

By: Creighton

H.C.R. No. 50

CONCURRENT RESOLUTION

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

6 WHEREAS, The Tenth Amendment to the Constitution of the
7 United States of America reads as follows: "The powers not
8 delegated to the United States by the Constitution, nor prohibited
9 by it to the States, are reserved to the States respectively, or to
10 the people"; and

11 WHEREAS, The Tenth Amendment to the Constitution of the
12 United States of America defines the total scope of federal power as
13 being that specifically granted by the Constitution of the United
14 States of America and no more; and

15 WHEREAS, The Tenth Amendment to the Constitution of the
16 United States of America means that the federal government was
17 created by the states specifically to be an agent of the states with
18 powers both limited and enumerated; and

19 WHEREAS, Today, in 2013, the states are demonstrably treated
20 as agents of the federal government; and

21 WHEREAS, Many powers assumed by the federal government as
22 well as federal laws and mandates are in direct violation of the
23 Tenth Amendment to the Constitution of the United States of
24 America; 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, have always had rights that the federal government may
4 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,
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
12 *New York v. United States*, 505 U.S. 144 (1992), that Congress may
13 not simply commandeer the legislative and regulatory processes of
14 the states; and

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

19 RESOLVED, That the 83rd Legislature of the State of Texas
20 hereby claim sovereignty under the Tenth Amendment to the
21 Constitution of the United States of America over all powers not
22 otherwise enumerated and granted to the federal government by the
23 Constitution of the United States of America; and, be it further

24 RESOLVED, That this serve as notice and demand that the
25 federal government, as our agent, halt and reverse, effective
26 immediately, its practice of assuming powers and imposing mandates
27 and laws upon the states for purposes not enumerated by the

1 Constitution of the United States of America; and, be it further

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

8 RESOLVED, That the Texas secretary of state forward official
9 copies of this resolution to the president of the United States, to
10 the president of the Senate and the speaker of the House of
11 Representatives of the United States Congress, and to all members
12 of the Texas delegation to Congress with the request that this
13 resolution be officially entered in the Congressional Record as a
14 memorial to the Congress of the United States of America.