The State Sovereignty Movement and Child Welfare

This missive contains information intended for state legislators.

March 6, 2009

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Introduction

There is a movement in state legislatures to issue proclamations of state sovereignty, in response to the increasing number of federal laws created in violation of the ninth and tenth amendments of the United States Constitution.

**Amendment Nine:** “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

**Amendment Ten:** “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.”

Child welfare laws are among those that were created in violation of the tenth amendment. These laws motivated state legislatures to pass bills mandated in exchange for federal funding.

Your constituents have probably contacted you with multiple stories of unfair, unjust, unconscionable practices in child welfare agencies in your state. If you need more proof that systematic unjust practices (based on federal child welfare mandates) are depriving children of their natural families, please check out the guestbooks at Fight CPS - [http://www.fightcps.com](http://www.fightcps.com).
Child Welfare and the Communist Goals of the Cold War Era

I'm sure you're aware of the list of Communist Goals which were entered into the Congressional Record on January 10, 1963 (Appendix, pp. A34-A35).

Goals number 40 and 41 were intended to destroy America's families:

40. Discredit the family as an institution. Encourage promiscuity and easy divorce.

41. Emphasize the need to raise children away from the negative influence of parents. Attribute prejudices, mental blocks and retarding of children to suppressive influence of parents.

These goals have been implemented by the federal government since that time, using a series of unconstitutional child welfare laws.

Federal Child Welfare Laws

Correcting the problems in our child welfare agencies should start with an understanding that the laws causing problems for American families were created in violation of the United States Constitution's Tenth Amendment. Those laws include:

The Child Abuse Prevention and Treatment Act of 1974 (CAPTA)

CAPTA established an agency for research and to train people to work in child abuse industry related fields: social welfare, law, medicine and more. It offered incentive money to states for setting up programs. It started national child abuse/neglect hysteria by providing for a "full study and investigation of child abuse and neglect, including a determination of the extent to which incidents of child abuse and neglect are increasing in number or severity."

The Adoption Assistance and Child Welfare Act of 1980

Title I of this Act established programs and funding for adoption and foster care assistance for children under title IV (Aid to Families with Dependent Children and Aid to Child Welfare Services) of the Social Security Act. In order to be eligible to this funding, the states must have a plan providing for a state child welfare service agency, for audits every three years, for "certain other administrative, personnel, reporting and benefit standards requirements."

This act also required states to make "adoption assistance payments" when a child (1) had been on AFDC public aid or had been eligible to receive AFDC within 6 months prior to the initiation of court proceedings, (2) is eligible for SSI, or (3) is a "child with special needs".

The Adoption and Safe Families Act of 1997

This law intensifies the war on families to the breaking point. Now the country has made a high-stakes money game out of increasing the number of children adopted out of state care. The results are that more children are being detained on more trivial charges. More parents are having their rights unjustly terminated in order to make children available for adoption. This is an affront to the human spirit and to the God-given Parent-Child bond. Read it and weep.

As you can see, the laws that provide federal funding in exchange for the destruction of families have increased and become more draconian over the years. But all these laws are unconstitutional. Families in your state are suffering because of these laws, and because of state laws that were implemented in the effort to comply with unconstitutional federal mandates, in exchange for money.
A Plea For Justice

Children are suffering. They are being torn from loving families and are being forced to grow up feeling unloved and exploited. Their adopters medicate them with psychotropic drugs so that they can get special adoption subsidies intended for ‘special needs’ children.

Families are the bedrock of a healthy and stable civilization, but our situation is getting worse every year. Parents and children are enduring intense trauma, unlikely ever to be healed.

Child welfare, as it exists in the United States today, is child abuse. While it is true some families need help, there should be a humane way to provide services without destruction of families.

Too many families are torn apart for months, years, and even forever on the basis of very trivial charges, fueled by lies and exaggerations in caseworker reports. This is all motivated by a greed for federal funding streams that start when a child is removed from his natural home and placed in foster care.

We look to you, our state legislators, to help establish parental rights and compassion for needy families.

Please help the children of America!
Relief Requested

1. State sovereignty was the intention of the founding fathers of our country. States must insist that the federal government cease and desist from making laws that are not constitutionally allowed. PLEASE save our country!

