

1 ENGROSSED HOUSE
2 CONCURRENT
3 RESOLUTION NO. 1028

By: Key, Duncan, Tibbs,
Cooksey, Banz, Reynolds and
Faught of the House

4 and

5 Brogdon of the Senate

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13 be prohibited or repealed; and directing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

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

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

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

23 WHEREAS, the scope of power defined by the Tenth Amendment means
24 that the federal government was created by the states specifically
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 OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE, THE SENATE
23 CONCURRING THEREIN:

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1 THAT the State of Oklahoma hereby claims sovereignty under the
2 Tenth Amendment to the Constitution of the United States over all
3 powers not otherwise enumerated and granted to the federal
4 government by the Constitution of the United States.

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

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12 prohibited or repealed.

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

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