IN THE LEGISLATURE FOR THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

A Joint Resolution

Relating to the Powers of the States to nullify Constitutional Amendments

Be It Resolved by the House of Representatives and Senate:

WHEREAS the Tenth Article of the Bill of Rights to the Constitution for The United States of America reads, "*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;*" and

WHEREAS Article VI, Section 3 of the Constitution for The United States of America reads in part: "*. . . . and the members of the several state legislatures, ... shall be bound by oath or affirmation, to support this Constitution, ...*". Said "*Oath*" or "*Affirmation*" imposes ministerial duties upon the members of the Legislature for the State of Alaska; and

WHEREAS the Legislators of the State of Alaska, doth unequivocally express a firm resolution to maintain and defend the Constitution for The United States of America, and the Constitution of this State, against every aggression, either foreign or domestic; and that they will support the government of The United States of America in all measures warranted by the former; and

WHEREAS the several States composing The United States of America are not united on the principle of unlimited submission to their general government; but that, by "*Compact,*" under the style and title of a Constitution for The United States of America, and of Amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers,

its acts are unauthoritative, void, and of no force; that to this "*Compact*" each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party; that this government, created by this "*Compact*," was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of "*Compact*" among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress; and

WHEREAS this Legislature most solemnly declares a warm attachment to the Union of the States, to maintain which it pledges its powers; and that, for this end, it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that Union, because a faithful observance of them, can alone secure its existence and the public happiness; and

WHEREAS this Legislature doth explicitly and peremptorily declare, that it views the powers of the federal government as resulting from the "*Compact*" to which the States are Parties, as limited by the plain sense and intention of the instrument constituting that "*Compact*," as no further valid than they are authorized by the grants enumerated in that "*Compact*;" and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said "*Compact*," the States, who are Parties thereto, have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights and liberties, appertaining to them; and

WHEREAS the Legislature doth also express its deep regret, that a spirit has, in sundry instances, been manifested by the federal government to enlarge its powers by forced constructions of the "*Constitutional Charter*" which defines them; and that implications have appeared of a design to expound certain general phrases (*which, having been copied from the very limited grant of power in the former Articles of Confederation, were the less liable to be misconstrued*) so as to destroy the meaning and effect of the particular enumeration which necessarily explains and limits the general phrases; and so as to consolidate the States, by degrees, into one sovereignty, the obvious tendency and inevitable consequence of which would be, to transform the present

republican system of The United States of America, into an absolute, or, at best, a mixed monarchy; and

WHEREAS the Legislature and the People of Alaska doth particularly **PROTEST** against the palpable and alarming infractions of the Constitution, in the adoption of Amendments outside the procedures as set forth by Article V of the Constitution for The United States of America, namely the Fourteenth, Fifteenth, and Seventeenth Amendments;

BE IT RESOLVED that the Legislature for the State of Alaska hereby claims sovereignty for the State under the Tenth Article of the Bill of Rights to the Constitution for The United States of America over all powers not otherwise enumerated and delegated to the federal government or prohibited to it by the Constitution for The United States of America;

FOURTEENTH and FIFTEENTH AMENDMENTS

BE IT FURTHER RESOVED that the "*Congress*" of The United States of America exceeded its authority in the issuance of an "*Order*" in the form of a "*Concurrent Resolution*" dated July 21, 1868 (*as stated within the "Proclamation of Ratification" dated July 28, 1868*) wherein said "*Order*" the Congress instructed the "*Secretary of State*" to proclaim the "*Fourteenth Amendment*" to have been "*ratified*" when the members of that Congress:

1. Had full knowledge that the "*House*" and "*Senate Journals*" of the "*States*" showed the proposed "*Fourteenth Amendment*" to have been "*rejected*" by more than one-fourth of the States (*with lawful governments*) in the year of 1867. The "*House*" and "*Senate Journals*" of the "*States*" that recorded the "*votes of rejection*" on the proposed "*Fourteenth Amendment*" may be viewed on the Internet at:

http://www.14th-amendment.com/Historical_Documents/State_Journals/page_frame.htm

2. Had full knowledge that when the required number of "*votes*" for "*ratification*" or "*rejection*" of proposed "*Constitutional Amendments*" have been recorded within the House and Senate Journals of the States, the "*Amendment*" process is concluded. The conclusion of the amendatory process is not dependent upon the Secretary of State (*Archivist of the United States*) to issue forth "*Proclamations*." Such qualifications of conclusion of the amendatory process by exclusive issuance of "*Proclamations*" is not supported by any provision of the Constitution for The United States of America.

