



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

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  
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

18       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.