



Written by [Alex Newman](#) on April 9, 2015

Arizona Bill Would Nullify Obama's Executive Orders

In an effort to protect citizens from Obama's [expanding deluge of unconstitutional executive decrees](#), Arizona lawmakers are advancing a bill that would nullify any and all edicts from the White House that undermine the exclusive legislative authority granted to Congress under the U.S. Constitution. If signed into law, the measure would prohibit state and local officials from enforcing or even cooperating with the Obama administration's executive orders, or those of future presidents. Forces hostile to or ignorant of the U.S. Constitution and basic civics are furious over the legislation, but proponents say the nullification measure and others like it are crucial to reining in an out-of-control executive branch and restoring legitimate governance in the United States.



The popular bill, [HB 2368](#), already sailed through the Arizona House of Representatives last month in a 36 to 24 vote. Less than a week later, the Arizona Senate Federalism, Mandates and Fiscal Responsibility Committee overwhelmingly approved the legislation with four yes votes against zero no votes, as well as three abstentions. If approved by the full state Senate and signed into law by the governor, Arizona would state explicitly that it will reject unconstitutional executive edicts. Just last year, Arizona voters adopted [Proposition 122](#) to amend the state constitution and enshrine the right of the state to "exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the Constitution." An amendment to HB 2368 that also passed would allow the legislature, and certain state officials while the legislature is out of session, to waive the prohibition on enforcing decrees on a case-by-case basis.

Lawmakers backing the bill explained concisely what it would do. "We're telling the president of the United States that if he provides an executive order, it doesn't apply to the state of Arizona," explained state Representative Bob Thorpe, one of the original sponsors of the legislation. "It doesn't apply to our political subdivisions." Some Democrat politicians in the state, by contrast, apparently against upholding the U.S. and Arizona constitutions they swore an oath to, resorted to calling the effort "ridiculous" and a "waste of time." The House Minority leader even referred to Obama's decrees as "federal law," perhaps unaware that the U.S. Constitution grants all legislative powers to Congress and none to the president.

The bill, though, explains it all in a manner that is short and to the point. "Pursuant to the sovereign authority of this state," the legislation begins, "this state and all political subdivisions of this state are prohibited from using any personnel or financial resources to enforce, administer or cooperate with an executive order issued by the president of the United States that has not been affirmed by a vote of the



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Congress of the United States and signed into law as prescribed by the Constitution of the United States.” The bill would also prohibit Arizona personnel and resources from being used to enforce, administer, or cooperate with any “policy directive” issued by the Department of Justice that was not adopted in a constitutional manner. An amendment to the legislation making it even stronger would require that the federal actions in question be constitutional as well — even if approved by Congress

Of course, everything that the bill would do should already be clear and has always been part of the American system of government. Presidents, obviously, do not have any constitutional authority to write purported “laws” via executive order. Article 1, Section 1, of the U.S. Constitution could not be more explicit about where the power to legislate resides. “All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives,” it states. If all legislative powers are vested in Congress, it means that no legislative powers are vested in the executive branch. Executive orders have their place — “order more coffee for the office,” for example — but to suggest that the White House can simply make law by issuing a decree is to embrace the very definition of a dictatorship. Even the most ruthless communist autocracies have pseudo-“legislatures” to rubber stamp executive edicts before they go into effect.

Nor does Washington, D.C. — Congress included — have any power to commandeer state and local resources for federal schemes of any sort, constitutional or otherwise, with a few very limited exceptions. Despite hysteria over the Arizona measure by leftists and establishment types, the Supreme Court made that truth explicit yet again in 1997 in its landmark *Printz v United States* ruling. In that case, Arizona Sheriff Richard Mack and another plaintiff refused to enforce the unconstitutional Brady gun control act passed by Congress and signed into “law” by the president. The high court, articulating what is often referred to as the “anti-commandeering doctrine,” ruled that the federal government has no power to conscript state and local officials to cooperate with its scheming. Even the most extreme federal supremacist attorney general in U.S. history, Eric Holder, [acknowledged as much in front of Congress](#) when asked about [Colorado voters ending marijuana prohibition in defiance of federal statutes and United Nations agreements](#).

The non-profit Tenth Amendment Center, which promotes a proper constitutional understanding of the relationship between state and federal authority, praised the Arizona bill as an excellent tool for reining in unconstitutional schemes. “This strategy has the potential to shut down overreaching federal actions,” the Center’s Mike Maharrey explained in a piece promoting the legislation. “The feds depend on state cooperation and resources to do almost everything. They need state and local law enforcement to enforce gun control measures and fight their drug war. They need state resources and personnel to implement their national health care program. They need state cooperation to spy on us.” Maharrey also cited legal experts and the National Governors Association, pointing out that states serve as “partners” in most federal programs and that, without cooperation by state governments, federal schemes would be difficult or even impossible to enforce.

Unsurprisingly, perhaps, elements of the Big Government-loving establishment press are already revealing their totalitarian sympathies — or their unconscionable ignorance of basic civics — in various screeds decrying the effort to uphold constitutional governance. Deputy editor of the *Washington Post’s* editorial page Colbert King, for example, launched a vicious verbal tirade against lawmakers, even accusing them of “insurrection” over the measure. “The word ‘insurrection’ does come to mind,” claimed King, who apparently has a rather useless degree in “government” that required no knowledge of the governmental system established under the U.S. Constitution. “Yet the resistance out West to



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federal authority has been received in virtual silence on Capitol Hill. It's almost as if the GOP Congress wanted an uprising against the president."

Taking it even further, the *Post* columnist and former bureaucrat claimed that refusing to comply with unconstitutional and dictatorial edicts by the president put America on a "dangerous path" toward what he suggested could be a civil war. "This country has drifted far beyond the rough-and-tumble give-and-take that historically occurs between the parties," King argued, without noting that the Obama administration has [been more extreme than any other in history in attempts to bypass Congress and the Constitution to rule by decree](#). "It's one thing to oppose the president's policies. It's quite another to refuse to acknowledge presidential authority." In reality, the president has no authority to write law by decree. Obama's duties are listed clearly in Article 2 of the U.S. Constitution for anyone who needs a basic civics refresher course.

Numerous other Arizona bills currently being considered [would nullify a broad range of other anti-constitutional federal schemes](#). However, Arizona is hardly alone in working to nullify unconstitutional usurpations of power — [one of the remedies promoted by America's Founders for reining in lawless federal actions](#). Liberal states have been nullifying everything from marijuana prohibition to indefinite detention of American citizens without charges or trial, for example, while conservative states have been nullifying unconstitutional attacks on gun rights, executive decrees, the UN Agenda 21 scheme, and more. Despite similar legislative actions being taken across the country — both liberal and conservative — one tyranny-supporting Arizona columnist claimed that ignoring executive orders put the state closer to "declaring our independence," rather than acknowledging that lawmakers who protect their constituents from lawless government are doing exactly what they were elected to do.

From Obama on down, and in every state, all elected officials take an oath to uphold the U.S. Constitution. Fortunately for the people of Arizona and the many other states nullifying unconstitutional lawlessness, at least some of those public servants are taking their oath seriously.

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