By: Hegar S.C.R. No. 39

## 1 SENATE CONCURRENT RESOLUTION

- 2 WHEREAS, The Tenth Amendment to the Constitution of the
- 3 United States reads as follows: "The powers not delegated to the
- 4 United States by the Constitution, nor prohibited by it to the
- 5 States, are reserved to the States respectively, or to the people";
- 6 and
- 7 WHEREAS, The Tenth Amendment defines the total scope of
- 8 federal power as being that specifically granted by the
- 9 Constitution of the United States and no more; and
- 10 WHEREAS, The Tenth Amendment assures that we, the people of
- 11 the United States of America and each sovereign state in the Union
- 12 of States, now have, and have always had, rights the federal
- 13 government may not usurp; and
- WHEREAS, Section 4, Article IV, of the Constitution says,
- 15 "The United States shall guarantee to every State in this Union a
- 16 Republican Form of Government," and the Ninth Amendment states that
- 17 "The enumeration in the Constitution, of certain rights, shall not
- 18 be construed to deny or disparage others retained by the people";
- 19 and
- 20 WHEREAS, The United States Supreme Court has ruled in New
- 21 York v. United States, 505 U.S. 144 (1992), and Printz v. United
- 22 States, 521 U.S. 898 (1997), that Congress may not simply
- 23 commandeer the legislative, executive, and regulatory processes of
- 24 the states, and that, to do so, is a violation of the Tenth

- 1 Amendment; and
- WHEREAS, one of our nation's Founders and author of the
- 3 Declaration of Independence, Thomas Jefferson, emphasized that the
- 4 states are not "subordinate" to the national government, but rather
- 5 the two are "coordinate departments of one simple and integral
- 6 whole."; and
- WHEREAS, one of the authors of the Federalist Papers,
- 8 Alexander Hamilton, expressed his hope that "the people will always
- 9 take care to preserve the constitutional equilibrium between the
- 10 general and the state governments." And, that, "this balance
- 11 between the national and state governments forms a double security
- 12 to the people."; and
- WHEREAS, A number of proposals from previous administrations
- 14 and some now pending from the present administration and from
- 15 Congress threaten to disturb this delicate balance between the
- 16 federal government and the state governments; and
- WHEREAS, Such encroachments by the federal government may
- 18 result in a commandeering of the states' legislative, executive,
- 19 and regulatory processes; and
- 20 WHEREAS, These acts undermine the spirit of the federalist
- 21 system created by our Founders and are in violation of the Tenth
- 22 Amendment to the Constitution of the United States; now, therefore,
- 23 be it
- 24 RESOLVED, That the 81st Legislature of the State of Texas
- 25 hereby claims sovereignty under the Tenth Amendment to the
- 26 Constitution of the United States over all powers not otherwise
- 27 enumerated and granted to the federal government by the

- 1 Constitution of the United States; and, be it further
- 2 RESOLVED, That this serve as notice and demand to the federal
- 3 government to cease and desist, effective immediately, mandates
- 4 that are beyond the scope of these constitutionally delegated
- 5 powers; and, be it further
- 6 RESOLVED, That the power over the freedom of the right to keep
- 7 and bear arms was reserved to the states and therefore, all acts of
- 8 Congress to abridge that right are not law and are void; and, be it
- 9 further
- 10 RESOLVED, That all compulsory federal legislation that
- 11 directs states to comply under threat of civil or criminal
- 12 penalties or sanctions or that requires states to pass legislation
- 13 or lose federal funding be prohibited or repealed; and, be it
- 14 further
- RESOLVED, That the Texas Secretary of State forward official
- 16 copies of this resolution to the President of the United States, to
- 17 the Speaker of the House of Representatives and the President of the
- 18 Senate of the United States Congress, and to all the members of the
- 19 Texas delegation to the Congress with the request that this
- 20 resolution be officially entered in the Congressional Record as a
- 21 memorial to the Congress of the United States of America.