

1 A JOINT RESOLUTION relating to unconstitutional acts that would undermine the  
2 rights of Kentucky citizens and the sovereignty of the Commonwealth of Kentucky.

3 WHEREAS, the Commonwealth of Kentucky affirms its sovereign right to nullify  
4 unconstitutional acts of the federal government, including but not limited to rulemaking,  
5 monitoring, and enforcement by federal agencies or unelected boards, executive orders of  
6 the President of the United States, orders or decisions of the federal courts, or the making  
7 or enforcing of treaties; and

8 WHEREAS, the Kentucky Constitution establishes a "Bill of Rights"; and

9 WHEREAS, Section 1 of the Kentucky Constitution declares in pertinent part that  
10 "All men are, by nature, free and equal, and have certain inherent and inalienable rights";  
11 and

12 WHEREAS, Section 2 of the Kentucky Constitution further provides that "Absolute  
13 and arbitrary power over the lives, liberty and property of freemen exists nowhere in a  
14 republic, not even in the largest majority"; and

15 WHEREAS, Section 4 of the Kentucky Constitution declares that "All power is  
16 inherent in the people, and all free governments are founded on their authority and  
17 instituted for their peace, safety, happiness and the protection of property. For the  
18 advancement of these ends, they have at all times an inalienable and indefeasible right to  
19 alter, reform or abolish their government in such manner as they may deem proper"; and

20 WHEREAS, when "We the People" ordained and established the Constitution of  
21 the United States of America, the people and states granted only specific, limited powers  
22 to the federal government, enumerated in Article I, Section 8 of the United States  
23 Constitution; and

24 WHEREAS, Articles I, II, and III of the United States Constitution exclusively vest  
25 legislative, executive, and judicial powers to the corresponding branches of government;  
26 and

27 WHEREAS, the founding fathers did not want undue power to be combined in any

1 branch of government where, if left unchecked, it could become tyrannical; and

2 WHEREAS, the United States Constitution does not permit Congress to delegate or  
3 confer any lawmaking power to any other branch of government; and

4 WHEREAS, no other person, agency, or department of any other branch of the  
5 federal government has any lawmaking power under the United States Constitution; and

6 WHEREAS, Article I, Section 7 of the United States Constitution establishes the  
7 only process by which a bill becomes a law; and

8 WHEREAS, this process requires passage by both houses of Congress followed by  
9 either presidential approval or congressional override of presidential veto; and

10 WHEREAS, any action by the executive or judicial branches that purports to enact  
11 law or that is treated as such is a usurpation of power; and

12 WHEREAS, federal court opinions and executive orders are often erroneously  
13 interpreted as law or having amended the United States Constitution; and

14 WHEREAS, the principle of separation of powers is so innately representative of a  
15 republican form of government that it is upheld and reinforced in these United States,  
16 respectively, and in Kentucky, specifically, through the establishment of three branches  
17 of state government; and

18 WHEREAS, when creating a federal government through ratification of the United  
19 States Constitution, the people and the states also designed a vertical separation of  
20 powers between the sovereign states, which are superior, and the federal government,  
21 which is inferior; and

22 WHEREAS, a vertical separation of powers is explicitly articulated in Article I,  
23 Section 8 of the United States Constitution, granting to the federal government only  
24 limited, enumerated, lawmaking powers; and

25 WHEREAS, this vertical separation of powers is also incorporated into the Bill of  
26 Rights; and

27 WHEREAS, the First Amendment to the United States Constitution specifically

1 denies Congress lawmaking power within certain listed fields; and

2 WHEREAS, the Ninth Amendment to the United States Constitution specifically  
3 prohibits the federal government from interfering with rights not expressly enumerated in  
4 the Constitution; and

5 WHEREAS, the Tenth Amendment to the United States Constitution denies the  
6 federal government powers not delegated to it in the Constitution; and

7 WHEREAS, under the United States Constitution, Congress writes the laws, not  
8 unelected and unaccountable bureaucrats who do not have the constitutional authority to  
9 enact regulations without representation; and

10 WHEREAS, this principle has become increasingly disregarded in recent decades,  
11 as if the federal government were supreme in all areas and unlimited in its jurisdiction;  
12 and

