

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE RESOLUTION

No. 196 Session of  
1995

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INTRODUCED BY FLICK, HERSHEY, DEMPSEY, GEIST, TRELLO, FLEAGLE,  
ARMSTRONG, HANNA, KREBS, WAUGH, STEIL AND MERRY,  
JUNE 29, 1995

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REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS,  
JUNE 29, 1995

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A CONCURRENT RESOLUTION

1 Petitioning the Congress of the United States to propose an  
2 amendment to the Constitution of the United States for  
3 submission to the states to establish a mechanism for  
4 nullification of Federal laws and regulations where the  
5 states determine that such laws or regulations exceed the  
6 authority of the Federal Government under the Constitution of  
7 the United States.

8 WHEREAS, The Federal Government was established by the states  
9 through ratification of the Constitution of the United States;  
10 and

11 WHEREAS, The Federal Government was granted certain limited  
12 powers under the Constitution of the United States to act as the  
13 agent of the states and of the people; and

14 WHEREAS, The Constitution of the United States requires,  
15 under the Tenth Amendment, that: "The powers not delegated to  
16 the United States by the Constitution, nor prohibited by it to  
17 the States, are reserved to the States respectively, or to the  
18 people"; and

19 WHEREAS, By the actions of Congress, the Federal Government

1 has usurped powers reserved to the states and to the people; and

2 WHEREAS, By the actions of the Executive, the Federal  
3 Government has usurped powers reserved to the states and to the  
4 people; and

5 WHEREAS, By the actions of the Judiciary, the Federal  
6 Government has usurped powers reserved to the states and to the  
7 people; and

8 WHEREAS, By the combined actions of the Congress, the  
9 Executive and the Judiciary, the principal-agent relationship  
10 established by the Constitution of the United States has been  
11 effectively reversed, as the Federal Government has arrogated to  
12 itself the role of principal; and

13 WHEREAS, It has become customary for the Federal Judiciary to  
14 possess the ultimate authority to interpret the meaning of the  
15 Constitution of the United States; and

16 WHEREAS, Reliance upon the Federal Judiciary, itself a branch  
17 of the Federal Government, has inappropriately delegated  
18 ultimate interpretation of the Constitution of the United States  
19 to the agent, rather than to the principal; and

20 WHEREAS, Only the principal in a principal-agent relationship  
21 can ultimately interpret the intention of the principal; and

22 WHEREAS, The Federal Government is more distant from the  
23 people than state governments and is thereby less efficient and  
24 effective in providing for functions that, under the  
25 Constitution of the United States, were to have been reserved to  
26 the states and to the people; and

27 WHEREAS, To achieve government of the people, by the people  
28 and for the people, government must become closer to the people;  
29 and

30 WHEREAS, There is a need for an effective mechanism by which

1 the states may provide ultimate interpretation of their  
2 intentions under the Constitution of the United States;  
3 therefore be it

4       RESOLVED (the Senate concurring), By the House of  
5 Representatives that the Congress of the United States is hereby  
6 petitioned to propose the Government of the People Amendment to  
7 the Constitution of the United States, for submittal to the  
8 states for ratification, providing for the states to nullify  
9 Federal laws and regulations, in such cases as the states deem  
10 that the Federal Government has exceeded the limits of its  
11 authority; and be it further

12       RESOLVED, That to achieve the purpose expressed above, the  
13 Government of the People Amendment shall provide that:

14           (1) Any act of Congress, or provision thereof, shall be  
15 null and void upon the adoption of a Resolution of  
16 Disapproval by the legislatures of two-thirds of the states  
17 providing that no more than five years shall have passed from  
18 the adoption of the first Resolution of Disapproval by a  
19 state and the requisite number of adoptions.

20           (2) Any regulation, administrative directive or  
21 provision thereof shall be null and void upon the adoption of  
22 a Resolution of Disapproval by the legislatures of two-thirds  
23 of the states where no more than five years shall have passed  
24 from the adoption of the first Resolution of Disapproval by a  
25 state and the requisite number of adoptions;

26 and be it further

27       RESOLVED, That the Government of the People Amendment shall  
28 require a Resolution of Disapproval to declare the causes that  
29 impel the Resolution; and be it further

30       RESOLVED, That the Government of the People Amendment shall

1 contain reasonable limitations on the use of Resolutions of  
2 Disapproval with respect to issues of national security; and be  
3 it further

4       RESOLVED, That the Government of the People Amendment shall  
5 prohibit judicial review of any matter with respect to the  
6 Government of the People Amendment or its implementation or  
7 operation.