



Written by [Joe Wolverton, II, J.D.](#) on March 17, 2010

## States Say Enough Is Enough, Tell Feds to Butt Out

Nothing gives this writer purer pleasure than to report on the multitude of states' rights initiatives being passed by state legislatures across our great Republic. As happy as such news makes me, it must in equal measure drive the journalists at the establishment's "newspaper of record" — the New York Times — crazy.

The chronicle of state lawmakers and executives re-asserting their sovereignty is big enough news, however, that no matter how reluctantly, the editors at the Old Gray Lady had to put the story [on page one, above the fold](#).



Of course, consistent with their editorial tone, within the first few paragraphs, the states' resistance to federal encroachment is described by the reporter as "political theatre" and "more smoke than fire." No matter how they try to minimize it, however, the record is clear and this bit of theater is growing dramatically and catching fire in state governments nationwide.

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First, there is Utah. Generally regarded as one of the most conservative states, local lawmakers in the Beehive State are proving true to that reputation, and in the last week of their legislative session, they have passed a roster of pro-states' rights bills designed as bulwarks against the unwelcome and unwarranted trespass of the federal government onto the constitutionally protected sovereignty of the states.

One of the first measures passed by both houses of the Utah state legislature discouraged the Congress from passing "legislation that imposes further restrictions on any state's ability to regulate the payment and delivery of health care, imposes additional financial burden related to health care on any state, or limits the ability of consumers and businesses to create innovative models for higher quality, lower cost health care."

A similarly bold bill (H.B. 324) proposed by State Representative Kenneth Sumsion (R-American Fork) instructs Utah Attorney General Mark Shurtleff to use eminent domain or quiet title action to seize land currently administered by the federal government. The salient resolution stated that the basis for this action was "the inviolable sovereignty of the State of Utah under the Tenth Amendment to the Constitution." In response to the bill, the State Office of Legislative Research and General Counsel informed the sponsors of the measure that "the state has no standing as sovereign to exercise eminent domain or assert any other state law that is contrary to federal law on land or property that the federal government holds." Sumsion and his allies promise that notwithstanding this legal opinion, they will not be dissuaded from their mission to reclaim their state's right of self-determination.

There must be something in the water out West, for in Utah's neighbor to the east, Wyoming, the state's Democratic Governor signed H.B. 95, the Firearms Freedom Act. Governor Dave Fruedenthal's



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signature enacted a bill exempting firearms and ammunition made and sold within the state from federal control.

Governor Fruedenthal, a former U.S. Attorney for the Clinton administration, is running out of ink in the pen he is using to battle the federal government for the right to govern his state. Earlier this month he added his name to HJR 2, a non-binding resolution of the state legislature asserting “sovereignty on behalf of the State of Wyoming and for its citizens under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government or reserved to the people by the Constitution of the United States.”

The middle section of the country is standing up for their rights, as well. In South Dakota, a bill was signed into law that, like the act in Wyoming, prevents the government of the United States from regulating firearms manufactured and sold within the borders of that state.

Similarly, in Oklahoma, the state House of Representatives passed a resolution that grants to citizens of that state the right to vote on a proposed amendment to the state constitution that would permit their local elected officials to opt out of any federally mandated healthcare plan.

As reported earlier at [thenewamerican.com](http://thenewamerican.com), several states from coast to coast and border to border are passing bills, proposing amendments, and expressing legislative resolve to steadfastly oppose the continual intrusion of the national government onto the sovereign territory of the states and the people.

There are a few very notable organizations providing publicity and scholarship to the cause of states’ rights. Two of those groups were mentioned specifically in the *New York Times* article and have been appropriately praised by *The New American*, as well. The [Ludwig von Mises](#) Institute, based in Alabama; and the Los Angeles-based [Tenth Amendment Center](#). Both of these outfits share the goal of restoring liberty, albeit through different means. The Mises Institute focuses their scholarly efforts in the fields of economics, philosophy, and political economy. Whereas the Tenth Amendment Center advances the cause of constitutionalism through supporting the frontlines of the battle for state sovereignty.

As befitting such scholarly endeavors, both the Mises Institute and the Tenth Amendment Center have Latin phrases for their mottos. The motto of the former is “*Tu ne cede malis sed contra audentior ito*” which is a quote from Vergil’s *Aeneid* that translates as, “do not give in to evil but proceed ever more boldly against it.” The motto of the Tenth Amendment Center is “*Concordia res Parvae Crescunt*,” a quote from Roman historian Sallust that translated means, “In harmony small things grow.”

There is much good wisdom and sound counsel to be gleaned from these quotations taken from two of Western Civilization’s finest authors. First, all those who firmly stand in defense of the Constitution and the timeless principles of liberty and good government enshrined therein must boldly soldier on in the fight for freedom, though the odds often seem stacked decidedly against them. Also, regardless of the size of the forces of the foe, this small army of dedicated and zealous constitutionalists will receive a steady stream of animated and refreshed reinforcements from each of the 50 states as the inspiring news of their victories in state house after state house reaches the ears of the likeminded.



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