



## 2009 ASSEMBLY JOINT RESOLUTION 51

May 8, 2009 - Introduced by Representatives NYGREN, VOS, KERKMAN, VUKMIR, GUNDERSON, KESTELL, STRACHOTA, KRAMER, MEYER, ROTH, PRIDEMORE, MURSAU, KAUFERT, NEWCOMER, BIES, FRISKE, GUNDRUM, NASS, TAUCHEN, TOWNSEND, KNODL, PETERSEN, BALLWEG, LOTHIAN, LEMAHIEU and M. WILLIAMS, cosponsored by Senators LEIBHAM, LAZICH, S. FITZGERALD, GROTHMAN, A. LASEE, DARLING, KEDZIE and SCHULTZ. Referred to Committee on State Affairs and Homeland Security.

1     **Relating to:** state sovereignty.

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

8           Whereas, the scope of power defined by the Tenth 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, many federal mandates are directly in violation of the Tenth  
14 Amendment to the Constitution of the United States; and

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

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

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

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

14           ***Resolved, That*** the assembly chief clerk shall provide copies of this resolution  
15 to the president of the United States, the speaker of the U.S. House of  
16 Representatives, the presiding officer of each house of each state legislature of the  
17 United States, and each member of this state’s congressional delegation.

18   (END)