2. State laws based on the unconstitutional federal child welfare mandates must be repealed, and a new set of more humane and compassionate laws created in each sovereign state.

3. Federal funding streams should cease. One cannot have state sovereignty while accepting federal handouts for mandated programs such as child welfare. This system is corrupt and harmful to America.

4. Child abuse and neglect should be investigated by law enforcement officers, not by caseworkers. Child abuse is a criminal matter, and law enforcement officers are better trained and more objective than caseworkers are.

5. Child abusers should be detained and incarcerated, not children.

6. Children should be placed with natural relatives when their parents aren’t able to care for them properly. While this is already the law in most states, child welfare caseworkers in many states refuse to comply as they want children in foster homes instead.

7. Child welfare agencies should be separated from foster and adoption agencies. Those responsible for detaining children should not be able to place them with acquaintances who seek to adopt. A separate foster care agency should be established to provide for the needs of children who have absolutely no natural relatives with whom they can be placed.

8. Adoptions of the children of living parents should cease, in favor of permanent guardianships when warranted.

9. Mandated reporter laws should be repealed because they allow people to make false accusations without criminal penalties. Many child welfare reports are made in retaliation after disagreements between the reporting parties and parents.
Sample state sovereignty legislation:

Arizona's State Sovereignty Bill (2009)


HCR 2024

A concurrent RESOLUTION

claiming sovereignty under the tenth amendment to the constitution of the united states
over certain powers, serving notice to the federal government to cease and desist certain
mandates and providing that certain federal legislation be prohibited or repealed.

Whereas, 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"; and

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

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

Whereas, today, in 2009, the states are demonstrably treated as agents of the federal
government; and

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

WHEREAS, the Tenth Amendment assures that we, the people of the United States of
America and each sovereign state in the Union of States, now have, and have always had,
rights the federal government may not usurp; and

Whereas, Article IV, section 4, United States Constitution, says in part, "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"; and

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

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

Therefore

Be it resolved by the House of Representatives of the State of Arizona, the Senate
concurring, that:

1. That the State of Arizona hereby claims sovereignty under the Tenth Amendment
to the Constitution of the United States over all powers not otherwise enumerated and
granted to the federal government by the Constitution of the United States.

2. That this Resolution serves as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers.

3. 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 be prohibited or repealed.

4. That the Secretary of State of the State of Arizona transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House and the President of the Senate of each state's legislature and each Member of Congress from the State of Arizona.
Sample state sovereignty legislation:

California's State Sovereignty Law (1994)

http://www.leginfo.ca.gov/pub/93-94/bill/sen/sb_0001-0050/sjr_44_bill_940829_chaptered

Bill Number: SJR 44
Adopted 08/15/94

WHEREAS, The 10th 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"; and

WHEREAS, The 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS, The scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, In the year 1994, the states are demonstrably treated as agents of the federal government; and

WHEREAS, Numerous resolutions have been forwarded to the federal government by the California Legislature without any response or result from Congress or the federal government; and

WHEREAS, Many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

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

WHEREAS, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution;

now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the State of California hereby claims sovereignty under the 10th Amendment to the
Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution and that this measure shall serve as notice and demand to the federal government to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the President pro Tempore of the United States Senate, each Senator and Representative from California in the Congress of the United States and to the Speaker of the House and the President of the Senate of each state legislature in the United States of America.
Sample state sovereignty legislation:

Georgia's State Sovereignty Resolution (1996)

http://www.legis.state.ga.us/legis/1995_96/leg/fulltext/sr308.htm

1/8/96    Committed
SR 308
LC 22 1439

A RESOLUTION

1- 1 Claiming sovereignty under the Tenth Amendment to the
1- 2 Constitution of the United States over all powers not
1- 3 otherwise enumerated and granted to the federal government
1- 4 by the United States Constitution; and for other purposes.

