

SPA (State Powers Amendment) Guide Booklet

CONTENTS

Executive Summary (1-page)

What is SPA? (State Powers Amendment)

Why SPA?

What is Madison's "lost" amendment?

History of the State Powers Amendment (previously State Repeal Amendment)

Model legislation

Missouri 2018 SCR48 (The two-step petition approach)

Missouri 2014 SCR38 (The two-step petition approach)

South Carolina (Article V Amendment Convention approach)

Article V: "a Convention for proposing Amendments"

Talking points

FAQs,

What are the main strengths of the amendment?

What are the worst fears/doubts of SPA/SRA?

What should the average person be working on to help make the case and pass this proposal?

Links

<https://www.senate.mo.gov/18info/pdf-bill/intro/SCR48.pdf>

<http://www.senate.mo.gov/14info/pdf-bill/intro/SCR38.pdf>

Contacts

Executive Summary

“The powers delegated by the proposed Constitution to the federal government, are few and defined. Those which are to remain in the State governments are numerous and indefinite.”

James Madison, “The Federalist”, Essay Number 45

The problem: a missing check by the several states (acting together) on the United States.

The solution: a State Repeal Amendment (SRA)

Either 2/3 of Congress proposes

or 2/3 of states apply to Congress for a convention to propose amendments.

What is SPA? (State Powers Amendment)

State Powers Amendment (proposed text)

Section 1 is the earlier State Repeal Amendment (SRA)

Section 1.

Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of a Representative Majority of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed. A Representative Majority of the several states is a majority of the states also having together a majority of the apportioned Representatives in the Congress.

Section 2.

The several States shall have Power to make Regulations and Exceptions to the appellate Jurisdiction of the Supreme Court and all inferior Courts and Tribunals of the United States, and such regulations and exceptions shall be effective when the legislatures of a Representative Majority of the several States approve identical resolutions for this purpose no more than five years apart.

What is Madison’s “lost” amendment?

In Search of Madison’s “Lost Amendment”



What is the “Lost Amendment” of James Madison?

The original concept for the State Repeal Amendment (SRA) can be found in letters and private notes of James Madison written late in his life. After John C. Calhoun defended the nullification of a national tariff by South Carolina (1832), Madison denounced Calhoun’s doctrines as “a contradiction in terms”, “a fatal inlet to anarchy” and an invitation to civil war. In 1835, Madison wrote that interposition (in the Virginia Principles of ’98) was meant “a concurring authority, not that of a single state” (three-fourths of states being supreme in theory.) Madison wanted to amend the Constitution so “as to provide a more satisfactory mode” for guarding against violations.

History of the Repeal Amendment

A slightly different "repeal amendment" version was launched in 2010

ALEC supported it. Cunningham introduced a bill in MO.

VA, FL, SC all passed versions through one chamber.

No state has yet to pass both chambers to my knowledge. (If it passed, MO would lead)

Randy Barnett (the legal mind behind the 2010 version, a "2/3" of states approach) told me that it was Article V amendment convention objections that proved decisive so they must be addressed. Phyllis Schlafly led the "con-con" opponents. ("con-con" is a misleading term. amend-com or prop-con is closer. I believe I can address the concerns, but worth discussing.)

I changed Barnett's 2/3 to "representative majority" and called it SRA. (to avoid confusion)
So far as I know the SRA proposal is unique and Missouri would be first.
This aspect appeals to my "show me" pride, but it may not appeal so much to the folks who count.

How to Amend: Petition or Convention?

An Article V amendment convention cannot be limited.
Who has power to say its proposed changes are illegal?
If Congress or Supreme Court then why even have the convention since either of these can veto?

The most likely outcome of a convention is compromise. That was also true in 1787.
If you don't know the amendments you want (and can likely expect) BEFORE the convention why would they magically appear AT the convention?
This puts the cart before the horse and it is grossly reckless and irresponsible.

I prefer a two-step petition approach to any Amendment Convention.
This was the safer approach Senator Lamping and I worked on with MO 2014 SCR38.
This "threatens" a convention if enough states petition and Congress fails to act. I still believe this is the better approach.
<http://www.senate.mo.gov/14info/pdf-bill/intro/SCR38.pdf>

Why to Amend and when NOT to amend?

