

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. M09-1094.01 Troy Bratton

**SJM09-011**

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**SENATE JOINT MEMORIAL 09-011**

101     **MEMORIALIZING CONGRESS CONCERNING A CLAIM OF SOVEREIGNTY**  
102             **UNDER THE TENTH AMENDMENT TO THE CONSTITUTION OF THE**  
103             **UNITED STATES OVER CERTAIN POWERS, SERVING NOTICE TO**  
104             **THE FEDERAL GOVERNMENT TO CEASE AND DESIST CERTAIN**  
105             **MANDATES, AND PROVIDING THAT CERTAIN FEDERAL**  
106             **LEGISLATION BE PROHIBITED OR REPEALED.**

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1             WHEREAS, The Tenth Amendment to the Constitution of the  
2     United States reads as follows: "The powers not delegated to the United  
3     States by the constitution, nor prohibited by it to the states, are reserved  
4     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 of the  
7     United States and no more; and

8             WHEREAS, The scope of power defined by the Tenth

*Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

1 Amendment means that the federal government was created by the states  
2 specifically to be an agent of the states; and

3 WHEREAS, Today, in 2009, the states are demonstrably treated  
4 as agents of the federal government; and

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

7 WHEREAS, The Tenth Amendment assures that we, the people of  
8 the United States of America and each sovereign state in the Union of  
9 States, now have, and have always had, rights the federal government  
10 may not usurp; and

11 WHEREAS, Section 4 of article IV of the United States  
12 Constitution says, in part, "The United States shall guarantee to every  
13 state in this Union a republican form of government", and the Ninth  
14 Amendment states that "The enumeration in the constitution of certain  
15 rights shall not be construed to deny or disparage others retained by the  
16 people"; and

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

21 WHEREAS, A number of proposals from previous administrations  
22 and some now pending from the present administration and from  
23 Congress may further violate the Constitution of the United States; now,  
24 therefore,

25 *Be It Resolved by the Senate of the Sixty-seventh General Assembly*  
26 *of the State of Colorado, the House of Representatives concurring herein:*

27 (1) That the State of Colorado hereby claims sovereignty under  
28 the Tenth Amendment to the Constitution of the United States over all  
29 powers not otherwise enumerated and granted to the federal government  
30 by the Constitution of the United States.

31 (2) That this memorial serves as notice and demand to the federal  
32 government, as our agent, to cease and desist, effective immediately,  
33 mandates that are beyond the scope of these constitutionally delegated  
34 powers.

35 (3) That all compulsory federal legislation that directs states to  
36 comply under threat of civil or criminal penalties or sanctions or requires  
37 states to pass legislation or lose federal funding be prohibited or repealed.

38 *Be It Further Resolved*, That copies of this Joint Memorial be  
39 transmitted to the President of the United States, the President of the  
40 United States Senate, the Speaker of the United States House of  
41 Representatives, the Speaker of the House and the President of the Senate  
42 of each state's legislature, and each member of Colorado's congressional  
43 delegation.