1- 5 WHEREAS, the Tenth Amendment to the Constitution of the
1- 6 United States reads as follows:

1- 7    “The powers not delegated to the United States by the
1- 8    Constitution, nor prohibited by it to the States, are
1- 9    reserved to the States respectively, or to the people”; and

1-10    and

1-11 WHEREAS, the Tenth Amendment defines the total scope of
1-12 federal power as being that specifically granted by the
1-13 United States Constitution and no more; and

1-14 WHEREAS, the scope of power defined by the Tenth Amendment
1-15 means that the federal government was created by the states
1-16 specifically to be an agent of the states; and

1-17 WHEREAS, today, in 1995, the states are demonstrably treated
1-18 as agents of the federal government; and

1-19 WHEREAS, numerous resolutions have been forwarded to the
1-20 federal government by the General Assembly of Georgia
1-21 without any response or result from Congress or the federal
1-22 government; and

1-23 WHEREAS, many federal mandates are directly in violation of
1-24 the Tenth Amendment to the Constitution of the United
1-25 States; and
WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the State of Georgia hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution and that this measure shall serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, each member of Georgia’s congressional delegation, and the Speaker of the House and the President of the Senate of each state legislature in the United States of America.
Sample state sovereignty legislation:

**Michigan's State Sovereignty Bill (2009)**

House Concurrent Resolution No. 4.

A concurrent resolution to affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States and to urge the federal government to halt its practice of imposing mandates upon the states for purposes not enumerated by the Constitution of the United States.

Whereas, 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"; and

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

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

Whereas, Today, in 2009, the states are demonstrably treated as agents of the federal government; and

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

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

Whereas, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we hereby affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States. We also urge the federal government to halt its practice of imposing mandates upon the states for purposes not enumerated by the Constitution of the United States; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.
Sample state sovereignty legislation:

New Hampshire's State Sovereignty Bill (2009)


HCR 6 - AS INTRODUCED

2009 SESSION

09-0274
09/01

HOUSE CONCURRENT RESOLUTION 6

A RESOLUTION affirming States’ rights based on Jeffersonian principles.


COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This house concurrent resolution affirms States’ rights based on Jeffersonian principles.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

A RESOLUTION affirming States’ rights based on Jeffersonian principles.

Whereas the Constitution of the State of New Hampshire, Part 1, Article 7 declares that the people of this State have the sole and exclusive right of governing themselves as a free, sovereign, and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America in congress assembled; and

Whereas the Constitution of the State of New Hampshire, Part 2, Article 1 declares that the people solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body-politic, or State, by the name of The State of New Hampshire; and

Whereas the State of New Hampshire when ratifying the Constitution for the United States of America recommended as a change, “First That it be Explicitly declared that all Powers not expressly & particularly Delegated by the aforesaid are reserved to the several States to be, by them Exercised;” and

Whereas the other States that included recommendations, to wit Massachusetts, New York, North Carolina, Rhode Island and Virginia, included an identical or similar recommended change; and
Whereas these recommended changes were incorporated as the ninth amendment, the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people, and the tenth amendment, 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, to the Constitution for the United States of America; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, -- delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whenever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party: that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress; and

That the Constitution of the United States, having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies, and felonies committed on the high seas, and offences against the law of nations, slavery, and no other crimes whatsoever; and it being true as a general principle, and one of the amendments to the Constitution having also declared, that “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,” therefore all acts of Congress which assume to create, define, or punish crimes, other than those so enumerated in the Constitution are altogether void, and of no force; and that the power to create, define, and punish such other crimes is reserved, and, of right, appertains solely and exclusively to the respective States, each within its own territory; and

That it is true as a general principle, and is also expressly declared by one of the amendments to the Constitution, that “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;” and that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved to the States or the people: that thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use should be tolerated, rather than the use be destroyed. And thus also they guarded against all abridgment by the United States of the freedom of religious opinions and exercises, and retained to themselves the right of protecting the same. And that in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments
to the Constitution, which expressly declares, that “Congress shall make no law respecting
an establishment of religion, or prohibiting the free exercise thereof, or abridging the
freedom of speech or of the press;” thereby guarding in the same sentence, and under the
same words, the freedom of religion, of speech, and of the press: insomuch, that whatever
violated either, throws down the sanctuary which covers the others, and that libels,
falsehood, and defamation, equally with heresy and false religion, are withheld from the
cognizance of federal tribunals. That, therefore, all acts of Congress of the United States
which do abridge the freedom of religion, freedom of speech, freedom of the press, are not
law, but are altogether void, and of no force; and

