

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE JOINT
4 RESOLUTION 1003

By: Key

5
6 AS INTRODUCED

7 A Joint Resolution claiming sovereignty under the
8 Tenth Amendment to the Constitution of the United
9 States over certain powers; serving notice to the
10 federal government to cease and desist certain
11 mandates; providing that certain federal legislation
12 be prohibited or repealed; and directing
13 distribution.

14 WHEREAS, the Tenth Amendment to the Constitution of the United
15 States reads as follows:

16 "The powers not delegated to the United States by the
17 Constitution, nor prohibited by it to the States, are reserved to
18 the States respectively, or to the people."; and

19 WHEREAS, the Tenth Amendment defines the total scope of federal
20 power as being that specifically granted by the Constitution of the
21 United States and no more; and

22 WHEREAS, the scope of power defined by the Tenth Amendment means
23 that the federal government was created by the states specifically
24 to be an agent of the states; and

1 WHEREAS, today, in 2009, the states are demonstrably treated as
2 agents of the federal government; and

3 WHEREAS, many federal laws are directly in violation of the
4 Tenth Amendment to the Constitution of the United States; and

5 WHEREAS, the Tenth Amendment assures that we, the people of the
6 United States of America and each sovereign state in the Union of
7 States, now have, and have always had, rights the federal government
8 may not usurp; and

9 WHEREAS, Article IV, Section 4 says, "The United States shall
10 guarantee to every State in this Union a Republican Form of
11 Government", and the Ninth Amendment states that "The enumeration in
12 the Constitution, of certain rights, shall not be construed to deny
13 or disparage others retained by the people"; and

14 WHEREAS, the United States Supreme Court has ruled in New York
15 v. United States, 112 S. Ct. 2408 (1992), that Congress may not
16 simply commandeer the legislative and regulatory processes of the
17 states; and

18 WHEREAS, a number of proposals from previous administrations and
19 some now pending from the present administration and from Congress
20 may further violate the Constitution of the United States.

21 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
22 AND THE SENATE OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

23 THAT the State of Oklahoma hereby claims sovereignty under the
24 Tenth Amendment to the Constitution of the United States over all

1 powers not otherwise enumerated and granted to the federal
2 government by the Constitution of the United States.

3 THAT this serve as Notice and Demand to the federal government,
4 as our agent, to cease and desist, effective immediately, mandates
5 that are beyond the scope of these constitutionally delegated
6 powers.

7 THAT all compulsory federal legislation which directs states to
8 comply under threat of civil or criminal penalties or sanctions or
9 requires states to pass legislation or lose federal funding be
10 prohibited or repealed.

11 THAT a copy of this resolution be distributed to the President
12 of the United States, the President of the United States Senate, the
13 Speaker of the United States House of Representatives, the Speaker
14 of the House and the President of the Senate of each state's
15 legislature of the United States of America, and each member of the
16 Oklahoma Congressional Delegation.

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18 52-1-5082 SD 11/17/08
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