

By: Creighton, et al.
(Huberty)

S.C.R. No. 1

SENATE 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, Section 1, Article I, Texas Constitution, states
7 that "the perpetuity of the Union depend[s] upon the preservation
8 of the right of local self-government, unimpaired to all the
9 States"; Section 2, Article I, declares, "All political power is
10 inherent in the people, and all free governments are founded on
11 their authority, and instituted for their benefit. The faith of the
12 people of Texas stands pledged to the preservation of a republican
13 form of government, and, subject to this limitation only, they have
14 at all times the inalienable right to alter, reform or abolish their
15 government in such manner as they may think expedient"; and

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

21 WHEREAS, The Tenth Amendment to the Constitution of the
22 United States of America defines the total scope of federal power as
23 being that specifically granted by the Constitution of the United

1 States of America and no more; and

2 WHEREAS, The Tenth Amendment to the Constitution of the
3 United States of America means that the federal government was
4 created by the states specifically to be an agent of the states with
5 powers both limited and enumerated; and

6 WHEREAS, Today, in 2015, the states are demonstrably treated
7 as agents of the federal government; and

8 WHEREAS, Many powers assumed by the federal government as
9 well as federal laws and mandates are in direct violation of the
10 Tenth Amendment to the Constitution of the United States of
11 America; and

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

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

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

26 WHEREAS, A number of proposals from previous administrations
27 and some pending with the present administration, as well as from

1 Congress, may further violate the Constitution of the United States
2 of America; now, therefore, be it

3 RESOLVED, That the 84th Legislature of the State of Texas
4 hereby claim sovereignty under the Tenth Amendment to the
5 Constitution of the United States of America over all powers not
6 otherwise enumerated and granted to the federal government by the
7 Constitution of the United States of America; and, be it further

8 RESOLVED, That this serve as notice and demand that the
9 federal government, as our agent, halt and reverse, effective
10 immediately, its practice of assuming powers and imposing mandates
11 and laws upon the states for purposes not enumerated by the
12 Constitution of the United States of America; and, be it further

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

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