3. Had full knowledge that once a proposed "*Amendment*" had either been "*rejected*" or "*ratified*," the procedure for adopting "*Amendments*" to the Constitution for The United States of America comes to an end and that no votes may thereafter be accepted that will alter or change the votes that have been cast.

4. Had full knowledge that every State was admitted into the Union with lawful governments and that every State which participated in the Civil War were States that had lawful governments throughout the War as declared by the U.S. Supreme Court in the case State of Texas vs. White, 74 U.S. 700.

5. Had full knowledge that every State after the Civil War had retained its lawful governments as evidence with the proposed "*Thirteenth Amendment*" being presented to every State for approval or disapproval of ratification.

6. Had full knowledge that Congress had no authority to deny any State of its "*rights of suffrage*" in the Senate under the protections of Article V of the Constitution for The United States of America especially when the Senate is debating and voting upon "*Resolutions*" proposing "*Amendments*" to the Constitution. Several States were

denied of their "*rights of suffrage*" in the Senate of Congress under provisions of the Reconstruction Acts of 1867-68 (*see Sections 1 & 6 of the law THIRTY-NINTH CONGRESS, Sess. II, Ch. 153; see also Sections 1 & 10 of the law FORTIETH CONGRESS, Sess. I, Ch. 30*).

7. Had full knowledge that no Congress may "*Order*" the counting of "*ratification votes*" that have been cast upon proposed "*Amendments*" to the Constitution for The United States of America by any "*State*" that had an "*unlawful government,*" especially when this same Congress identified the "*States*" having "*unlawful governments*" within a "*Statute at Large*." (*see Section 1 of the law THIRTY-NINTH CONGRESS, Sess. II, Ch. 153*). This same "*Congress*" declared within "*Resolutions*" that no "*State*" having unlawful governments may participate in the amendment process of adopting "*Constitutional Amendments*" to the Constitution for The United States of America. (*see Section 6 of Senate Resolution dated December 5, 1866*).

8. Had full knowledge that no Congress has authority to dissolve any "*State*" of its "*Statehood*" status (*as Congress did within the Reconstruction Acts of 1867-68 {see Sections 1 & 6 of the law THIRTY-NINTH CONGRESS, Sess. II, Ch. 153; see also Sections 1, 2 & 10 of the law FORTIETH CONGRESS, Sess. I, Ch. 30}*). No authority exist for Congress to "*revoke*" the "*Statehood*" status any "*State*" for every "*State*" has entered into a perpetual "*Union Compact*" under the Articles of Confederation. (*see Article XIII of the July 9, 1778 Articles of Confederation; see also U.S. Supreme Court case State of Texas vs. White, 74 U.S. 700; see also July 28, 1868 Presidential Message to the United States Senate*).

9. Had full knowledge that Congress had no authority to "*nullify*" the lawful "*rejection votes*" as cast by the lawful governments of the '*Rebel*' States (*which were cast before*

the Reconstruction Act enactment date of March 2, 1867) with the "*votes of ratification*" as cast by "*Military Districts*" of the "*United States*" (*as proclaimed within the Reconstruction Acts of 1867-68 {see Sections 5 & 6 of the law THIRTY-NINTH CONGRESS, Sess. II, Ch. 153; see also Section 1 of the law FORTIETH CONGRESS, Sess. II Ch. 70}*). The "*Military Districts*" of the "*United States*" are not "*States*" of the "*Union*" for they are "*Federal Territories*." As "*Military Districts*" are under the exclusive jurisdiction of the "*Military*" of the "*United States*," they are in want of having "*republican forms of government*," a Constitutional requirement for a "*State*" to have the status of "*Statehood*" and for any "*Legislature*" of a "*State*" to cast "*votes*" on proposed "*Amendments*" to the Constitution for The United States of America. (*see Article IV, Section 4 and Article V of the Constitution for The United States of America*). As the "*votes of rejection*" are the only "*votes*" cast by lawful governments of the '*Rebel*' States, the Fourteenth Amendment failed ratification.

