



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

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

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

4           RESOLVED, That this serve as notice and demand that the  
5 federal government, as our agent, halt and reverse, effective  
6 immediately, its practice of assuming powers and imposing mandates  
7 and laws upon the states for purposes not enumerated by the  
8 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

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