If they don't follow the constitution now why would they follow your amendments?
The ONLY worthwhile amendments are those that change rules back to more powers in the States.
Since this groundwork has not been laid a convention is premature.
To be very specific anyone who calls a convention just for a balanced budget amendment is truly clueless and dangerously so.

Model Legislation

Petition for State Powers Amendment (SPA) Missouri 2018 (SCR48)

A petition to Congress requesting them to propose a State Powers Amendment (SPA) (Two-step approach)

In one sentence:

SPA empowers the States acting together to repeal/revoke any federal law or regulations (in whole or part) or to overrule Court decisions by restricting jurisdiction.

Summary: Petition for a **State Powers Amendment (SPA)**

To **petition the Congress** of the United States to **propose an amendment** to the Constitution **empowering a “representative majority” of the state legislatures:**

(1) to **repeal any federal law** or regulation by tantamount resolutions thereon;

(2) to **regulate exceptions to the appellate Jurisdiction** of the Courts of the United States by identical resolutions for this purpose no more than five years apart.

(“Representative Majority” = A majority of states also having a majority of Representatives in the House)

To invite all the several states to join support in this petition, that **should Congress fail to act after two-thirds of the several states petition alike in substance, a “convention to propose amendments”** under Article V of the United States Constitution **is the proper course.**

[Proposed Draft Language for Missouri 2018 February 22]

CONCURRENT RESOLUTION

WHEREAS, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress”; and

WHEREAS, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers; and

WHEREAS, in Federalist No. 10, James Madison wrote that “No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, . . . with greater reason, a body of men are unfit to be both judges and parties at the same time;” and

WHEREAS, this same principle was emphasized in the 1798 Kentucky Resolutions (drafted by Thomas Jefferson) that the United States government “was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers;” and

WHEREAS, the Congress has latent but neglected powers to correct such Judicial Supremacy by means of Article III Section 2 regulations on Appellate Jurisdiction, yet by similar reasoning such regulatory powers should be additionally extended to the Several States, heeding Jefferson’s warnings that we not make the Constitution ‘a mere thing of wax in the hands of the judiciary’ for “to consider the judges as the ultimate arbiters of all constitutional questions” would then “place us under the despotism of an oligarchy”, rather “the people themselves” are the “true corrective of constitutional abuses” and the States remain the closest and most representative voice of the people; and

WHEREAS, the United States Constitution should then be amended to enable the several states to correct violations of the limited powers by the United States and thereby restore the proper balance between the powers of Congress and those of the several States, and better prevent the denial or disparagement of the rights retained by the people.

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the Congress of the United States to propose the following amendment, known as the State Powers Amendment, or SPA:

“Section 1.

Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of a Representative Majority of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed. A Representative Majority of the several states is a majority of the states also having together a majority of the apportioned Representatives in the Congress.”

Section 2.

The several States shall have Power to make Regulations and Exceptions to the appellate Jurisdiction of the Supreme Court and all inferior Courts and Tribunals of the United States, and such regulations and exceptions shall be effective when the legislatures of a Representative Majority of the several States approve identical resolutions for this purpose no more than five years apart.”

AND BE IT FURTHER RESOLVED that should the Congress fail to act after two-thirds of the Several States petition alike in substance for a State Powers Amendment, then a "convention to propose amendments" under Article V of the United States Constitution shall be the proper course and that delegates to such convention should be selected by the legislatures in the several states and should vote by state, according to the practices established by the 1787 Federal Convention in Philadelphia; and

BE IT FURTHER RESOLVED that the state of Missouri reserve its further right to petition in the same manner for further amendments as the General Assembly may deem warranted; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Legislatures of all the several states inviting them to likewise join in support of this petition; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri Congressional delegation.