10. Had full knowledge that several provisions of the "*Reconstruct Acts*" of 1867-68 mandating "*compulsory ratification*" of the proposed "*Fourteenth*" (*and "Fifteenth"*) "*Amendments*" were "*repugnant*" to the Constitution for The United States of America for they were advised of the "*irregularities*" of the "*Acts*" by the President of The United States of America. (*see President Andrew Johnson's "Veto Messages" on the "Reconstruction Acts;"* see also *U.S. Senator Drake's proposed "Resolution" as recorded in the "Journal of the Senate" date December 4, 1867*).

11. Had full knowledge that the Constitution for The United States of America grants no authority for Congress to make determinations as to what constitutes a "*ratification vote*" of a "*State*" for such authority is reserved to the "*States*" of the "*Union*" under Article V of the Constitution for The United States of America. Only the "*States*" of the "*Union*" have the power of authority to alter or change the Constitution for The United States of America for only the "*Legislatures*" of the "*States*" are authorized to

propose "*Amendments*" through the calling of "*Conventions*" and they are the only authority that may adopt "*Amendments*" to the Constitution through their "*votes of ratification*." The Congress' authority is limited only to the "*proposing*" of "*Amendments*" to the Constitution for The United States of America.

12. Had full knowledge that questions of ratification of "*Amendments*" to the Constitution for The United States of America are "*Political Questions*" to the Courts of the United States, and to the Congress of the United States, and to the Office of President of the United States. This status of "*Political Question*" to the government of The United States of America is with the want of constitutional authority for any branch of that government to address questions of ratification of "*Constitutional Amendments*" as proclaimed by the U.S. Supreme Court (*and its inferior Courts*) and by both Houses of Congress.

13. Had full knowledge that there are no provisions within the Constitution for The United States of America which provides authority for any proposed "*Amendment*" which has not been adopted and ratified in accordance with Article V of the Constitution to come into existence and effect with the passing of time or use.

14. **THEREFORE** the People in and through their elected representative Legislators for the State of Alaska finds that the Fourteenth Amendment was "*rejected*" and not adopted in accordance with the mandates of Article V of the Constitution for The United States of America. All laws and court rulings that have been made under the defacto authority of the Fourteenth Amendment are hereby declared to be null and void ab initio; and

15. **FURTHERMORE** as the Fifteenth Amendment was submitted to "*Military Districts*" of the "*United States*" for (*mandatory*) ratification under the mandate of the Reconstruction Acts of 1867-68; said Fifteenth Amendment was not adopted in accordance with the mandates of Article V of the Constitution for The United States of America. All laws and court rulings that have been made under the defacto authority of the Fifteenth Amendment are hereby declared to be null and void ab initio.

SEVENTEENTH AMENDMENT

BE IT FURTHER RESOVED that Article V of the Constitution for The United States of America was written (*in part*) to protect each State of its representation in Congress:

1. The mandate that no State may be denied of its suffrage in the Senate without its consent was designed to protect each and every Legislature of the States from involuntary removal of representation in Congress. When a present day "*Senator*" of Congress is elected by popular member votes of "*Political Parties,*" that individual does not represent the "*Legislatures*" of the Protestant Republics of the States, but only the Democratic governments of Political Party Corporations. It is common knowledge that "*Democracies*" are not "*Republics*" and the Constitution for The United States of America mandates that each of the States are to have only "*Republic Governments,*" not "*Democracies*."

2. For a "*Senator*" of Congress to be elected by popular vote of "*Political Parties,*" every State must have given its voluntary consent to relinquish its "*rights of suffrage*" in the Senate of Congress. This did not happen in the purported adoption and ratification of the Seventeenth Amendment to the Constitution for The United States of America. There was no required "*unanimous vote*" of the Senate in the adoption of a "*Resolution*" proposing the Seventeenth Amendment nor was there a required "*unanimous vote*" of

ratification of every Legislature of the States in the Union as required by Article V of the Constitution for The United States of America. The Seventeenth Amendment failed ratification for several States "*expressly rejected*" the "*Resolution*" proposing the "*Seventeenth Amendment*" and several States "*expressly rejected*" ratification of the "*Amendment*" itself and thus they never consented to the relinquishment of their "*rights of suffrage*" in the "*Senate*" of "*Congress*." As no "*State*" may be required to relinquish is "*right of suffrage*" in the "*Senate*" of "*Congress*," the proposed "*Seventeenth Amendment*" did not obtain the required "*unanimous votes*" of ratification needed to be a part of the Constitution for The United States of America. The "*Seventeenth Amendment*" failed to be adopted as an Amendment to the Constitution for The United States of America.

