
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 51 Session of
2009

INTRODUCED BY FOLMER, BRUBAKER, ERICKSON, ALLOWAY, ORIE,
PICCOLA, WARD, STACK, EARLL, ROBBINS AND WONDERLING,
MARCH 19, 2009

REFERRED TO STATE GOVERNMENT, MARCH 19, 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5 be prohibited or repealed and directing distribution.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
17 the Constitution of the United States means that the Federal
18 Government was created by the states specifically to be an agent
19 of the states; and

1 WHEREAS, In 2009, the states are demonstrably treated as
2 agents of the Federal Government; and

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

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

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

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

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

24 RESOLVED, By the Senate of the Commonwealth of Pennsylvania,
25 that the Commonwealth of Pennsylvania hereby claim sovereignty
26 under the Tenth Amendment to the Constitution of the United
27 States over all powers not otherwise enumerated and granted to
28 the Federal Government by the Constitution of the United States;
29 and be it further

30 RESOLVED, That this resolution serve as Notice and Demand to

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

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

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