

By: Representative Saucier

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 39

1 A CONCURRENT RESOLUTION CLAIMING SOVEREIGNTY FOR MISSISSIPPI
2 UNDER THE 10TH AMENDMENT TO THE UNITED STATES CONSTITUTION OVER
3 POWERS NOT GRANTED TO THE FEDERAL GOVERNMENT.

4 WHEREAS, the 10th Amendment to the Constitution of the United
5 States reads as follows:

6 "The powers not delegated to the United States by the
7 Constitution, nor prohibited by it to the states, are reserved to
8 the states respectively, or to the people."; and

9 WHEREAS, the 10th Amendment defines the total scope of
10 federal power as being that specifically granted by the United
11 States Constitution and no more; and

12 WHEREAS, the scope of power defined by the 10th Amendment
13 means that the federal government was created by the states
14 specifically to be an agent of the states; and

15 WHEREAS, today, in 1999, the states are treated as agents of
16 the federal government; and

17 WHEREAS, the Mississippi Legislature has forwarded many
18 resolutions to Congress without any response or result from
19 Congress or the federal government; and

20 WHEREAS, many federal mandates are directly in violation of
21 the 10th Amendment to the Constitution of the United States; and

22 WHEREAS, the United States Supreme Court ruled in New York v.
23 United States, 112 S.Ct. 2408 (1992), that Congress may not simply
24 commandeer the legislative and regulatory processes of the states;
25 and

26 WHEREAS, a number of proposals from previous administrations

27 and some pending from the present administration and from Congress
28 may further violate the United States Constitution:

29 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
30 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING
31 THEREIN, That the State of Mississippi claims sovereignty under
32 the 10th Amendment to the Constitution of the United States over
33 all powers not otherwise enumerated and granted to the federal
34 government by the United States Constitution.

35 BE IT FURTHER RESOLVED, That this resolution serve as notice
36 and demand to the federal government, as our agent, to cease and
37 desist, effective immediately, mandates that are beyond the scope
38 of its constitutionally delegated powers.

39 BE IT FURTHER RESOLVED, That copies of this resolution be
40 sent to the President of the United States, the presiding officers
41 of the Senate and the House of Representatives of Congress, the
42 members of the Mississippi Congressional Delegation and the
43 Speaker of the House and the President of the Senate of the
44 Legislature of each State of the United States of America.