

Submitter: John Flannagan

On Behalf Of:

Committee: House Committee On Judiciary

Measure, Appointment or Topic: HB3075

This bill is blatantly Unconstitutional. It is a disgrace that such a bill that assults the law abiding citizens of Oregon sheold ever be written or considered. I request that this bill be removed from any and all consideration.

We live in a country founded on the notion of individual sovereignty – that man is supreme and government flows from the sovereign rights and powers of the individual. In our free society, founded on the supremacy of individual rights, constitutions were drafted to list those powers that the people agreed to delegate to their government for the protection of their rights and the orderly management of their communities. The US Constitution was no different. All other powers were retained by the People. Laws are only enforceable in such a constitutional republic when there is express authority granted by the People to do so. Consequently, when the federal government passes a law that exceeds or abuses power delegated in the Constitution, that law is AUTOMATICALLY NULL and VOID. It is automatically unenforceable on a free people. Judges are SUPPOSED to declare it void (to put that official check on the legislative branch and force them to repeal the law), but even if they don't, the law is already null and void. The federal judiciary was originally intended to be a "check" and was supposed to "advise" only. It was intended to be the weakest of all branches.

So, under the doctrine of nullification, the states don't really declare laws to be null and void. Rather, they recognize that certain laws are null and void. Then they exercise their duty to maintain the integrity of our free society by refusing to enforce any unconstitutional law on their citizens.