**Resolution of State n:**

WHEREAS, the U.S. Constitution requires all government officials of the Federal, State, and local legislative, executive, and judicial branches to swear or affirm to support the U.S. Constitution (Art. VI, Para. 3), and

WHEREAS, Art. I Sec. 1 of that Constitution begins by expressly granting all Federal legislative power to Congress, and

WHEREAS, that same Article, by good and necessary consequence, prohibits the courts, including the Supreme Court, from exercising legislative power, and

WHEREAS, “The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people” (Tenth Amendment), and

WHEREAS, the U.S. Constitution nowhere, including in Art. III which vests the judicial power in the Supreme Court and other inferior courts that Congress may create, designates the Supreme Court, or any Court, to be its final interpreter, and

WHEREAS, the U.S. Constitution nowhere empowers courts to make a continual practice of overturning Federal and State laws passed by their respective legislatures and signed into law by their chief executives, and

WHEREAS, the Supreme Court, and all other Federal courts, are creatures of the U.S. Constitution, itself a creature of the States, and

WHEREAS, the enumerated powers granted to Congress in Art. 1, Sec. 8 nowhere include Federal power over abortion, but by good and necessary consequence reserve that power to the States (Tenth Amendment), and

WHEREAS, while the 14th Amendment Sec. 1 requires birth to be considered a citizen of the United States, it does require birth to qualify one to be a “person” entitled to protection by the law, not destruction, and

WHEREAS, the only other reference in the U.S. Constitution to “birth” requires the President to be a citizen by natural birth (Art. 2, Sec. 1), and

WHEREAS, no person shall be deprived of life, liberty, or property without due process of law (Amendment 5 and Amendment 14, Sec. 1), and

WHEREAS, no aborted person can possibly be deprived of life with due process of law, and

WHEREAS, *Marbury v. Madison,* the Supreme Court decision of 1803 that, we are frequently told, set the precedent for the Supreme Court to overturn laws it finds unconstitutional, stated five times therein that to maintain an unconstitutional law would be “repugnant”, and

WHEREAS, to maintain Federal and State law based on an unconstitutional Supreme Court decision is likewise by good and necessary consequence “repugnant”, and

WHEREAS, one who is guided by precedent should be similarly guided by the *Kentucky and Virginia Resolutions* that nullified the *Alien and Sedition Acts* in 1798-99, 4-5 years before *Marbury v. Madison,* and

WHEREAS, willfully killing a 3-year old person constitutes murder, and

WHEREAS, only a perverted moral logic can deny that willfully killing an unborn child also constitutes murder, regardless of whether or not the murder is committed under color of law.

NOW THEREFORE BE IT RESOLVED that the people of State n, through its elected representatives, do hereby declare the Supreme Court decision *Roe v. Wade*, and all other court decisions that recognize abortion as anything less than murder, to be null, void, and of no consequence whatsoever within its State borders, and hereby retakes its authority usurped by the Supreme Court. We will enact whatsoever legislation we choose, within the limits imposed by the plain text of the U.S. Constitution and its own State U.S. Constitution.

It is highly unfortunate that it has become necessary for a State, through its elected representatives, to feel compelled to nullify within her borders a decision of the highest Court, being as the U.S. Constitution requires that both bodies follow it (Art. 6, Para. 3). Prudence, indeed, will dictate that a State should not nullify a Supreme Court decision for light and transient causes. Furthermore, a decent respect to the opinions of mankind, including those of its fellow States, requires that State n declare the causes which impelled it to do so.

Like our Founders, we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and the particular right that drives this Resolution is the right to life, which government is secured to protect, not destroy, absent due process of law.

Our Founders found their form of government under Great Britain to be destructive to the self-evident, inalienable rights of life, liberty, and the pursuit of happiness to their people. Therefore, they claimed and acted upon the right to alter and abolish that government – even to the taking of arms.

