights. It only takes 38 states to convene a Constitutional Convention.

While many argue over 10th amendment rights of individual states to nullify, the fact is that any law (or regulation or US code or Federal codes, or whatever other "code" they come up with) which is contrary, arbitrary or in conflict with the

enumerated powers of the Constitution, is null and void on its face, as if it had never been. All powers not enumerated for the Federal government are reserved to the states and the people respectively. And nothing in the Constitution says anything about the US citizenry being subjected to the secret and undecipherable codes of corporations known as US Code & Title, Federal code of regulations or any other contract laws and or legalese..

While many others maintain that the Supreme Court has final authority in these matters, this is true only if they act within the confines of the Constitution. Their job is only to compare the law to the Constitution and determine if the law meets Constitutional provisions. They have no other power or authority. Any decision rendered by SCOTUS, as many have been recently, which defy the Constitution, are an obvious abrogation and violation of rights and liberties and are therefore null and void. Having done so, SCOTUS has violated its own prescribed authority on numerous occasions, and has, in my opinion, rendered itself useless and without validation. This court has become such a threat to the individual liberties and rights of the individual citizen, that it should be disbanded.

Many people contend the only way for a state to reject federal demands is to sue the fed, and bring it to the Supreme Court. This is a fallacy. The fact that every state has its own legislature and law making body, is a clear indicator that the state has the right of self determination. Now, of course, with that statement there will be those who will jump to an extreme and envision all kinds of ludicrous scenarios in their attempts to determine that this isn't so.

H.R. Res. 62 is not meant to protect the states rights. It is a piece of trickery. The resolution implies that we do not now have the right as independent states to reject federal encroachment. The key phrase is "when ratified by". If this resolution was actually implemented as an amendment to the constitution, no state could sue the federal government over laws such as Obamacare, or refuse independently to submit to federal encroachment.

We have the tools and the means now to defend ourselves from federal laws and mandates that abridge our rights, interfere with states rights, and that attack our freedom under various schemes meant to deceive us while forcing us into subjective compliance with a growing police state.

What we are lacking is elected officials who actually do honor and uphold the constitution. If we are going to amend the Constitution, let's put something to this effect into force:

Citizens Amendment:

"Any politician, political appointee, bureaucrat, czar, black-robed god, or other stakeholder in the corporation known as The United States a.k.a., The United States of America, who with malice and forethought, who with the intent to profit at the expense of the people, who openly or deceptively operates as an foreign lobbyist for foreign interests, who contracts against the freedom and independence of "we the people", who acts or votes to abrogate the rights of "we the people", will be immediately seized, jailed and held for high crimes against the people of the fifty (50) independent yet, united, states.

Oh! Wait! That's all in the Constitution as well, isn't it? See! We have the tools we need. We just need to get to work.

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18 Responses

1. on [May 19, 2011 at 17:45](#) [H.J.res. 62. Amending the Constitution to end states rights?](#) | [infowars blog](#)

[...] Oakley The PPJ Gazette May 19, [...]

2. on [May 19, 2011 at 17:28](#)  [hybridrogue1](#)

Hi again Gary,

This is a very interesting and thoughtful article you sent me too. Much to consider.

I see you agree that this old saw, “the pen is mightier than the sword,” can be rationally amended to the concept that the Pen and the Sword are necessarily allies in the quest for Liberty.

ww

3. on [May 19, 2011 at 17:13](#)  [hybridrogue1](#)

Thanks for that lead Gary Hunt.

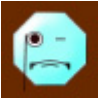
Also, I do appreciate the technical information of the current article here.

At some point however we must admit the obvious.

ww

4. on [May 19, 2011 at 16:46](#)  [H.J.res. 62. Amending the Constitution to end states rights? « CRISISBOOM](#)


[...] H.J.res. 62. Amending the Constitution to end states rights? May 19, 2011 crisisboom Leave a comment Go to comments ppjg.wordpress.com [...]

