

Senate Concurrent Resolution No. 1609

By Senator Pilcher-Cook

2-11

9 A CONCURRENT RESOLUTION claiming sovereignty under the
10 Tenth Amendment to the Constitution of the United States over cer-
11 tain powers; serving notice to the federal government to cease and
12 desist certain mandates; providing that certain federal legislation be
13 prohibited or repealed; and directing distribution.

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15 WHEREAS, The Tenth Amendment to the Constitution of the United
16 States reads as follows:

17 “The powers not delegated to the United States by the Constitution,
18 nor prohibited by it to the States, are reserved to the States respectively,
19 or to the people.”; and

20 WHEREAS, The Tenth Amendment defines the total scope of federal
21 power as being that specifically granted by the Constitution of the United
22 States and no more; and

23 WHEREAS, The scope of power defined by the Tenth Amendment
24 means that the federal government was created by the states specifically
25 to be an agent of the states; and

26 WHEREAS, Today, in 2009, the states are demonstrably treated as
27 agents of the federal government; and

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29 WHEREAS, Many federal laws are directly in violation of the Tenth
30 Amendment to the Constitution of the United States; and

31 WHEREAS, The Tenth Amendment assures that we, the people of
32 the United States of America and each sovereign state in the Union of
33 States, now have, and have always had, rights the federal government may
34 not usurp; and

35 WHEREAS, Article IV, Section 4 says, “The United States shall guar-
36 antee to every State in this Union a Republican Form of Government”,
37 and the Ninth Amendment states that “The enumeration in the Consti-
38 tution, of certain rights, shall not be construed to deny or disparage others
39 retained by the people”; and

40 WHEREAS, The United States Supreme Court has ruled in *New York*
41 *v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply
42 commandeer the legislative and regulatory processes of the states; and
43

1 WHEREAS, A number of proposals from previous administrations
2 and some now pending from the present administration and from Con-
3 gress may further violate the Constitution of the United States.

4 *Be it resolved by the Senate of the State of Kansas, the House of Rep-*
5 *resentatives concurring therein:* That the State of Kansas hereby claims
6 sovereignty under the Tenth Amendment to the Constitution of the
7 United States over all powers not otherwise enumerated and granted to
8 the federal government by the Constitution of the United States;
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10 *Be it further resolved:* That this serve as Notice and Demand to the
11 federal government, as out agent, to cease and desist, effective immedi-
12 ately, mandates that are beyond the scope of these constitutionally del-
13 egated powers;

14 *Be it further resolved:* That all compulsory federal legislation which
15 directs states to comply under threat of civil or criminal penalties or sanc-
16 tions or requires states to pass legislation or lose federal funding be pro-
17 hibited or repealed; and
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19 *Be it further resolved:* That a copy of this resolution be distributed
20 to the President of the United States, the President of the United States
21 Senate, the Speaker of the United States House of Representatives, the
22 Speaker of the House and the President of the Senate of each state's
23 legislature of the United States of America, and each member of the
24 Kansas Congressional Delegation.