

1 **State of Arkansas**

Call Item 42

2 **79th General Assembly**

3 **Second Extraordinary Session, 1994**

H.J.R.

4 **By: Representatives Fairchild, Collier, Bryant, Carter, Dawson, Hall, Hill, Hinshaw, Hogue,**

5 **K. Wood, Landers, Maddox, Mitchell, Owens, Riable, Rorie, Sanson, Steele, von Grep,**

6 **Wagner, Wallis, Watts, Wren, Young,**

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HOUSE JOINT RESOLUTION

10 TO DEMAND THAT THE FEDERAL GOVERNMENT CEASE AND DESIST
11 FROM ENACTING AND ENFORCING MANDATES THAT ARE BEYOND THE
12 SCOPE OF ITS CONSTITUTIONALLY DELEGATED POWERS.

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Subtitle

15 TO DEMAND THAT THE FEDERAL GOVERNMENT CEASE AND DESIST
16 FROM ENACTING AND ENFORCING MANDATES THAT ARE BEYOND THE
17 SCOPE OF ITS CONSTITUTIONALLY DELEGATED POWERS.

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19 WHEREAS, the Tenth Amendment to the Constitution of the United States
20 reads as follows:

21 "The powers not delegated to the United States by the
22 Constitution, nor prohibited by it to the States, are
23 reserved to the States respectively, or to the
24 people."; and

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

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30 WHEREAS, the scope of power defined by the Tenth Amendment means that
31 the federal government was created by the states specifically to be an agent
32 of the states; and

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34 WHEREAS, today, in 1994, the states are demonstrably treated as agents
35 of the federal government; and

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WHEREAS, numerous resolutions have been forwarded to the federal government by the Arkansas General Assembly without any response or result from Congress or the federal government; and

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

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

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

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SECOND EXTRAORDINARY SESSION OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the State of Arkansas hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution;

That this serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers;

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state_s legislature of the United States of America, and Arkansas_ congressional delegation.

