

HM 19

2010

1 House Memorial

2 A memorial to the Congress of the United States, urging
3 Congress to honor the provisions of the Constitution of
4 the United States and United States Supreme Court case law
5 which limit the scope and exercise of federal power.
6

7 WHEREAS, the Tenth Amendment to the Constitution of the
8 United States proclaims: "The powers not delegated to the United
9 States by the Constitution, nor prohibited by it to the States,
10 are reserved to the States respectively, or to the people," and

11 WHEREAS, the Tenth Amendment defines the scope of federal
12 power as being that specifically granted by the Constitution of
13 the United States and no more, and

14 WHEREAS, the limitation of power contained in the Tenth
15 Amendment established the foundational principle that the
16 Federal Government was created by the states specifically to be
17 an agent of the states, and yet currently the states are
18 demonstrably treated as agents of the Federal Government, and

19 WHEREAS, many federal laws are in direct violation of the
20 Tenth Amendment, and

21 WHEREAS, the Tenth Amendment ensures that we, the people of
22 the United States of America and each sovereign state in the
23 Union of States, now have, and have always had, rights the
24 Federal Government may not usurp, and

25 WHEREAS, Article IV, Section 4 of the Constitution of the
26 United States begins: "The United States shall guarantee to
27 every State in this Union a Republican Form of Government," and
28 the Ninth Amendment to the Constitution of the United States

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29 declares: "The enumeration in the Constitution, of certain
 30 rights, shall not be construed to deny or disparage others
 31 retained by the people," and

32 WHEREAS, the United States Supreme Court ruled in New York
 33 v. United States, 112 S. Ct. 2408 (1992), that Congress does not
 34 have the authority to simply commandeer the states' legislative
 35 processes by compelling the states to enact and enforce federal
 36 regulatory programs, and

37 WHEREAS, a number of proposals from previous
 38 administrations and some proposals now pending from the present
 39 administration and from Congress may further violate the
 40 Constitution of the United States, NOW THEREFORE,

41
 42 Be It Resolved by the Legislature of the State of Florida:

43
 44 That the Legislature claims sovereignty under the Tenth
 45 Amendment to the Constitution of the United States over all
 46 powers not otherwise enumerated and granted to the Federal
 47 Government by the Constitution of the United States.

48 BE IT FURTHER RESOLVED that this memorial serves as a
 49 notice and a demand to the Federal Government, as our agent, to
 50 cease and desist, effective immediately, from issuing mandates
 51 that are beyond the scope of these constitutionally delegated
 52 powers.

53 BE IT FURTHER RESOLVED that all compulsory federal
 54 legislation that directs states to comply under threat of civil
 55 or criminal penalties or sanctions or requires states to pass
 56 legislation or lose federal funding be prohibited or repealed.

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57 BE IT FURTHER RESOLVED that copies of this memorial be
58 dispatched to the President of the United States, to the
59 President of the United States Senate, to the Speaker of the
60 United States House of Representatives, to the presiding
61 officers of each state legislature of the United States of
62 America, and to each member of the Florida delegation to the
63 United States Congress.