
HOUSE JOINT MEMORIAL 4002

State of Washington

55th Legislature

1997 Regular Session

By Representatives Koster, Sherstad, Smith, Cairnes, Lambert, Sterk, Boldt, McMorris, Mulliken, D. Schmidt, L. Thomas, B. Thomas, Carrell, Dunn and Thompson

Read first time 01/23/97. Referred to Committee on Government Administration.

1 TO THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED
2 STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
3 OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
4 THE 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 reads as follows:

12 "The powers not delegated to the United States by the Constitution,
13 nor prohibited by it to the States, are reserved to the States
14 respectively, or to the people."; and

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

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

1 WHEREAS, Today, in 1997, the States are in fact treated as agents
2 of the federal government; and

3 WHEREAS, Numerous resolutions have been forwarded to the federal
4 government by the Washington State Legislature without any response or
5 result from Congress or the federal government; and

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

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

11 WHEREAS, A number of proposals now from the previous
12 administrations and some now pending from the present administration
13 and from Congress may further violate the United States Constitution;

14 NOW, THEREFORE, Your Memorialists respectfully resolve:

15 (1) That the State of Washington hereby claims sovereignty under
16 the Tenth Amendment to the Constitution of the United States over all
17 powers not otherwise enumerated and granted to the federal government
18 by the United States Constitution; and

19 (2) That this serve as a Notice and Demand to the federal
20 government, as our agent, to cease and desist, effective immediately,
21 mandates that are beyond the scope of its constitutionally delegated
22 powers.

23 BE IT RESOLVED, That copies of this Memorial be immediately
24 transmitted to the Honorable William J. Clinton, President of the
25 United States, the President of the United States Senate, the Speaker
26 of the House of Representatives, the President of the Senate and
27 Speaker of the House of Representatives of each state's legislature of
28 the United States of America, and each member of Congress from the
29 State of Washington.

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