

1 A CONCURRENT RESOLUTION urging Congress to support the principles of the
2 Tenth Amendment to the Constitution of the United States.

3 WHEREAS, the United States of America, as a constitutional republic, is unique
4 among the nations of the world; and

5 WHEREAS, the average lifespan of a constitution throughout the history of the
6 world is only 17 years; and

7 WHEREAS, the Constitution of the United States of America has endured for well
8 over two centuries, enabling our nation to become the longest ongoing constitutional
9 republic in the history of the world; and

10 WHEREAS, under the Constitution, our nation has enjoyed unprecedented stability,
11 creativity, and prosperity that affects all levels of our culture; and

12 WHEREAS, the Constitution expressed and implemented ideas that were unknown
13 and unutilized in other governments, including individual inalienable rights,
14 representative government, separation of powers, limited government, and areas of
15 jurisdictional authority; and

16 WHEREAS, the Constitution establishes clear distinctions between the federal and
17 state governments, with numerous clauses in the document recognizing the unique and
18 distinct role of the states within the constitutional republic, including equal strength to
19 every individual state in the Senate, and when proposing and ratifying constitutional
20 amendments; and

21 WHEREAS, the Constitution establishes clear boundaries around federal authority
22 through limited and specifically enumerated federal powers; and

23 WHEREAS, in the Bill of Rights, certain inalienable rights of the people are
24 enumerated in the first eight amendments, with the Ninth Amendment reserving all
25 unenumerated rights to the people; and

26 WHEREAS, the Tenth Amendment supports limits to federal authority in its
27 language: "The powers not delegated to the United States by the Constitution, nor

1 prohibited by it to the States, are reserved to States respectively, or to the people"; and

2 WHEREAS, Federalist Paper No. 45 affirms that the powers granted to the federal
3 government by the Constitution are intended to be "few and defined," and those reserved
4 for the states are "numerous and indefinite"; and

5 WHEREAS, Federalist Paper No. 45 further affirmed that federal powers "will be
6 exercised principally on external objects, as war, peace, negotiation, and foreign
7 commerce" and powers reserved to the states "will extend to all the objects which in the
8 ordinary course of affairs concern the lives, liberties, and properties of the people, and the
9 internal order, improvement, and prosperity of the State"; and

10 WHEREAS, James Madison warned that if the lines between state and federal
11 responsibilities were not vigorously maintained, the federal government might "establish
12 teachers in every state, county, and parish, and pay them out of the public treasury" and
13 may "take into their own hands the education of children, establishing in like manner
14 schools throughout the Union"; and

15 WHEREAS, Madison further warned that if left unchecked, the federal government
16 "may undertake the regulation of all roads other than post roads...In short, everything,
17 from the highest object of state legislation down to the most minute object of police
18 would be thrown under the power of Congress..."; and

19 WHEREAS, James Wilson, a signer of the Constitution of the United States and
20 original Justice of the Supreme Court, affirmed the need for clear limits of federal
21 authority when he stated, "I think there is another subject with regard to which this
22 Constitution deserves approbation: I mean the accuracy with which the line is drawn
23 between the powers of the general government and those of the particular state
24 governments"; and

25 WHEREAS, Thomas Jefferson stated the following with regard to the importance
26 of the Tenth Amendment: "I consider the foundation of the Constitution as laid on this
27 ground that 'all powers not delegated to the United States, by the Constitution, nor

1 prohibited to the states, are reserved to the states and the people.' To take a single step
2 beyond the boundaries thus specifically drawn around the powers of Congress is to take
3 possession of a boundless field of power, no longer susceptible of any definition"; and

4 WHEREAS, Thomas Jefferson further declared: "Our country is too large to have
5 all its affairs directed by a single government [the federal government]...What an
6 augmentation [growth] of the field of jobbing, speculating, plundering, office-building,
7 and office-hunting would be produced by an assumption of all the State powers into the
8 hands of the [federal] government. The true theory of our Constitution is surely the wisest
9 and best: that the States are independent as to everything within themselves, and united
10 [federal] as to everything respecting foreign nations"; and

11 WHEREAS, George Washington, our first President of the United States, in his
12 final official address to the nation, warned that those in the federal government must
13 "confine themselves within their respective constitutional spheres, avoiding in the
14 exercise of the powers of one department to encroach upon another. The spirit of
15 encroachment tends to consolidate the powers of all the departments in one, and thus to
16 create, whatever the form of government, a real despotism...But let there be no change by
17 usurpation; for though this, in one instance, may be the instrument of good, it is the
18 customary weapon by which free governments are destroyed".

19 NOW, THEREFORE,

20 ***Be it resolved by the House of Representatives of the General Assembly of the***
21 ***Commonwealth of Kentucky, the Senate concurring therein:***

22 ➔Section 1. The General Assembly, on behalf of the Commonwealth of
23 Kentucky, renews its commitment to preserving and reasserting its authority over the full
24 field of responsibilities reserved to the states in the Constitution of the United States as
25 specifically protected by the Tenth Amendment.

26 ➔Section 2. The General Assembly, on behalf of the Commonwealth of
27 Kentucky, urges the Congress of the United States, and the Kentucky delegation to the

1 Congress to support the principles of the Tenth Amendment and limit further federal
2 actions only to those areas of federal responsibility specifically enumerated to the federal
3 government, reserving all other areas to the states.

4 ➔Section 3. The Clerk of the House of Representatives shall send a copy of this
5 Resolution to the President and Vice President of the United States of America, the
6 Speaker of the United States House of Representatives, the Minority Leader of the United
7 States House of Representatives, the Majority Leader of the United States Senate, the
8 Minority Leader of the United States Senate, and each member of the Kentucky
9 delegation to the Congress of the United States.