By: Creighton, et al.

1

S.C.R. No. 3

SENATE CONCURRENT RESOLUTION

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

7 WHEREAS, Section 1, Article I, Texas Constitution, states 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 16 government in such manner as they may think expedient"; and

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

WHEREAS, The Tenth Amendment to the Constitution of the United States of America defines the total scope of federal power as 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 2017, 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
- 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
- 27 administrations, as well as from Congress, may further violate the

- 1 Constitution of the United States of America; now, therefore, be it
- 2 RESOLVED, That the 85th Legislature of the State of Texas
- 3 hereby claim sovereignty under the Tenth Amendment to the
- 4 Constitution of the United States of America over all powers not
- 5 otherwise enumerated and granted to the federal government by the
- 6 Constitution of the United States of America; and, be it further
- 7 RESOLVED, That this serve as notice and demand that the
- 8 federal government, as our agent, halt and reverse, effective
- 9 immediately, its practice of assuming powers and imposing mandates
- 10 and laws upon the states for purposes not enumerated by the
- 11 Constitution of the United States of America; 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 and repealed; and, be it further
- 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 members
- 22 of the Texas delegation to Congress with the request that this
- 23 resolution be officially entered in the Congressional Record as a
- 24 memorial to the Congress of the United States of America.