By: Creighton, et al.

S.C.R. No. 1

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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 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

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 United States Constitution

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1 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 with powers both limited and enumerated; and

5 WHEREAS, Today, in 2019, the states are demonstrably treated 6 as agents of the federal government; and

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

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

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

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

25 WHEREAS, A number of proposals from previous 26 administrations, as well as from Congress, may further violate the 27 Constitution of the United States of America; now, therefore, be it

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RESOLVED, That the 86th Legislature of the State of Texas
hereby claim sovereignty under the Tenth Amendment to the
Constitution of the United States of America; and, be it further

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

9 RESOLVED, That the State of Texas urge the federal government 10 to prohibit and repeal all compulsory federal legislation not 11 necessary to ensure rights guaranteed the people under the 12 Constitution of the United States that directs states to comply 13 under threat of civil or criminal penalties or sanctions or that 14 requires states to pass legislation or lose federal funding; and, 15 be it further

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

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