13 WHEREAS, this shift nevertheless finds no support in the United States  
14 Constitution, the laws of the United States, or the Constitution of Kentucky, and is  
15 therefore an illegal usurpation of power and of the inalienable rights of the people; and

16 WHEREAS, any federal action that violates the separation of powers is void as the  
17 United States Constitution is the supreme law of the land; and

18 WHEREAS, in a landmark case, *Marbury v. Madison*, the United States Supreme  
19 Court declared that "a law repugnant to the Constitution is void"; and

20 WHEREAS, an act of Congress repugnant to the United States Constitution is not  
21 law; and

22 WHEREAS, in the 1879 decision, *Ex parte Siebold*, the United States Supreme  
23 Court ruled that "An unconstitutional law is void, and is as no law. An offence created by  
24 it is not a crime. A conviction under it is not merely erroneous, but is illegal and void,  
25 and cannot be a legal cause of imprisonment"; and

26 WHEREAS, in *Norton v. Shelby County*, the United States Supreme Court stated  
27 that "An unconstitutional act is not a law; it confers no rights; it imposes no duties; it

1 affords no protection; it creates no office; it is, in legal contemplation, as inoperative as  
2 though it had never been passed"; and

3 WHEREAS, in *Miranda v. Arizona*, the United States Supreme Court further  
4 opined that "Where rights secured by the Constitution are involved, there can be no  
5 rulemaking or legislation which would abrogate them"; and

6 WHEREAS, as Thomas Jefferson and James Madison explained in their original  
7 drafts of the Kentucky Resolutions of 1798, "whenever the General government  
8 assumes undelegated powers, its acts are unauthoritative, void, and of no force"; and

9 WHEREAS, Thomas Jefferson further added, "but where powers are assumed  
10 which have not been delegated, a nullification of the act is a rightful remedy: that every  
11 state has a natural right in cases not within the compact, (*casus non foederis*) to nullify of  
12 their own authority all assumptions of power by others within their limits"; and

13 WHEREAS, the United States Constitution binds federal lawmakers by oath to  
14 support the Constitution, and when they fail to do so, the rightful remedy available to the  
15 various states is to nullify federal usurpations and to declare their acts void; and

16 WHEREAS, every constitutional officeholder must know and understand these  
17 important constitutional limitations of power and individually determine how best to  
18 defend the rights of the people and fulfill his or her oath of office; and

19 WHEREAS, the citizens of the Commonwealth do not consent to any action by the  
20 executive or judicial branch that purports to enact law or cede authority or sovereignty to  
21 any global organization, including but not limited to the World Health Organization,  
22 United Nations, World Economic Forum, International Monetary Fund, World Bank  
23 Group, or any other international organization of which the United States is a member;  
24 the facilitation and use of global digital passports or a central bank digital currency; or  
25 any rule, regulation, fee, tax, or mandate of any kind that any of these global  
26 organizations, or similar global organizations may try to implement or enforce on the  
27 citizens of this Commonwealth; and

1           WHEREAS, the United States Constitution assures the people and the states that  
2 their respective rights and powers will be respected by the federal government, and the  
3 Kentucky Constitution gives the people of the Commonwealth the sovereign power to  
4 regulate the affairs of the state; and

5           WHEREAS, these sacred rights shall not be infringed upon by any action of the  
6 federal government purporting to wield any undue authority; and

7           WHEREAS, the Kentucky Resolution of 1799 established that when states  
8 determine a law is unconstitutional, nullification by a state is the proper remedy;

9           NOW, THEREFORE,

10 ***Be it resolved by the General Assembly of the Commonwealth of Kentucky:***

11           ➔Section 1. The General Assembly reaffirms Kentucky's sovereignty.

12           ➔Section 2. The General Assembly further affirms the sovereign right of  
13 Kentucky to nullify unconstitutional acts of the federal government.

14           ➔Section 3. The Attorney General is directed to challenge all unconstitutional  
15 acts of the federal government or members of agencies or unelected boards, which usurp  
16 or diminish the sovereignty of the Commonwealth of Kentucky, and to file or join amicus  
17 briefs from other state officials in support of protecting state sovereignty.

18           ➔Section 4. State nullification of federal action may be accomplished by the  
19 enactment of a bill of nullification by the General Assembly.