

By: Creighton, Hughes, Berman, Gattis,
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H.C.R. No. 50

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, Each Member of the Legislature feels great pride in
2 being a citizen of the United States of America, which includes the
3 right of citizens to petition their government for redress of
4 grievances; and

5 WHEREAS, All Texans have benefited from this state's
6 participation in the unique experience in democracy that first
7 began on a field in Lexington, Massachusetts, and called the United
8 States of America; and

9 WHEREAS, Countless Texans have served in the Armed Forces of
10 the United States with the brave sons and daughters of all our
11 sister states to protect our state, our nation, and our union, and
12 many of them gave the last full measure of devotion by offering
13 their lives to preserve that union; and

14 WHEREAS, Each member of the legislature has sworn a solemn
15 oath to defend our national union; and

16 WHEREAS, Each day, millions of Texans assemble in churches,
17 synagogues, schools, arenas, fields, and homes to pledge allegiance
18 to the flag of the United States of America and the one nation,
19 indivisible, for which that flag stands; and

20 WHEREAS, The Tenth Amendment to the Constitution of the
21 United States reads as follows: "The powers not delegated to the
22 United States by the Constitution, nor prohibited by it to the
23 States, are reserved to the States respectively, or to the people";
24 and

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

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

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

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

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

15 WHEREAS, Section 4, Article IV, of the Constitution says,
16 "The United States shall guarantee to every State in this Union a
17 Republican Form of Government," and the Ninth Amendment states that
18 "The enumeration in the Constitution, of certain rights, shall not
19 be construed to deny or disparage others retained by the people";
20 and

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

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

1 now, therefore, be it

2 RESOLVED by the house of representatives, the senate
3 concurring, That the 81st Legislature of the State of Texas
4 reaffirms the pride of all Texans in both our one and indivisible
5 national union and in our one and indivisible state and the common
6 heritage of both; and, be it further

7 RESOLVED, That the 81st Legislature of the State of Texas
8 hereby claim sovereignty under the Tenth Amendment to the
9 Constitution of the United States over all powers not otherwise
10 enumerated and granted to the federal government by the
11 Constitution of the United States; and, be it further

12 RESOLVED, That this serve as notice and demand to the federal
13 government, as our agent, to cease and desist, effective
14 immediately, mandates that are beyond the scope of these
15 constitutionally delegated powers; and, be it further

16 RESOLVED, That all compulsory federal legislation not
17 necessary to ensure rights guaranteed the people under the
18 Constitution of the United States that directs states to comply
19 under threat of civil or criminal penalties or sanctions or that
20 requires states to pass legislation or lose federal funding be
21 prohibited or repealed; and, be it further

22 RESOLVED, That the chief clerk of the House of
23 Representatives is directed to send a copy of this resolution to the
24 senators and representatives of Texas in Congress with the request
25 that this resolution be officially entered in the Congressional
26 Record as a memorial to the Congress of the United States of
27 America; and, be it further

1 RESOLVED, That the chief clerk of the House of
2 Representatives is directed to send a copy of this resolution to the
3 President of the United States of America, the Vice President of the
4 United States of America, the Speaker of the House of
5 Representatives of the United States of America, the minority
6 leader of the House of Representatives, and the minority leader of
7 the Senate, and to the governor of each sister state as an
8 expression of the affection of the people of Texas for our one
9 national and indivisible union.