

Resist DC: A Step-by-Step Plan for Freedom

Special Report

By State Rep. Matthew Shea (WA-4th)

Parts 1 & 2

Part 1, Resist DC: A Step-by-Step Plan for Freedom

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This summer, legislators from several states met to discuss the steps needed to restore our Constitutional Republic. The federal government has ignored the many state sovereignty resolutions from 2009 notifying it to cease and desist its current and continued overreach. The group decided it was time to actively counter the tyranny emanating from Washington D.C.

From those discussions it became clear three things needed to happen.

1. **State Legislatures** need to pass 10 key pieces of legislation “with teeth” to put the federal government back in its place.
2. **The people** must pass the legislation through the Initiative process if any piece of the legislative agenda fails.
3. **County Sheriffs** must reaffirm and uphold their oaths to protect and defend the Constitution of the United States.

With the advent of the Tea Party Movement, many people have been asking how exactly we can make the above reality. What follows is **Part I** of the outline of that plan regarding state legislation, the action steps any concerned citizen can take to see this legislation to fruition, and the brief history and justifications behind each.

Step 1: Reclaim State Sovereignty through Key Nullification Legislation

Our Constitutional Republic is founded on a system of checks and balances known as the “separation of powers.” Rarely, however, are the states considered part of this essential principle.

Enter the “doctrine of nullification.”

Nullification is based on the simple principle that the federal government cannot be the final arbiter of the extent and boundaries of its own power. This includes all branches of the federal government. In the law this is known as a “conflict of interest.”

Additionally, since the states created the federal government the federal government was an agent of the states; not the other way around. Thus, Thomas Jefferson believed that, by extension, the states had a natural right to nullify (render as of no effect) any laws they believed were unconstitutional.

In the Kentucky Resolutions of 1798 he wrote, *“co-States, recurring to their natural right...will concur in declaring these acts void, and of no force, and will each take measures of its own for providing that neither these acts, nor any others of the General Government not plainly and intentionally authorized by the Constitution, shalt be exercised within their respective territories.”* ¹

Alexander Hamilton echoed this sentiment in Federalist #85 “We may safely rely on the disposition of the state legislatures to erect barriers against the encroachments of the national authority.” ²

It is clear then that State Legislatures can stop the unconstitutional overreach of the Obama administration through nullification. Here is a list of proposed nullification legislation to introduce in all 50 States.

1. Nullification of Socialized Health Care
2. Nullification of National Cap and Trade
3. Federal Enumerated Powers Requirement (Blanket Nullification)
4. Establishment of a Federal Tax Escrow Account

If imposed, socialized health care and cap and trade will crush our economy. These programs are both unconstitutional, creating government powers beyond those enumerated by the Constitution. If those programs are nullified, it will give the individual states a fighting chance to detach from a federal budget in freefall and save the economies of the individual states.

Next, blanket nullification.

The Federal Government, particularly the House of Representatives, needs to abide by its own rules. In particular, House Rule XIII 3(d) specifically states that:

“Each report of a committee on a public bill or public joint resolution shall contain the following: (1) A statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or resolution.” **3**

Needless to say, this rule is generally ignored. The idea behind blanket nullification is that if the Congress does not specify the enumerated power it is using according to its own rules, or the power specified is not one of the enumerated powers granted to Congress in the United States Constitution, then the “law” is automatically null and void.

Lastly, the federal government cannot survive without money. I know that seems obvious but many states are missing the opportunity to use money as an incentive for the federal government to return to its proper role. Most visibly, states help collect the federal portion of the gasoline tax. That money should be put into an escrow account at the state level and held there. The Escrow Account legislation includes a provision that all consumer, excise, and income taxes payable to the federal government would go through this account first. This would do two things. First, it would give states the ability to collect interest on that money to help offset revenue shortfalls. Second, it would allow states to hold that money as long as needed as an incentive for the federal government to return within the enumerated boundaries of its power.

Step 2: Erect an impenetrable wall around the County Sheriff and the 2nd Amendment.