(Petition for amendment) MO 2014 SRA

Proposal for Missouri 2014 Session (State Repeal Amendment, SRA)

<http://www.senate.mo.gov/14info/pdf-bill/intro/SCR38.pdf>

A CONCURRENT RESOLUTION

TO PETITION THE CONGRESS OF THE UNITED STATES TO PROPOSE A CONSTITUTIONAL AMENDMENT THAT EMPOWERS THE REPEAL OF ANY FEDERAL LAW OR REGULATION BY RESOLUTION OF A REPRESENTATIVE MAJORITY OF THE STATE LEGISLATURES; TO INVITE ALL THE SEVERAL STATES TO JOIN SUPPORT IN THIS PETITION, THAT SHOULD CONGRESS FAIL TO ACT AFTER TWO-THIRDS OF THE SEVERAL STATES PETITION ALIKE IN SUBSTANCE, A “CONVENTION TO PROPOSE AMENDMENTS” UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION IS THE PROPER COURSE.

Whereas, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress”; and

Whereas, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers; and

Whereas, in Federalist No. 10, James Madison wrote that “No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, . . . with greater reason, a body of men are unfit to be both judges and parties at the same time;” and this same principle was emphasized in the 1798 Kentucky Resolutions (drafted by Thomas Jefferson) that the United States government “was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers;” and

Whereas, the United States Constitution should then be amended to enable the several states to correct violations of the limited powers by the United States and thereby restore the proper balance between the powers of Congress and those of the several States, and better prevent the denial or disparagement of the rights retained by the people. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the State of Missouri petitions the Congress of the United States to propose the following amendment (known as the State Repeal Amendment, or SRA) and that copies of this resolution be forwarded to the Speaker of the United States House of Representatives, the President of the United States Senate, and the Senators and Representatives of the United States Congress for Missouri:

“Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of a representative majority of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed. A representative majority of the several states is a majority of the states also having together a majority of the Representatives in the Congress.”

Be it further resolved that copies of this resolution be forwarded to the Legislatures of all the several states inviting them to likewise join in support of this petition.

Be it further resolved that should The Congress fail to act after two-thirds of the Several States petition alike in substance for a State Repeal Amendment, then a “convention to propose amendments” under Article V of the United States Constitution shall be the proper course and that delegates to such convention shall be selected by the

legislatures in the several states and shall vote by state (according to the practices established by the 1787 Federal Convention in Philadelphia.)

Be it further resolved that the State of Missouri reserves its right to petition in the same manner for further amendments as the General Assembly shall deem warranted.

(Article V application) SC 2011

Based on South Carolina 2011 Session H. 3507 (Repeal Amendment)

A CONCURRENT RESOLUTION

TO MAKE APPLICATION TO THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION PURSUANT TO ARTICLE V OF THE UNITED STATES CONSTITUTION FOR THE PURPOSE OF PROPOSING A CONSTITUTIONAL AMENDMENT THAT PERMITS THE REPEAL OF ANY FEDERAL LAW OR REGULATION BY VOTE OF [A REPRESENTATIVE MAJORITY] OF THE STATE LEGISLATURES.

Whereas, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress”; and

Whereas, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers; and

Whereas, in Federalist No. 85, Alexander Hamilton wrote in reference to Article V of the Constitution and the calling of a convention for the purpose of proposing amendments that, “We may safely rely on the disposition of the state legislatures to erect barriers against the encroachments of the national authority”; and

Whereas, the United States Constitution should be amended in order to halt federal encroachment and restore a proper balance between the powers of Congress and those of the several states, and to prevent the denial or disparagement of the rights retained by the people. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That [the State of Missouri] makes application to the Congress of the United States to call a constitutional convention pursuant to Article V of the United States Constitution for the purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of [a representative majority] of the state legislatures.

Be it further resolved that the [Missouri] Delegation to such convention, when called, shall propose the following amendment:

“Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of [a representative majority] of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed. [A representative majority of the several states is a majority of the states also having together a majority of the Representatives in the Congress.]”

Be it further resolved that this resolution is revoked, withdrawn, nullified, and superseded to the same effect as if it had never been passed, and retroactive to the date of passing, if it is used for the purpose of calling a convention or used in support of conducting a convention to amend the Constitution of the United States for any purpose [that omits] consideration of the amendment proposed in this resolution.

Be it further resolved that the State of [Missouri] reserves its right to add future amendments as the General Assembly deems warranted to this application.

