

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE CONCURRENT  
4 RESOLUTION 6

By: Bergstrom

5  
6 AS INTRODUCED

7 A Concurrent Resolution calling for the creation of a  
8 National Federalism Task Force for the purpose of  
9 convening federalism summits to develop plans for  
10 restoring and maintaining clearly discernible  
11 divisions in the roles and responsibilities of the  
12 national government and the states; and directing  
13 distribution.

14 WHEREAS, our unique governing system in the United States was  
15 designed to federate diverse states and people for vital national  
16 concerns, while preserving to the American people the benefits of  
17 self-government - a form of government that is efficient, effective  
18 and accountable - and amplifies their governing voice; and

19 WHEREAS, to accomplish this objective, in the Federalist Papers  
20 No. 39, James Madison and the other framers of the Constitution  
21 designed a new hybrid form of government that was part "general"  
22 (called the federal government today) and part "federal" (a  
23 federation of the states), with clear divisions in the roles and  
24 responsibilities assigned to the national government and to the  
25 state governments; and

1           WHEREAS, in the Federalist Papers No. 51, James Madison  
2 specified that a clear division of governing responsibilities was  
3 essential to this new form of government to provide "a double  
4 security ... to the rights of the people," against overreach from  
5 either the state government or the federal government because "the  
6 different governments will control each other."; and

7           WHEREAS, during the Pennsylvania Ratifying Convention of the  
8 United States Constitution, James Wilson marveled at "the accuracy  
9 with which the line is drawn between the powers of the general  
10 government and those of the particular state governments," observing  
11 "the powers are as minutely enumerated as was possible."; and

12           WHEREAS, during the New York Ratifying Convention of the United  
13 States Constitution, Alexander Hamilton admonished that "this  
14 balance between the national and state governments ought to be dwelt  
15 on with peculiar attention, as it is of the utmost importance. It  
16 forms a double security to the people."; and

17           WHEREAS, James Wilson, a signer of the United States  
18 Constitution and an original United States Supreme Court Justice,  
19 stated, "I think there is another subject with regard to which this  
20 Constitution deserves approbation: I mean the accuracy with which  
21 the line is drawn between the powers of the general government and  
22 those of the particular state governments"; and

1       WHEREAS, by all accounts, there is no clearly discernible  
2 division of roles and responsibilities between the federal  
3 government and the states today; and

4       WHEREAS, many Americans feel frustrated that government is not  
5 efficient, effective or accountable, and sensing that something is  
6 wrong with our governing system, they increasingly disengage from  
7 government because they believe their voices do not matter anymore;  
8 and

9       WHEREAS, in their joint dissent in *NFIB v. Sebelius*, Justices  
10 Kennedy, Scalia, Thomas, and Alito, warned of the consequences of  
11 allowing our system to atrophy, writing "the fragmentation of power  
12 produced by the structure of our Government is central to liberty,  
13 and when we destroy it, we place liberty at peril."; and

14       WHEREAS, in his farewell address, George Washington admonished  
15 all officers who are oath-bound under Article VI of the United  
16 States Constitution that "to preserve [this system of reciprocal  
17 checks] must be as important as to institute them."; and

18       WHEREAS, divisions, limits and balance in the various governing  
19 powers, roles and responsibilities, and the self-governing  
20 engagement of the people are essential to the preservation of our  
21 system; and

22       WHEREAS, this singular system is the solution to securing the  
23 rights of the people to pursue their unique visions of happiness  
24 over an expansive and diverse union of states.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 1ST SESSION  
2 OF THE 58TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES  
3 CONCURRING THEREIN:

4 THAT on behalf of all citizens of this individual state, this  
5 legislature renews its commitment to preserving and reasserting its  
6 powers and authority over the full field of responsibilities and  
7 powers reserved to the states in the United States Constitution as  
8 specially protected by the Tenth Amendment.

9 THAT this legislature urges its federal delegation to firmly  
10 support the United States Constitution and limit further federal  
11 action only to those areas of federal responsibility and powers  
12 specifically enumerated to the federal government, reserving all  
13 other areas to the action of the states.

14 THAT this legislature calls upon the National Conference of  
15 State Legislatures, the Council of State Governments and the  
16 American Legislative Exchange Council to coordinate in the creation  
17 of a National Federalism Task Force for the purpose of convening a  
18 series of federalism summits to consider and develop plans for  
19 restoring and maintaining clearly discernible divisions in the  
20 powers, roles and responsibilities of the general government and the  
21 states for the benefit and engagement of the American people.

22 THAT the legislators of the several states desiring to  
23 participate in such summits seeking to restore the proper balance of  
24

1 federalism engage in shared correspondence toward advancing that  
2 goal.

3 THAT a certified copy of this resolution be transmitted to the  
4 Governor of the State of Oklahoma, the Oklahoma Congressional  
5 Delegation, the President of the Senate of the United States, the  
6 Speaker of the House of Representatives of the United States and the  
7 President and Vice President of the United States. Also distribute  
8 a certified copy of this resolution to the representatives of the  
9 National Conference of State Legislatures, the Council of State  
10 Governments and the American Legislative Exchange Council, and the  
11 Governor, President Pro Tempore and Speaker of the House of  
12 Representatives of each state.

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