

THE HOUSE OF REPRESENTATIVES
Wednesday, March 5, 2008

Committee Substitute for
House Joint
Resolution No. 1089

COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 1089 - By: KEY
AND DORMAN of the House.

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certain federal legislation be prohibited or repealed; and directing distribution.

1 WHEREAS, the Tenth Amendment to the Constitution of the United States reads
2 as follows:

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

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

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

9 WHEREAS, today, in 2008, the states are demonstrably treated as agents of the
10 federal government; and

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

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

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

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

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

16 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
17 REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 51ST
18 OKLAHOMA LEGISLATURE:

19 THAT the State of Oklahoma hereby claims sovereignty under the Tenth
20 Amendment to the Constitution of the United States over all powers not otherwise
21 enumerated and granted to the federal government by the Constitution of the United
22 States.

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

4 THAT all compulsory federal legislation which directs states to comply under threat
5 of civil or criminal penalties or sanctions or requires states to pass legislation or lose
6 federal funding be prohibited or repealed.

7 THAT a copy of this resolution be distributed to the President of the United States,
8 the President of the United States Senate, the Speaker of the United States House of
9 Representatives, the Speaker of the House and the President of the Senate of each state's
10 legislature of the United States of America, and each member of the Oklahoma
11 Congressional Delegation.

12 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03-04-08 - DO PASS, As
13 Amended and Coauthored.