

1-1 By: Creighton (Senate Sponsor - Patrick) H.C.R. No. 50  
1-2 (In the Senate - Received from the House May 19, 2011;  
1-3 May 19, 2011, read first time and referred to Committee on State  
1-4 Affairs; May 21, 2011, reported favorably by the following vote:  
1-5 Yeas 5, Nays 3; May 21, 2011, sent to printer.)

1-6 HOUSE CONCURRENT RESOLUTION

1-7 WHEREAS, Each member of the legislature has sworn a solemn  
1-8 oath to defend our national union and takes great pride in being a  
1-9 citizen of the United States of America, where citizens have the  
1-10 right to petition their government for redress of grievances; and

1-11 WHEREAS, All Texans have benefited from this state's  
1-12 participation in the unique experiment in democracy that began on a  
1-13 field in Lexington, Massachusetts, and eventually became known as  
1-14 the United States of America; and

1-15 WHEREAS, Countless Texans have served in the U.S. armed  
1-16 forces, alongside the brave sons and daughters of our sister  
1-17 states, and many of them gave the last full measure of devotion by  
1-18 offering their lives to preserve the union; and

1-19 WHEREAS, At the same time, millions of Texans assemble in  
1-20 churches, synagogues, schools, arenas, athletic fields, and homes  
1-21 every day to pledge allegiance to the flag of the United States of  
1-22 America and the one nation, indivisible, for which that flag  
1-23 stands; and

1-24 WHEREAS, The Tenth Amendment to the Constitution of the  
1-25 United States reads as follows: "The powers not delegated to the  
1-26 United States by the Constitution, nor prohibited by it to the  
1-27 States, are reserved to the States respectively, or to the people";  
1-28 and

1-29 WHEREAS, The Tenth Amendment defines the total scope of  
1-30 federal power as being that specifically granted by the  
1-31 Constitution of the United States and no more; and

1-32 WHEREAS, The scope of power defined by the Tenth Amendment  
1-33 means that the federal government was created by the states  
1-34 specifically to be an agent of the states; and

1-35 WHEREAS, Today, in 2011, the states are demonstrably treated  
1-36 as agents of the federal government; and

1-37 WHEREAS, Many federal laws are directly in violation of the  
1-38 Tenth Amendment to the Constitution of the United States; and

1-39 WHEREAS, The Tenth Amendment assures that we, the people of  
1-40 the United States of America and each sovereign state in the Union  
1-41 of States, now have, and have always had, rights that the federal  
1-42 government may not usurp; and

1-43 WHEREAS, Section 4, Article IV, of the constitution says,  
1-44 "The United States shall guarantee to every State in this Union a  
1-45 Republican Form of Government," and the Ninth Amendment states that  
1-46 "The enumeration in the Constitution, of certain rights, shall not  
1-47 be construed to deny or disparage others retained by the people";  
1-48 and

1-49 WHEREAS, The United States Supreme Court has ruled in *New*  
1-50 *York v. United States*, 505 U.S. 144 (1992), that the Congress of the  
1-51 United States may not simply commandeer the legislative and  
1-52 regulatory processes of the states; and

1-53 WHEREAS, A number of proposals from previous  
1-54 administrations, from the present administration, and from  
1-55 Congress may further violate the Constitution of the United States;  
1-56 now, therefore, be it

1-57 RESOLVED, That the 82nd Legislature of the State of Texas  
1-58 reaffirm the pride of all Texans in both our one and indivisible  
1-59 national union and in our one and indivisible state and the common  
1-60 heritage of both; and, be it further

1-61 RESOLVED, That sovereignty be claimed under the Tenth  
1-62 Amendment to the Constitution of the United States over all powers  
1-63 not otherwise enumerated and granted to the federal government by  
1-64 the Constitution of the United States; and, be it further

2-1           RESOLVED, That this serve as notice and demand to the federal  
2-2 government, as our agent, to cease and desist from mandates that are  
2-3 beyond the scope of these constitutionally delegated powers,  
2-4 effective immediately; and, be it further

2-5           RESOLVED, That all compulsory federal legislation not  
2-6 necessary to ensure rights guaranteed the people under the  
2-7 Constitution of the United States that directs states to comply  
2-8 under threat of civil or criminal penalties or sanctions or that  
2-9 requires states to pass legislation or lose federal funding be  
2-10 prohibited or repealed; and, be it further

2-11           RESOLVED, That the Texas secretary of state forward official  
2-12 copies of this resolution to the president of the United States, to  
2-13 the president of the senate and the speaker of the house of  
2-14 representatives of the United States Congress, and to all the  
2-15 members of the Texas delegation to Congress with the request that  
2-16 this resolution be entered in the Congressional Record as a  
2-17 memorial to the Congress of the United States of America.

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