

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

#### HOUSE CONCURRENT RESOLUTION

1 WHEREAS, The Tenth Amendment to the Constitution of the  
2 United States reads as follows: "The powers not delegated to the  
3 United States by the Constitution, nor prohibited by it to the  
4 States, are reserved to the States respectively, or to the people";  
5 and

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

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

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

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

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

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

1 and

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

6 WHEREAS, A number of proposals from previous administrations  
7 and some now pending from the present administration and from  
8 congress may further violate the Constitution of the United States;  
9 now, therefore, be it

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

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

19 RESOLVED, That all compulsory federal legislation that  
20 directs states to comply under threat of civil or criminal  
21 penalties or sanctions or that requires states to pass legislation  
22 or lose federal funding be prohibited or repealed; and, be it  
23 further

24 RESOLVED, That the Texas secretary of state forward official  
25 copies of this resolution to the president of the United States, to  
26 the speaker of the house of representatives and the president of the  
27 senate of the United States Congress, and to all the members of the

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1 Texas delegation to the congress with the request that this  
2 resolution be officially entered in the Congressional Record as a  
3 memorial to the Congress of the United States of America.