

By: Keough

H.C.R. No. 26

CONCURRENT RESOLUTION

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

6 WHEREAS, The Tenth Amendment defines the total scope of
7 federal power as being that specifically granted by the
8 Constitution of the United States of America and no more; and

9 WHEREAS, The scope of power as defined by the Tenth Amendment
10 means that the federal government was created by the states
11 specifically to be an agent of the states; and

12 WHEREAS, Today, in 2017, the states are conversely treated as
13 agents of the federal government, and many federal laws are
14 directly in violation of the Tenth Amendment to the Constitution of
15 the United States of America; and

16 WHEREAS, The Tenth Amendment assures that we, the people of
17 the United States of America, and each sovereign state in the Union
18 of States, now have, and have always had, rights the federal
19 government may not usurp; and

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

1 retained by the people"; and

2 WHEREAS, Actions taken by previous presidents and by Congress
3 may further violate the Constitution of the United States of
4 America; now, therefore, be it

5 RESOLVED, That the 85th Legislature of the State of Texas
6 hereby claim sovereignty under the Tenth Amendment to the
7 Constitution of the United States of America over all powers not
8 otherwise enumerated and granted to the federal government by the
9 Constitution of the United States of America; and, be it further

10 RESOLVED, That this serve as notice and demand to the federal
11 government, as our agent, to cease and desist, effective
12 immediately, mandates that are beyond the scope of these
13 constitutionally delegated powers; and, be it further

14 RESOLVED, That all compulsory federal legislation or
15 executive action that directs states to comply under threat of
16 civil or criminal penalties or sanctions or that requires states to
17 pass legislation or lose federal funding be prohibited or repealed;
18 and, be it further

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