

1 HJR31  
2 116204-1  
3 By Representatives Gipson, Lewis, Mask, Thigpen, Baker (A),  
4 Clouse, McClendon, Oden, Greeson, Thomas (E), Wren, Grimes,  
5 Hammon, Davis, McMillan, Fincher, Ison, Vance, Irons, Curtis,  
6 McClurkin, Allen, Drake, Canfield, McDaniel, Sanderford,  
7 McCutcheon, Ward, Hill and Morrow  
8 RFD: Rules  
9 First Read: 12-JAN-10

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8 TO AFFIRM THE RIGHTS OF ALL STATES INCLUDING ALABAMA  
9 BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO  
10 THE UNITED STATES CONSTITUTION.  
11

12 WHEREAS, the Alabama Legislature declares that the  
13 people of this state have the sole and exclusive right of  
14 governing themselves as a free, sovereign, and independent  
15 state, and shall exercise and enjoy every power, jurisdiction,  
16 and right pertaining thereto, which is not expressly delegated  
17 by them to the United States of America in the Congress  
18 assembled; and

19 WHEREAS, some states when ratifying the Constitution  
20 for the United States of America recommended as a change,  
21 "that it be explicitly declared that all powers not expressly  
22 and particularly delegated by the aforesaid are reserved to  
23 the several states to be by them exercised"; and

24 WHEREAS, these recommended changes were incorporated  
25 as the Ninth Amendment, where the enumeration of certain  
26 rights shall not be construed to deny or disparage others  
27 retained by the people, and as the Tenth Amendment, where the

1 powers not delegated to the United States by the Constitution,  
2 nor prohibited by it to the States, are reserved to the States  
3 respectively, or to the people; and

4 WHEREAS, the several states of the United States of  
5 America, through the Constitution and the amendments thereto,  
6 constituted a general government for special purposes and  
7 delegated to that government certain definite powers,  
8 reserving each state to itself, the residuary right to their  
9 own self government; now therefore,

10 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
11 HOUSES THEREOF CONCURRING, That based on the above principles  
12 and provisions, we hereby declare by this resolution, that any  
13 act by the Congress of the United States, Executive Order of  
14 the President of the United States, or Judicial Order by the  
15 federal courts which assumes a power not delegated to the  
16 government of the United States of America by the Constitution  
17 and which serves to diminish the liberty of any of the several  
18 states or their citizens shall abridge the Constitution. We  
19 further declare that acts which would cause such an  
20 abridgement include, but are not limited to, each of the  
21 following:

22 (1) Establishing martial law or a state of emergency  
23 within one of the states comprising the United States of  
24 America without the consent of the legislature of that state.

25 (2) Requiring involuntary servitude, or governmental  
26 service other than a draft during a declared war, or pursuant

1 to, or as an alternative to, incarceration after due process  
2 of law.

3 (3) Requiring involuntary servitude or governmental  
4 service of persons under the age of eighteen other than  
5 pursuant to, or as an alternative to, incarceration after due  
6 process of law.

7 (4) Surrendering any power delegated or not  
8 delegated to any corporation or foreign government.

9 (5) Any act regarding religion, further limitations  
10 on freedom of political speech, or further limitations on  
11 freedom of the press.

12 (6) Further infringements on the right to keep and  
13 bear arms including prohibitions of type or quantity of arms  
14 or ammunition.

15 BE IT FURTHER RESOLVED, That a copy of this  
16 resolution shall be forwarded to the United States Senate, the  
17 United States House of Representatives, and each member of the  
18 Alabama Congressional Delegation.