3. As the Seventeenth Amendment was not adopted in accordance to Article V of the Constitution for The United States of America, the "*States*" have been denied a "*republican form*" of government as mandated by Article IV, Section 4 of the Constitution for The United States of America. The "*People*" of the "*States*" are being held hostage to involuntary servitude as imposed upon them by unlawful (*defacto*) "*Office Holders*" and unlawful (*defacto*) "*Laws*" of the government of The United States of America, the "*Laws*" and "*Office Holders*" that have never been approved by a lawful (*dejure*) "*Congressional Senate*" of the "*States*." All "*Laws*," "*Court Rulings*," and "*Office Appointments*" that have been made under the (*defacto*) authority of the Seventeenth Amendment are hereby declared to be null and void ab initio.

CONCLUSION

Nullification, in United States constitutional history, is a legal theory that a State has the right to nullify, or invalidate, any federal law which that State has deemed unconstitutional. The theory of nullification of federal laws has never been legally upheld by federal courts.

The theory of nullification is based on a view that the States formed the Union by an agreement (*or "compact"*) among the States, and that as creators of the federal government, the States have the final authority to determine the limits of the power of that government. Under this, the "*Compact*" theory, the States and not the federal courts are the ultimate interpreters of the extent of the federal government's power. Under this theory, the States therefore may reject, or nullify, federal laws that the States believe are beyond the federal government's constitutional powers. The related idea of interposition is a theory that a State has the right and the duty to "*interpose*" itself when the federal government enacts laws that the State believes to be unconstitutional. Thomas Jefferson and James Madison set forth the theories of nullification and interposition in the Kentucky and Virginia Resolutions in 1798.

The Courts at the State and federal level, including the U.S. Supreme Court, repeatedly have rejected the theory of nullification of federal law. The Courts have decided that under the Supremacy Clause of the Constitution, federal law is superior to State law, and that under Article III of the Constitution, the federal judiciary has the final power to interpret the Constitution. Therefore, the power to make final decisions about the constitutionality of federal laws lies with the federal courts, not the States, and the States do not have the power to nullify federal laws.

Between 1798 and the beginning of the Civil War in 1861, several States threatened or attempted nullification of various federal laws. None of these efforts were legally upheld. The Kentucky and Virginia Resolutions were rejected by the other States (*see "Answers" from Delaware, Rhode Island, Massachusetts, New York {also to Kentucky}, Connecticut, New Hampshire {also to Kentucky}, and Vermont*.). The Supreme Court rejected nullification attempts in a series of decisions in the 19th Century, including *Ableman v. Booth, 62 U.S. 506 (1859)*, which

rejected Wisconsin's attempt to nullify the Fugitive Slave Act. The Civil War ended most nullification efforts.

In the 1950s, southern States attempted to use nullification and interposition to prevent integration of their schools. These attempts failed when the Supreme Court again rejected nullification in *Cooper v. Aaron, 62 U.S. 506 (1859)* explicitly holding that the States may not nullify federal law.

The Constitution for The United States of America and it's Amendments are not laws in the ordinary sense. They are not subject to "*judicial review*" by the Federal Courts nor are they subject to "*review*" by the Congress of The United States of America. A Constitution may be defined as: "*An organization of offices in a state, by which the method of their distribution is fixed, the sovereign authority is determined, and the nature of the end to be pursued by the association and all its members is prescribed. Laws, as distinct from the frame of the Constitution, are the rules by which the magistrates should exercise their powers, and should watch and check transgressors*."

What is presented in this "*Joint Resolution*" is the "*Powers*" of the "*States*" to nullify Constitutional Amendments which have not been adopted in accordance with Article V of the Constitution for The United States of America. Unlike federal laws, the U.S. Supreme Court has no authority to nullify Constitutional Amendments for such authority is not found within Article III, Section 2 of the Constitution for The United States of America.

