

SECOND REGULAR SESSION

# House Concurrent Resolution No. 28

## 95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES COX (Sponsor), NANCE, FISHER (125), CUNNINGHAM, GUERNSEY, FUNDERBURK, ERVIN, THOMSON, SMITH (150), PRATT, WILSON (130), JONES (89), GRISAMORE, DAY, MCGHEE, SANDER, SCHAD, BURLISON, RUESTMAN, DIECKHAUS, NOLTE, FLANIGAN AND GATSCHENBERGER (Co-sponsors).

3346L.011

**Now, therefore, be it resolved** by the members of the House of Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate concurring therein, that the several States composing the United States of America are not united on the principle of unlimited submission to their general government - the federal government - but that by a compact under the style and title of a Constitution for the United States and of amendments thereto they constituted a general government for special purposes; and

**Be it further resolved** that to this compact each State acceded as a State and delegated to that general government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self government; and

**Be it further resolved** that Article I, Section 8 of the Constitution defines and limits the powers delegated to the Congress as follows:

(1) To lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

(2) To borrow Money on the credit of the United States;

(3) To regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes;

(4) To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

26           (5) To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard  
27 of Weights and Measures;

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29           (6) To provide for the Punishment of counterfeiting the Securities and current Coin of  
30 the United States;

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32           (7) To establish Post Offices and post Roads;

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34           (8) To promote the Progress of Science and useful Arts, by securing for limited Times  
35 to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

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37           (9) To constitute Tribunals inferior to the supreme Court;

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39           (10) To define and punish Piracies and Felonies committed on the high Seas, and  
40 Offences against the Law of Nations;

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42           (11) To declare War, grant Letters of Marque and Reprisal, and make Rules concerning  
43 Captures on Land and Water;

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45           (12) To raise and support Armies, but no Appropriation of Money to that Use shall be  
46 for a longer Term than two Years;

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48           (13) To provide and maintain a Navy;

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50           (14) To make Rules for the Government and Regulation of the land and naval Forces;

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52           (15) To provide for calling forth the Militia to execute the Laws of the Union, suppress  
53 insurrections and repel Invasions;

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55           (16) To provide for organizing, arming, and disciplining the Militia, and for governing  
56 such Part of them as may be employed in the Service of the United States, reserving to the States

57 respectively, the Appointment of the Officers, and the Authority of training the Militia according  
58 to the discipline prescribed by Congress;

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60 (17) To exercise exclusive Legislation in all Cases whatsoever, over such District (not  
61 exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of  
62 Congress, become the Seat of the Government of the United States, and to exercise like  
63 Authority over all Places purchased by the Consent of the Legislature of the State in which the  
64 Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful  
65 Buildings; and

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67 (18) To make all Laws which shall be necessary and proper for carrying into Execution  
68 the foregoing Powers, and all other Powers vested by this Constitution in the Government of the  
69 United States, or in any Department of Officer thereof; and

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71 **Be it further resolved** that Section 5 of the Fourteenth Amendment  
72 delegates to Congress the power to enforce, by appropriate legislation, the provisions of the  
73 Amendment, namely: that all persons born or naturalized in the United States, and subject to the  
74 jurisdiction thereof, are citizens of the United States and of the State wherein they reside; that  
75 no State shall make or enforce any law which shall abridge the privileges or immunities of  
76 citizens of the United States; that no State shall deprive any person of life, liberty, or property  
77 without due process of law; and that no State shall deny to any person within its jurisdiction the  
78 equal protection of the laws; and

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80 **Be it further resolved** that according to the Tenth Amendment to the  
81 Constitution, the powers not delegated to the United States by the Constitution, nor prohibited  
82 by it to the States, are reserved to the States respectively, or to the people; and

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84 **Be it further resolved** that whensoever the general government assumes  
85 undelegated powers, its acts are unauthoritative, void, and of no force; and

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87 **Be it further resolved** that the government created by this compact was not  
88 made the exclusive or final judge of the extent of the powers delegated to itself - since that would  
89 have made its discretion, and not the Constitution, the measure of its powers - but that, as in all

90 other cases of compact among powers having no common judge, each party has an equal right  
91 to judge for itself, as well of infractions as of the mode and measure of redress; and

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93 **Be it further resolved** that the principle that the general government is the  
94 exclusive judge of the extent of the powers delegated to it stops nothing short of despotism; since  
95 the discretion of those who administer the government, and not the Constitution, would be the  
96 measure of their power; and

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98 **Be it further resolved** that in the cases of an abuse of the delegated powers,  
99 the members of the general government being chosen by the people, a change by the people  
100 would be the constitutional remedy; but where powers are assumed which have not been  
101 delegated, a nullification of the act is the rightful remedy; and

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103 **Be it further resolved** that every State has a natural right in cases not within  
104 the compact to nullify of their own authority all assumptions of power by others within their  
105 limits; that without this right, they would be under dominion, absolute and unlimited, of  
106 whosoever might exercise this right of judgment for them; and

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108 **Be it further resolved** that the Chief Clerk of the Missouri House of  
109 Representatives be instructed to prepare properly inscribed copies of this resolution for each  
110 member of the Missouri Congressional delegation.

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