

1 SJR27  
2 110805-2  
3 By Senators Beason, Sanford, Glover, Brooks, Smith, Erwin,  
4 Marsh, Holley, Pittman and Orr  
5 RFD:  
6 First Read: 14-JAN-10

1 SJR27

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4 ENROLLED, SJR27,

5 CLAIMING SOVEREIGNTY UNDER THE TENTH AMENDMENT TO  
6 THE CONSTITUTION OF THE UNITED STATES OVER CERTAIN POWERS,  
7 SERVING NOTICE TO THE FEDERAL GOVERNMENT TO CEASE AND DESIST  
8 CERTAIN MANDATES, AND PROVIDING THAT CERTAIN FEDERAL  
9 LEGISLATION BE PROHIBITED OR REPEALED.

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11 WHEREAS, the Tenth Amendment to the Constitution of  
12 the United States reads as follows: "The powers not delegated  
13 to the United States by the Constitution, nor prohibited by it  
14 to the States, are reserved to the States respectively, or to  
15 the people"; and

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

19 WHEREAS, Federalism is the constitutional division  
20 of powers between the national and state governments and is  
21 widely regarded as one of America's most valuable  
22 contributions to political science; and

23 WHEREAS, James Madison, "the Father of the  
24 Constitution," said, "The powers delegated to the federal  
25 government are few and defined. Those which are to remain in

1 the state governments are numerous and indefinite. The former  
2 will be exercised principally on external objects, [such] as  
3 war, peace, negotiation, and foreign commerce. The powers  
4 reserved to the several states will extend to all the objects  
5 which, in the ordinary course of affairs, concern the lives,  
6 liberties, and properties of the people."; and

7 WHEREAS, Thomas Jefferson emphasized that the states  
8 are not "subordinate" to the national government, but rather  
9 the two are "coordinate departments of one simple and integral  
10 whole. The one is the domestic, the other the foreign branch  
11 of the same government."; and

12 WHEREAS, Alexander Hamilton expressed his hope that  
13 "the people will always take care to preserve the  
14 constitutional equilibrium between the general and the state  
15 governments." He believed that "this balance between the  
16 national and state governments forms a double security to the  
17 people. If one [government] encroaches on their rights, they  
18 will find a powerful protection in the other. Indeed, they  
19 will both be prevented from overpassing their constitutional  
20 limits by [the] certain rivalry which will ever subsist  
21 between them."; and

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

1                   WHEREAS, today, the states are demonstrably  
2 treated as agents of the federal government; and

3                   WHEREAS, many federal laws are directly in violation  
4 of the Tenth Amendment to the Constitution of the United  
5 States; and

6                   WHEREAS, the Tenth Amendment assures that we, the  
7 people of the United States of America and each sovereign  
8 state in the Union of States, now have, and have always had,  
9 rights the federal government may not usurp; and

10                  WHEREAS, Article IV, Section 4, United States  
11 Constitution, says in part, "The United States shall guarantee  
12 to every State in this Union a Republican Form of Government",  
13 and the Ninth Amendment states that "The enumeration in the  
14 Constitution, of certain rights, shall not be construed to  
15 deny or disparage others retained by the people"; and

16                  WHEREAS, the United States Supreme Court has ruled  
17 in New York v. United States, 112 S. Ct. 2408 (1992), that  
18 Congress may not simply commandeer the legislative and  
19 regulatory processes of the states; and

20                  WHEREAS, a number of proposals from previous  
21 administrations and some now pending from the present  
22 administration and from Congress may further violate the  
23 Constitution of the United States; now therefore,

24                  BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
25 HOUSES THEREOF CONCURRING, That the State of Alabama hereby

1 claims sovereignty under the Tenth Amendment to the  
2 Constitution of the United States over all powers not  
3 otherwise enumerated and granted to the federal government by  
4 the Constitution of the United States.

5                   BE IT FURTHER RESOLVED, That this resolution serves  
6 as notice and demand to the federal government, as our agent,  
7 to cease and desist, effective immediately, mandates that are  
8 beyond the scope of these constitutionally delegated powers.

9                   BE IT FURTHER RESOLVED, That all compulsory federal  
10 legislation that directs states to comply under threat of  
11 civil or criminal penalties or sanctions or requires states to  
12 pass legislation or lose federal funding be prohibited or  
13 repealed.

14                  BE IT FURTHER RESOLVED, That a copy of this  
15 resolution be forwarded to the President of the United States,  
16 the President of the United States Senate, the Speaker of the  
17 United States House of Representatives, the Speaker of the  
18 House and the President of the Senate of each state's  
19 legislature, and the entire delegation of the Alabama members  
20 of the U.S. Congress.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

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SJR27

Senate 14-JAN-10

I hereby certify that the within Senate Joint Resolution  
originated in and was adopted by the Senate.

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McDowell Lee  
Secretary

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House of Representatives

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Adopted: 19-JAN-10

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By: Senator Beason