



Written by [Peter Rykowski](#) on April 21, 2023

Resolution Affirming State Nullification Introduced in Louisiana

A resolution affirming “the sovereign right of Louisiana to nullify unconstitutional acts of the federal government” has been introduced in the Louisiana state Legislature.

Senate Concurrent Resolution No. 21 ([S.C.R. 21](#)) is sponsored by state Senator Stewart Cathey Jr. (R-Monroe). 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.



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Louisiana State Capitol

The resolution affirms that in drafting the [U.S. Constitution](#), the Founding Fathers established a system with a robust horizontal separation of powers, and that the United States has strayed far from the Constitution in this regard:

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

WHEREAS, this horizontal separation of powers reflects the understanding the founding fathers derived from both scripture and experience that sinful man could not be trusted to always be virtuous and public-minded; and

WHEREAS, the founding fathers did not want undue power to be combined in any branch of government where, if left unchecked, it could become tyrannical; and

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

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

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

WHEREAS, federal court opinions and executive orders are often erroneously interpreted as law or to have amended the Constitution of the United States ...

S.C.R. 21 also affirms that under the Constitution, the states retain the vast majority of powers. By contrast, only a very limited set of powers is granted to Congress, and it is unconstitutional for the federal government to extend its powers beyond those enumerated limits. For example, the resolution



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declares:

WHEREAS, when “We the People” ordained and established the Constitution of the United States of America, the people and states granted only specific, limited powers to the federal government, enumerated in Section 8 of Article I; and ...

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, whether this shift was intentional or accidental, active or passive, it nevertheless finds no support in the Constitution of the United States of America, the laws of the United States, or the constitutions of any of the sovereign states and is an illegal usurpation of power and the unalienable rights of the people; and

WHEREAS, any federal action that violates either the horizontal or vertical separation of powers is void as the Constitution of the United States is the supreme law of the land; and ...

WHEREAS, the Constitution of the United States assures the people and the states that their respective rights and powers will be respected by the federal government; and

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

S.C.R. 21 ultimately declares:

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby affirm the sovereign right of Louisiana to nullify unconstitutional acts of the federal government.

S.C.R. 21 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 S.C.R. 21, the state Legislature would be wise to enact strong legislation nullifying unconstitutional federal actions — whether congressional laws, executive orders or regulations, or federal court rulings. Appropriate targets of nullification include the [World Health Organization](#), the [Federal Reserve](#), the federal “[Respect for Marriage Act](#),” federal [interference](#) in state election laws, federal [agricultural regulations](#), and federal [meddling](#) in local police and sheriffs departments. States can also create [formal procedures](#) for nullifying unconstitutional federal actions. Nonetheless, passing S.C.R. 21 would send a powerful message in favor of enforcing the U.S.



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Constitution. It takes courage to push back against federal usurpations, but with it, state officials can effectively uphold and protect the Constitution.

Louisiana residents can contact their legislators in support of S.C.R. 21 by visiting The John Birch Society's legislative alert [here](#). Everyone can urge their state legislators to enforce the Constitution by nullifying unconstitutional federal laws and edicts by visiting JBS's 50-state alert [here](#).



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