

Text of proposed

## **SOVEREIGNTY AND STATES RIGHTS AMENDMENT**

ARTICLE 28 (or alternate number to be assigned by Congress)

**Section 1.** America's constitutional history and historical experience is unique among nations and revered by the American people. Because we are a Constitutional Republic as mandated in Article IV, Section 4, of the United States Constitution, this Article protects and reaffirms States Rights that have been eroded by Congressional statutes, Judicial decisions, Executive Orders and regulatory rulings. It also mandates that the peoples' government retain its Constitutional, State and National sovereignty in all domestic and international affairs.

**Section 2.** To secure the inherent sovereign rights of citizens and the sovereign authority of the United States Constitution it is prohibited for the government to pass any law, enact any regulation or adjudicate any matter in federal or State Court(s), that would diminish, in any way, the authority the United States has to govern itself as a sovereign nation and as a Constitutional Republic. The Article prohibits the government from abdicating, in any way, the peoples' sovereign Constitutional authority to any nation, or to any regulatory agency (domestic or foreign), or to the United Nations, or to any International tribunal or governing body, or to any domestic or foreign military force (including NATO) or policing authority, or by Presidential Executive Order, or by an Act of Congress (including the House of Representatives and the Senate), or by Presidential approval by signature of any such Act of Congress, or by any International Treaty or Treaties, or by any other method or strategy that might be conceived to surrender or in actuality does surrender the United States' National, States and Constitutional sovereignty.

**Section 3.** The Article further prohibits the President from declaring Martial Law, or any modified form of Martial Law, without the approval of three quarters of both Houses of Congress. If Congress concurs and Martial Law is declared by the President, then Congress must re-affirm the active status of Martial Law every 30 days with a two thirds vote in both Houses until such time that Congress decides to rescind Martial Law with a majority vote in both Houses. If Congress does not re-affirm the active status of Martial before 30 days expires, then Martial Law at 12:01 A.M. Eastern Standard Time on the 31<sup>st</sup> day will be automatically rescinded. Only the President of the United States, or his Constitutionally authorized successor, accompanied by a concurring vote of three quarters both Houses of Congress can declare Martial Law. This Section 3. does not prohibit Congress from enacting additional conditions or restrictions that shall be required before the President is authorized to declare Martial Law.

**Section 4.** The Article also prohibits the President or any agency of the Executive Branch, or any branch of the military, or any security agency of government, or any other government body or agency from infringing on the Constitutional rights of citizens. This prohibition includes the use of electronic surveillance and any other intrusive method that the government might use to violate the Constitutional privacy rights of citizens. Notwithstanding, when a duly authorized search warrant showing probable cause in an appropriate jurisdiction has been issued, then electronic surveillance or other methods of surveillance can be employed in order to protect the security of American citizens. This Section 4. does not change the provisions and protections that citizens retain in Amendment IV of the United States Constitution.

**Section 5.** The Article restores State sovereignty in our Constitutional Republic. State Legislatures in the several States shall have the authority to disallow any Congressional statute, law or ruling, Judicial decision, regulatory ruling by any government agency, or any other government mandate imposed on

them when in the opinion of 60 percent of State Legislatures the law or ruling adversely affects their States' interest. In such cases, the countermand decision of each State shall be delivered by each countermanding State to the leadership of both Houses of Congress, the Chief Justice of the United States Supreme Court, the President of the United States and when applicable the Regulatory Agency in question. When 60 percent of State Legislatures countermand a law or regulatory ruling, the law or ruling in question will be immediately and automatically nullified and repealed. The State Legislatures shall have six months to complete their countermands. If 60 percent of the State Legislatures do not countermand by the end of six months, the Congressional statute, Judicial law, Executive Order, or regulatory ruling will remain in full effect. Notwithstanding, Section 6 will remain an option for State Legislatures if they decide any law or ruling is onerous to their States' interest after it has been enacted.

**Section 6.** Existing laws and regulatory rulings can be nullified and repealed with a countermand from 60 percent of the State Legislatures in the several States. When 60 percent of the State Legislatures countermand an existing law or regulatory ruling it will be nullified and repealed after 3 months from the date all countermands are delivered to the leadership of both Houses of Congress, the Chief Justice of the Supreme Court, the President of the United States and when applicable the Regulatory Agency in question.

**Section 7.** Any elected or non-elected government official, or non-government individual or principal of any private entity, who intentionally obstructs and/or prevents the enforcement of the provisions of this Article will have committed a criminal offense and will be subject to impeachment, when appropriate, and criminal prosecution and upon conviction serve up to five years in prison. Individual States shall have authority to prosecute violators of this Article under State laws in the absence of Federal prosecution after 90 days from the date of the alleged violation. Multiple prosecutions, by multiple States, for the same alleged crime are prohibited.

**Section 8.** The Article shall be immediately part of the United States Constitution upon ratification by three quarters of the State Legislatures in the several States.

**Section 9.** The provisions of this Article are enforceable within the United States which shall include the Several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and the territories and possessions of the United States.