

**HOW I VOTED: SOVEREIGNTY RESOLUTION**  
**FOR (CO-AUTHOR OF FINAL VERSION OF BILL)**

The first two weeks of the 2010 Legislative Session were dominated in the Senate by a prolonged debate over S.424, the State Sovereignty Resolution (also known as the 9<sup>th</sup> and 10<sup>th</sup> Amendment Resolution.)

The subject matter is fairly straightforward: the 9<sup>th</sup> and 10<sup>th</sup> amendment limit the power of the federal government and, among other things, guarantee that the states and the people are the final repositories of rights. The language of both is simple and straightforward:

The 9<sup>th</sup> reads: *The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.*

And the 10<sup>th</sup>: *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.*

This Resolution sought to draw attention to these two amendments, which I (and many others) believe have been largely ignored by the federal government in recent years. This has been especially true in the past several months, as Washington took up the issue of national health care reform. This Resolution was the best and quickest way to let Washington know that South Carolina, as a sovereign state under the Constitution, believes it has the right to protections against federal overreaching, such as that contemplated by nationalized health care.

Some folks criticized this Resolution as it was just that, a resolution. It was not, for example, a bill, nor does it have the full force and effect of law. But as I noted in an hour-long speech defending the Constitution during the debate, neither did the Declaration of Independence have the force and effect of law, nor did the Constitution when originally drafted. But in a free and democratic Republic, words and ideas matter --- and if things go unsaid for too long, they are often forgotten. Our purpose with this Resolution was in part to make sure that folks -- especially those in Washington --- remembered two critical parts of the Bill of Rights.

More than that, though, the Resolution was a first step toward what we hope are very real and permanent protections for our citizens against unconstitutional federal mandates. A bill has already been introduced (which I have co-sponsored) that would seek to rewrite the South Carolina Constitution in order to guarantee our citizens the rights articulated in the Resolution: 1) The right to purchase health care of your choice, and 2) The right to not purchase health care if you don't want to.

The supporters of the Resolution, and the companion bill, hope that such a protection in our Constitution will protect our citizens against the federal health care bill near completion in Washington -- a bill that would dramatically infringe upon those two basic rights. Such an addition to our state constitution may provide us a real opportunity to fight the health care bill, if it passes in Congress.

There were also two amendments during debate that added language regarding the 2<sup>nd</sup> and 14<sup>th</sup> amendments. Personally, I would have been happy to add ALL of the Bill of Rights (and the later amendments), as I think the principles set forth there bear frequent repetition.

I was proud to be involved with the drafting of the final version of this bill, and I look forward to working to pass the bill calling for the referendum on an amendment to our state constitution.