

SECOND REGULAR SESSION

# House Concurrent Resolution No. 25

## 95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GUEST (Sponsor), DETHROW, ERVIN, MOLENDORP, KOENIG, FISHER (125), NIEVES, SMITH (150), FUNDERBURK, SCHAD, DIECKHAUS, WILSON (119), ZERR, RUESTMAN, WILSON (130), DUGGER, SCHAAF, DOUGHERTY, SATER, DEEKEN, THOMSON, PRATT, MCGHEE, EMERY AND JONES (89) (Co-sponsors).

3999L.02I

2       **Whereas**, this resolution affirms Missouri's sovereignty under the Tenth  
3 Amendment to the Constitution of the United States and demands the federal government to halt  
4 its practice of assuming powers and imposing mandates upon the state for purposes not  
5 enumerated by the Constitution of the United States; and

6       **Whereas**, Article I, Section 1 of the Missouri Constitution states:  
7  
8       "That all political power is vested in and derived from the people; that all  
9 government of right originates from the people, is founded upon their will only,  
10 and is instituted solely for the good of the whole."; and  
11

12       **Whereas**, the Tenth Amendment to the Constitution of the United States reads as  
13 follows:  
14

15       "The powers not delegated to the United States by the Constitution, nor  
16 prohibited by it to the States, are reserved to the States respectively, or to the  
17 people."; and  
18

19       **Whereas**, the Tenth Amendment to the Constitution of the United States assures  
20 that each sovereign State possesses rights the federal government may not usurp; and  
21

22       **Whereas**, the Tenth Amendment to the Constitution of the United States defines  
23 the total scope of federal power as being that specifically granted by the Constitution of the  
24 United States and no more; and  
25

26       **Whereas**, the scope of power defined by the Tenth Amendment to the Constitution  
27 of the United States means that the federal government was created by the states specifically to  
28 be an agent of the states; and

29       **Whereas**, today, in 2010, the states are demonstrably treated as agents of the  
30 federal government; and  
31

32       **Whereas**, many federal laws are directly in violation of the Tenth Amendment to  
33 the Constitution of the United States; and  
34

35       **Whereas**, Article IV, Section 4 of the Constitution of the United States reads that  
36 "The United States shall guarantee to every State in this Union a Republican Form of  
37 Government" and the Ninth Amendment to the Constitution of the United States reads that "The  
38 enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage  
39 others retained by the people."; and  
40

41       **Whereas**, the United States Supreme Court has ruled in *New York v. United States*,  
42 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory  
43 processes of the states; and  
44

45       **Whereas**, a number of proposals from previous administrations and some now  
46 pending from the present administration and from Congress may further violate the Constitution  
47 of the United States and the Missouri Constitution:  
48

49       **Now, therefore, be it resolved** that the members of the House of  
50 Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate  
51 concurring therein, hereby claims sovereignty under the Tenth Amendment to the Constitution  
52 of the United States over all powers not otherwise enumerated and granted to the federal  
53 government by the Constitution of the United States; and  
54

55       **Be it further resolved** that this concurrent resolution serve as Notice and  
56 Demand to the federal government, as our agent, to cease and desist, effective immediately,  
57 mandates that are beyond the scope of these constitutionally delegated powers; and  
58

59       **Be it further resolved** that all compulsory federal legislation which directs  
60 states to comply under threat of civil or criminal penalties or sanctions or requires states to pass  
61 legislation or lose federal funding be prohibited or repealed; and  
62

63       **Be it further resolved** that the sovereign State of Missouri reserves the right  
64 to declare any such Act void by the Congress of the United States, Executive Order of the  
65 President of the United States of America, or Judicial Order by the Judicatories of the United  
66 States of America which assumes a power not delegated to the government of the United States  
67 of America by the Constitution of the United States of America and which serves to diminish the  
68 liberty of any of the several States or their citizens are unconstitutional under the Constitution  
69 of the United States of America by the government of the United States of America; and  
70

71       **Be it further resolved** that the Chief Clerk of the Missouri House of  
72 Representatives be instructed to prepare a properly inscribed copy of this resolution for the  
73 President of the United States, the President of the United States Senate, the Speaker of the  
74 United States House of Representatives, the Speaker of the House of Representatives and  
75 President of the Senate of each state's legislature, and each member of the Missouri  
76 Congressional delegation.

✓