

State of Indiana



Indiana General Assembly

SENATE RESOLUTION FORTY-TWO

A SENATE RESOLUTION Urging the honorable Barack Obama, President of the United States, the President of the Senate, the Majority Leader of the Senate, and the Speaker of the House of Representatives of the United States in Congress assembled, and the President of the Senate and Speaker of the House of Representatives of each State's legislature of the United States of America to cease and desist, effective immediately, any and all mandates that are beyond the scope of their constitutionally delegated power.

- WHEREAS, *The Tenth Amendment to the Constitution of the United States specifically provides that, "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";*
- WHEREAS, *The Tenth Amendment defines the total scope of federal power as being those powers specifically granted to it by the Constitution of the United States and no more;*
- WHEREAS, *Federalism is the constitutional division of powers between the national and state governments and is widely regarded as one of America's most valuable contributions to political science;*
- WHEREAS, *James Madison, "the father of the Constitution," said, "The powers delegated to the federal government are few and defined. Those which are to remain in the state governments are numerous and indefinite. The former will be exercised principally on external objects, [such] as war, peace, negotiation, and foreign commerce. The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people";*
- WHEREAS, *Thomas Jefferson emphasized that the states are not "subordinate" to the national government, but rather the two are "coordinate departments of one simple and integral whole. The one is the domestic, the other the foreign branch of the same government";*
- WHEREAS, *Alexander Hamilton expressed his hope that "the people will always take care to preserve the constitutional equilibrium between the general and the state governments." He believed that "this balance between the national and state governments forms a double security to the people. If one [government] encroaches on their rights, they will find a powerful protection in the other. Indeed, they will both be prevented from overpassing their constitutional limits by [the] certain rivalry which will ever subsist between them";*
- WHEREAS, *The scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be limited in its powers relative to those of the various states;*
- WHEREAS, *Many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States, and infringe upon Indiana's reserve powers and the people's reserved powers;*
- WHEREAS, *The United States 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 proposals from previous administrations and some now being considered by the present administration and from Congress do infringe on the States' reserve powers and the people's reserved powers, and may further violate the Constitution of the United States;*

Therefore,
Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the State of Indiana 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 Constitution of the United States.

SECTION 2. That this Resolution serve as a Notice and Demand to the federal government to maintain the balance of powers where the Constitution of the United States established it and to cease and desist, effective immediately, any and all mandates that are beyond the scope of its constitutionally delegated powers.

SECTION 3. That all compulsory federal regulation that directs Indiana and her sister states to comply under threat of civil or criminal penalties or sanctions, or directs states to pass conforming legislation under threat of losing federal funding, be prohibited or repealed.

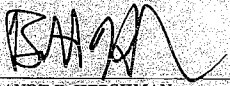
SECTION 4. That the Secretary of the Senate immediately transmit copies of this Resolution to the Honorable Barack Obama, President of the United States, the Majority Leader of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the President of the Senate and the Speaker of the House of Representatives of each state's legislature of the United States of America, and each member of Congress from the State of Indiana.

Adopted by voice vote this ninth day of April, 2009.


RON J. ALTING
State Senator


PHIL BOOTS
State Senator


BOB DEIG
State Senator


BRANDT E. HERSHMAN
State Senator


SUE LANDSKE
State Senator


JOHNNY NUGENT
State Senator


BRENT STEELE
State Senator


BRENT WALTZ
State Senator


R. MICHAEL YOUNG
State Senator


GREG WALKER
State Senator


JIM ARNOLD
State Senator


JAMES RUSSELL BUCK
State Senator


MIKE DELPH
State Senator


TRAVIS HOLDMAN
State Senator


JEAN LEISING
State Senator


ALLEN E. PAUL
State Senator


MARLIN STUTZMAN
State Senator


JOHN M. WATERMAN
State Senator


V. SIMPSON
Minority Leader
State Senator


VANETA BECKER
State Senator


EDWARD CHARBONNEAU
State Senator


RANDY HEAD
State Senator


DENNIS K. KRUSE
State Senator


PATRICIA L. MILLER
State Senator


TIMOTHY D. SKINNER
State Senator


GREG TAYLOR
State Senator


CARLIN YODER
State Senator


DAVID C. LONG
President Pro Tempore
State Senator


JENNIFER L. MERTZ
Secretary of the Senate