



Written by [Steve Byas](#) on June 15, 2020

Article by Oklahoman Newspaper Confuses Secession and Nullification

In an article on Monday about the dispute in the Oklahoma Legislature between traditional pro-life legislators (those who favor any laws that restrict abortion, and thus save the lives of unborn babies, until abortion can be legally abolished) and the abortion abolitionists (those who argue that any laws short of immediate abortion abolition are just compromises and should be opposed), *Oklahoman* newspaper writer Carmen Forman chose to leave her readers to believe that nullification and secession are synonymous terms.



Secession is the act of a state separating from the rest of the United States, as the United States did in 1776 in seceding from the British Empire, or as 11 Southern states did in 1860-61. Nullification is when a state refuses to cooperate in the enforcement of a federal law that state's legislative body deems a violation of the U.S. Constitution.

What Forman does is that she quotes those hold to the view that nullification is simply secession, without quoting an alternative viewpoint.

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At issue in the article was a bill by State Senator Joseph Silk, SB 13, which would have criminalized all abortion, and provided for prison sentences for anyone who participated in an abortion, including the abortionist *and the woman seeking the abortion*. The bill was opposed by the Senate leadership, and was not heard on the floor.

Forman wrote in her article, "Critics of the abortion abolitionist movement say SB 13 is more about seceding from the union than it is about saving lives because the legislation would have the state ignore the landmark U.S. Supreme Court ruling that legalized the practice of abortion." Not only did Forman not cite any specific critics that made that assertion, she failed to cite anyone who questioned that fallacious assumption.

Instead, Forman quoted a former state representative, Doug Cox, who said, "We live in a great nation called the United States, and one of the things that makes us united is whenever there is an issue like this where different states have different laws, well, then the federal government takes precedence over the state government."

Cox added, "Unless they change the U.S. Constitution, it's kind of just a political issue that's not going to change much."

Actually, it is Cox who could use some instruction on the Constitution of the United States, as his interpretation is one that has changed the understanding of it for far too many people. The Constitution nowhere says what Cox claims it says — "whenever there is an issue like this where different states



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have different laws, well, then the federal government takes precedence over the state government.” On the contrary, the 10th Amendment states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.” Perhaps Cox misunderstands the “Supremacy Clause,” found in Article VI of the Constitution, which reads, “This Constitution, and the laws of the United States which shall be made *in pursuance thereof* ... shall be the supreme law of the land.” (Emphasis added.) In plain words, the only laws of the United States are those made “in pursuance” or in accordance with, the Constitution.

A state that demands that a branch of the federal government follow that Constitution is the party following the Constitution, not a federal government branch or agency that disobeys it. The question then, is what can a state do if the federal government asserts a power over the state government that the Constitution does not give it?

This is the question that Thomas Jefferson and James Madison struggled with in 1798, when they proposed the doctrine of nullification in the Kentucky and Virginia Resolutions. Neither Jefferson, the author of our Declaration of Independence, nor Madison, the principal author of our Constitution, wanted secession.

Yet, Congress, under the control of the Federalist Party, had passed the Sedition Act, which abridged freedom of speech and press, only seven years after the First Amendment specifically forbade Congress from passing such a law. Federalist judges compliantly handed down fines and jailing for those who violated the law, despite it being a clear violation of that First Amendment.

This is what led Jefferson and Madison to suggest that states could implement nullification — or refuse to enforce such unconstitutional laws. They could interpose their state and local governments between the federal government and its citizens, so those citizens could not be stripped of their rights.

This is not secession.

Nullification has been tried many times in American history, with some degree of success. South Carolina used nullification during the Tariff Crisis of the 1830s. Despite some who portray it as some sort of defeat for South Carolina, their action did cause Congress to compromise and reduce the rate of the tariff. Michigan and Wisconsin used nullification to thwart the Fugitive Slave Act in the 1850s, as local officials refused to cooperate with federal officials in putting runaway slaves back into bondage. Since that time, some have used the plan developed by two of the greatest of our Founding Fathers to frustrate federal drug laws concerning marijuana, immigration, and the right to keep and bear arms.

Whether we agree or disagree with all of its uses, and regardless whether one takes the traditional pro-life position or that advocated by the abortion abolitionists, the fact remains that it has been effective at times, and it most definitely is not secession.

The larger issue here is that so many journalists simply do not do their jobs of reporting the news, which includes presenting the opinions of the various sides. This could be due to laziness, political ideology, or ignorance, but whatever the cause is, it is not good, and does not serve us well.

It is unfortunate that, increasingly, entities claiming to be nonpartisan news services, such as the Associated Press, or writers for local newspapers, write articles slanting the news to the positions held by the political Left. If they would simply state that their intention is to promote liberalism and even hard-core leftism, and that they do not even pretend to be non-biased in their reporting, it would be better than the situation we have now.



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Outlets like *The New American* make it quite clear that we are promoting those principles that made America a great country — limited government, free enterprise, fidelity to the Constitution, national sovereignty, and the like. While we attempt to fairly present the opinions of those with whom we disagree, we are open about our political viewpoint.

Sadly, so much of what passes for straight news is little more than the promotion of liberal causes by using distortion, or simply failing to report facts that do not support their political ideology. This conflation of secession and nullification by citing unnamed sources, as Forman does in the *Oklahoman* newspaper, without citing anyone else with a contrary viewpoint is far too typical.

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