As recently stated in the famous Heller opinion by the United States Supreme Court, the right to bear arms “is an individual right protecting against both public and private violence” and “when the able-bodied men of a nation are trained in arms and organized they are better able to resist tyranny.” **4**

Thus, it is clear that the 2nd Amendment not only protects the right to self-defense but that right extends to defending oneself against tyranny. As with any historical attempt to establish a dictatorship weapons must be seized or severely regulated. **5**

Here is a list of legislation to prevent this from happening, some of which has already been introduced

in states around the country:

- Sheriff First
- Extension of the Castle Doctrine (right to protection)
- Prohibition of Gun and Ammunition Tracking [see above]
- Firearms Freedom Act

The county Sheriff is the senior law enforcement officer both in terms of rank and legal authority in a county. This comes from a tradition of over 1000 years of Anglo-Saxon common law. Anglo-Saxon communities were typically organized into “shires” consisting of approximately 1000 people. **6**

The chief law enforcement officer of the shire was the “reeve” or “reef.” Hence, the modern combination of the two words, as we know them today, “shire reef” or “Sheriff.” **7**

Consequently, the Sheriff’s pre-eminent legal authority is well established. This was confirmed in *Printz v. United States*. **8** Justice Scalia quotes James Madison who wrote in *Federalist 39*:

“In the latter, the local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority, than the general authority is subject to them, within its own sphere.” **9**

Sheriff 1st legislation would formally declare that all federal agents and officers must give notice of, and seek permission before, any arrest, search, or seizure occurs. Thus, federal agents and officers seeking to enforce unconstitutional laws must go through the county Sheriff first.

Extending the castle doctrine to one’s person would go a long way toward eliminating the arbitrary “no carry” areas. Like Virginia Tech, it is these areas where guns for self-defense are most needed.

Many gun and ammunition tracking schemes have been, and are still being, attempted. The intended purpose of “reducing gun related” crime is never realized. Instead, law-abiding citizens are punished with regulatory burdens and fees. **Quite simply we need transparency in government not in the people.**

Montana started the firearms freedom act to rein in the federal government’s use of the Commerce Clause to regulate everything within the stream of commerce.

The original intent of the Commerce Clause was to regulate commerce between states not within states as Professor Rob Natelson points out in his 2007 Montana Law Review article.¹⁰

The Montana FFA simply returns to that original understanding regarding firearms made, sold, and kept within a state's borders.

This list is by no means exhaustive. However, it does contain some immediate steps that can be taken toward freedom and restoring our God honoring Constitutional Republic. Hitler's laws of January 30 and February 14, 1934, should serve as a stark reminder of what happens when state sovereignty is abolished.

Matthew Shea [send him email] is a State Representative in Washington's 4th District. He's the author of HJM4009 for State Sovereignty. Visit his website at www.housepublicans.wa.gov/she.

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NOTES:

- 1 Kentucky Resolution of 1798, Thomas Jefferson, Adopted by Kentucky Legislature on November 10, 1798.
- 2 Federalist No. 85, Publius (Alexander Hamilton), August 13 and 16, 1788.
- 3 Rules of the House XIII 3(d), "Content of Reports," Page 623, 110th Congress.
- 4 District of Columbia v. Heller, 554 U.S. ____ (Actual Pages 11, 13) (2008)
- 5 Id at (Actual Page 11).
- 6 <http://www.thenewamerican.com/index.php/history/ancient/1859-teutoburg-forest-the-battle-that-saved-the-west>
- 7 <http://www.etymonline.com/index.php?search=sheff&searchmode=none>
- 8 Printz v. United States, 521 U.S. 898 (1997)
- 9 Federalist No. 39, Publius (James Madison), January 16, 1788
- 10 Tempering the Commerce Power, 68 Mont. L. Rev. 95 (2007).

