

FEB 14 2011

S.R. NO. 11

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## 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  
5

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," thereby making all acts of Congress that assume to  
22 create, define, or punish crimes other than those so enumerated  
23 in the Constitution void and unenforceable; 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  
28

29           WHEREAS, the other states that are considering similar  
30 state sovereignty measures are Arizona, Massachusetts, Michigan,  
31 Missouri, Montana, New Hampshire, New York, North Carolina,  
32 Oklahoma, Rhode Island, Virginia, and Washington; now,  
33 therefore,  
34



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1 BE IT RESOLVED by the Senate of the Twenty-sixth  
2 Legislature of the State of Hawaii, Regular Session of 2011,  
3 that this body declares that the states composing the United  
4 States of America are not united on the principle of unlimited  
5 submission to the federal government, rather the United States  
6 Constitution envisioned a federal government for special  
7 purposes -- delegating to that government certain definite  
8 powers while reserving to each state the right to their own  
9 self-government; and

10  
11 BE IT FURTHER RESOLVED that any act by the Congress of the  
12 United States, executive order of the President of the United  
13 States of America, or judicial order by the United States  
14 Supreme Court that assumes a power not delegated to the federal  
15 government by the United States Constitution and serves to  
16 diminish the liberty of any state or their citizens should be  
17 nullified, including but not limited to:

- 18  
19 (1) Establishing martial law or a state of emergency  
20 within a state without the consent of the state  
21 legislature;  
22  
23 (2) Requiring involuntary servitude or governmental  
24 service other than a draft during a declared war, or  
25 pursuant to, or as an alternative to incarceration  
26 after due process of law;  
27  
28 (3) Requiring involuntary servitude or governmental  
29 service of persons under the age of eighteen other  
30 than pursuant to, or as an alternative to,  
31 incarceration after due process of law;  
32  
33 (4) Surrendering any power, either delegated or reserved,  
34 for any corporation or foreign government;  
35  
36 (5) Any act regarding religion, further limitations on  
37 freedom of political speech, or further limitations on  
38 freedom of the press; and  
39  
40 (6) Further infringements on the right to keep and bear  
41 arms including prohibitions of type or quantity of  
42 arms or ammunition; and  
43



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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  
11

12 BE IT FURTHER RESOLVED that certified copies of this  
13 Resolution be transmitted to the President of the United States,  
14 Majority Leader of the United States Senate, Speaker of the  
15 United States House of Representatives, members of Hawaii's  
16 congressional delegation, and the Governor.  
17  
18  
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OFFERED BY:

Carol Furumaga B/R

