TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES, AND
TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE PRESIDENT OF THE
SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES OF EACH STATE'S
LEGISLATURE OF THE UNITED STATES OF AMERICA:

We, your Memorialists, the Senate and House of Representatives of
the State of Washington, in legislative session assembled, respectfully
represent and petition as follows:

WHEREAS, The Tenth Amendment to the Constitution of the United
States specifically provides that, "The powers not delegated to the
United States by the Constitution, nor prohibited by it to the States,
are reserved to the States respectively, or to the people."; and

WHEREAS, The Tenth Amendment defines the total scope of federal
power as being those powers specifically granted to it by the
Constitution of the United States and no more; and

WHEREAS, Federalism is the constitutional division of powers
between the national and state governments and is widely regarded as
one of America's most valuable contributions to political science; and

...
WHEREAS, James Madison, "the father of the Constitution," said, "The powers delegated to the federal government are few and defined. Those which are to remain in the state governments are numerous and indefinite. The former will be exercised principally on external objects, [such] as war, peace, negotiation, and foreign commerce. The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people."; and

WHEREAS, Thomas Jefferson emphasized that the states are not "subordinate" to the national government, but rather the two are "coordinate departments of one simple and integral whole. The one is the domestic, the other the foreign branch of the same government."; and

WHEREAS, Alexander Hamilton expressed his hope that "the people will always take care to preserve the constitutional equilibrium between the general and the state governments." He 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 overpassing their constitutional limits by [the] certain rivalship which will ever subsist between them."; and

WHEREAS, The scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be limited in its powers relative to those of the various states; and

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

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

WHEREAS, 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; and

WHEREAS, A number of proposals from previous administrations and some now being considered by the present administration and from Congress may further violate the Constitution of the United States;

NOW, THEREFORE, Your Memorialists respectfully resolve:

(1) That the State of Washington hereby claims sovereignty under
the Tenth Amendment to the Constitution of the United States over all
powers not otherwise enumerated and granted to the federal government
by the Constitution of the United States; and

(2) That this serve as a Notice and Demand to the federal
government to maintain the balance of powers where the Constitution of
the United States established it and to cease and desist, effective
immediately, any and all mandates that are beyond the scope of its
constitutionally delegated powers.

BE IT RESOLVED, That copies of this Memorial be immediately
transmitted to the Honorable Barack Obama, President of the United
States, the President of the United States Senate, the Speaker of the
House of Representatives, the President of the Senate and the Speaker
of the House of Representatives of each state's legislature of the
United States of America, and each member of Congress from the State of
Washington.

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