That the construction applied by the General Government (as is evidenced by sundry of
their proceedings) to those parts of the Constitution of the United States which delegate to
Congress a power “to lay and collect taxes, duties, imports, and excises, to pay the debts,
and provide for the common defense and general welfare of the United States,” and “to
make all laws which shall be necessary and proper for carrying into execution the powers
vested by the Constitution in the government of the United States, or in any department or
officer thereof,” goes to the destruction of all limits prescribed to their power by the
Constitution: that words meant by the instrument to be subsidiary only to the execution of
limited powers, ought not to be so construed as themselves to give unlimited powers, nor a
part to be so taken as to destroy the whole residue of that instrument: that the proceedings
of the General Government under color of these articles, will be a fit and necessary subject
of revision and correction; and

That a committee of conference and correspondence be appointed, which shall have as its
charge to communicate the preceding resolutions to the Legislatures of the several States;
to assure them that this State continues in the same esteem of their friendship and union
which it has manifested from that moment at which a common danger first suggested a
common union: that it considers union, for specified national purposes, and particularly to
those specified in their federal compact, to be friendly to the peace, happiness and
prosperity of all the States: that faithful to that compact, according to the plain intent and
meaning in which it was understood and acceded to by the several parties, it is sincerely
anxious for its preservation: that it does also believe, that to take from the States all the
powers of self-government and transfer them to a general and consolidated government,
without regard to the special delegations and reservations solemnly agreed to in that
compact, is not for the peace, happiness or prosperity of these States; and that therefore
this State is determined, as it doubts not its co-States are, to submit to undelegated, and
consequently unlimited powers in no man, or body of men on earth: that in cases of an
abuse of the delegated powers, the members of the General Government, being chosen by
the people, a change by the people would be the constitutional remedy; but, where powers
are assumed which have not been delegated, a nullification of the act is the rightful
remedy: that every State has a natural right in cases not within the compact, (casus non
foederis), to nullify of their own authority all assumptions of power by others within their
limits: that without this right, they would be under the dominion, absolute and unlimited,
of whosoever might exercise this right of judgment for them: that nevertheless, this State,
from motives of regard and respect for its co-States, has wished to communicate with them
on the subject: that with them alone it is proper to communicate, they alone being parties
to the compact, and solely authorized to judge in the last resort of the powers exercised
under it, Congress being not a party, but merely the creature of the compact, and subject
as to its assumptions of power to the final judgment of those by whom, and for whose use
itself and its powers were all created and modified: that if the acts before specified should stand, these conclusions would flow from them: that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: that confidence is everywhere the parent of despotism -- free government is founded in jealousy, and not in confidence; it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power: that our Constitution has accordingly fixed the limits to which, and no further, our confidence may go. In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. That this State does therefore call on its co-States for an expression of their sentiments on acts not authorized by the federal compact. And it doubts not that their sense will be so announced as to prove their attachment unaltered to limited government, whether general or particular. And that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked in a common bottom with their own. That they will concur with this State in considering acts as so palpably against the Constitution as to amount to an undisguised declaration that that compact is not meant to be the measure of the powers of the General Government, but that it will proceed in the exercise over these States, of all powers whatsoever: that they will view this as seizing the rights of the States, and consolidating them in the hands of the General Government, with a power assumed to bind the States, not merely as the cases made federal, (casus foederis,) but in all cases whatsoever, by laws made, not with their consent, but by others against their consent: that this would be to surrender the form of government we have chosen, and live under one deriving its powers from its own will, and not from our authority; and that the co-States, recurring to their natural right in cases not made federal, will concur in declaring these acts void, and of no force, and will each take measures of its own for providing that neither these acts, nor any others of the General Government not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories; and

That the said committee be authorized to communicate by writing or personal conferences, at any times or places whatever, with any person or person who may be appointed by any one or more co-States to correspond or confer with them; and that they lay their proceedings before the next session of the General Court; and

That any Act by the Congress of the United States, Executive Order of the President of the United States of America or Judicial Order by the Judicatories of the United States of America which assumes a power not delegated to the government of United States of America by the Constitution for the United States of America and which serves to diminish the liberty of the any of the several States or their citizens shall constitute a nullification of the Constitution for the United States of America by the government of the United States of America. Acts which would cause such a nullification include, but are not limited to:

I. Establishing martial law or a state of emergency within one of the States comprising the United States of America without the consent of the legislature of that State.