Be it further resolved that delegates to such convention, when called, be selected according to procedures established by the legislatures of the several states.

[Be it further resolved that such convention, when called, shall vote by state, in accord with the same procedures established by the original 1787 Federal Convention in Philadelphia.]

Be it further resolved that copies of this resolution be forwarded to the Speaker of the United States House of Representatives, the President of the United States Senate, and the Senators and Representatives of the United States Congress [for Missouri] so that they may be apprised of the sense of the [Legislature of Missouri] in this matter.

Article V: “a Convention for proposing Amendments”

The Constitution allows two means for proposing Amendments:

Two-thirds of Congress may propose an amendment

Two-thirds of State Legislatures, requiring Congress to “call a convention for proposing amendments”

“In either case”, amendments must be ratified by three-fourths of states. (Congress may choose one of two modes to ratify: either the state legislatures or by state conventions. Only ONE amendment in the first 27, the 21st amendment that repealed the 18th “prohibition” amendment, has been ratified by state conventions. All others were ratified by state legislatures.)

As of 2013, ALL amendments have been proposed by Congress.

The United States has never had an amendment convention. (Some call this a “con-con” but “amend-con” or “prop-con” would be better nicknames)

Why break tradition and call an amendment convention to propose SRA?

There are advantages to using the convention approach, rather than 2/3 of Congress.

It firmly re-establishes the authority of the states acting together being greater than the national government

The convention meets SOLELY to propose amendments and does not share the other concerns and distractions which influence Congress in proposing amendments

The convention can deliberate together in finding the best language and compromises for proposed amendments.

This is not possible where states act isolated from each other.

What is the risk of an amendment convention?

Was the 1787 convention a “runaway” convention? (What is a “runaway” convention?)

What should be the rules of an amendment convention?

The only precedent we have is the 1787 Constitutional (Federal) Convention in Philadelphia.

It would seem best to follow that 1787 precedent as closely as possible, even more than the state ratifying conventions that followed.

Could the convention be restricted to propose only “pre-approved” amendments?

The text of the Constitution includes no restrictions on the convention’s authority to propose amendments.

The selection of delegates is not specified nor the rules of the convention.

Where would it be held? For how long? Who chooses the location?

It should be held in a remote location away from any large city that might influence proceedings.

Recommend: Bismarck, North Dakota in January.

It should be limited in time, perhaps six weeks.

Who would choose the delegates? How many in each state?

The delegates should be chosen by each state legislature.

Each state may determine how many delegates to send, perhaps limited to five (?) at most.

(Voting at the convention would be BY state, so the number is somewhat immaterial. The quality of the delegates should be more important in swaying others than the quantity.)

Pennsylvania sent the most delegates (8) to the 1787 convention (all of whom signed.) The total number of attendees was 55, 39 of whom signed.)

What would be the rules of voting and proposing at the convention?

Who decides these rules?

States should include such rules in their application for the amendment convention and Congress should also include them in their call to convention.

Following 1787:

One state, One vote

All actions by majority (of states)

Convention elects its own presiding officer and other officers

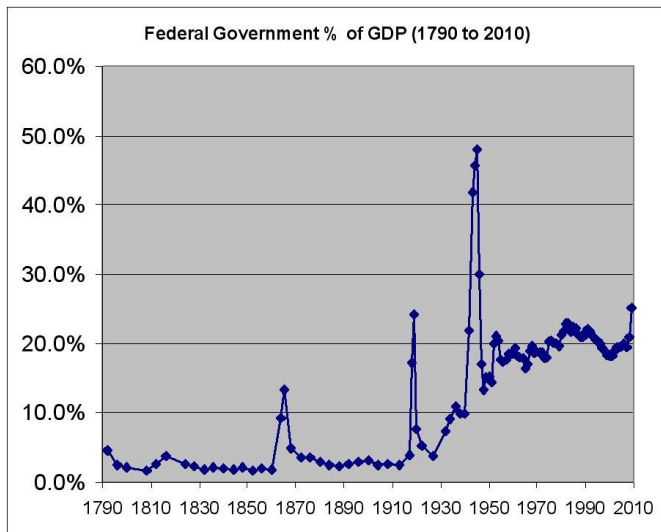
Convention selects its own procedural rules (not necessarily Roberts or the 1787 rules)

What has happened to the American Constitution?

