

By: Sanford, Krause, Miller of Fort Bend,
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H.C.R. No. 63

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 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 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), and *Printz v. United*
21 *States*, 521 U.S. 898 (1997), that Congress may not simply
22 commandeer the legislative, executive, and regulatory processes of
23 the states, and that to do so is a violation of the Tenth Amendment;
24 and

1 WHEREAS, One of our nation's founders and author of the
2 Declaration of Independence, Thomas Jefferson, emphasized that the
3 states are not "subordinate" to the national government, but rather
4 the two are "coordinate departments of one simple and integral
5 whole"; and

6 WHEREAS, One of the authors of the Federalist Papers,
7 Alexander Hamilton, expressed his hope that "the people will always
8 take care to preserve the constitutional equilibrium between the
9 general and the state governments" and that "this balance between
10 the national and state governments forms a double security to the
11 people"; and

12 WHEREAS, The Second Amendment to the United States
13 Constitution reserves to the people the right to keep and bear arms;
14 and

15 WHEREAS, Recently, the president announced a sweeping array
16 of gun control measures that would infringe on the Second Amendment
17 rights of citizens; members of Congress have also proposed
18 draconian gun control legislation, including the restoration of a
19 ban on "assault weapons," which is a term that remains undefined;
20 and

21 WHEREAS, Such encroachments by the federal government may
22 result in a commandeering of the states' legislative, executive,
23 and regulatory processes; they undermine the spirit of the
24 federalist system created by our nation's founders and are in
25 violation of the Tenth Amendment to the Constitution of the United
26 States; now, therefore, be it

27 RESOLVED, That the 83rd Legislature of the State of Texas

1 hereby assert its sovereignty under the Tenth Amendment to the
2 Constitution of the United States and beseech the federal
3 government to immediately cease and desist from the promulgation of
4 mandates that infringe on the Second Amendment right to keep and
5 bear arms or that are otherwise beyond the scope of its
6 constitutionally delegated powers; and, be it further

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