

1 **State of Arkansas**
2 **79th General Assembly**
3 **Second Extraordinary Session, 1994**
4 **By: Senator Walters**

S.C.R.

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7 **SENATE CONCURRENT RESOLUTION**

8 DECLARING THE SOVEREIGNTY OF THE STATE OF ARKANSAS UNDER
9 THE 10TH AMENDMENT TO THE CONSTITUTION OF THE UNITED
10 STATES AND PETITIONING CONGRESS TO CEASE AND DESIST
11 MANDATES THAT ARE BEYOND THE SCOPE OF ITS
12 CONSTITUTIONALLY-DELEGATED POWERS.

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14 **Subtitle**

15 DECLARING THE SOVEREIGNTY OF THE STATE OF ARKANSAS UNDER
16 THE 10TH AMENDMENT TO THE CONSTITUTION OF THE UNITED
17 STATES AND PETITIONING CONGRESS TO CEASE AND DESIST
18 MANDATES THAT ARE BEYOND THE SCOPE OF ITS
19 CONSTITUTIONALLY-DELEGATED POWERS.

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21 WHEREAS, the 10th Amendment to the Constitution of the United States
22 reads as follows:

23 "The powers not delegated to the United States by the Constitution, nor
24 prohibited by it to the States, are reserved to the States
25 respectively, or to the people."; and

26 WHEREAS, the 10th Amendment defines the total scope of federal power as
27 being that specifically granted by the United States Constitution and no more;
28 and

29 WHEREAS, the scope of power defined by the 10th Amendment means that the
30 federal government was created by the states specifically to be an agent of
31 the states; and

32 WHEREAS, today, in 1994, the states are demonstrably treated as agents
33 of the federal government; and

34 WHEREAS, numerous resolutions have been forwarded to the federal
35 government by the Arkansas General Assembly without any response or result

1 from Congress or the federal government; and

2 WHEREAS, many federal mandates are directly in violation of the 10th
3 Amendment to the Constitution of the United States; and

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

7 WHEREAS, a number of proposals from previous administrations and some
8 now pending from the present administration and from Congress may further
9 violate the United States Constitution;

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11 NOW THEREFORE,

12 BE IT RESOLVED BY THE SENATE OF THE SECOND EXTRAORDINARY SESSION OF THE
13 SEVENTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE HOUSE OF
14 REPRESENTATIVES CONCURRING THEREIN:

15 (1) That the State of Arkansas hereby claims sovereignty under the 10th
16 Amendment to the Constitution of the United States over all powers not
17 otherwise enumerated and granted to the federal government by the United
18 States Constitution.

19 (2) That this serve as Notice and Demand to the federal government, as
20 our agent, to cease and desist, effective immediately, mandates that are
21 beyond the scope of its constitutionally delegated powers.

22 BE IT FURTHER RESOLVED, that copies of this Resolution be sent by the
23 Secretary of the Senate to the President of the United States, the Speaker of
24 the United States House of Representatives, the President of the United States
25 Senate, the presiding officers of each chamber of the legislatures of the
26 several states, and Arkansas_ Congressional Delegation.

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