

Five More States Invoke the 10th

by **A.W.R. Hawkins** ([more by this author](#))

Posted 03/04/2009 ET

Updated 03/05/2009 ET

Last week, HUMAN EVENTS reported that eleven states, Washington, New Hampshire, Arizona, Montana, Michigan, Missouri, Oklahoma, Minnesota, Georgia, South Carolina, and Texas, had all “all introduced bills and resolutions” declaring their sovereignty over Obama’s actions in light of the 10th Amendment.

These actions are in response to the Obama administration’s faux-“stimulus” legislation which directly assaults the rights of states to reject the money coming from the federal government. So far, several Republican governors -- among them South Carolina’s Mark Sanford and Louisiana’s Bobby Jindal -- have said they would refuse all or part of the stimulus money because of the constitutional infringements and because of the additional unfunded liabilities they impose on the states.

This week, HUMAN EVENTS is happy to report that five more states have decided to invoke the 10th as well.

These five -- Tennessee, Kentucky, Kansas, Indiana, and West Virginia -- have all begun their action under the 10th Amendment in a bid to protect themselves from what they view as nothing less than an unconstitutional usurpation of power on the part of the Obama administration.

On February 23, HJR 108 was put forth in the Tennessee legislature, indicating that legislators in that state decided “it [was] time to affirm state sovereignty under the Tenth Amendment to the Constitution of the United States and demand the federal government halt its practice of assuming powers and of imposing mandates upon the states for purposes not enumerated by the Constitution,” according to Truman Bean.

The very next day, February 24, Kentucky State Representative John Will Stacy (D), “introduced House Concurrent Resolution 168... serving notice to the federal government to cease mandates beyond its authority.”

In declaring their sovereignty these states have joined what has come to be known as “the 10th Amendment movement.” It is a grassroots, conservative movement that seeks to defend the separation of powers as originally set forth by our Founders in the Constitution.

Through this movement, conservatives are throwing down the gauntlet against tyranny and the abuse of power. They are invoking the 10th Amendment at the state level against abuses of power by the federal government, and doing so with appeals to the extra-constitutional writings of our Founding fathers.

For example, Indiana’s resolution calls attention to the words of Alexander Hamilton, a Federalist and

Founder who “expressed his hope that ‘the people will always take care to preserve the constitutional equilibrium between the general and the state governments.’” Hamilton “believed that ‘this balance between the national and state governments forms a double security to the people. If one [government] encroaches on their rights, they will find a powerful protection in the other. Indeed, they will both be prevented from over-passing their constitutional limits by [the] certain [rivalry] which will ever subsist between them.’”

Kansas’ Senate Concurrent Resolution No. 1609 delves even deeper into the mechanics of the matter by reminding the Obama administration, as well as the House and Senate, that “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 state.” In other words, the federal government exists by and for the states, not the other way around.

The resolution headed to West Virginia’s 79th Legislature couples its action under the 10th Amendment with a reminder directed to Speaker of the House Nancy Pelosi (D-Calif.) and Senate Majority Leader Harry Reid (D-Nev.): “[The] United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states.” This reminder is followed by a pronouncement that “a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States.”

In light of these violations of the Constitution, the stated purpose of West Virginia’s resolution is, in part, to “serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers.”

Our rights as citizens are under assault by an administration of leftist ideologues with an insatiable appetite for power. There is little difference between them and the appeasement-drunken, government-expanding leftists in Lyndon Baines Johnson’s administration of whom Ronald Reagan said in 1964, “Inalienable rights are now considered to be a dispensation of government...and freedom is close to slipping from our grip.”

Every state assembly and legislature that has joined “the 10th Amendment movement” understands that Reagan’s words about freedom’s fragility in 1964 are no less true for our day when not only freedom, but also the America ideal, is “close to slipping from our grip.”

We must stand shoulder to shoulder with states like Tennessee, Kentucky, Kansas, Indiana, and West Virginia in demanding that the federal government immediately “cease and desist” its usurpation of our liberties.

HUMAN EVENTS columnist [A.W.R. Hawkins](http://www.awrhawkins.com) has been published on topics including the U.S. Navy, Civil War battles, Vietnam War ideology, the Reagan Presidency, and the Rebirth of Conservatism, 1968-1988. More of his articles can be found at www.awrhawkins.com.
