

By: Creighton, Taylor of Galveston,
Gonzales of Williamson, Bonnen,
Hilderbran, et al.

H.C.R. No. 50

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, Each member of the legislature has sworn a solemn
2 oath to defend our national union and takes great pride in being a
3 citizen of the United States of America, where citizens have the
4 right to petition their government for redress of grievances; and

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

9 WHEREAS, Countless Texans have served in the U.S. armed
10 forces, alongside the brave sons and daughters of our sister
11 states, and many of them gave the last full measure of devotion by
12 offering their lives to preserve the union; and

13 WHEREAS, At the same time, millions of Texans assemble in
14 churches, synagogues, schools, arenas, athletic fields, and homes
15 every day to pledge allegiance to the flag of the United States of
16 America and the one nation, indivisible, for which that flag
17 stands; and

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

23 WHEREAS, The Tenth Amendment defines the total scope of
24 federal power as being that specifically granted by the

1 Constitution of the United States and no more; and

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

5 WHEREAS, Today, in 2011, the states are demonstrably treated
6 as agents of the federal government; and

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

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

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

19 WHEREAS, The United States Supreme Court has ruled in *New*
20 *York v. United States*, 505 U.S. 144 (1992), that the Congress of the
21 United States may not simply commandeer the legislative and
22 regulatory processes of the states; and

23 WHEREAS, A number of proposals from previous
24 administrations, from the present administration, and from
25 Congress may further violate the Constitution of the United States;
26 now, therefore, be it

27 RESOLVED, That the 82nd Legislature of the State of Texas

1 reaffirm the pride of all Texans in both our one and indivisible
2 national union and in our one and indivisible state and the common
3 heritage of both; and, be it further

4 RESOLVED, That sovereignty be claimed under the Tenth
5 Amendment to the Constitution of the United States over all powers
6 not otherwise enumerated and granted to the federal government by
7 the Constitution of the United States; and, be it further

8 RESOLVED, That this serve as notice and demand to the federal
9 government, as our agent, to cease and desist from mandates that are
10 beyond the scope of these constitutionally delegated powers,
11 effective immediately; and, be it further

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

18 RESOLVED, That the Texas secretary of state forward official
19 copies of this resolution to the president of the United States, to
20 the president of the senate and the speaker of the house of
21 representatives of the United States Congress, and to all the
22 members of the Texas delegation to Congress with the request that
23 this resolution be entered in the Congressional Record as a
24 memorial to the Congress of the United States of America.