

FEB 26 2010

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# SENATE CONCURRENT RESOLUTION

DECLARING THE SOVEREIGN RIGHTS OF STATES UNDER THE CONSTITUTION  
OF THE UNITED STATES.

1           WHEREAS, article I, section 1 of the state constitution  
2 declares that "[a]ll political power of this State is inherent  
3 in the people and the responsibility for the exercise thereof  
4 rests with the people"; and

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6           WHEREAS, the State has the right to be governed by the  
7 people of Hawaii, free from the constraints of a centralized  
8 federal government; and

9  
10          WHEREAS, the Constitution of the United States delegated  
11 powers to Congress authorizing only the punishment of treason,  
12 counterfeiting, piracies and felonies committed on the high  
13 seas, and offenses against the law of nations, slavery, and also  
14 responsibility over the securities and current coin of the  
15 United States; and

16  
17          WHEREAS, the Tenth Amendment to the Constitution of the  
18 United States declares that "the powers not delegated to the  
19 United States by the Constitution, nor prohibited by it to the  
20 States, are reserved to the States respectively, or to the  
21 people," therefore making all acts of Congress void and  
22 unenforceable that assume to create, define, or punish crimes  
23 other than those so enumerated in the Constitution; and

24  
25          WHEREAS, the power to create, define, and punish other  
26 crimes is reserved solely and exclusively to the respective  
27 states, each within its own territory; and

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29          WHEREAS, the other states that are considering a similar  
30 measure are Arizona, Massachusetts, Michigan, Missouri, Montana,  
31 New Hampshire, New York, North Carolina, Oklahoma, Rhode Island,  
32 Virginia, and Washington; now, therefore,

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1 BE IT RESOLVED by the Senate of the Twenty-fifth  
2 Legislature of the State of Hawaii, Regular Session of 2010, the  
3 House of Representatives concurring, that the Legislature  
4 declares that the states composing the United States of America  
5 are not united on the principle of unlimited submission to the  
6 federal government, rather the United States Constitution  
7 envisioned a federal government for special purposes --  
8 delegating to that government certain definite powers while  
9 reserving each state with the right to their own self-  
10 government; and

11  
12 BE IT FURTHER RESOLVED that any act by the Congress of the  
13 United States, executive order of the President of the United  
14 States of America, or judicial order by the United States  
15 Supreme Court that assumes a power not delegated to the federal  
16 government by the United States Constitution and serves to  
17 diminish the liberty of any state or their citizens should be  
18 nullified, including but not limited to:

- 19  
20 (1) Establishing martial law or a state of emergency  
21 within a state without the consent of the state  
22 legislature;
- 23  
24 (2) Requiring involuntary servitude or governmental  
25 service other than a draft during a declared war, or  
26 pursuant to, or as an alternative to incarceration  
27 after due process of law;
- 28  
29 (3) Requiring involuntary servitude or governmental  
30 service of persons under the age of eighteen other  
31 than pursuant to, or as an alternative to,  
32 incarceration after due process of law;
- 33  
34 (4) Surrendering any power, either delegated or reserved,  
35 for any corporation or foreign government;
- 36  
37 (5) Any act regarding religion, further limitations on  
38 freedom of political speech, or further limitations on  
39 freedom of the press; and
- 40  
41 (6) Further infringements on the right to keep and bear  
42 arms including prohibitions of type or quantity of  
43 arms or ammunition; and  
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# S.C.R. NO. 101

1 BE IT FURTHER RESOLVED that if any act of Congress that  
2 becomes law or any executive or judicial order put into force  
3 that is inconsistent with the powers authorized by the United  
4 States Constitution for the federal government, then all powers  
5 previously delegated to the federal government by the United  
6 States Constitution should revert to the states individually and  
7 any future government of the United States of America must  
8 require ratification of three quarters of the states seeking to  
9 form a government of the United States of America and will not  
10 be binding upon any state not seeking to form a government; and  
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12 BE IT FURTHER RESOLVED that certified copies of this  
13 Concurrent Resolution be transmitted to the President of the  
14 United States and to the members of the Hawaii's congressional  
15 delegation.  
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OFFERED BY: Carol Furumasa  
by request

