

1           A JOINTRESOLUTION 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 Constitution of Kentucky establishes a "Bill of Rights"; and

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

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

15           WHEREAS, Section 4 of the Constitution of Kentucky 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 Constitution of the  
23 United States; and

24           WHEREAS, Articles I, II, and III of the Constitution of the United States  
25 exclusively vest legislative, executive, and judicial powers to the corresponding branches  
26 of government; 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 Constitution of the United States does not permit Congress to  
3 delegate or 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 Constitution of the United  
6 States; and

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

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

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

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

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

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

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

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

1           WHEREAS, the First Amendment to the Constitution of the United States  
2 specifically denies Congress lawmaking power within certain listed fields; and

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

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

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

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

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

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

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

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

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

27           WHEREAS, in *Norton v. Shelby County*, the United States Supreme Court stated

1 that "An unconstitutional act is not a law; it confers no rights; it imposes no duties; it  
2 affords no protection; it creates no office; it is, in legal contemplation, as inoperative as  
3 though it had never been passed"; and

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

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

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

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

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

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

1 citizens of this Commonwealth; and

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

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

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

10 NOW, THEREFORE,

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

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

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

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

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