

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE JOINT RESOLUTION 571
Committee Substitute Favorable 5/3/95

Sponsors:

Referred to:

March 28, 1995

1 A JOINT RESOLUTION DEMANDING THAT THE FEDERAL GOVERNMENT
2 CEASE AND DESIST MANDATES THAT ARE BEYOND THE SCOPE OF ITS
3 CONSTITUTIONALLY DELEGATED POWERS AND HONORING THE
4 MEMORY OF RICHARD DOBBS SPAIGHT, WILLIAM BLOUNT, AND HUGH
5 WILLIAMSON.

6 Whereas, the Tenth Amendment to the Constitution of the United States reads
7 as follows:

8 "The powers not delegated to the United States by the Constitution, nor prohibited
9 by it to the states, are reserved to the states, respectively, or to the people."; and

10 Whereas, the Tenth Amendment defines the total scope of federal power as
11 being that specifically granted by the United States Constitution and no more; and

12 Whereas, the scope of power defined by the Tenth Amendment means that
13 the federal government was created by the states specifically to be an agent of the states;
14 and

15 Whereas, in 1995, the states are in fact treated as agents of the federal
16 government; and

17 Whereas, many federal mandates are directly in violation of the Tenth
18 Amendment to the Constitution of the United States; and

19 Whereas, the United States Supreme Court has ruled in New York v. United
20 States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the
21 legislative and regulatory processes of the states; and

1 Whereas, a number of proposals from previous administrations and some now
2 pending from the present administration and from Congress may further violate the
3 United States Constitution; and

4 Whereas, Richard Dobbs Spaight, William Blount, and Hugh Williamson
5 were among North Carolina's delegates to the federal convention in 1787 and signed the
6 United States Constitution on behalf of North Carolina; and

7 Whereas, Richard Dobbs Spaight was a member of the Continental Congress
8 from 1783 to 1785; a member of the House of Commons of the Assemblies of 1779,
9 1781, 1782, 1783, 1786-87, 1792; a member of the Senate of the Assemblies of 1801
10 and 1802; Speaker of the House of Commons of the Assembly of 1785; Governor, as
11 chosen by the legislature, from 1792-95; and a member of the United States House of
12 Representatives in the Fifth and Sixth Congresses; and

13 Whereas, William Blount was a member of the Continental Congress, elected
14 in 1782, 1784, and 1785; a member of the House of Commons of the Assemblies of
15 1780, 1783, 1784, 1784-85, 1788, 1789, 1801, 1802; a member of the Senate of the
16 Assembly of 1806; and Speaker of the North Carolina House of Commons of the
17 Assembly of 1784-85; and

18 Whereas, Hugh Williamson was a member of the Continental Congress,
19 elected in 1782, 1784, and 1787; a member of the House of Commons of the
20 Assemblies of 1782 and 1785; and a member of the First Congress of the United States
21 House of Representatives;

22 Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

23 Section 1. That the State of North Carolina claims sovereignty under the
24 Tenth Amendment to the Constitution of the United States over all other powers not
25 otherwise enumerated and granted to the federal government by the United States
26 Constitution.

27 Sec. 2. That this serve as Notice and Demand to the federal government, as
28 the State of North Carolina's agent, to cease and desist, effective immediately, mandates
29 that are beyond the scope of its constitutionally delegated powers.

30 Sec. 3. That the General Assembly hereby honors the life and memory of
31 Richard Dobbs Spaight, William Blount, and Hugh Williamson for their service and
32 contributions to this State and the United States and for their signing of the Constitution
33 of our United States.

34 Sec. 4. The Secretary of State shall transmit copies of this resolution to the
35 President of the United States, the Vice President of the United States, the Speaker of
36 the United States House of Representatives, the President of the United States Senate,
37 the Speaker of the House of Representatives and the President of the Senate of each
38 state legislature of the United States, and each Senator and Representative in the
39 Congress of the United States from North Carolina.

40 Sec. 5. This resolution is effective upon ratification.