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THE STATE SENATE  
Monday, April 6, 2009

ENGROSSED  
House Joint  
Resolution No. 1003  
As Amended

ENGROSSED HOUSE JOINT RESOLUTION NO. 1003 - By: Key, Reynolds,  
Peterson, Faught, Tibbs, Sanders, Moore and Kern of the House and  
Brogdon of the Senate.

[ Joint Resolution - sovereignty under the Tenth Amendment -  
powers - federal government - distribution ]

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

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

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

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

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

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

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

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

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

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

21           THAT the State of Oklahoma hereby claims sovereignty under the  
22 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.

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-1-09 - DO  
18 PASS, As Amended.