

The Language of Liberty Series



Nullification: Jefferson's Rightful Remedy – Use It or Lose It

By Karen Lees

Roman philosopher [Marcus Tullius Cicero](#) observed, "No one was ever great without some portion of divine inspiration". The greatness of our Constitution's framers is evident in the document they created, which has successfully endured for [228 years](#) – longer than any other nation's.

But today our Constitution, which serves as the foundation for our nation's law, is routinely ignored. So what is the remedy for the federal encroachment and the judicial overreach at the state, local, and individual levels? Would a new amendment suddenly cause lawless politicians and judges to repent? Probably not. Perhaps the solution is to insist that those we elect and appoint follow the Constitution and its original intent.

The framers wisely built in a remedy to illegitimate law and judicial encroachment. The constitutionally sound method is simple, yet effective. It has been successfully used many times in the past. It is called [nullification](#) – the peaceful civil disobedience to unjust law. Thomas Jefferson described nullification as "[the rightful remedy](#)". But it takes courage – an attribute in very short supply among Americans today, and especially among our politicians.

One of the earliest examples of nullification is found in the book of [Exodus](#). Against Pharaoh's edict, the Hebrew midwives refused to kill the Hebrew males as they were born into Egyptian captivity. Martin Luther King, Rosa Parks, [Nevada rancher Cliven Bundy](#), and KY County Court Clerk Kim Davis demonstrated modern day examples of nullification on a personal level

As outlined in the [tenth amendment](#), the framers intended nullification to be practiced by state and local governments in order to protect citizens from the tyrannical tendencies of an overgrown centralized government.

No private or public education in early America was complete without a thorough study of the natural rights of man, including the right to nullify illegitimate law in order to preserve those [natural or unalienable rights](#).

So impressive was America's ability to compete on the world stage both economically and militarily in just fifty short years, the government of France commissioned author and historian [Alexis de Tocqueville](#) to travel to the new

nation to investigate. He wrote extensively on how amazing and exceptional the young nation of America was in the 1830s. The original unabridged version of his epic "[Democracy in America](#)" tells the whole story, free of subsequent efforts to [revise history](#) by eliminating portions of the text. See the unabridged work online at oll.libertyfund.org/titles/2284.

de Tocqueville observed that the early American church served a specific and uniquely ordained purpose in society. The church was the conscience of the government and of the people. The church actually held politicians accountable for their actions, just as it did churchgoers.

[Historian de Tocqueville](#) was impressed that America's churches functioned the way they were divinely intended. They fed the poor, took care of the orphans, widows, elderly, and built hospitals for the sick. Following their scriptural mandate to [teach the nations](#) and to [train children](#), America's churches built the universities for higher learning (most all of our ivy-league universities were established as seminaries) and established local schools to educate youth. Many of these institutions operated from church buildings, especially in small villages and towns, and were managed much more efficiently than today's government bureaucracies.

Social programs were voluntarily funded by the benevolence of the American people, who in turn held the recipients of their programs accountable for accepting aid. This dynamic made the church the most relevant and valuable institution in society at that time – the hub of every community. Whether rich or poor, church attendance and involvement was an essential part of life in early America. The government relied heavily on the church to carry out its appointed mission. As a result, America thrived like no other nation in the history of the world, as recorded in de Tocqueville's writings.

Governments are instituted to serve their uniquely ordained and very limited purpose. Approximately 20 powers are granted to our government by its creator, the People of the states, and are listed in our Constitution in Article 1 Section 8. The primary purpose of our government is to guarantee protection of the citizen's unalienable natural rights. These rights are not given or [created by men, but are of natural divine order](#) - "The laws of nature and nature's God".

A study of the original design for civil government found in the books of [Exodus](#) and [Numbers](#) indicates that early America was designed to thrive under the same type of government prescribed for Israel - although it was ultimately rejected by the Hebrews in favor of a king. This unique form of government was lost and untested until the founders put the American experiment into action. de Tocqueville marveled at how well it worked in just fifty short years.

But if the people's moral foundation crumbles, and they do not hold government in check, the state will begin to seize power it is not ordained or instituted to take on, as is the historic progression for all governments. The resulting corruption becomes compounded in the people, in the church, and of course, in the government. The responsibility rests solely on the people for the decline and destruction of a nation that would allow this usurpation.

The collective conscience of the nation becomes seared to accept the comfortable thought that government would take care of everything without individual involvement or personal responsibility. Each time the people turn over to government something that should be their personal duty, they give up a piece of their inherent power to that government.

The church, and eventually the family, ultimately becomes irrelevant in society once government swallows up their ordained responsibilities. The mistakes of the Church in Nazi Germany stand as a testimony to the failure to recognize and respond to deception. These are mistakes that must not be repeated. Not on our watch.

"America is great because she is good, and if America ever ceases to be good, she will cease to be great" is prophecy fulfilled, as quoted in speeches by Presidents Eisenhower and Reagan. For the last 228 years we have been blessed with a near-perfect form of government, albeit now seriously corrupted. But the seeds of liberty are still intact and can be re-planted.

For the time being, America continues to be the most blessed, prosperous, and powerful nation in history. But if we continue to tamper with the founder's original design, corrupt the moral foundation, or succumb to corrosive passivity, our inheritance could be lost forever and relegated to the dustbin of history.

The Language of Liberty series is a collaborative effort of the Center for Self Governance (CSG) Administrative Team. The authors include administrative staff, selected students, and guest columnists. They may be contacted at info@tncsg.org. To learn more, go to CenterForSelfGovernance.com.

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