

By: Creighton, et al.
(Phelan)

S.C.R. No. 3

1 SENATE CONCURRENT RESOLUTION

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

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

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

22 WHEREAS, The Tenth Amendment to the Constitution of the
23 United States of America defines the total scope of federal power as
24 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

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.