II. Requiring involuntary servitude, or governmental service other than a draft during a declared war, or pursuant to, or as an alternative to, incarceration after due process of law.

III. Requiring involuntary servitude or governmental service of persons under the age of 18 other than pursuant to, or as an alternative to, incarceration after due process of law.

IV. Surrendering any power delegated or not delegated to any corporation or foreign government.
V. Any act regarding religion; further limitations on freedom of political speech; or further limitations on freedom of the press.

VI. Further infringements on the right to keep and bear arms including prohibitions of type or quantity of arms or ammunition; and

That should any such act of Congress become law or Executive Order or Judicial Order be put into force, all powers previously delegated to the United States of America by the Constitution for the United States shall revert to the several States individually. Any future government of the United States of America shall require ratification of three quarters of the States seeking to form a government of the United States of America and shall not be binding upon any State not seeking to form such a government; and

That copies of this resolution be transmitted by the house clerk to the President of the United States, each member of the United States Congress, and the presiding officers of each State’s legislature.
Sample state sovereignty legislation:

Washington's State Sovereignty Bill (2009)

HJM 4009

1 TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES, AND
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
4 UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE PRESIDENT OF THE
5 SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES OF EACH STATE'S
6 LEGISLATURE OF THE UNITED STATES OF AMERICA:

7 We, your Memorialists, the Senate and House of Representatives of
8 the State of Washington, in legislative session assembled, respectfully
9 represent and petition as follows:

10 WHEREAS, The Tenth Amendment to the Constitution of the United
11 States specifically provides that, "The powers not delegated to the
12 United States by the Constitution, nor prohibited by it to the States,
13 are reserved to the States respectively, or to the people."; and

14 WHEREAS, The Tenth Amendment defines the total scope of federal
15 power as being those powers specifically granted to it by the
16 Constitution of the United States and no more; and

17 WHEREAS, Federalism is the constitutional division of powers
18 between the national and state governments and is widely regarded as
19 one of America's most valuable contributions to political science; and

1 WHEREAS, James Madison, "the father of the Constitution," said,
2 "The powers delegated to the federal government are few and defined.
3 Those which are to remain in the state governments are numerous and
4 indefinite. The former will be exercised principally on external
5 objects, [such] as war, peace, negotiation, and foreign commerce. The
6 powers reserved to the several states will extend to all the objects
7 which, in the ordinary course of affairs, concern the lives, liberties,
8 and properties of the people."; and

9 WHEREAS, Thomas Jefferson emphasized that the states are not
10 "subordinate" to the national government, but rather the two are
11 "coordinate departments of one simple and integral whole. The one is
12 the domestic, the other the foreign branch of the same government.";
13 and

14 WHEREAS, Alexander Hamilton expressed his hope that "the people
15 will always take care to preserve the constitutional equilibrium
16 between the general and the state governments." He believed that "this
balance between the national and state governments forms a double security to the people. If one [government] encroaches on their rights, they will find a powerful protection in the other. Indeed, they will both be prevented from overpassing their constitutional limits by [the] certain rivalship which will ever subsist between them."; and

WHEREAS, The scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be limited in its powers relative to those of the various states; and

WHEREAS, Today, in 2009, the states are demonstrably treated as agents of the federal government; and

WHEREAS, Many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

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

WHEREAS, A number of proposals from previous administrations and some now being considered by the present administration and from Congress may further violate the Constitution of the United States;

NOW, THEREFORE, Your Memorialists respectfully resolve:

(1) That the State of Washington hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and

(2) That this serve as a Notice and Demand to the federal government to maintain the balance of powers where the Constitution of the United States established it and to cease and desist, effective immediately, any and all mandates that are beyond the scope of its constitutionally delegated powers.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the President of the Senate and the Speaker of the House of Representatives of each state's legislature of the United States of America, and each member of Congress from the State of Washington.