

House Joint Memorial 12

Sponsored by Representative WILSON; Representatives BENTZ, ESQUIVEL, KRIEGER, NEARMAN, SPRENGER, STARK, WHISNANT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Gives notice to President of United States and Congress that Legislative Assembly claims sovereignty under Tenth Amendment to United States Constitution over all powers not otherwise enumerated and granted to federal government under United States Constitution.

JOINT MEMORIAL

1
2 To the President of the United States and the Senate and the House of Representatives of the United
3 States of America, in Congress assembled:

4 We, your memorialists, the Seventy-eighth Legislative Assembly of the State of Oregon, in leg-
5 islative session assembled, respectfully represent as follows:

6 Whereas the Tenth Amendment to the Constitution of the United States specifically provides
7 that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the
8 States, are reserved to the States respectively, or to the people"; and

9 Whereas the Tenth Amendment was part of the original Bill of Rights, which was proposed on
10 September 25, 1789, was ratified by three-fourths of the states and went into effect on December 15,
11 1791; and

12 Whereas the Tenth Amendment limits the scope of federal power and prescribes that the federal
13 government was created by the states specifically to be an agent of the states, rather than the states
14 being agents of the federal government; and

15 Whereas when taking the oath of office, all members of the Legislative Assembly solemnly swear
16 that they will support the Constitution of the United States and the Constitution of the State of
17 Oregon; and

18 Whereas many federal mandates are in direct violation of the Tenth Amendment to the Consti-
19 tution of the United States and infringe upon both the reserved powers of the State of Oregon and
20 the people's reserved powers; and

21 Whereas the United States Supreme Court ruled in *New York v. United States*, 505 U.S. 144
22 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the
23 states by compelling them to enact and enforce regulatory programs; and

24 Whereas the United States Supreme Court, in *Printz v. United States*, 521 U.S. 898 (1997), reaf-
25 firmed that the Constitution of the United States established a system of "dual sovereignty" that
26 retains "a residuary and inviolable sovereignty" by the states; now, therefore,

27 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

28 That we, the members of the Seventy-eighth Legislative Assembly, hereby claim sovereignty
29 under the Tenth Amendment to the Constitution of the United States over all powers not otherwise
30 enumerated and granted to the federal government by the Constitution of the United States; and be

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 it further

2 Resolved, That this memorial shall serve notice to the federal government of our demand to
3 maintain the balance of powers where the Constitution of the United States established it; and be
4 it further

5 Resolved, That we state our intentions to ensure that all government agencies and their agents
6 and employees operating within the geographic boundaries of Oregon, or whose actions have an ef-
7 fect on the inhabitants, lands or water of Oregon, shall operate within the confines of the original
8 intent of the Constitution of the United States; and be it further

9 Resolved, That a copy of this memorial shall be sent to the President of the United States, to
10 the Senate Majority Leader, to the Speaker of the House of Representatives and to each member
11 of the Oregon Congressional Delegation.

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