Part 2, Resist DC: A Step-by-Step Plan for Freedom

By State Rep. Matthew Shea (WA-4th)

I, like many people, believe that the Constitution is not a living document. The corollary to this principle is that if it is not living then it cannot die. However, the question of whether the Constitution is followed and enforced depends on you and me. We introduced the legislation outlined in Part I of the plan and predictably many Obama defenders in our state House began calling us racist and secessionist. In fact, the quote from our Speaker Pro Tem Jeff Morris (D – Mount Vernon) was "We want to lead the state out of recession. They want to lead the state out of the country." Obviously, this is absurd. The intent of the state sovereignty Bills are to erect barriers against an ever-encroaching federal bureaucracy, while keeping the nation unified. That said, Washington D. C. is on a course that will destroy our Constitutional Republic. Nationalized Health Care and a national Cap and Trade program will not lead us out of a recession but rather will further crush our economy. If the federal government would get out of the way, we would be free as individual states to fix our own problems as the founders intended. [i]

To that end, recently some Attorneys General across the country are questioning the constitutionality of Nationalized Health Care. In fact, at least 18 states are now suing the federal government claiming the \$2.5 trillion healthcare system reform violates state sovereignty as protected in the U.S. Constitution and will force massive new spending on hard-pressed state governments. Interestingly, some of the state Attorneys General claim that only the judicial branch may decide what is or is not constitutional but not state elected representatives or county sheriffs. [ii] This flies in the face of the requirement set forth in Article VI of the U.S. Constitution (Oath to support the Constitution binding both federal and state representatives). To hold such a position renders that Oath of Office meaningless, and brings back the very scary proposition "befehl ist befehl" (an order is an order) used as a defense by Nazi officers at Nuremburg. It is important to know where your State Attorney General stands on this issue because Part II of the plan deals with state and local enforcement of unconstitutional laws.

What follows is Part II of the plan.

Step 3: Restore Sound and Honest Money

The control over the issuance of money is at the heart of sovereignty. Our current fiat paper currency is losing value by the minute and you and I are paying for it by the day. Most readers of this article know that since the Federal Reserve was created in 1913 in order to “provide a safer, more flexible banking and monetary system” and ensure “stability in the purchasing power of the dollar.” Since that time the US dollar has lost 97% of its value. So what can we do at the state level? In order to restore a system of sound money two immediate pieces of legislation can be introduced:

1. Sound Money Resolution

(<http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/House%20Joint%20Memorials/4010-Inflation%20by%20federal%20reserve.pdf>)

2. Legal Tender Act

(<http://www.tenthamentendmentcenter.com/legislation/constitutional-tender/>)

The more pressure states put on Congress to audit the Federal Reserve System, the greater the chance is that it will be exposed as a private group of bankers profiteering at public expense and then be phased out. Like the state sovereignty resolutions, the Sound Money Resolution would put the government on notice to return to the original monetary system envisioned by our founders. [iii] This means an end to the fractional reserve banking as we know it and a return to currency that is backed by gold and silver and perhaps even commodities.

Dr. Edwin Viera Jr., a constitutional attorney and an expert in monetary theory who has litigated cases involving money issues, has said that the entire present monetary system is unconstitutional. He proposes a precious-metals-based monetary system in which the state government collects part of its tax revenue from corporations in gold. New Hampshire and Indiana, currently have that kind of legislation before them. I would add that the next step should be to establish a private currency exchange in conjunction with a new monetary system. This will be the subject of a future article.

Next, states can require the federal government to tender all payments in gold and silver. The U.S. Constitution in Article 1 section 10 clearly states “No State shall...coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of

Debts...”[iv] The practical result of returning to this constitutional requirement will likely be the federal government ceasing to send any money to the states. What an excellent day that would be! This would force states to budget and fix problems themselves without relying on federal handouts. Another benefit will be ensuring state solvency even if the federal government goes bankrupt. Lastly, it calls the bluff of the federal government. You will recall in Part I of the plan the creation of a Federal Tax Escrow Account, which would offset this loss of money. It will become immediately apparent which states send the federal government more money than they receive.

