

By: Senator(s) McDaniel, Watson, Yancey

To: Rules

SENATE CONCURRENT RESOLUTION NO. 630

1 A CONCURRENT RESOLUTION TO PROTECT AND DEFEND STATE AUTHORITY
2 UNDER THE TENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES
3 OVER CERTAIN POWERS; SERVING NOTICE TO THE FEDERAL GOVERNMENT TO
4 CEASE AND DESIST CERTAIN MANDATES; PROVIDING THAT CERTAIN FEDERAL
5 LEGISLATION BE PROHIBITED OR REPEALED; AND DIRECTING DISTRIBUTION.

6 WHEREAS, the Tenth Amendment to the Constitution of the
7 United States reads as follows: "The powers not delegated to the
8 United States by the Constitution nor prohibited by it to the
9 States, are reserved to the States respectively, or to the
10 people"; and

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

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

17 WHEREAS, today, in 2009, the states are demonstrably treated
18 as agents of the federal government; and

19 WHEREAS, many federal laws are directly in violation of the
20 Tenth Amendment to the Constitution of the United States; and

21 WHEREAS, the Tenth Amendment assures that we, the people of
22 the United States of America and each sovereign state in the Union
23 of States, now have, and have always had, rights the federal
24 government may not usurp; and

25 WHEREAS, Article IV, Section 4 says, "The United States shall
26 guarantee to every State in this Union a Republican Form of
27 Government", and the Ninth Amendment states that "The enumeration



28 in the Constitution, of certain rights, shall not be construed to
29 deny or disparage others retained by the people"; and

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

34 WHEREAS, a number of proposals from previous administrations
35 and some now pending from the present administration and from
36 Congress may further violate the Constitution of the United
37 States. The several States composing the United States of
38 America, are not united on the principle of unlimited submission
39 to their General Government; but that, by a compact under the
40 style and title of a Constitution for the United States, and of
41 amendments thereto, they constituted a General Government for
42 special purposes, -- delegated to that government certain definite
43 powers, reserving, each State to itself, the residuary mass of
44 right to their own self-government; and that whensoever the
45 General Government assumes undelegated powers, its acts are
46 unauthoritative, void, and of no force; that to this compact each
47 State acceded as a State, and is an integral party, its co-States
48 forming, as to itself, the other party: that the government
49 created by this compact was not made the exclusive or final judge
50 of the extent of the powers delegated to itself; since that would
51 have made its discretion, and not the Constitution, the measure of
52 its powers; but that, as in all other cases of compact among
53 powers having no common judge, each party has an equal right to
54 judge for itself, as well of infractions as of the mode and
55 measure of redress:

56 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
57 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That
58 the State of Mississippi hereby claims sovereignty under the Tenth
59 Amendment to the Constitution of the United States over all powers



60 not otherwise enumerated and granted to the federal government by
61 the Constitution of the United States.

62 BE IT FURTHER RESOLVED, That this serve as Notice and Demand
63 to the federal government, as our agent, to cease and desist,
64 effective immediately, mandates that are beyond the scope of these
65 constitutionally delegated powers.

66 BE IT FURTHER RESOLVED, That all compulsory federal
67 legislation which directs states to comply under threat of civil
68 or criminal penalties or sanctions or requires states to pass
69 legislation or lose federal funding be prohibited or repealed.

70 BE IT FURTHER RESOLVED, That a copy of this resolution be
71 distributed to the President of the United States, the President
72 of the United States Senate, the Speaker of the United States
73 House of Representatives, the Speaker of the House and the
74 President of the Senate of each state's Legislature of the United
75 States of America, and each member of the Mississippi
76 Congressional Delegation.

