

**ASSEMBLY CONCURRENT
RESOLUTION No. 179**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 1, 2020

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Claims sovereignty under Tenth Amendment to United States Constitution over all powers not otherwise enumerated and granted by Constitution to federal government.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2020)

1 **A CONCURRENT RESOLUTION** claiming sovereignty under the Tenth
2 Amendment to the United States Constitution over all powers not
3 otherwise enumerated and granted by the Constitution to the
4 federal government.

5
6 **WHEREAS**, Federalism is the constitutional division of powers between
7 the national and state governments; and

8 **WHEREAS**, Thomas Jefferson called for “the support of the State
9 governments in all their rights, as the most competent
10 administrations for our domestic concerns and the surest bulwarks
11 against antirepublican tendencies;” and

12 **WHEREAS**, The Tenth Amendment to the Constitution of the United
13 States reads as follows: “The powers not delegated to the United
14 States by the Constitution, nor prohibited by it to the states, are
15 reserved to the states respectively, or to the people;” and

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

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

22 **WHEREAS**, The states are demonstrably treated as agents of the federal
23 government; and

24 **WHEREAS**, Many federal mandates are directly in violation of the Tenth
25 Amendment to the Constitution of the United States; and

26 **WHEREAS**, The United States Supreme Court has ruled in New York v.
27 United States, 505 U.S. 144 (1992), that Congress may not simply
28 commandeer the legislative and regulatory processes of the states;
29 and

30 **WHEREAS**, A number of proposals from previous administrations and
31 some now pending from the present administration and from
32 Congress may further violate the Constitution of the United States;
33 now, therefore,

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35 **BE IT RESOLVED** *by the General Assembly of the State of New*
36 *Jersey (the Senate concurring):*

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38 1. The State of New Jersey hereby claims sovereignty under the
39 Tenth Amendment to the Constitution of the United States over all
40 powers not otherwise enumerated and granted to the federal
41 government. This resolution serves as notice and demand to the
42 federal government, as our agent, to cease and desist, effective
43 immediately, mandates that are beyond the scope of these
44 constitutionally delegated powers.

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46 2. Copies of this resolution, as filed with the Secretary of State,
47 shall be transmitted by the Clerk of the General Assembly or the
48 Secretary of the Senate to the President and Vice President of the

1 United States, the Majority and Minority Leader of the United States
2 Senate, the Speaker and Minority Leader of the United States House
3 of Representatives and to every member of Congress elected from
4 this State.

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STATEMENT

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9 This concurrent resolution recognizes that the Tenth Amendment
10 to the Constitution of the United States provides: “The powers not
11 delegated to the United States by the Constitution, nor prohibited by
12 it to the states, are reserved to the states respectively, or to the
13 people.” This concurrent resolution further recognizes that many
14 federal mandates are in direct violation of the Tenth Amendment to
15 the Constitution of the United States. Additionally, this resolution
16 notes that in New York v. United States, 505 U.S. 144 (1992), the
17 United States Supreme Court ruled that Congress may not simply
18 commandeer the legislative and regulatory processes of the states.
19 As such, this resolution claims sovereignty under the Tenth
20 Amendment over all powers not otherwise enumerated and granted
21 by the Constitution to the federal government and serves as notice
22 and demand to the federal government to cease and desist mandates
23 that are beyond the scope of these constitutionally delegated powers.