Step 4: If State Legislatures Fail, Introduce the Laws through the Initiative Process

The people are the final check and balance because power is inherent in the people. Many state legislatures will refuse to even hear the above ten bills when freedom-minded legislators introduce them. Such was the case in my own state of Washington. No matter. In many states, the people have reserved for themselves the final power of legislation through the Initiative, Referendum, and Recall Process.

Twenty-four states currently have an Initiative process. Since the legislation is already written, it only needs to be slightly modified to include the words “Be it enacted by the people of [your state].” Grassroots activists should be mindful that the ballot title and summary for an Initiative is going to require an attorney. Identify them now (yes Constitutional freedom-minded Attorneys exist like Stephen Pidgeon of Everett, Washington).

Next, activists should contact all freedom groups and bring them together into one network on the Internet. Remember that the Internet is to the state sovereignty movement what the printing press was to the Bible. This is not centralized control but merely a way to quickly transmit to, and share information with, thousands of like-minded people. For example, in Washington such a network called the “Liberty Groups” has started a state sovereignty initiative drive and website, Freedom Initiatives (www.freedominitiatives.com), and continues to share information and coordinate on many issues. **This is not about who leads what.** Such squabbles must quickly give way to the overarching mission of restoring our Constitutional Republic. This is also not a Republican, Libertarian, Tea Party, or Democrat “thing” but a “we the people” reclaiming our country “thing.”

Before I move on, I want to address a couple of arguments that are typically raised by people who oppose the use of the Initiative process. The arguments usually fall along three lines and I will answer each in turn:

- 1) Direct Democracy is a dangerous thing and usually comes back around to bite you in the tail. This ignores the people as the final check and balance in our system. Furthermore, I believe we must exhaust all possible remedies at our disposal due to the urgency of the current situation.
- 2) If the Initiative fails, practically speaking, it is impossible to bring the issue up again even decades later. This assumes we have decades. The many experts I have read and talked to give our Constitutional Republic 6-10 years in a best-case scenario.[v] and 6 months to 2 years worst case scenario.[vi] Now is the time to draw a line in the sand...our backs are against the wall.
- 3) It wastes precious time and resources. This assumes an initiative will fail and also ignores the benefit of being able to educate voters through the Initiative process while simultaneously galvanizing a core grass roots team. It also allows you to hold elected officials accountable by asking them point-blank "do you support the Initiative to nullify Nationalized Health Care?"

Step 5: Contact all County Sheriffs and get them to commit to keep their oaths.

As described in Part I the whole principle of a Sheriff's First bill is that no one is above the law... including federal agents.[vii] Federal agents will claim they "have the authority, period." This begs a great question. How will a law passed at the federal level be enforced locally? The answer in almost every scenario involves the county Sheriff. This is the Achilles Heel of almost all current federal schemes to socialize our economy. That is also why in most states "Task Forces" have been established to coordinate federal, state, and local law enforcement. If all politics is local...it can fairly be said that so is all enforcement of criminal and civil penalties.

Consequently, the laws we have are only as good as those officers that enforce them at the local level. Thus, the rise of tyranny must first come through both the United States Military and the County Sheriff. And this can only happen if those same people violate their oaths to protect and defend the U.S. Constitution and

their own State's Constitution. As discussed in Part I, the county Sheriff is the primary (chief) law enforcement officer in the United States. Therefore, if you are an interested activist, you should make a personal visit to your County Sheriff. Here are some ideas for your visit:

- 1. Ask if your Sheriff will become an Oath Keeper. Oath Keepers is a nonprofit organization started by Stewart Rhodes (attorney and Army veteran) which advocates that its members (current and former military and law enforcement) uphold the Constitution of the United States should they be ordered to violate it.**
- 2. Invite your Sheriff to publicly reaffirm his oath to uphold and defend the Constitution of the United States and your respective state.**
- 3. Give your Sheriff a copy of former Sheriff Richard Mack's book *The County Sheriff, America's Last Hope*.**
- 4. Ask your Sheriff if he has a local "Safety Committee" or similar group, which is the modern day version of a posse and what the requirements are to join.[viii] Become engaged with the local Sheriff's office, it will help them with critical manpower needs and, it will give you an opportunity to try and influence this critical link in our governmental chain.**

