

BILL ANALYSIS

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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Each member of the legislature has sworn a solemn oath to defend our national union and takes great pride in being a citizen of the United States of America, where citizens have the right to petition their government for redress of grievances.

All Texans have benefited from this state's participation in the unique experiment in democracy that began on a field in Lexington, Massachusetts, and eventually became known as the United States of America.

Countless Texans have served in the U.S. armed forces, alongside the brave sons and daughters of our sister states, and many of them gave the last full measure of devotion by offering their lives to preserve the union.

At the same time, millions of Texans assemble in churches, synagogues, schools, arenas, athletic fields, and homes every day to pledge allegiance to the flag of the United States of America and the one nation, indivisible, for which that flag stands.

The Tenth Amendment to the Constitution of the United States 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."

The Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more.

The scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states.

Today, in 2011, the states are demonstrably treated as agents of the federal government.

Many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States.

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

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

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

A number of proposals from previous administrations, from the present administration, and from Congress may further violate the Constitution of the United States.

RESOLVED

That the 82nd Legislature of the State of Texas reaffirm the pride of all Texans in both our one and indivisible national union and in our one and indivisible state and the common heritage of both.

That sovereignty be claimed under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States.

That this serve as notice and demand to the federal government, as our agent, to cease and desist from mandates that are beyond the scope of these constitutionally delegated powers, effective immediately.

That all compulsory federal legislation not necessary to ensure rights guaranteed the people under the Constitution of the United States that directs states to comply under threat of civil or criminal penalties or sanctions or that requires states to pass legislation or lose federal funding be prohibited or repealed.

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 the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.