

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

HCR 1011

4
5 By: Representatives Hobbs, Woods, Ragland

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8 **HOUSE CONCURRENT RESOLUTION**

9 CLAIMING SOVEREIGNTY UNDER THE TENTH AMENDMENT TO
10 THE CONSTITUTION OF THE UNITED STATES OVER
11 CERTAIN POWERS AND SERVING NOTICE TO THE FEDERAL
12 GOVERNMENT TO CEASE AND DESIST CERTAIN MANDATES.

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14 **Subtitle**

15 CLAIMING SOVEREIGNTY UNDER THE TENTH
16 AMENDMENT TO THE CONSTITUTION OF THE
17 UNITED STATES OVER CERTAIN POWERS AND
18 SERVING NOTICE TO THE FEDERAL GOVERNMENT
19 TO CEASE AND DESIST CERTAIN MANDATES.

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22 WHEREAS, the Tenth Amendment to the Constitution of the United States
23 provides that “[t]he powers not delegated to the United States by the
24 Constitution, nor prohibited to it by the States, are reserved to the States
25 respectively, or to the people.”; and

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

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

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35 WHEREAS, today, in 2009, the states are demonstrably treated as agents
36 of the federal government; and



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2 WHEREAS, many federal mandates are directly in violation of the Tenth
3 Amendment to the Constitution of the United States; and
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5 WHEREAS, Article IV, Section 4 of the United States Constitution states
6 in part that “[t]he United States shall guarantee to every State in this
7 Union a Republican Form of Government” and the Ninth Amendment to the United
8 States Constitution states that “[t]he enumeration in the Constitution, of
9 certain rights, shall not be construed to deny or disparage others retained
10 by the people”; and
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12 WHEREAS, the United States Supreme Court has ruled in New York v.
13 United States, 505 U.S. 144 (1992), that Congress may not simply commandeer
14 the legislative and regulatory processes of the states; and
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16 WHEREAS, a number of proposals from previous administrations and some
17 now pending from the present administration and from Congress may further
18 violate the Constitution of the United States,
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20 NOW THEREFORE,

21 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH GENERAL
22 ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:
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24 THAT the State of Arkansas hereby claims sovereignty under the Tenth
25 Amendment to the Constitution of the United States over all powers not
26 otherwise enumerated and granted to the federal government by the
27 Constitution of the United States.
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29 BE IT FURTHER RESOLVED that this resolution serve as Notice and Demand
30 to the federal government, as our agent, to cease and desist, effective
31 immediately, mandates that are beyond the scope of these constitutionally
32 delegated powers.
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34 BE IT FURTHER RESOLVED that it is the position of the State of Arkansas
35 that all compulsory federal legislation that directs states to comply under
36 threat of civil or criminal penalties or sanctions or requires states to pass

1 legislation or lose federal funding be prohibited or repealed.

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BE IT FURTHER RESOLVED that the clerk of the House of Representatives distribute a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and each member of the Arkansas Congressional delegation.