

By: Representative Malone

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 59

1 A CONCURRENT RESOLUTION MEMORIALIZING THE UNITED STATES
2 CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED
3 STATES ADDRESSING THE SUBJECT OF JUDICIAL TAXATION.

4 WHEREAS, separation of powers is fundamental to the United
5 States Constitution and the power of the federal government is
6 strictly limited; and

7 WHEREAS, under the United States Constitution, the states are
8 to determine public policy; and

9 WHEREAS, it is the duty of the judiciary to interpret the
10 law, not to create law; and

11 WHEREAS, our present federal government has deviated from the
12 intent of our Founding Fathers and the United States Constitution
13 through inappropriate federal mandates; and

14 WHEREAS, these mandates by the way of statute, rule or
15 judicial decision have forced state governments to serve as the
16 mere administrative arm of the federal government; and

17 WHEREAS, federal district courts with the acquiescence of the
18 United States Supreme Court, continue to order states to levy or
19 increase taxes to comply with federal mandates; and

20 WHEREAS, these court actions violate the United States
21 Constitution and the legislative process; and

22 WHEREAS, the time has come for the people of this great
23 nation and their duly elected representatives in state government,
24 to reaffirm in no uncertain terms that the authority to tax under
25 the Constitution of the United States is retained by the people
26 who, by their consent alone, do delegate such power to tax
27 explicitly to those duly elected representatives in the

28 legislative branch of government who they choose, such
29 representatives being directly responsible and accountable to
30 those who have elected them; and

31 WHEREAS, the lawmakers of Alabama, Alaska, Arizona, Colorado,
32 Delaware, Illinois, Kansas, Louisiana, Massachusetts, Michigan,
33 Missouri, Nevada, New Hampshire, New York, North Dakota, Oklahoma,
34 Pennsylvania, South Carolina, South Dakota, Tennessee, Texas,
35 Utah, West Virginia, Wyoming, Mariana Islands and Guam have
36 petitioned the United States Congress to propose an amendment to
37 the Constitution of the United States of America; and

38 WHEREAS, the amendment was previously introduced in Congress;
39 and

40 WHEREAS, the amendment seeks to prevent federal courts from
41 levying or increasing taxes without representation of the people
42 against the peoples' wishes:

43 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
44 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING
45 THEREIN:

46 (i) That the Congress of the United States prepare and submit
47 to the several states an amendment to the Constitution of the
48 United States to add a new article providing as follows: "Neither
49 the Supreme Court nor any inferior court of the United States
50 shall have the power to instruct or to order a state or political
51 subdivision thereof, or an official of such a state or political
52 subdivision, to levy or increase taxes."

53 (ii) That this application constitutes a continuing
54 application in accordance with Article V of the Constitution of
55 the United States.

56 (iii) That the House of Representatives and the Senate of the
57 State of Mississippi also propose that the Legislatures of each of
58 the several states comprising the United States that have not yet
59 made a similar request, apply to the United States Congress
60 requesting enactment of an appropriate amendment to the United

61 State Constitution, and apply to the United States Congress to
62 propose such an amendment to the United States Constitution.

63 BE IT FURTHER RESOLVED, That the Secretary of State of the
64 State of Mississippi transmit copies of this resolution to the
65 President and Vice President of the United States, the presiding
66 officer in each house of the Legislature in each of the states in
67 the Union, the Speaker of the United States House of
68 Representatives and to each member of the State of Mississippi
69 Congressional Delegation.