

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR

**House Concurrent Resolution Nos. 25,
29 & 39**

95TH GENERAL ASSEMBLY

3999L.03C

Whereas, in the American system, sovereignty is defined as final authority, and
2 the people, not government, are sovereign; and
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Whereas, the people of the state of Missouri are not united with the people of
4 the other forty-nine states that comprise the United States of America on a principle of
5 unlimited submission to their federal government; and
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Whereas, all power not delegated by the people to government is retained; and
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Whereas, the people of the several states comprising the United States of
10 America created the federal government to be their agent for certain enumerated purposes
11 only; and
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Whereas, this resolution affirms Missouri's sovereignty under the Tenth
14 Amendment to the Constitution of the United States and demands the federal government to
15 halt its practice of assuming powers and imposing mandates upon the state for purposes not
16 enumerated by the Constitution of the United States; and
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Whereas, Article I, Section 1 of the Missouri Constitution states:
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20 "That all political power is vested in and derived from the people;
21 that all government of right originates from the people, is founded
22 upon their will only, and is instituted solely for the good of the
23 whole."; and
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25 **Whereas**, the Tenth Amendment to the Constitution of the United States reads
26 as follows:

27 "The powers not delegated to the United States by the Constitution,
28 nor prohibited by it to the States, are reserved to the States
29 respectively, or to the people."; and
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31 **Whereas**, the Tenth Amendment to the Constitution of the United States
32 assures that each sovereign State possesses rights the federal government may not usurp; and
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34 **Whereas**, the Tenth Amendment to the Constitution of the United States
35 defines the total scope of federal power as being that specifically granted by the Constitution
36 of the United States and no more; and
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38 **Whereas**, the First Amendment to the Constitution guarantees to "the right of
39 the people...to petition the Government for a redress of grievances"; and
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41 **Whereas**, today, in 2010, the states are demonstrably treated as agents of the
42 federal government; and
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44 **Whereas**, many federal laws are directly in violation of the Tenth Amendment
45 to the Constitution of the United States; and
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47 **Whereas**, Article IV, Section 4 of the Constitution of the United States reads
48 that "The United States shall guarantee to every State in this Union a Republican Form of

49 Government" and the Ninth Amendment to the Constitution of the United States reads that
50 "The enumeration in the Constitution, of certain rights, shall not be construed to deny or
51 disparage others retained by the people."; and

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

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57 **Whereas**, a number of proposals from previous administrations and some now
58 pending from the present administration and from Congress may further violate the
59 Constitution of the United States and the Missouri Constitution:

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

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

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

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75 **Be it further resolved** that the sovereign State of Missouri reserves the
76 right to declare any such Act void by the Congress of the United States, Executive Order of
77 the President of the United States of America, or Judicial Order by the Judiciaries of the
78 United States of America which assumes a power not delegated to the government of the
79 United States of America by the Constitution of the United States of America and which
80 serves to diminish the liberty of any of the several States or their citizens are unconstitutional

81 under the Constitution of the United States of America by the government of the United
82 States of America; and

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84 **Be it further resolved** that the Chief Clerk of the Missouri House of
85 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
86 President of the United States, the President of the United States Senate, the Speaker of the
87 United States House of Representatives, the Speaker of the House of Representatives and
88 President of the Senate of each state's legislature, and each member of the Missouri
89 Congressional delegation.

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