While State n’s action herein is serious, it is not altering or abolishing any government; it is simply altering and abolishing from its State statutes all laws based on unconstitutional decisions of the Supreme Court on one subject only, that of abortion, and replacing them with laws that conform to the U.S. Constitution from which the Supreme Court deviated.

State n is also well aware of the Supremacy Clause: “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof…shall be the Supreme Law of the Land” (Art. VI, Para. 2). But *Roe v. Wade* is no “law of the United States” and, more importantly, it was not made “in Pursuance” of the U.S. Constitution, but in violation of it. State n knows that State law must yield to Federal law *that follows the U.S. Constitution,* but it is repugnant to adhere to Federal law – or judicial decision – that is at variance thereto. State legislators are under Oath to support the U.S. Constitution, NOT to support repugnant, because unconstitutional, Federal law or judicial decisions; they are, instead, bound to nullify within their own State that which undermines the U.S. Constitution.

State n should not be misconstrued as claiming general State sovereignty over the Federal Government. It is neither seeking to undermine its constitutionally created institutions nor denying any of the enumerated powers delegated them; and it is certainly not claiming to possess final authority to interpret the U.S. Constitution whenever it desires.

State n is also aware that its action poses a risk to the Republic. It sets a precedent, tempting not only itself but any other State to claim the power to set itself over and above any Supreme Court decision at will. But State n refuses to hold itself responsible if any State follows this example without presenting a tightly argued case for the unconstitutionality of that which it is nullifying.

But State n acknowledges a far greater risk. Our forefathers confessed that their Creator endowed all men with the inalienable right to life, and that same Creator of life has witnessed the destruction of life of more than 60 million unborn children within our borders over a course of nearly 50 years.

If Abel’s blood cried out to Almighty God against his murderer (Gen. 4:10), how much louder must the cry of 60 million – and counting – be against their murderers, and against those who hire and pay them, government officials who from their seats of power aid and comfort the murderers, even forcing taxpayers to fund the murderers? And how does that blood cry against the rest of us who cheerlead this slaughter? Or sit back and do nothing or, with few exceptions, content themselves with ineffective protests that cost them little?

We are predictably indignant at every mention of those under Nazi Germany who did not protest the holocaust. We conveniently forget the Nazis had disarmed the civilian population. How long would some Germans have lasted had they stood at the Auschwitz gate carrying signs “Murders committed here”? Yet we can – yet rarely do - publicly protest at far less risk!

The Nazis did not limit their wickedness to murdering 6 million Jews. But this particular murder they, like we, committed with the same excuse – Nazis denied Jews their humanity, and we deny the unborn that same humanity, both under color of law.

With 60 million murders and counting, we have made the Nazis look like amateurs,

Our Founders firmly relied on the protection of the divine Providence as they did “mutually pledge to each other our lives, our Fortunes and our sacred Honor”. That same Creator, as one of those “self-evident truths”, required that governments protect those inalienable rights, including life, not destroy them. As lesser magistrates under the King, they interposed between that King and Parliament on one hand, and the people on the other, even though that meant standing up to the mightiest army they knew.

We, therefore, the elected representatives of State n, in imitation of our Founders as fellow lesser magistrates, have a sworn duty before the God Who gave us breath to hereby interpose between a tyrannical Supreme Court and the weakest, most helpless of our people, the unborn. It is inconceivable to us that the Founders, having invested so much blood and treasure to rid themselves of a tyrannical and destructive King, would be pleased with their heirs, who have replaced him with an oligarchy that is tyrannical and even more destructive, the Supreme Court.

Let our critics say what they will. Let them square the circle and attempt to defend the constitutionality of the Supreme Court decisions regarding abortion. One does not have to be among the elite to understand the U.S. Constitution. Our Enlistment Oath, as written, expects the rawest recruit fresh out of high school to be capable of recognizing an enemy of the U.S. Constitution, even if it’s his own Commanding Officer.

Finally, it is high time someone struck a decisive blow at the popular fiction that our Constitution means whatever five Supreme Court justices say it means.