

House Concurrent Resolution No. 13

95TH GENERAL ASSEMBLY

1070L.011

1 **Whereas**, the Tenth Amendment to the Constitution of the United States reads as
2 follows:

3 "The powers not delegated to the United States by the Constitution,
4 nor prohibited by it to the States, are reserved to the States
5 respectively, or to the people."; and

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

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

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13 **Whereas**, today, in 2009, the states are demonstrably treated as agents of the
14 federal government; and

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16 **Whereas**, many federal laws are directly in violation of the Tenth Amendment to
17 the Constitution of the United States; and

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19 **Whereas**, the Tenth Amendment assures that we, the people of the United States
20 of America and each sovereign state in the Union of States, now have, and have always had,
21 rights the federal government may not usurp; and

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23 **Whereas**, Article IV, Section 4 says, "The United States shall guarantee to every
24 State in the Union a Republican Form of Government", and the Ninth Amendment states that

25 "The enumeration in the Constitution, of certain rights, shall not be construed to deny or
26 disparage others retained by the people"; and

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28 **Whereas**, the United States Supreme Court has rules in *New York v. United States*,
29 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory
30 processes of the states; and

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32 **Whereas**, a number of proposals from previous administrations and some now
33 pending from the present administration and from Congress may further violate the Constitution
34 of the United States:

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36 **Now, therefore, be it resolved** that the members of the House of
37 Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate
38 concurring therein, hereby claims sovereignty under the Tenth Amendment to the Constitution
39 of the United States over all powers not otherwise enumerated and granted to the federal
40 government by the Constitution of the United States; and

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42 **Be it further resolved** that this concurrent resolution serve as Notice and
43 Demand to the federal government, as our agent, to cease and desist, effective immediately,
44 mandates that are beyond the scope of these constitutionally delegated powers; and

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46 **Be it further resolved** that all compulsory federal legislation which directs
47 states to comply under threat of civil or criminal penalties or sanctions or requires states to pass
48 legislation or lose federal funding be prohibited or repealed; and

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50 **Be it further resolved** that the Chief Clerk of the Missouri House of
51 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
52 President of the United States, the President of the United States Senate, the Speaker of the
53 United States House of Representatives, the Speaker of the House of Representatives and
54 President of the Senate of each state's legislature, and each member of the Missouri
55 Congressional delegation.

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