



Commonwealth of Virginia

GENERAL ASSEMBLY

RICHMOND

February, 16, 2010

Senator Mark R Warner
459A Russell Senate Office Building
Washington, DC 20510

Senator Jim Webb
248 Russell Senate Office Building
Washington, DC 20510

Congressman Rick Boucher
2187 Rayburn House Office Building
Washington, D.C. 20515

Congressman Eric Cantor
329 Cannon House Office Building
Washington, D.C. 20515

Congressman Jerry Connolly
327 Cannon House Office Building
Washington, D.C. 20515

Congressman Randy Forbes
2438 Rayburn House Office Building
Washington, D.C. 20515

Congressman Bob Goodlatte
2240 Rayburn House Office Building
Washington, D.C. 20515

Congressman Jim Moran
2239 Rayburn House Office Building
Washington, DC 20515

Congressman Glenn Nye
116 Cannon House Office Building
Washington, D.C. 20515

Congressman Tom Perriello
1520 Longworth House Office Building
Washington, D.C. 20515

Congressman Bobby Scott
1201 Longworth House Office Building
Washington, DC 20515

Congressman Rob Wittman
1318 Longworth House Office Building
Washington, DC 20515

Congressman Frank Wolf
241 Cannon House Office Building
Washington, DC 20515

Honorable Members of the Virginia Delegation to Congress:

The Tenth Amendment to the Constitution of the United States reads as follows: "*The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people*". These words define the total scope of federal power as being that

specifically granted by the Constitution of the United States and no more. Moreover, the Tenth Amendment was added to the Constitution to address fears that the national government would assume powers not expressly delegated to it by the states and the people. Without this amendment, ratification of the Constitution was in doubt.

Yet today, all fifty states are treated merely as agents of the national government and subjected to many laws in direct violation of the Tenth Amendment to the Constitution of the United States. This, despite the fact that the Tenth Amendment assures that we, the people of the United States of America and the several states of the United States, now have, and have always had, rights the Congress may not usurp without itself violating our venerable written social compact between citizens and elected leaders.

Article IV, Section 4 of the Constitution of the United States says that "*The United States shall guarantee to every state in this Union a Republican form of government,*" and the Ninth Amendment states that "*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people*". Furthermore the United States Supreme Court has ruled in *New York v. United States*, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states. Regrettably, it appears to us that a number of proposals from previous administrations and other proposals that may be anticipated may further violate the Constitution of the United States and the clear opinion of *New York v. United States*.

Therefore with the same firm resolve that the Founders of Virginia—those closest to the mind of the original intent of our nation's founders—we the undersigned members of the House of Delegates and the Senate of Virginia call upon the Congress of the United States and each member of our Congressional delegation uncompromisingly honor and protect states from unbridled federalism, a protection we enjoy under the Tenth Amendment of the Constitution of the United States.

The Commonwealth of Virginia has the sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the national government by the Constitution of the United States. Additionally, the documented history of the ratification of the Constitution does not show any delegation of such authority to the Congress pursuant to the general welfare clause.

We, therefore, serve notice to the United States government, as its agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers. Furthermore, we on behalf of the

Commonwealth assert that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding violates the spirit and intent of the authors of our Constitution.

Given this day in the City of Richmond, February 16, 2010.

Member, Virginia House of Delegates

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