
ASSEMBLY JOINT RESOLUTION NO. 4—ASSEMBLYMEN GOEDHART,
GOICOECHEA, HANSEN; GRADY, HAMBRICK, HAMMOND,
HARDY, KIRNER, KITE, LIVERMORE, STEWART AND
WOODBURY

FEBRUARY 23, 2011

JOINT SPONSOR: SENATOR HALSETH

Referred to Committee on Legislative Operations and Elections

SUMMARY—Claims sovereignty under the Tenth Amendment to
the U.S. Constitution. (BDR R-896)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Claiming sovereignty under
the Tenth Amendment to the U.S. Constitution.

- 1 WHEREAS, The Tenth Amendment to the Constitution of the
2 United States reads as follows: “The powers not delegated to the
3 United States by the Constitution, nor prohibited by it to the States,
4 are reserved to the States respectively, or to the people”; and
5 WHEREAS, The Tenth Amendment defines the total scope of
6 federal power as being that specifically granted by the Constitution
7 of the United States and no more; and
8 WHEREAS, The scope of power defined by the Tenth
9 Amendment means that the Federal Government was created by the
10 states specifically to be an agent of the states; and
11 WHEREAS, Today, in 2011, the states are demonstrably treated
12 as agents of the Federal Government; and
13 WHEREAS, Many federal laws are directly in violation of the
14 Tenth Amendment to the Constitution of the United States; and
15 WHEREAS, The Tenth Amendment ensures that we, the people
16 of the United States of America and each sovereign state in the



1 Union of States, now have, and have always had, rights the Federal
2 Government may not usurp; and

3 WHEREAS, Section 4, Article IV, of the Constitution says, “The
4 United States shall guarantee to every State in this Union a
5 Republican Form of Government,” and the Ninth Amendment states
6 that “The enumeration in the Constitution, of certain rights, shall not
7 be construed to deny or disparage others retained by the people”;
8 and

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

13 WHEREAS, A number of proposals from previous
14 administrations and some now pending from the present
15 administration and from Congress may further violate the
16 Constitution of the United States; now, therefore, be it

17 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
18 NEVADA, JOINTLY, That the 76th Legislature of the State of Nevada
19 hereby claims sovereignty under the Tenth Amendment to the
20 Constitution of the United States over all powers not otherwise
21 enumerated and granted to the Federal Government by the
22 Constitution of the United States; and be it further

23 RESOLVED, That this resolution serves as notice and demand to
24 the Federal Government to cease and desist, effective immediately,
25 mandates that are beyond the scope of these constitutionally
26 delegated powers; and be it further

27 RESOLVED, That all compulsory federal legislation which
28 directs states to comply under threat of civil or criminal penalties or
29 sanctions or which requires states to pass legislation or lose federal
30 funding be prohibited or repealed; and be it further

31 RESOLVED, That the Chief Clerk of the Assembly prepare and
32 transmit a copy of this resolution to the President of the United
33 States, the Vice President of the United States as the presiding
34 officer of the Senate and the Speaker of the House of
35 Representatives, and each member of the Nevada Congressional
36 Delegation with the request that this resolution be officially entered
37 in the Congressional Record as a memorial to the Congress of the
38 United States of America.

