

**ASSEMBLY CONCURRENT
RESOLUTION No. 23**

**STATE OF NEW JERSEY
214th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman GARY R. CHIUSANO

District 24 (Sussex, Hunterdon and Morris)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

Assemblymen Carroll, DiMaio, Assemblywomen N.Munoz, Vandervalk,

Assemblymen A.M.Bucco, DiCicco, Rudder and Assemblywoman Addiego

SYNOPSIS

Claims sovereignty under Tenth Amendment to United States Constitution over all powers not otherwise enumerated and granted by Constitution to federal government.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 6/22/2010)

1 **A CONCURRENT RESOLUTION** claiming sovereignty under the
2 Tenth Amendment to the United States Constitution over all
3 powers not otherwise enumerated and granted by the
4 Constitution to the federal government.

5
6 **WHEREAS**, Federalism is the constitutional division of powers
7 between the national and state governments; and

8 **WHEREAS**, Thomas Jefferson called for “the support of the State
9 governments in all their rights, as the most competent
10 administrations for our domestic concerns and the surest bulwarks
11 against antirepublican tendencies;” and

12 **WHEREAS**, The Tenth Amendment to the Constitution of the United
13 States reads as follows: “The powers not delegated to the United
14 States by the Constitution, nor prohibited by it to the states, are
15 reserved to the states respectively, or to the people;” and

16 **WHEREAS**, The Tenth Amendment defines the total scope of federal
17 power as being that specifically granted by the Constitution of the
18 United States and no more; and

19 **WHEREAS**, The scope of power defined by the Tenth Amendment
20 means that the federal government was created by the states
21 specifically to be an agent of the states; and

22 **WHEREAS**, In 2009, the states are demonstrably treated as agents of
23 the federal government; and

24 **WHEREAS**, Many federal mandates are directly in violation of the
25 Tenth Amendment to the Constitution of the United States; and

26 **WHEREAS**, The United States Supreme Court has ruled in New York
27 v. United States, 505 U.S. 144 (1992), that Congress may not
28 simply commandeer the legislative and regulatory processes of the
29 states; and

30 **WHEREAS**, A number of proposals from previous administrations and
31 some now pending from the present administration and from
32 Congress may further violate the Constitution of the United States;
33 now, therefore,

34

35 **BE IT RESOLVED** by the General Assembly of the State of New
36 Jersey (the Senate concurring):

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38 1. The State of New Jersey hereby claims sovereignty under
39 the Tenth Amendment to the Constitution of the United States over
40 all powers not otherwise enumerated and granted to the federal
41 government. This resolution serves as notice and demand to the
42 federal government, as our agent, to cease and desist, effective
43 immediately, mandates that are beyond the scope of these
44 constitutionally delegated powers.

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46 2. Duly authenticated copies of this resolution, signed by the
47 Speaker of the General Assembly and the President of the Senate

1 and attested to by the Clerk of the General Assembly and the
2 Secretary of the Senate, shall be transmitted to the President and
3 Vice President of the United States, the Majority and Minority
4 Leader of the United States Senate, the Speaker and Minority
5 Leader of the United States House of Representatives and to every
6 member of Congress elected from this State.

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STATEMENT

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11 This concurrent resolution recognizes that the Tenth Amendment
12 to the Constitution of the United States provides: “The powers not
13 delegated to the United States by the Constitution, nor prohibited by
14 it to the states, are reserved to the states respectively, or to the
15 people.” This concurrent resolution further recognizes that many
16 federal mandates are in direct violation of the Tenth Amendment to
17 the Constitution of the United States. Additionally, this resolution
18 notes that in New York v. United States, 505 U.S. 144 (1992), the
19 United States Supreme Court ruled that Congress may not simply
20 commandeer the legislative and regulatory processes of the states.
21 As such, this resolution claims sovereignty under the Tenth
22 Amendment over all powers not otherwise enumerated and granted
23 by the Constitution to the federal government and serves as notice
24 and demand to the federal government to cease and desist mandates
25 that are beyond the scope of these constitutionally delegated
26 powers.