

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 4

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Section 2, Article I, of the Constitution of the State of Idaho, sets forth the Declaration of Rights and reads as follows: "All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform or abolish the same whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature."; and

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows: "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 Constitution of the United States and no more; and

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

WHEREAS, today, in 2009, the states are demonstrably treated as agents of 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 United States Supreme Court has ruled in *New York v. United States*, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, Congress has inappropriately delegated its monetary authority to the private federal reserve bank, thus failing to protect and provide a sound monetary system as defined and mandated by the Constitution of the United States, forcing an unstable currency on us resulting in the past, and the current, economic perils; and

WHEREAS, a number of proposals from past and present Administrations and Congress may violate the Constitution of the United States.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the state of Idaho 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.

1 BE IT FURTHER RESOLVED that this serves as notice and demand to the federal gov-  
2 ernment, as our agent, to cease and desist, effective immediately, mandates that are beyond the  
3 scope of these constitutionally delegated powers.

4 BE IT FURTHER RESOLVED that all compulsory federal legislation that directs states  
5 to comply under threat of civil or criminal penalties or sanctions, or requires states to pass  
6 legislation or lose federal funding, be prohibited.

7 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be,  
8 and she is hereby authorized and directed to forward a copy of this Memorial to the President  
9 of the United States, the President of the Senate and the Speaker of the House of Represen-  
10 tatives of Congress, and the congressional delegation representing the State of Idaho in the  
11 Congress of the United States.