



## 2005 SENATE RESOLUTION 17

March 21, 2006 – Introduced by Senators LEIBHAM and GROTHMAN. Referred to Committee on Senate Organization.

1     **Relating to:** state sovereignty.

2           Whereas, the 10th Amendment to the Constitution of the United States reads  
3 as follows: “The powers not delegated to the United States by the Constitution, nor  
4 prohibited by it to the States, are reserved to the States respectively, or to the people”;  
5 and

6           Whereas, the 10th Amendment defines the total scope of federal power as being  
7 only that specifically granted by the U.S. Constitution and no more; and

8           Whereas, the scope of power defined by the 10th Amendment means that the  
9 federal government was created by the states specifically to be an agent of the states;  
10 and

11           Whereas, today the states are demonstrably treated as agents of the federal  
12 government; and

13           Whereas, numerous resolutions opposing federal encroachment on state  
14 powers have been forwarded to the federal government by the legislature without  
15 any response or result from Congress or the federal government; and

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

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

6           Whereas, a number of federal proposals from previous administrations and  
7 some now pending from the present administration and from Congress may further  
8 violate the U.S. Constitution; now, therefore, be it

9           ***Resolved by the senate, That*** the state of Wisconsin hereby claims  
10 sovereignty under the 10th Amendment to the Constitution of the United States over  
11 all powers not otherwise enumerated and granted to the federal government by the  
12 U.S. Constitution; and, be it further

13           ***Resolved, That*** adoption of this resolution does not constitute an application  
14 by the legislature of the state of Wisconsin for the calling of a federal Constitutional  
15 Convention within the meaning of Article V of the U.S. Constitution; and, be it  
16 further

17           ***Resolved, That*** this resolution shall serve as notice and demand to the federal  
18 government, as our agent, to cease and desist, effective immediately, mandates that  
19 are beyond the scope of its constitutionally delegated powers; and, be it further

20           ***Resolved, That*** the senate chief clerk shall provide copies of this resolution to  
21 the President of the United States, the speaker of the U.S. house of representatives,  
22 the presiding officer of each house of each state legislature of the United States, and  
23 each member of this state's congressional delegation.

24

(END)