5. on [May 19, 2011 at 13:47](#)  [Gary Hunt](#)

hybridrogue1,

You might be interested in an article that is more consistent with your quote:

<http://www.outpost-of-freedom.com/blog/?p=365>

6. on [May 19, 2011 at 13:44](#)  [Gary Hunt](#)

Son of Liberty,


Just a couple of links that might enlighten you on the deceptive practice of government, regarding “income tax”.

<http://www.outpost-of-freedom.com/blog/?p=117>


is about a supreme Court decision that explains their avoidance of dealing with the Constitutionality of matters before them.

<http://www.outpost-of-freedom.com/blog/?p=129>

is about the Fourth Branch of Government, in the very words of Congress, which is the means by which “income tax” is “legitimized”.

7. on [May 19, 2011 at 13:41](#)  [hybridrogue1](#)

Excuse me, that is Pompey. ww

8. on [May 19, 2011 at 13:38](#)  [hybridrogue1](#)

“Why do you keep quoting the law? We have swords.”


~Pompei, Roman Proconsul

After a hundred years of unconstitutional governance...banter over that instrument is moot.

This has been a Corporatist Public Relations regime for a century.

At a certain point it may be reasonable to face reality.

ww

9. on [May 19, 2011 at 12:33](#)  [WillieG51](#)

Before we argue, ask yourself this question.. In the past few decades how many laws passed, truly benefited the average American citizen? Then ask yourself why now, especially when so many states are seeking nullification. The answer then should be obvious. .The federal government knows it cannot win with things as they are, so they much “change the rules” before things get out of their control. It is up to us to keep the knowledge flowing so others can make educated choices, and keep the heat on their senators and representatives.



New Ideas of Liberty

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article;

AND that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

The 17th Amendment deprived some States of their suffrage in the Senate.

We would do well to repeal the 17th Amendment! According to the 10th Amendment , the States are distinct from the People.

This Article is talking about the State Governments, NOT the people of a State.

Florida, Georgia, Alabama, South Carolina and Virginia did not ratify that amendment and were deprived of their equal suffrage in the Senate, thereby profoundly effecting the integrity of every Amendment to the Constitution!

Also, the unseating of the Senators of Southern States for their refusal to ratify Amendment 14 constituted “exactly” that prohibition,

“AND that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.”

The argument that the Senate shall be the sole judge of the qualifications of its members, used to justify their expulsion, flies directly in the face of Article V. The North nitpicked a small section of the powers of each House to justify the complete overthrow of the Constitution of the United States. They did not realize that it invalidated every Amendment to the Constitution, or they did not care. People always say, Congress intended... Congress intended to enslave every Southerner born for the eternity available to the Federal Government, even though they are duty bound to cease and desist with the Civil War Amendments once the offending generation dies of. “No Corruption of Blood” which I would interpret as the powers of self government being part of the property, the bequeathment of the Southerners to their children. Our liberty and rights are our property as well as our slaves and our investments in Confederate War Bonds. The Congress certainly intended nothing good for any Southerner ever born again. The same can be said when attempting to balance the assertion that attainders of treason are legal with other lines in the Constitution that declare that no attainders of any sort are legal. Please notice that when the Constitution proclaims with great bombast that it is Supreme over State Laws and Constitutions, it has no jurisdiction over State laws and Constitutions.

I also would like to show you a few other things in the Constitution that I am sure you will find to be very interesting.

Article 1. Section 9.3} No bill of attainder or ex post facto law shall be passed.

The 14th Amendment fails these basic tests of Constitutionality. That amendment is a bill of attainder and it was passed ex post facto. Article 1. Section 9.3 is probably the reason that the Antebellum South so confidently seceded. Seceded or not, the North was and still is bound by that limitation of power. The North had no power over slavery in 1861, and it still had no legal power over slavery in 1865. The history of the 14th amendment has been well documented, and it truly is a testimony to the failure of Constitutional government.

Article 3. Section 3.2} The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.

Article 1. Section 9.3} declared that Congress may not pass Bills of Attainder or ex post facto laws. Now we see an exception or a mistake. The Constitution contradicts itself here. Attainders of treason are permitted with some very serious restrictions on them to protect the descendants of the traitors. That is us, by the way. The primary problem is the 14th Amendment.

