

By: Representative Malone

To: Rules

HOUSE RESOLUTION NO. 51

1 A RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO
2 PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES
3 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
18 the United States Supreme Court, continue to order states to levy
19 or 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:

45 (1) That the Congress of the United States prepare and
46 submit to the several states an amendment to the Constitution of
47 the United States to add a new article providing as follows:

48 "Neither the Supreme Court nor any inferior court of the United
49 States shall have the power to instruct or to order a state or
50 political subdivision thereof, or an official of such a state or
51 political subdivision, to levy or increase taxes."

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

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

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

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