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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE RESOLUTION

No. 293 Session of  
2015

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INTRODUCED BY FOLMER AND SCAVELLO, MARCH 7, 2016

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REFERRED TO INTERGOVERNMENTAL OPERATIONS, MARCH 7, 2016

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A RESOLUTION

1 Protesting Federal Government overreach as first delineated by  
2 the Kentucky and Virginia Resolutions authored by Thomas  
3 Jefferson and James Madison, respectively.

4 WHEREAS, The Kentucky Resolution of 1798 drafted by Thomas  
5 Jefferson, author of the Declaration of Independence, resolved  
6 that "this commonwealth considers the federal union, upon the  
7 terms and for the purposes specified in the late compact, as  
8 conducive to the liberty and happiness of the several  
9 states...."; and

10 WHEREAS, The Virginia Resolution of 1799 authored by James  
11 Madison, the "Father of the Constitution," resolved that "the  
12 General Assembly of Virginia, doth unequivocally express a firm  
13 resolution to maintain and defend the Constitution of the United  
14 States, and the Constitution of this State, against every  
15 aggression either foreign or domestic, and that they will  
16 support the Government of the United States in all measures  
17 warranted by the former"; and

18 WHEREAS, The Kentucky Resolution was introduced in part to  
19 ensure a "solemn protest" against "alarming measures of the

1 general government"; and

2 WHEREAS, The Virginia Resolution was introduced in part as a  
3 protest "against the palpable and alarming infractions of the  
4 Constitution" where Federal officials were exercising:

5 a power no where delegated to the federal government,  
6 and which by uniting legislative and judicial powers to  
7 those of executive subverts the general principles of  
8 free government; as well as the particular organization,  
9 and positive provisions of the federal constitution; and  
10 the other of which acts, exercises in like manner, a  
11 power not delegated by the constitution, but on the  
12 contrary, expressly and positively forbidden by one of  
13 the amendments thereto; a power, which more than any  
14 other, ought to produce universal alarm, because it is  
15 leveled against that right of freely examining public  
16 characters and measures, and of free communication among  
17 the people thereon, which has ever been justly deemed,  
18 the only effectual guardian of every right;

19 and

20 WHEREAS, The Federal Government, through executive orders,  
21 national security measures, tax policies, regulations,  
22 nonjudicial constitutional interpretations and other actions,  
23 has extended Federal power well beyond the compact envisioned by  
24 the states when ratifying and accepting the Federal  
25 Constitution; therefore be it

26 RESOLVED, That the Senate of the Commonwealth of Pennsylvania  
27 hereby claim sovereignty for its citizens under the Ninth  
28 Amendment to the Constitution of the United States: "the  
29 enumeration in the Constitution, of certain rights, shall not be  
30 construed to deny or disparage others retained by the people";

1 and be it further

2 RESOLVED, That the Senate of the Commonwealth of Pennsylvania  
3 hereby claim sovereignty under the Tenth Amendment to the  
4 Constitution of the United States: "the powers not delegated to  
5 the United States by the Constitution, nor prohibited by it to  
6 the States, are reserved to the States respectively, or to the  
7 people"; and be it further

8 RESOLVED, That this resolution serve as Notice and Demand to  
9 the Federal Government, as our agent, to cease and desist,  
10 effective immediately, mandates that are beyond the scope of its  
11 constitutionally delegated powers; and be it further

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

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