



Utah Enacts Law Creating Process for Nullifying Federal Acts

In a small victory for state sovereignty in the face of federal usurpations, Utah has enacted legislation creating a formalized process for nullifying unconstitutional federal acts.

On January 31, Governor Spencer Cox signed into law Senate Bill 57 ([S.B. 57](#)), titled the Utah Constitutional Sovereignty Act. The bill previously passed the state House by a [57-14 vote](#), and the state Senate by a [24-5 vote](#).

Upon signing S.B. 57, Governor Cox [stated](#), “Balancing power between state and federal sovereignty is an essential part of our constitutional system. This legislation gives us another way to push back on federal overreach and maintain that balance.”

S.B. 57 creates a standardized process for nullifying unconstitutional congressional laws, presidential executive orders, and federal administrative rules or regulations. Under this process, if the Legislature finds a bill to “[violate] the principles of state sovereignty” as protected by the U.S. Constitution, it will pass a concurrent resolution prohibiting state and local officials “from enforcing or assisting in the enforcement of a federal directive within the state.”

S.B. 57 requires the speaker of the House and the president of the Senate to approve requests to file such concurrent resolutions, which also require two-thirds majorities in both chambers to pass.

Critics of the legislation wasted no time blasting it. CNN [claimed](#) S.B. 57 “may stand in conflict with the US Constitution’s ‘Supremacy Clause,’ which states federal laws take precedence over state ones.” Meanwhile, *The Salt Lake Tribune* falsely [stated](#) that “the Supreme Court has repeatedly ruled that states do not have ... authority” to “ignore federal laws and regulations.”

Responding to the second claim, the Tenth Amendment Center [noted](#) that several U.S. Supreme Court rulings — most notably [Printz v. United States](#) (1997) — have explicitly affirmed states’ right to refuse to enforce federal acts, referred to as the “anti-commandeering doctrine.” Also, in [The Federalist, No. 46](#), James Madison affirms states’ ability to “[refuse] to co-operate with the officers of the Union.”

Furthermore, rather than violate what is commonly referred to as the “Supremacy Clause,” S.B. 57 upholds it. [Article VI](#) states, “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.) This clearly implies that laws not in accordance with the Constitution are null and void.

Additionally, the Constitution delegates only specific, enumerated powers to the federal government. The states, by contrast, retain the vast majority of powers, something Madison affirms in [The](#)



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Written by [Peter Rykowski](#) on February 23, 2024

[Federalist, No. 45](#). This is further cemented by the [10th Amendment](#), which makes clear that all powers not granted by the Constitution to the federal government are reserved to the states and to the people.

Accordingly, any federal action that violates or contradicts the Constitution cannot be “made in Pursuance thereof” and, thus, is not “the supreme Law of the Land” — and [state officials are duty-bound](#) to follow their oath “to support this Constitution” by nullifying those lawless actions.

Although Utah has enacted S.B. 57, its legislative and executive officials now need to follow through and actually nullify the thousands of unconstitutional federal laws, orders, regulations, and court rulings. Ultimately, restoring constitutional government starts with patriots educating the broader electorate and taking action to influence their elected officials.

To urge your state legislators to enforce the Constitution by nullifying unconstitutional federal laws and edicts, visit The John Birch Society’s legislative alert [here](#). Additionally, you can find model nullification legislation [here](#).



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