

House Concurrent Resolution No. 6

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SOMMER (Sponsor) AND KELLEY (127) (Co-sponsors).

0632L.011

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

WHEREAS, Article I, Section 1 of the Missouri Constitution states:

"That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."; and

WHEREAS, 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."; and

WHEREAS, the Tenth Amendment to the Constitution of the United States assures that each sovereign State possesses rights the federal government may not usurp; and

WHEREAS, the Tenth Amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

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

30 **WHEREAS**, today, in 2013, the states are demonstrably treated as agents of the federal
31 government; and

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

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

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

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

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50 **NOW, THEREFORE, BE IT RESOLVED** that the members of the House of
51 Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate
52 concurring therein, hereby claims sovereignty under the Tenth Amendment to the Constitution
53 of the United States over all powers not otherwise enumerated and granted to the federal
54 government by the Constitution of the United States; and

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56 **BE IT FURTHER RESOLVED** that this concurrent resolution serve as Notice and
57 Demand to the federal government, as our agent, to cease and desist, effective immediately,
58 mandates that are beyond the scope of these constitutionally delegated powers; and

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60 **BE IT FURTHER RESOLVED** that all compulsory federal legislation which directs
61 states to comply under threat of civil or criminal penalties or sanctions or requires states to pass
62 legislation or lose federal funding be prohibited or repealed; and

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

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

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