The value of the slaves and Southern war bonds concern us here. That value is the forfeiture that is Constitutionally bound to be returned to the Southern people, as we shall not suffer Corruption of Blood or lose our property EXCEPT during the lifetimes of the Confederate Politicians and Soldiers. They are now all dead. Also, the theory known as the Incorporation Doctrine is defunct. The application of the 14th Amendment to the States and the people is illegal. The traitors are dead!

The application of the Incorporation Doctrine is Corruption of Blood and is Unconstitutional. We, the Southerners living now, are not and have never been Traitors to the United States. We are thereby under the jurisdiction of the original Constitution. Corruption of Blood is being allowed to function as the Supreme Law of the Land rather than the Constitution of the United States. This cannot continue.

http://en.wikipedia.org/wiki/Ex_post_facto

http://en.wikipedia.org/wiki/Bills_of_attainder

http://en.wikipedia.org/wiki/Corruption_of_blood#Corruption_of_Blood

http://www.pacinelaw.org/pdf/14th_R2.pdf

<http://www.civil-liberties.com/cases/14con.html>

I propose that any one of the Southern States expelled from Congress to force their ratification of the 14th Amendment, simply repeal their states ratification of the 14th Amendment. That alone would tie EVERYTHING up in the Federal courts for the next 20 years. Liberty would blossom again.

Further, in black and white, Amendments are NOT Unconditional. They are a delegated power to the Federal Government, and are vested as a privilege. Notice the Articles of Confederation had no such delegation. It has been abused time and again by the Federal Government, going so far as to destroy the entire social system of the creators of the Federal Constitution. Necessary and "Proper" indeed!!!

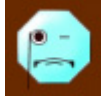
I would like to propose what we shall call, The Doctrine of the Perpetual Negative. When the Constitution says that no power shall be exercised by the general government, that negative cannot be repealed or overridden in any way Legislative, Executive or Judicial under this Constitution except through the next Constitutional Convention. The reason is that when the Constitution says, for example, that there may be NO direct taxes, the the proposal to override it, to repeal it, violates the prohibition. The proposal, though it later be an Amendment, is itself at all times Unconstitutional, thus illegal, and null and void! Negatives may not be repealed. I submit that the 10th Amendment supports this view as well and would love to see it debated



Marti, do you ever wonder if the some of the people who post these comments are actually plants? I don't have as much knowledge as I should about the law but even I can see this thing is written to be "interpreted at a later date"...like after we get it passed and then we'll hear that pelosi woman telling us again....

you will have to pass it to see whats in it.

this thing looks like a big trap to me. You are right in that what is missing is specificity. It ain't so much what it says but what is not said. the stubman



12. on [May 18, 2011 at 23:15](#) [Gary Hunt](#)

I must be missing something, here. This seems to be quite specific, and, I see no ambiguity in it. It says, directly, that it applies to "any provision of law or regulations of the United States. That defines the statutes and Administrative Agency regulations. It does not address the Constitution. The Constitution, however, differentiates (Article VI, cl. 2) between "Constitution and Laws of the United States".

Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed.

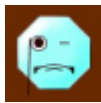
I've said my piece, and I appreciate the opportunity to have done so. I leave the floor to you.



13. on [May 18, 2011 at 23:01](#) [ppjg](#)

You are assuming that at contest, SCOTUS would uphold the rights of the states. Since the amendment does not contain ANY language prohibiting it from extending to other provisions of the Constitution, we need to be concerned about this.

Because the language is non-specific and intentionally so.....what we think would be the meaning of the amendment and how it would be interpreted and construed to suit those who would see it as opportunity is too obvious.



14. on [May 18, 2011 at 22:44](#) [Gary Hunt](#)

Perhaps it would result, as you suggest, in an effective means of nullification of the Tenth Amendment. However, other amendments which had the effect of nullification of a provision of the Constitution, or of an Amendment to the Constitution, stated, specifically, that they were nullifying, or revising, the previous law.

