

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE JOINT
4 RESOLUTION 1089

By: Key

5
6 AS INTRODUCED

7 A Joint Resolution claiming sovereignty under the
8 Tenth Amendment to the Constitution of the United
9 States over certain powers; serving notice to the
10 federal government to cease and desist certain
11 mandates; and directing distribution.

12
13 WHEREAS, the Tenth Amendment to the Constitution of the United
14 States reads as follows:

15 "The powers not delegated to the United States by the
16 Constitution, nor prohibited by it to the States, are reserved to
17 the States respectively, or to the people."; and

18 WHEREAS, the Tenth Amendment defines the total scope of federal
19 power as being that specifically granted by the Constitution of the
20 United States and no more; and

21 WHEREAS, the scope of power defined by the Tenth Amendment means
22 that the federal government was created by the states specifically
23 to be an agent of the states; and
24

1 WHEREAS, today, in 2008, the states are demonstrably treated as
2 agents of the federal government; and

3 WHEREAS, many federal mandates are directly in violation of the
4 Tenth Amendment to the Constitution of the United States; and

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

9 WHEREAS, a number of proposals from previous administrations and
10 some now pending from the present administration and from Congress
11 may further violate the Constitution of the United States.

12 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
13 AND THE SENATE OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

14 THAT the State of Oklahoma hereby claims sovereignty under the
15 Tenth Amendment to the Constitution of the United States over all
16 powers not otherwise enumerated and granted to the federal
17 government by the Constitution of the United States.

18 THAT this serve as Notice and Demand to the federal government,
19 as our agent, to cease and desist, effective immediately, mandates
20 that are beyond the scope of these constitutionally delegated
21 powers.

22 THAT a copy of this resolution be distributed to the President
23 of the United States, the President of the United States Senate, the
24 Speaker of the United States House of Representatives, the Speaker

1 of the House and the President of the Senate of each state's
2 legislature of the United States of America, and each member of the
3 Oklahoma Congressional Delegation.

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5 51-2-9466 SD 12/31/07

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