

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

S.C.R. 2

4 By: Senators Walters, Jeffries, Hunter, Boozman, Brown, and Webb

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## 7 **SENATE CONCURRENT RESOLUTION**

8 DECLARING THE SOVEREIGNTY OF THE STATE OF ARKANSAS UNDER  
9 THE 10TH AMENDMENT TO THE CONSTITUTION OF THE UNITED  
10 STATES AND PETITIONING CONGRESS TO CEASE AND DESIST  
11 MANDATES THAT ARE BEYOND THE SCOPE OF ITS  
12 CONSTITUTIONALLY-DELEGATED POWERS.

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### 14 **Subtitle**

15 DECLARING THE SOVEREIGNTY OF THE STATE OF ARKANSAS UNDER  
16 THE 10TH AMENDMENT TO THE CONSTITUTION OF THE UNITED  
17 STATES AND PETITIONING CONGRESS TO CEASE AND DESIST  
18 MANDATES THAT ARE BEYOND THE SCOPE OF ITS  
19 CONSTITUTIONALLY-DELEGATED POWERS.

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23 WHEREAS, the 10th Amendment to the Constitution of the United States  
24 reads as follows:

25 "The powers not delegated to the United States by the Constitution, nor  
26 prohibited by it to the States, are reserved to the States  
27 respectively, or to the people."; and

28 WHEREAS, the 10th Amendment defines the total scope of federal power as  
29 being that specifically granted by the United States Constitution and no  
30 more; and

31 WHEREAS, the scope of power defined by the 10th Amendment means that  
32 the federal government was created by the states specifically to be an agent  
33 of the states; and

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

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

4 WHEREAS, many federal mandates are directly in violation of the 10th  
5 Amendment to the Constitution of the United States; and

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

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

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13 NOW THEREFORE,

14 BE IT RESOLVED BY THE SENATE OF THE EIGHTIETH GENERAL ASSEMBLY OF THE STATE  
15 OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

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17 (1) That the State of Arkansas hereby claims sovereignty under the  
18 10th Amendment to the Constitution of the United States over all powers not  
19 otherwise enumerated and granted to the federal government by the United  
20 States Constitution.

21 (2) That this serve as Notice and Demand to the federal government, as  
22 our agent, to cease and desist, effective immediately, mandates that are  
23 beyond the scope of its constitutionally delegated powers.

24 BE IT FURTHER RESOLVED, that copies of this Resolution be sent by the  
25 Secretary of the Senate to the President of the United States, the Speaker of  
26 the United States House of Representatives, the President of the United  
27 States Senate, the presiding officers of each chamber of the legislatures of  
28 the several states, and Arkansas\_ Congressional Delegation.

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