
HOUSE JOINT MEMORIAL 4009

State of Washington **61st Legislature** **2009 Regular Session**

By Representatives Shea, Klippert, Condotta, Kretz, Anderson, McCune, and Kristiansen

Read first time 01/30/09. Referred to Committee on State Government & Tribal Affairs.

1 TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES, AND
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
4 UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE PRESIDENT OF THE
5 SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES OF EACH STATE'S
6 LEGISLATURE OF THE UNITED STATES OF AMERICA:

7 We, your Memorialists, the Senate and House of Representatives of
8 the State of Washington, in legislative session assembled, respectfully
9 represent and petition as follows:

10 WHEREAS, The Tenth Amendment to the Constitution of the United
11 States specifically provides that, "The powers not delegated to the
12 United States by the Constitution, nor prohibited by it to the States,
13 are reserved to the States respectively, or to the people."; and

14 WHEREAS, The Tenth Amendment defines the total scope of federal
15 power as being those powers specifically granted to it by the
16 Constitution of the United States and no more; and

17 WHEREAS, Federalism is the constitutional division of powers
18 between the national and state governments and is widely regarded as
19 one of America's most valuable contributions to political science; and

1 WHEREAS, James Madison, "the father of the Constitution," said,
2 "The powers delegated to the federal government are few and defined.
3 Those which are to remain in the state governments are numerous and
4 indefinite. The former will be exercised principally on external
5 objects, [such] as war, peace, negotiation, and foreign commerce. The
6 powers reserved to the several states will extend to all the objects
7 which, in the ordinary course of affairs, concern the lives, liberties,
8 and properties of the people."; and

9 WHEREAS, Thomas Jefferson emphasized that the states are not
10 "subordinate" to the national government, but rather the two are
11 "coordinate departments of one simple and integral whole. The one is
12 the domestic, the other the foreign branch of the same government."; and
13

14 WHEREAS, Alexander Hamilton expressed his hope that "the people
15 will always take care to preserve the constitutional equilibrium
16 between the general and the state governments." He believed that "this
17 balance between the national and state governments forms a double
18 security to the people. If one [government] encroaches on their
19 rights, they will find a powerful protection in the other. Indeed,
20 they will both be prevented from overpassing their constitutional
21 limits by [the] certain rivalship which will ever subsist between
22 them."; and

23 WHEREAS, The scope of power defined by the Tenth Amendment means
24 that the federal government was created by the states specifically to
25 be limited in its powers relative to those of the various states; and

26 WHEREAS, Today, in 2009, the states are demonstrably treated as
27 agents of the federal government; and

28 WHEREAS, Many federal mandates are directly in violation of the
29 Tenth Amendment to the Constitution of the United States; and

30 WHEREAS, The United States Supreme Court has ruled in *New York v.*
31 *United States*, 112 S. Ct. 2408 (1992), that Congress may not simply
32 commandeer the legislative and regulatory processes of the states; and

33 WHEREAS, A number of proposals from previous administrations and
34 some now being considered by the present administration and from
35 Congress may further violate the Constitution of the United States;

36 NOW, THEREFORE, Your Memorialists respectfully resolve:

37 (1) That the State of Washington hereby claims sovereignty under

1 the Tenth Amendment to the Constitution of the United States over all
2 powers not otherwise enumerated and granted to the federal government
3 by the Constitution of the United States; and

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

9 BE IT RESOLVED, That copies of this Memorial be immediately
10 transmitted to the Honorable Barack Obama, President of the United
11 States, the President of the United States Senate, the Speaker of the
12 House of Representatives, the President of the Senate and the Speaker
13 of the House of Representatives of each state's legislature of the
14 United States of America, and each member of Congress from the State of
15 Washington.

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