

1 THE STATE SENATE  
2 Monday, February 23, 2009

3 Senate Joint  
4 Resolution No. 10  
5 As Amended

6 SENATE JOINT RESOLUTION NO. 10 - By: Brogdon of the Senate and Key  
7 of the House.

8 [ Joint Resolution - sovereignty - cease and desist certain  
9 mandates - distribution ]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO  
16 PASS, As Amended and Coauthored.