The same is said of the "*Congress*" of The United States of America for no authority may be found within any Section of Article I of the Constitution for The United States of America granting Congress the authority to "*directly*" nullify Constitutional Amendments. If Congress finds any Amendment to be objectionable *(such as the Eighteenth Amendment)*, the Congress may nullify the objectionable Amendment with another Amendment **only if the Legislatures of the States gives their consent** with the required number of ratification votes as mandated by Article V of the Constitution for The United States of America. The Amendment to be "*nullified*" by another Amendment must be an Amendment that was properly adopted into the Constitution.

As proposed "*Amendments*" that have never been adopted in accordance with Article V of the Constitution for The United States of America **are not** Amendments to the Constitution, the said described (*defacto*) "*Amendments*" cannot be repealed or nullified by an Amendment for (*defacto*) "*Amendments*" are not Amendments to the Constitution for The United States of America. Those unlawful (*defacto*) "*Amendments*" must be removed from the record of the "*Statutes at Large*" and "*Text Books*" in and through the acts of "*nullification*" of the States. A precedent for removing unlawful "*Amendments*" from "*Statutes at Large*" and "*Text Books*" was established with the abolishment of the original "*Thirteenth Amendment*" (*known as the "Title of Nobility Amendment"*) from the "*Statutes at Large*" and "*Laws*" of the several "*States*" of the "*Union*" (*see Article "The 'Missing Thirteenth Amendment': Constitutional Nonsense and Titles of Nobility" written by Jol A. Silversmith*).

The authority to directly nullify "*Amendments*" which have not been adopted in accordance with Article V of the Constitution for The United States of America is with the authority of the "*Legislatures*" of the "*States*" to alter or amend the Constitution with lawful (*dejure*) Constitutional Amendments. The U.S. Congress is without authority to nullify (*defacto*) "*Amendments*" for its authority to alter or change any provision of the Constitution for The United States of America is limited to that of proposing "*Amendments;*" therefore

BE IT FURTHER RESOLVED that this "*Joint Resolution*" of the Legislature for the State of Alaska is served as a "*Notice and Demand*" to the federal government to cease and desist, effective immediately, the implementation and adoption of laws that are founded upon the (*defacto*) "*Fourteenth Amendment*," the (*defacto*) "*Fifteenth Amendment*," and the (*defacto*) "*Seventeenth Amendment*." All "*Laws*" which are founded upon those (*defacto*) "*Amendments*" are declared to be "*void ab initio*" and they are to be "*purged*" from the "*Statutes at Large*" and other "*Law Books*" of governments of the "*States*" of the "*Union*." The (*defacto*) "*Fourteenth*," "*Fifteenth*," and "*Seventeenth Amendments*" shall also be "*purged*" from the "*Statutes at Large*" and other "*Law Books*" of the "*States*" of the "*Union*."

BE IT FURTHER RESOLVED that the People, in and through their elected representative Legislators, gives "*Notice*" that the "*Fourteenth Amendment*," the "*Fifteenth Amendment*," and the "*Seventeenth Amendment*" shall not be recognized as true and lawful Amendments to the Constitution for The United States of America. Any "*Officer*" or "*Employee*" of the governments of The United States of America or of the State of Alaska whom asserts pretended authority under any of the above described (*defacto*) "*Amendments*" within the State of Alaska shall be arrested and prosecuted for trespassing upon the People's Article IX retained "*Rights*" and the reserved Article X "*Powers"* of the People and the State of Alaska as expressed within the Bill of Rights to the Constitution for The United States of America. Such "*trespasses*" shall be punishable to the extent of the laws which shall be enacted by the "*Legislature*" for the State of Alaska.

COPIES of this "*Joint Resolution*" shall be forwarded to Barack Hussein Obama as President of The United States of America; Joseph R. Biden, Jr. as Vice-President of The United States of America and as President of the U.S. Senate; John Boehner as Speaker of the U.S. House of Representatives; Lisa Murkowski and Dan Sullivan as Senators to the U.S. Congress, and Don Young as a Representative to the House of the U.S. Congress, and to all other members of the United States Congress, and to the Legislatures of the fifty (50) States of the Union.

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