PRINTER'S NO. 133

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 9 Session of 2011

INTRODUCED BY FOLMER, ROBBINS, M. WHITE, ORIE, ERICKSON, ALLOWAY, WARD, RAFFERTY, BRUBAKER, EICHELBERGER, WAUGH, ARGALL AND EARLL, JANUARY 12, 2011

REFERRED TO STATE GOVERNMENT, JANUARY 12, 2011

A RESOLUTION

Claiming sovereignty under the Tenth Amendment to the Constitution of the United States over certain powers, serving notice to the Federal Government to cease and desist certain mandates; providing that certain Federal legislation be prohibited or repealed and directing distribution.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 to the Constitution of the United States 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 to the Constitution of the United States means that the Federal Government was created by the states specifically to be an agent of the states; and

WHEREAS, In 2011, the states are demonstrably treated as agents of the Federal Government; and

WHEREAS, Many Federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

WHEREAS, The Tenth Amendment to the Constitution of the United States assures that the citizens of this nation and each sovereign state in the union of states now have, and have always had, rights that the Federal Government may not usurp; and

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

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

WHEREAS, A number of proposals from previous administrations and some now pending from the present administration and from the Congress of the United States may further violate the Constitution of the United States; therefore be it

RESOLVED, By the Senate of the Commonwealth of Pennsylvania, that the Commonwealth of Pennsylvania hereby claim 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 serve as Notice and Demand to

the Federal Government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers; and be it further

RESOLVED, That all compulsory Federal legislation which directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose Federal funding be prohibited or repealed; and be it further

RESOLVED, That a copy of this resolution be distributed to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the Senate and the Speaker of the House of Representatives of each state's legislature and to each member of Congress from Pennsylvania.