The proposed amendment does not say that any rights are removed from the states, only that what they have is now supplemented by the veto power. It has no wording that would detract from anything existing, even by implication, since the two (nullification and repeal) are completely different. On is refusal, the other is wiping the words from the books.

The two-thirds required is the same majority required for a Presidential Veto override. The three-quarters in an Article V mandate.

The difference between nullification and repeal (which amounts to veto power over the Congress and the President), is the one has to be effected by each state, and may subject them to substantial losses of revenue (tied to that which they do not want), while the other undoes any act not supported by two-thirds of the states.

In 1997, there were 27 states that had enacted sovereignty resolutions. Some of those same states, 14 years later, are adopting nearly identical resolutions. So, how did that first round work?

Arizona SB 1070 is challenged by the federal government, at great expense to the state (which ain't wealthy). Vetoing

the regulations the government uses to sue the state, or otherwise obstruct them, would put an end to the BS. The ratifying conventions of the states addressed a concern that there was a lack of veto power by the states over the Congress. This proposed amendment is very much what appears to have been in the minds of those states, in 1787-1788.



15. on [May 18, 2011 at 22:26](#) [ppjg](#)

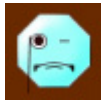
i think you are missing the point. the underlying intention is to render the right of the states individually, as independent entities to invoke the 10th Amendmentand refuse through nullification unconstitutional "laws" regulations, codes and statutes.

As independent states, we have the right under the 10th Amendment to reject, nullify and prohibit forced compliance to federal mandates.

It sounds almost innocuous on the surface, but the intent is to make it virtually impossible for any state in and of themselves, to reject through nullification.

Should this pass....your entire state could be opposed to some "law" passed by the congress....but would stand little chance of garnering the support of 37 other states to oppose and repeal it.

As long as we maintain our right to nullify....repeal seems somewhat redundant. M



16. on [May 18, 2011 at 15:54](#) [Gary Hunt](#)

from: <http://thomas.loc.gov/cgi-bin/query/z?c112:H.J.+Res.+62>:

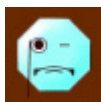
JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to give States the right to repeal Federal laws and regulations when ratified by the Legislatures of two thirds of the several States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

`Article-

`Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed.`



17. on [May 18, 2011 at 15:15](#) [Gary Hunt](#)

From the anonymous source:

” 2. Based on the wording, a constitutional convention would be called to propose the amendment, and that would be a huge step backward. In fact, the appeal of possibly giving the states the power to repeal federal laws could be bait to lure states-rights people into accepting a constitutional convention, thinking they are going to get what they want, only to discover the proceedings have been rigged so that they lose what little they now have. In a constitutional

convention, the 10th Amendment could be repealed or, itself, amended.”

There are two means by which an amendment may be submitted to the states. The Fifth Article reads, in part: “The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments”

All amendments, this far, have been submitted to the states directly from the Congress (the first part, before the “or”. The second provision has yet to be used, but, could be equated to the Constitutional Convention in Philadelphia, in 1787.

With the ratification of the Seventeenth Amendment (Senate no longer selected by the state legislature), the states lost their collective ability to oppose laws such as we see.

It would seem that such an amendment, which wording I do not find in the article, would be a step in the right direction, though repeal of the 17th Amendment would be more effective, especially, today.

18. [on May 18, 2011 at 09:42 H.J.res. 62. Amending the Constitution to end states rights? \(via The PPJ Gazette\) | My Blog](#)

[...] H.J.res. 62. Amending the Constitution to end states rights? (via The PPJ Gazette) Posted on May 18, 2011 by loopyloo305 Marti Oakley (c)copyright 2011 All Rights reserved

H. J. Res. 62, Proposing an amendment to the Constitution of the United States to give States the right to repeal Federal laws and regulations when ratified by the Legislatures of two thirds of the several States _____ Sounds like a great deal..right? Wrong! The states already have the right to repeal Federal laws and regulations. ... Read More [...]

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