

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 95

Session of
2009

INTRODUCED BY ROHRER, BAKER, BARRAR, BEAR, BENNINGHOFF, BOYD,
BROOKS, CLYMER, COX, CREIGHTON, CUTLER, DENLINGER, ELLIS,
FLECK, GABIG, GABLER, GEIST, GIBBONS, GINGRICH, GOODMAN,
GRELL, GROVE, HARRIS, HUTCHINSON, KAUFFMAN, MARSICO,
METCALFE, METZGAR, MICOZZIE, MILLER, MOUL, MUSTIO,
OBERLANDER, PAYNE, PERRY, PHILLIPS, PYLE, QUIGLEY, RAPP,
REESE, REICHLEY, ROAE, ROCK, SAYLOR, SCHRODER, SONNEY, STERN,
STEVENSON, SWANGER, TALLMAN, TRUE AND TURZAI, MARCH 23, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 23, 2009

A RESOLUTION

1 Claiming sovereignty under the Tenth Amendment to the
2 Constitution of the United States over certain powers,
3 serving notice to the Federal Government to cease and desist
4 certain mandates, providing that certain Federal legislation
5 be prohibited or repealed and directing distribution.

6 WHEREAS, The Tenth Amendment to the Constitution of the
7 United States reads as follows:

8 The powers not delegated to the United States by the
9 Constitution, nor prohibited by it to the States, are
10 reserved to the States respectively, or to the people;
11 and

12 WHEREAS, The Tenth Amendment to the Constitution of the
13 United States defines the total scope of Federal power as being
14 that specifically granted by the Constitution of the United
15 States and no more; and

16 WHEREAS, The scope of power defined by the Tenth Amendment to

1 the Constitution of the United States means that the Federal
2 Government was created by the states specifically to be an agent
3 of the states; and

4 WHEREAS, In 2008, the states are demonstrably treated as
5 agents of the Federal Government; and

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

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

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

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

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

27 RESOLVED, That the Commonwealth of Pennsylvania hereby claim
28 sovereignty under the Tenth Amendment to the Constitution of the
29 United States over all powers not otherwise enumerated and
30 granted to the Federal Government by the Constitution of the

1 United States; and be it further

2 RESOLVED, That this resolution serve as Notice and Demand to
3 the Federal Government, as our agent, to cease and desist,
4 effective immediately, mandates that are beyond the scope of
5 these constitutionally delegated powers; and be it further

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

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