

By Senator Baker

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1 Senate Memorial

2 A memorial to the Congress of the United States,
3 urging Congress to honor the provisions of the
4 Constitution of the United States and United States
5 Supreme Court case law which limit the scope and
6 exercise of federal power.
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8 WHEREAS, the Tenth Amendment to the Constitution of the
9 United States proclaims: "The powers not delegated to the United
10 States by the Constitution, nor prohibited by it to the States,
11 are reserved to the States respectively, or to the people," and

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

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

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

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

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

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

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

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

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43 Be It Resolved by the Legislature of the State of Florida:

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

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

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

58 BE IT FURTHER RESOLVED that copies of this memorial be

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59 dispatched to the President of the United States, to the
60 President of the United States Senate, to the Speaker of the
61 United States House of Representatives, to the presiding
62 officers of each state legislature of the United States, and to
63 each member of the Florida delegation to the United States
64 Congress.