Summary

5 Steps

1. Reclaim State Sovereignty through key Nullification Legislation
2. Erect an Impenetrable Barrier around the 2nd Amendment and the County Sheriff
3. Restore Sound and Honest Money
4. Introduce 10th Amendment Initiatives
5. Help your Sheriff become an Oath Keeper

10 Bills

1. State Sovereignty Resolution
2. Health Care Freedom Act
3. Energy Freedom Act
4. Right to Constitutional Government Act
5. Federal Tax Escrow Account
6. Fire Arms Freedom Act
7. Right to Protection Act

8. Sheriff First Act
9. Sound Money Resolution
10. Legal Tender Act

There are many other ideas out there but we believed these would be quickest way to restore our Constitutional Republic. This is not to say that securing our borders, state enforcement of immigration laws, repealing the 17th Amendment, eliminating 501(c)(3) for churches, reforming the elections process, restraining the courts, or restoring grand jury presentments are not important and worthy goals. But the legislation as outlined above is the immediate priority. To be clear, Legislation alone is not the answer nor do we need to change the face of our national government to change the direction of our country. Ultimately the survival of our Constitutional Republic depends on the people. It depends on the courage and boldness of each one of us. It depends on each one of us answering "everything" to the question "what am I willing to sacrifice for freedom?" The fight for freedom is ultimately a matter of the heart before it is a county or state movement. And so I pray you will help restore our Constitutional Republic so that our children and grandchildren may inherit, as we did, the blessings of liberty and freedom.

Matthew Shea [send him email] is a State Representative in Washington's 4th District. He's the author of HJM4009 for State Sovereignty. Visit his website at www.houserepublicans.wa.gov/shear.

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NOTES:

[i] "Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a FEDERAL, and not a NATIONAL constitution." Publius (James Madison) Federalist No. 39. 1788.

[ii] In a letter dated February 10, 2010, Idaho's Attorney General Lawrence G. Wasden wrote: "It is simply not within the Idaho Attorney General's or the Idaho Legislature's authority to declare federal

laws null and void; that authority lies exclusively with the Supreme Court of the United States and the federal courts created by Congress." Notably, Mr. Wasden cites no authority for this proposition.

[iii] The Federal Monetary System was established in 1792 with the creation of the U.S. Mint in Philadelphia. The first American coins were struck in 1793. The U.S. Coinage Act of 1792, consistent with the Constitution, provided for a U.S. Mint, which stamped silver and gold coins. The importance of this Act cannot be stressed enough. The Act invoked the death penalty for anyone found to be debasing money. President George Washington also mentions the importance of the national currency backed by gold and silver throughout his initial term of office and he contributed his own silver for the initial coins minted. The purchase of The US Mint in Philadelphia was the first money appropriated by Congress for a building to be used for a public purpose. It was purchased for a total of \$4,266.67 on July 18, 1792.

[iv] A dollar was originally defined as 371.25 grains (troy) of fine silver. Our entire monetary system was based proportionally off this measurement. This has been changed since.

[v] Business Week posts an optimistic report in "Housing: The Roof Won't Collapse On The U.S. Economy"

[vi] Art Laffer in the WSJ predicts 2011, "Tax hikes and the 2011 Economic Collapse" and Peter Schiff paints an equally gloomy picture in "The Phantom Recovery"

[vii] Some have claimed that a Sheriff First law prevents federal agents from arresting terrorists and/or would hamper their ability to do so. This is absurd for many reasons not the least of which is the Task Force example given. Federal agents are already working with county Sheriffs and getting permission would not "stall" an operation. However, a clause clarifying this should be added to any Sheriff First bill so that the issue is crystal clear. Also, tying this legislation to the enforcement of a specific bill like Nationalized Health Care would remove this objection.

[viii] Sheriff Joe Arpaio of Maricopa County, Arizona, is a leader in the country on the formation of a modern day "posse."