

FEB 14 2011

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
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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," 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
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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 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,



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2 BE IT RESOLVED by the Senate of the Twenty-sixth
3 Legislature of the State of Hawaii, Regular Session of 2011, the
4 House of Representatives concurring, that the Legislature
5 declares that the states composing the United States of America
6 are not united on the principle of unlimited submission to the
7 federal government, rather the United States Constitution
8 envisioned a federal government for special purposes --
9 delegating to that government certain definite powers while
10 reserving to each state the right to their own self-government;
11 and
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13 BE IT FURTHER RESOLVED that any act by the Congress of the
14 United States, executive order of the President of the United
15 States of America, or judicial order by the United States
16 Supreme Court that assumes a power not delegated to the federal
17 government by the United States Constitution and serves to
18 diminish the liberty of any state or their citizens should be
19 nullified, including but not limited to:
20

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



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

