

**SENATE CONCURRENT
RESOLUTION No. _____**

DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION urging the honorable Barack Obama, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States, in Congress assembled, and the President of the Senate and Speaker of the House of Representatives of each State's legislature of the United States of America to cease and desist, effective immediately, any and all mandates that are beyond the scope of their constitutionally delegated power.

WALKER, STUTZMAN, KRUSE

_____, read first time and referred to Committee on



Introduced

First Regular Session 116th General Assembly (2009)

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Whereas, The Tenth Amendment to the Constitution of the United States specifically provides that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people";

Whereas, The Tenth Amendment defines the total scope of federal power as being those powers specifically granted to it by the Constitution of the United States and no more;

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

Whereas, James Madison, "the father of the Constitution," said, "The powers delegated to the federal



government are few and defined. Those which are to remain in the state governments are numerous and indefinite. The former will be exercised principally on external objects, [such] as war, peace, negotiation, and foreign commerce. The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people”;

Whereas, Thomas Jefferson emphasized that the states are not “subordinate” to the national government, but rather the two are “coordinate departments of one simple and integral whole. The one is the domestic, the other the foreign branch of the same government”;

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

Whereas, The scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be limited in its powers relative to those of the various states;

Whereas, Today, in 2009, the states are demonstrably treated as agents of the federal government;

Whereas, Many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States;



Whereas, The United States Supreme Court has ruled in [New York v. United States](#), 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, A number of proposals from previous administrations and some now being considered by the present administration and from Congress may further violate the Constitution of the United States; Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

- 1 SECTION 1: That the State of Indiana hereby claims
- 2 sovereignty under the Tenth Amendment to the Constitution of the
- 3 United States over all powers not otherwise enumerated and granted
- 4 to the federal government by the Constitution of the United States.
- 5 SECTION 2: That this Resolution serve as a Notice and
- 6 Demand to the federal government to maintain the balance of
- 7 powers where the Constitution of the United States established it and
- 8 to cease and desist, effective immediately, any and all mandates that
- 9 are beyond the scope of its constitutionally delegated powers.
- 10 SECTION 3: That the Secretary of the Senate immediately
- 11 transmit copies of this Resolution to the Honorable Barack Obama,
- 12 President of the United States, the President of the United States
- 13 Senate, the Speaker of the House of Representatives, the President of
- 14 the Senate and the Speaker of the House of Representatives of each
- 15 state's legislature of the United States of America, and each member
- 16 of Congress from the State of Indiana.

