



SR0045

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SENATE RESOLUTION

2 WHEREAS, The Tenth Amendment to the Constitution of the
3 United States specifically provides that, "The powers not
4 delegated to the United States by the Constitution, nor
5 prohibited by it to the States, are reserved to the States
6 respectively, or to the people"; and

7 WHEREAS, The Tenth Amendment defines the total scope of
8 federal power as being those powers specifically granted to it
9 by the Constitution of the United States and nothing more; and

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

14 WHEREAS, James Madison, the "father of the Constitution",
15 said, "The powers delegated to the federal government are few
16 and defined. Those which are to remain in the state governments
17 are numerous and indefinite. The former will be exercised
18 principally on external objects, [such] as war, peace,
19 negotiation, and foreign commerce. ... The powers reserved to
20 the several states will extend to all the objects which, in the
21 ordinary course of affairs, concern the lives, liberties, and
22 properties of the people"; and

1 WHEREAS, Thomas Jefferson emphasized that the states are
2 not "subordinate" to the national government, but rather the
3 two are "coordinate departments of one simple and integral
4 whole. ... The one is the domestic, the other the foreign
5 branch of the same government"; and

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

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

20 WHEREAS, Today, the states are demonstrably treated as
21 agents of the federal government; many federal mandates are
22 directly in violation of the Tenth Amendment to the

1 Constitution of the United States; and

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

6 WHEREAS, A number of proposals from previous
7 administrations and some now being considered by the present
8 administration and from Congress may further violate the
9 Constitution of the United States; therefore, be it

10 RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL
11 ASSEMBLY OF THE STATE OF ILLINOIS, that we hereby claim
12 sovereignty under the Tenth Amendment to the Constitution of
13 the United States over all powers not otherwise enumerated and
14 granted to the federal government by the Constitution of the
15 United States; and be it further

16 RESOLVED, That this resolution serve as a notice and demand
17 to the federal government to maintain the balance of powers
18 established by the Constitution of the United States and to
19 cease and desist, effective immediately, any and all mandates
20 that are beyond the scope of its constitutionally delegated
21 powers; and be it further

1 RESOLVED, That suitable copies of this resolution be
2 presented to the Honorable Barack Obama, President of the
3 United States, the President of the United States Senate, the
4 Speaker of the House of Representatives, the President pro
5 tempore of the Senate, the Speaker of the House of
6 Representatives of each state's legislature in the United
7 States, and to each member of the Illinois congressional
8 delegation.