



Written by [Peter Rykowski](#) on June 15, 2023

Louisiana Legislature Affirms “Sovereign Right” of State Nullification

The Louisiana state Legislature has passed a resolution affirming “the sovereign right of Louisiana to nullify unconstitutional acts of the federal government.”

Senate Concurrent Resolution No. 21 ([S.C.R. 21](#)) was sponsored by state Senator Stewart Cathey Jr. (R-Monroe) and Representative Raymond Garofalo (R-Meraux). On May 25, the Senate [voted 27-10](#) in favor of the resolution, and on June 7, the House [voted 67-29](#) in favor. Since S.C.R. 21 is a resolution, it does not require the governor’s signature.



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Resolution Contents

S.C.R. 21 delivers a strong legislative statement in favor of state nullification and constitutional adherence. It 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 (between the state and federal governments) separation of powers.

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 ...



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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 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.

Principle of Nullification

S.C.R. 21 correctly affirms Louisiana’s “sovereign right” to nullify unconstitutional federal actions. [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” (emphasis added). 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.

Nullification has been [used multiple times](#) throughout U.S. history, including against the [Alien and Sedition Acts of 1798](#) and the [Fugitive Slave Act of 1850](#). Today, states and localities continue to



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exercise nullification against such unconstitutional measures as gun control (see [here](#) and [here](#)), the [REAL ID Act](#), Covid tyranny (see [here](#) and [here](#)), and even [drug laws](#). These uses have helped to significantly and effectively reduce government tyranny.

What's Next?

S.C.R. 21 is a strong legislative statement in favor of nullification and constitutional enforcement. However, as a resolution, it is merely a statement and by itself does not nullify any federal action.

Now that the Legislature has passed S.C.R. 21, it would be wise to follow up by enacting strong, substantive legislation nullifying unconstitutional federal actions — whether congressional laws, executive orders or regulations, or federal court rulings. Appropriate targets of nullification include [gun control](#), the [World Health Organization](#), the [Federal Reserve](#), the federal “[Respect for Marriage Act](#),” the [REAL ID Act](#), unconstitutional overseas [National Guard deployments](#), federal [interference](#) in state election laws, federal [agricultural regulations](#), and federal [meddling](#) in local police and sheriff's departments. States can also create [formal procedures](#) for nullifying unconstitutional federal actions.

Citizens of Louisiana — or any state — should contact their state legislators and urge them to enforce the U.S. Constitution by enacting such legislation. Restoring constitutional government starts with patriots educating the broader electorate and taking action to influence their elected officials.

To urge your state legislators to enforce the Constitution by nullifying unconstitutional federal laws and edicts, visit The John Birch Society's legislative alert [here](#).



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