The Essential Balance of American Federalism is Broken

“The powers delegated by the proposed Constitution to the federal government, are few and defined. Those which are to remain in the State governments are numerous and indefinite.”

James Madison, The Federalist, Essay Number 45



The original idea:

More States, Less Feds

For most of American history (1790-1930) and with exceptions during war, the national government remained small and limited (2-5% of GDP). But since the Great Depression, Second World War and Cold War eras, the national government has eroded its limitations (based upon Article I Section 8 and the Tenth Amendment of the Constitution.)

Over time the powers of the federal (national) government have overtaken the states, breaking the essential balance of our Constitution.

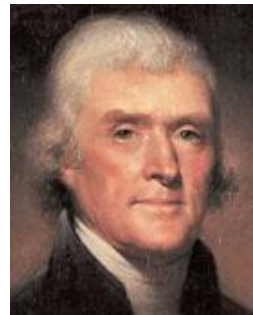
There also exists a foundational issue within the original Constitution. The federal

government (nor any branch of it, such as the Supreme Court), cannot be the rightful judge of whether its own limited powers have been exceeded.

Simply put: No one is a fair judge in their own case.

“the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers.”

Kentucky Resolutions, November, 1798, 1st Resolution (Thomas Jefferson)



Who decides what the Constitution means?

The federal government should not be the final judge of its own limited powers. In Jefferson’s words, this makes the Constitution “a mere thing of wax in the hands of the judiciary” and the national government eventually assumes all powers unto itself, as Jefferson predicted and we now witness. By the 1820s, Jefferson saw an underlying tendency to centralize powers in the federal government (through the Courts.)

Each state cannot decide on its own what the Constitution means for all. This contradicts the “supremacy” clause, defeats the original purpose of the Constitution and breaks the union apart.

“We, the People” must ultimately decide what the Constitution means, but elections are not immediate and they involve multiple trade-offs. We need a pragmatic **“bottom-up”** check on unconstitutional federal laws that is also **specific and timely**, just like a Supreme Court ruling. As Madison wrote (Federalist 51) “A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”

What’s missing? A “bottom-up” check on the Congress by the States (on behalf of the People)

We’re missing a pragmatic way for “the several states” acting together to check the national government: We need a State Repeal Amendment (SRA) so a representative majority of states can repeal federal laws and regulations, in whole or part.

The State Repeal Amendment (or SRA)

What is the State Repeal Amendment?

“Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of a representative majority of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed. [A representative majority of the several states is a majority of the states also having together a majority of the Representatives in the Congress.]”

For more information, visit <http://www.repealamendment.org>

(An earlier approach that differs only in requiring two-thirds of states, not a representative majority.)

Talking points for an SRA/SPA

Amending the Constitution has historically been a focus for successful political movements. (Those who want small limited government can learn from initiatives such as BBA and ERA.) SRA is exactly the right cause to organize the right people: those who want “More States, Less Feds” and who understand why federalism is better than unlimited centralized powers.

As a practical matter, if the SRA existed, Obamacare would have been repealed in whole or part.

Following the 17th amendment (1913, Senators elected by the People) and the early practice of choosing presidential electors by popular vote, the States have lost their only practical checks on federal powers. The SRA would correct this deficiency and directly repair the imbalance.

SRA will focus a national debate to overturn deeply false doctrines such as the “Living Constitution” and its real meaning of Judicial Supremacy.

Switzerland has had a similar “bottom-up” check in its Constitution since 1847 which has kept its central national government small in comparison with its regional governments (cantons)

Objections to a Constitutional (Article V) Convention approach are reasonable, but secondary. First: does SRA solve a major Constitutional problem? If not, the means are irrelevant-- just don't do it! On the other hand, if SRA saves the American Constitution, it is worth some risk.

Talking Points for MO SCR48 Hearing 2018Apr24

Key Questions:

What is SCR48?

A petition to Congress requesting them to propose a State Powers Amendment (SPA) (Two-step approach)

Two-step petition is the method that CofS ought to pursue, SPA is the best amendment I have seen

What is SPA?

