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STATES DID NOT FORM FED CONST

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Thomas Jefferson and James Madison, through the Virginia and Kentucky Resolutions of 1798 and 1799, had advocated the ***State's ability to actively nullify and resist unconstitutional actions from the federal government***

Thus, when someone suggests that the states possess the sovereign power to arrest federal encroachments outside of constitutionally enumerated powers, the nationalists emphatically argue their unsupported conclusion that the USA is one nation, indivisible, where the US S CT possesses the sole authority as the final arbiter on all matters politically relative to the US Constitution, and to suggest otherwise is treason!—

Marshall's opinions of national expansion were conclusively derived from one main principle: that the ***USA is a nation formed by the whole people and NOT BY INDIVIDUAL STATES through a compact***. This fact was admitted by Marshall-lover, Corwin, in 1920. Corwin admits that all of Marshall's opinions were based upon the ***presumption that the USA is a nation formed by the whole people as one body politic, and not by the individual, sovereign states via a compact***.

Americans to truly know WHAT IS THE TRUE NATURE AND CHARACTER OF OUR UNION: is it a ***National government formed by the whole people, or is it a compact among the states and acceded to by the states (otherwise known as a Confederacy)?***

“To its complete establishment throughout the Union, [the US Constitution] will therefore REQUIRE THE CONCURRENCE OF THIRTEEN STATES . . . [T]he necessity of moulding and arranging all the particulars which are to compose the whole, in such a manner as to SATISFY all the parties to the COMPACT . . . WE MAY SAFELY RELY ON THE DISPOSITION OF THE **STATE** LEGISLATURES TO ERECT BARRIERS **AGAINST THE ENCROACHMENTS OF THE NATIONAL AUTHORITY.**”

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[Joel Kovarsky](#) · 2 days ago 🔒

Many folks, myself included, would disagree with your interpretations. This was discussed in another thread: https://class.coursera.org/conlaw-001/forum/thread?thread_id=1598#comment-1578 . Those resolutions you discuss were specifically in response to the Alien and Sedition Act: <http://billofrightsinstitute.org/founding-documents/primary-source-documents/virginia-and-kentucky-r...> . When it came to nullification issues, Madison did not think those resolutions applied and was not in favor of the idea (and Jefferson died in 1826, so he was not asked). The link you give is a highly partisan interpretation of the subject, from the viewpoint of a conservative politician.

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Timothy Lindsay · 2 days ago 🔒

Joel Kovarsky, Of course many people would disagree. This is law there is NO Right answer. Right now the Federalist won the Civil war so the dominate opinion is the victors. This doe snot mean it is the absolute truth or correct one. The Intent of the forming fathers is for State rights and Sovereignty...however, the Federal government's position would be obviously WE RULE! The feds themselves are as you say "partisan". When a person comes up with Authority, Historical fact, custom and Tradition contrary to the dominate position some how this is "partisan", wrong and evil. Notice the feds can only say it is "IMPLIED" the Constitution did not allow secession but the States can come up with facts, and testimony of the forming fathers "HEY! we intended the STATES can secede. ie Mabry v Madison

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