

FEB 26 2010

S.R. NO. 41

SENATE 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
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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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34 BE IT RESOLVED by the Senate of the Twenty-fifth
35 Legislature of the State of Hawaii, Regular Session of 2010,
36 that this body declares that the states composing the United



1 States of America are not united on the principle of unlimited
2 submission to the federal government, rather the United States
3 Constitution envisioned a federal government for special
4 purposes -- delegating to that government certain definite
5 powers while reserving each state with the right to their own
6 self-government; and
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8 BE IT FURTHER RESOLVED that any act by the Congress of the
9 United States, executive order of the President of the United
10 States of America, or judicial order by the United States
11 Supreme Court that assumes a power not delegated to the federal
12 government by the United States Constitution and serves to
13 diminish the liberty of any state or their citizens should be
14 nullified, including but not limited to:

- 15 (1) Establishing martial law or a state of emergency
16 within a state without the consent of the state
17 legislature;
18
- 19 (2) Requiring involuntary servitude or governmental
20 service other than a draft during a declared war, or
21 pursuant to, or as an alternative to incarceration
22 after due process of law;
23
- 24 (3) Requiring involuntary servitude or governmental
25 service of persons under the age of eighteen other
26 than pursuant to, or as an alternative to,
27 incarceration after due process of law;
28
- 29 (4) Surrendering any power, either delegated or reserved,
30 for any corporation or foreign government;
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- 32 (5) Any act regarding religion, further limitations on
33 freedom of political speech, or further limitations on
34 freedom of the press; and
35
- 36 (6) Further infringements on the right to keep and bear
37 arms including prohibitions of type or quantity of
38 arms or ammunition; and
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40
41 BE IT FURTHER RESOLVED that if any act of Congress that
42 becomes law or any executive or judicial order put into force
43 that is inconsistent with the powers authorized by the United
44 States Constitution for the federal government, then all powers



1 previously delegated to the federal government by the United
2 States Constitution should revert to the states individually and
3 any future government of the United States of America must
4 require ratification of three quarters of the states seeking to
5 form a government of the United States of America and will not
6 be binding upon any state not seeking to form a government; and
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8 BE IT FURTHER RESOLVED that certified copies of this
9 Resolution be transmitted to the President of the United States
10 and to the members of the Hawaii's congressional delegation.
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OFFERED BY:

Carol Fuhsavage
by request

