

**A RESOLUTION OF THE SOUTH CAROLINA REPUBLICAN PARTY IN
SUPPORT OF AFFIRMING THE SOVEREIGN RIGHT OF SOUTH
CAROLINA TO NULLIFY UNCONSTITUTIONAL ACTS OF THE
FEDERAL GOVERNMENT FOR THE PURPOSE OF INSTITUTING AND
PROTECTING THE RIGHTS OF THE INDIVIDUAL AND FOR THE
GOOD OF THE WHOLE**

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, under the horizontal separation of powers, not one of these entities have the power of becoming dominant; and

WHEREAS, the Constitution of the United States designates only Congress with the power to make laws; and

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

WHEREAS, any actions by the executive (including cabinet agencies) or judicial branches that purport to enact laws or are treated as such is a usurpation of power; and

WHEREAS, executive orders are not laws, nor do they amend the Constitution of the United States; and

WHEREAS, Article I, Section 8 of the Constitution of the United States grants only limited, enumerated, lawmaking powers to the federal government; and

WHEREAS, the Ninth Amendment of the Constitution of the United States specifically prohibits the federal government from interfering with rights retained by the people as protected under the Constitution; and

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

WHEREAS, any federal action that violates the states' separation of powers is void under the Constitution of the United States which is the supreme law of the land; and

WHEREAS, the executive branch of the federal government (including cabinet agencies) have imposed executive orders and regulations on our citizens and businesses that have infringed on our freedoms and adversely affected our unalienable rights to life, liberty, personal security, property and the pursuit of happiness – including but not limited to: healthcare mandates, education indoctrination, pernicious gun regulations, peaceable assembling, and freedom to worship without persecution; and

WHEREAS, an act of Congress repugnant to the Constitution of the United States cannot become law; and

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

WHEREAS, as Thomas Jefferson stated in the Kentucky Resolutions of 1798, “but where powers are assumed which have not been delegated a nullification of the act is a rightful remedy: that every state has a natural right.”; and

WHEREAS, federal lawmakers are bound by oath to support the Constitution, and failing to do so, the rightful remedy for the states is to nullify their usurpations and to declare their acts void; 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.

THEREFORE BE IT RESOLVED, that the Legislature of South Carolina should adopt the resolution to affirm the sovereign right of South Carolina to nullify unconstitutional acts of the federal government for the purpose of instituting and protecting the rights of the individual and for the good of the whole.

BE IT FURTHER RESOLVED, that the above resolution be reviewed and expedited into action by the Governor for the protection of the State’s rights and its constituents.