

Text of proposed

## **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.

**Section 2.** In order to restore the true character and sovereignty of our Constitutional Republic, it is hereby established that State Legislatures in the several States can countermand Congressional statutes, Judicial decisions, Executive Orders and regulatory rulings when a majority of the State Legislatures in the several States decide that the law or ruling is not in their States interest. In such cases, the countermand decisions from each State shall be delivered by each respective 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 a majority 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a law or regulatory ruling, the law or ruling in question will be immediately and automatically nullified and repealed.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 a majority 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 3 will remain an option for State Legislatures if they decide the law or ruling is onerous to their States interest after it has been enacted.

**Section 3.** Existing laws and regulatory rulings can be nullified and repealed with a countermand from two thirds of the State Legislatures in the several States. When two thirds of the State Legislatures countermand an existing law or regulatory ruling it will be nullified and repealed after 6 months from the date the countermands are delivered to the leadership of both Houses of Congress, the Chief Justice of the Supreme Court, the President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 4.** Any elected government official who intentionally obstructs and/or prevents the enforcement of the provisions of this Article will have committed an impeachable offense and will be subject to criminal prosecution and upon conviction serve up to five years in prison. Any non elected government official, or an individual who has been appointed to a government position, who intentionally obstructs and/or prevents the enforcement of the provisions of this Article will have committed a criminal offense and upon conviction serve up to five years in prison. Non government individuals or principals of any private entity who intentionally obstructs and/or prevents the enforcement of this Article will have committed a criminal offense and upon conviction serve up to five years in prison. The United States Department of Justice shall be charged with the responsibility for prosecuting violators of the provisions of this Article. Individual States shall have authority to prosecute violators under State laws in the absence of Department of Justice prosecution.

**Section 5.** This Article shall be immediately part of the United States Constitution upon ratification by three quarters of the State Legislatures in the several States and shall supersede and take precedence over all prior regulations, statutory law and case law relating to States Rights.

**Section 6.** The provisions of this Article are enforceable within the United States which shall include the Several States, the District of Columbia, and the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and the territories and possessions of the United States.