

By: Creighton

H.C.R. No. 16

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 2010, the states are demonstrably treated
13 as agents of the federal government; and

14 WHEREAS, Each member of the Legislature feels great pride in
15 being a citizen of the United States of America, which includes the
16 right of citizens to petition their government for redress of
17 grievances; and

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

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

1 WHEREAS, The Tenth Amendment assures that we, the people of
2 the United States of America and each sovereign state in the Union
3 of States, now have, and have always had, rights the federal
4 government may not usurp; and

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

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

15 WHEREAS, A number of proposals from previous administrations
16 and some now pending from the present administration and from
17 congress may further violate the Constitution of the United States;
18 now, therefore, be it

19 RESOLVED, That the 82nd Legislature of the State of Texas
20 hereby claim sovereignty under the Tenth Amendment to the
21 Constitution of the United States over all powers not otherwise
22 enumerated and granted to the federal government by the
23 Constitution of the United States; and, be it further

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

1 RESOLVED, That all compulsory federal legislation that
2 directs states to comply under threat of civil or criminal
3 penalties or sanctions or that requires states to pass legislation
4 or lose federal funding be prohibited or repealed; and, be it
5 further

6 RESOLVED, That the Texas secretary of state forward official
7 copies of this resolution to the president of the United States, to
8 the speaker of the house of representatives and the president of the
9 senate of the United States Congress, and to all the members of the
10 Texas delegation to the congress with the request that this
11 resolution be officially entered in the Congressional Record as a
12 memorial to the Congress of the United States of America.