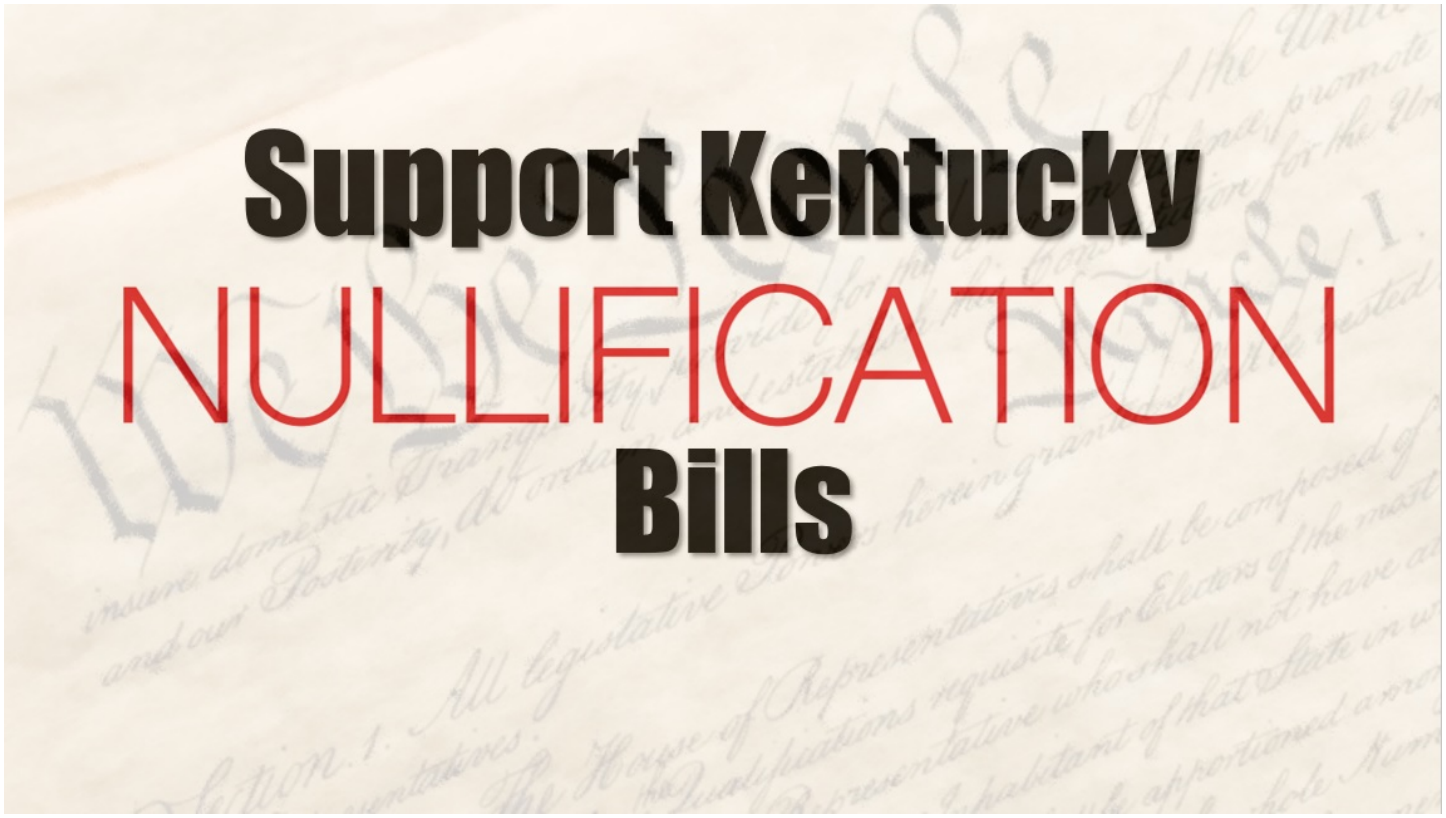


Support Kentucky Nullification Resolution SJR 26

Members of the Kentucky General Assembly are seeking to pass a resolution affirming "the sovereign right of Kentucky to nullify unconstitutional acts of the federal government." ***In order to Make America STATES Again, it is imperative that the General Assembly enacts this bill, along with strong, substantive legislation that nullifies unconstitutional federal actions.***

Senate Joint Resolution 26 (SJR 26) is sponsored by Senators Steve Rawlings (R-Burlington), Gex Williams (R-Verona), and Lindsey Tichenor (R-Smithfield). This resolution begins by expounding on a proper view of the Constitution and its limitations on government power, specifically via the horizontal (between the three branches of government) and vertical (the states vs. the federal government) separation of powers.

For example, the bill declares:

> WHEREAS, this principle [the vertical separation of powers] has become increasingly disregarded in recent decades, as if the federal government were supreme in all areas and unlimited in its jurisdiction; and
>
> WHEREAS, this shift nevertheless finds no support in the United States Constitution, the laws of the United States, or the Constitution of Kentucky, and is therefore an illegal usurpation of power and of the inalienable rights of the people; and
>
> WHEREAS, any federal action that violates the separation of powers is void as the United States Constitution is the supreme law of the land; and
>
> …
>
> WHEREAS, the citizens of the Commonwealth do not consent to any action by the executive or judicial branch that purports to enact law or cede authority or sovereignty to any global organization, including but not limited to the World Health Organization, United Nations, World Economic Forum, International Monetary Fund, World Bank Group, or any other international

> organization of which the United States is a member; the facilitation and use of global digital passports or a central bank digital currency; or any rule, regulation, fee, tax, or mandate of any kind that any of these global organizations, or similar global organizations may try to implement or enforce on the citizens of this Commonwealth; and
>
> WHEREAS, the United States Constitution assures the people and the states that their respective rights and powers will be respected by the federal government, and the Kentucky Constitution gives the people of the Commonwealth the sovereign power to regulate the affairs of the state; and
>
> WHEREAS, these sacred rights shall not be infringed upon by any action of the federal government purporting to wield any undue authority; and
>
> WHEREAS, the Kentucky Resolution of 1799 established that when states determine a law is unconstitutional, nullification by a state is the proper remedy;

SJR 26 then declares:

> The General Assembly further affirms the sovereign right of Kentucky to nullify unconstitutional acts of the federal government. … State nullification of federal action may be accomplished by the enactment of a bill of nullification by the General Assembly.

SJR 26 is correct. Article VI of the U.S. Constitution states, "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof … shall be the supreme Law of the Land." Article VI also declares that state legislators, executive officials, and judges "shall be bound by Oath or Affirmation, to support this Constitution."

Additionally, the Constitution delegates only specific, enumerated powers to the federal government. The states, by contrast, retain the vast majority of powers, something James Madison affirms in *The Federalist*, No. 45. This is further cemented by the 10th Amendment, which makes clear that all powers not granted by the Constitution to the federal government are reserved to the states and to the people.

Accordingly, any federal action that violates or contradicts the Constitution cannot be "made in Pursuance thereof" and, thus, is not "the supreme Law of the Land" — and state officials are duty-bound to nullify those actions.

In addition to passing SJR 26, the General Assembly should enact strong legislation nullifying unconstitutional federal actions — whether congressional laws, executive orders or regulations, or federal court rulings — and refuse to implement any federal edict without any basis in the Constitution. Nonetheless, passing SJR 26 would send a powerful message in favor of enforcing the U.S. Constitution.

Urge your state representative and senator to support SJR 26 and every other attempt to properly enforce the Constitution and nullify federal overreach.

Nullification: The Rightful Remedy