

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4 By: Senator Boozman

S.C.R. 13

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7 **SENATE CONCURRENT RESOLUTION**

8 SERVING NOTICE AND DEMAND ON THE FEDERAL GOVERNMENT TO  
9 CEASE AND DESIST FROM ISSUING MANDATES TO THE STATES THAT  
10 ARE BEYOND THE SCOPE OF THE FEDERAL GOVERNMENT'S  
11 CONSTITUTIONALLY DELEGATED POWER.

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13 **Subtitle**

14 SERVING NOTICE AND DEMAND ON THE FEDERAL  
15 GOVERNMENT TO CEASE AND DESIST FROM  
16 ISSUING MANDATES TO THE STATES THAT ARE  
17 BEYOND THE SCOPE OF THE FEDERAL  
18 GOVERNMENT'S CONSTITUTIONALLY DELEGATED  
19 POWER.

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21 WHEREAS, the 10th Amendment to the Constitution of the United States  
22 read as follows:

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

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

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

32 WHEREAS, today, in 1997, the states are demonstrably treated as agents  
33 of the federal government; and

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

36 WHEREAS, the United States Supreme Court has ruled in *New York v. United*

1 States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the  
2 legislative and regulatory processes of the states; and

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

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7 NOW THEREFORE,

8 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIRST GENERAL ASSEMBLY OF THE STATE  
9 OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

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11 (1) That the State of Arkansas hereby claims sovereignty under the 10th  
12 Amendment to the Constitution of the United States over all powers not  
13 otherwise enumerated and granted to the federal government by the United  
14 States Constitution.

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

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19 BE IT FURTHER RESOLVED,

20 That copies of this Resolution be sent by the Secretary of the Senate to  
21 the President of the United States, the Speaker of the United States House of  
22 Representatives, the President of the United States Senate, the Speaker of the  
23 House and the President of the Senate of each states legislature of the  
24 United States of America, and Arkansas Congressional delegation.

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