In one sentence: The State Powers Amendment empowers the States acting together to repeal/revoke any federal law or regulations (in whole or part) or to overrule Court decisions by restricting jurisdiction.

SPA is multi-state nullification that transfers power to states to enforce the limits on the Feds

Why amend the Constitution? What is the basic problem to solve?

Federalism is broken.

If they don't follow the Constitution now, why would they follow your amendment?

BBA, term limits, Improved commerce, etc. not good enough

What is the deep problem within the Constitution itself? WHO decides what the Constitution means?

No one is a fair judge in their own case.

What is wrong with single-state nullification?

Supremacy = unity. Does the Constitution mean the same thing in every state?

What are the key ideas in the SPA (State Powers Amendment)?

Representative Majority + Two sections: Repeal + Restrict Jurisdiction

What is the two-step petition approach?

Better than CofS. C4PA, not Con-Con. Need focus on specific amendments.

What is wrong with the Convention of States?

Cart before the horse. Lying about a limited convention and runaway convention.

Why amend the Constitution? What is the basic problem to solve?

If it's not broken, don't fix it.

The U.S. (national) government has exceeded its powers under the Constitution.

(I.8 and Amend 10, Legislative powers, due process, money powers, war-making, etc.)

Federalism was intended to be a balance of state and national powers, we need more states, less Feds.

“The powers delegated by the proposed Constitution to the federal government, are few and defined. Those which are to remain in the State governments are numerous and indefinite.”

James Madison, “The Federalist”, Essay Number 45

If they don't follow the Constitution now, why would they follow your amendment?

“We just need to follow it”

ONLY amend the Constitution if the Constitution is the problem.

BBA, term limits, Commerce clause rewrites, are not good enough.

Neither is Human Life Amendment. (If the judges are the problem, then fix the judges, not the Law)

What is the deep problem within the Constitution itself? WHO decides what the Constitution means?

No one is a fair judge in their own case.

(Suppose we make a contract. I just want one clause, “if there's any dispute, I decide what it means.”)

Federalist No. 10, James Madison wrote that “No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, . . . with greater reason, a body of men are unfit to be both judges and parties at the same time;” and

This same principle was emphasized in the 1798 Kentucky Resolutions (drafted by Thomas Jefferson) that the United States government “was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers;” and Jefferson also warned that we not make the Constitution ‘a mere thing of wax in the hands of the judiciary’ for “to consider the judges as the ultimate arbiters of all constitutional questions” would then “place us under the

despotism of an oligarchy”, rather “the people themselves” are the “true corrective of constitutional abuses” and the States remain the closest and most representative voice of the people; and
The Congress has powers to correct Judicial Supremacy by means of Article III Section 2 regulations on Appellate Jurisdiction, and by similar reasoning such regulatory powers should be additionally extended to the Several States,

What is wrong with single-state nullification?

Does the Constitution mean the same thing in every state?

Supremacy requires singularity and unity (uniformity)

Madison denounced Calhoun’s nullification as a “contradiction in terms” and “a fatal inlet to anarchy”

This is a long-standing problem:

The Feds must not be the final judge whether they themselves broke the Constitution

Yet we have evolved a false “Living Constitution” doctrine of judicial supremacy because the Supreme Court has the appearance of being “outside” the Feds and then meets the singularity requirement

Elections have also done this in the past: 1800, 1828, 1860 (Dred Scott), FDR

But what we really need is a missing check by states (acting together) on the Feds

What are the key ideas in the SPA (State Powers Amendment)?

The original idea can be traced to James Madison, “Notes on Nullification” (1835)

In 2010 Randy Barnett (Georgetown Law professor (proposed the repeal amendment)

Mark Levin has a similar idea in “Liberty Amendments” (2013) #10

SPA empowers a “representative majority” of the state legislatures:

(1) to repeal any federal law or regulation by tantamount resolutions thereon;

(2) to regulate exceptions to the appellate Jurisdiction of the Courts of the United States by identical resolutions for this purpose no more than five years apart.

(“Representative Majority” = A majority of states also having a majority of Representatives in the House)

What is the two-step petition approach?

What is wrong with the Convention of States?