

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE CONCURRENT
4 RESOLUTION 40

By: Brogdon of the Senate

5 and

6 Key of the House

7
8 AS INTRODUCED

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

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

16 WHEREAS, one of the duties of this council is the coordination
17 and integration of military operations within the United States
18 between the Federal Government and the various States including
19 civil support; and

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

1 WHEREAS, the blurring of the lines between civil and military
2 police operation threatens the foundation of Constitutional
3 governance; and

4 WHEREAS, the activities of the National Guard have been the
5 purview of the States and the federalization of such activities
6 violates the Sovereignty of the State of Oklahoma; and

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

9 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2ND SESSION
10 OF THE 52ND OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES
11 CONCURRING THEREIN:

12 THAT the Oklahoma State Legislature believes that this Council
13 will breach the Sovereignty of the State of Oklahoma by usurping the
14 republican form of government guaranteed to the people by the
15 Constitution of the United States.

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

19 THAT the Oklahoma State Legislature condemns the Congress and
20 the President of the United States for requiring and spearheading
21 such a subversion of our Constitutional Rights.

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

24

1 THAT within seven days of the passage of this resolution by both
2 chambers of the Legislature, a copy of this resolution shall be
3 distributed to the President of the United States, Governor Brad
4 Henry, the Lieutenant Governor of the State of Oklahoma, the
5 Governors of the 49 remaining States, Oklahoma's Congressional
6 Delegation, the Attorney General of the United States, the Attorney
7 General of the State of Oklahoma and the Adjutant General of the
8 Oklahoma National Guard.

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