Resolution Reaffirming Tenth Amendment Rights

WHEREAS, the Tenth Amendment to the Constitution of the United States specifically provides that, "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 was part of the original Bill of Rights, which was proposed on September 25, 1789, ratified by three-fourths of the states, and went into effect on December 15, 1791; and

WHEREAS, the Tenth Amendment limits the scope of federal power and prescribes that the federal government was created by the states specifically to be an agent of the states, rather than the states being agents of the federal government; and

WHEREAS, when taking the oath of office, all members of the General Assembly of [Insert State] solemnly swear that they will support the Constitution of the United States and the Constitution of [Insert State]; and

WHEREAS, many federal mandates are in direct violation of the Tenth Amendment to the Constitution of the United States and infringe upon both the reserved powers of [Insert State] and the people's reserved powers; and

WHEREAS, the United States Supreme Court ruled in New York v. United States, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states by compelling them to enact and enforce regulatory programs; and

WHEREAS, the United States Supreme Court, in Printz v. United States/Mack v. United States, 521 U.S. 898 (1997), reaffirmed that the Constitution of the United States established a system of "dual sovereignty" that retains "a residuary and inviolable sovereignty" by the states;

NOW THEREFORE, BE IT RESOLVED that [Insert State] hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and

BE IT FURTHER RESOLVED that this resolution shall serve notice to the federal government of our demand to maintain the balance of powers where the Constitution of the United States established it; and

BE IT FURTHER RESOLVED that we state our intentions to ensure that all government agencies and their agents and employees operating within the geographic boundaries of [Insert State], or whose actions have an effect on the inhabitants, lands, or water of [Insert State], shall operate within the confines of the original intent of the Constitution of the United States; and

BE IT FURTHER RESOLVED that suitable copies of this resolution be delivered to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of the congressional delegation of [Insert State].