## **2007 SENATE JOINT RESOLUTION 21**

March 8, 2007 – Introduced by Senator Leibham. Referred to Committee on Ethics Reform and Government Operations.

## **Relating to:** state sovereignty.

Whereas, the Tenth Amendment to the Constitution of the United States reads, "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"; and Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the U.S. Constitution and no more; and Whereas, as the scope of power is defined by the Tenth Amendment, the federal government was created by the states specifically to be an agent of the states; and Whereas, today the states are demonstrably treated as agents of the federal government; and Whereas, the legislature has forwarded to the federal government numerous resolutions opposing federal encroachment on state powers but has received no response or result from Congress or the federal government; and Whereas, many federal mandates are directly in violation of the Tenth

Amendment to the Constitution of the United States: and

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

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

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

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

**Resolved, That** the senate chief clerk shall provide copies of this joint resolution to the president of the United States, the speaker of the U.S. House of Representatives, the presiding officer of each house of each state legislature of the United States, and each member of this state's congressional delegation.

22 (END)