

ESCR 40

THE HOUSE OF REPRESENTATIVES
Monday, March 22, 2010

ENGROSSED

**Senate Concurrent
Resolution No. 40**

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 40 - By: BROGDON AND
RUSSELL of the Senate and KEY of the House.

A Concurrent Resolution expressing the disapproval of the appointment of
Governor Henry to Presidential Council of Governors; requesting Governor
Henry to decline appointment; and directing distribution.

1 WHEREAS, on January 11, 2010, President Barack Obama signed an Executive
2 Order establishing the Presidential Council of Governors; and

3 WHEREAS, one of the duties of this council is the coordination and integration of
4 military operations within the United States between the Federal Government and the
5 various States including civil support; and

6 WHEREAS, in 1878 the United States Congress passed the Posse Comitatus Act to
7 prohibit military personnel from engaging in civil law enforcement; and

8 WHEREAS, the blurring of the lines between civil and military police operation
9 threatens the foundation of Constitutional governance; and

1 WHEREAS, the activities of the National Guard have been the purview of the
2 States and the federalization of such activities violates the Sovereignty of the State of
3 Oklahoma; and

4 WHEREAS, on February 4, 2010, Governor Brad Henry was appointed to serve on
5 the Presidential Council.

6 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2ND
7 SESSION OF THE 52ND OKLAHOMA LEGISLATURE, THE HOUSE OF
8 REPRESENTATIVES CONCURRING THEREIN:

9 THAT the Oklahoma State Legislature believes that this Council will breach the
10 Sovereignty of the State of Oklahoma by usurping the republican form of government
11 guaranteed to the people by the Constitution of the United States.

12 THAT the Oklahoma State Legislature holds true to the principles of States Rights
13 as expressed and codified in the Tenth Amendment to the United States Constitution.

14 THAT the Oklahoma State Legislature condemns the Congress and the President of
15 the United States for requiring and spearheading such a subversion of our Constitutional
16 Rights.

17 THAT the Oklahoma State Legislature hereby requests Governor Henry
18 immediately decline his appointment to the Council.

19 THAT within seven days of the passage of this resolution by both chambers of the
20 Legislature, a copy of this resolution shall be distributed to the President of the United
21 States, Governor Brad Henry, the Lieutenant Governor of the State of Oklahoma, the
22 Governors of the 49 remaining States, Oklahoma's Congressional Delegation, the

- 1 Attorney General of the United States, the Attorney General of the State of Oklahoma
- 2 and the Adjutant General of the Oklahoma National Guard.
- 3 DIRECT TO CALENDAR.