

By: Senator(s) McDaniel, Watson, Yancey,  
Burton

To: Rules

COMMITTEE SUBSTITUTE  
FOR  
SENATE CONCURRENT RESOLUTION NO. 630

1 A CONCURRENT RESOLUTION REINFORCING THE FUNDAMENTAL PRINCIPLE  
2 AND AUTHORITY OF STATE SOVEREIGNTY UNDER THE TENTH AMENDMENT TO  
3 THE CONSTITUTION OF THE UNITED STATES OVER CERTAIN POWERS AND  
4 DISCOURAGING THE FEDERAL GOVERNMENT FROM IMPOSING CERTAIN  
5 RESTRICTIVE MANDATES.

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

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

13 WHEREAS, Federalism is the constitutional division of powers  
14 between the national and state governments and is widely regarded  
15 as one of America's most valuable contributions to political  
16 science; and

17 WHEREAS, James Madison, "the Father of the Constitution,"  
18 said, "The powers delegated to the federal government are few and  
19 defined. Those which are to remain in the state governments are  
20 numerous and indefinite. The former will be exercised principally  
21 on external objects, such as war, peace, negotiation, and foreign  
22 commerce. The powers reserved to the several states will extend  
23 to all the objects which, in the ordinary course of affairs,  
24 concern the lives, liberties, and properties of the people"; and

25 WHEREAS, Thomas Jefferson emphasized that the states are not  
26 "subordinate" to the national government, but rather the two are  
27 "coordinate departments of one simple and integral whole. The one



28 is the domestic, the other the foreign branch of the same  
29 government"; and

30 WHEREAS, Alexander Hamilton expressed his hope that "the  
31 people will always take care to preserve the constitutional  
32 equilibrium between the general and the state governments." He  
33 believed that "this balance between the national and state  
34 governments forms a double security to the people. If one  
35 government encroaches on their rights, they will find a powerful  
36 protection in the other. Indeed, they will both be prevented from  
37 overpassing their constitutional limits by the certain rivalry  
38 which will ever subsist between them"; and

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

42 WHEREAS, the Tenth Amendment assures that we, the people of  
43 the United States of America and each sovereign state in the Union  
44 of States, now have, and have always had, rights the federal  
45 government may not usurp; and

46 WHEREAS, Article IV, Section 4 says, "The United States shall  
47 guarantee to every State in this Union a Republican Form of  
48 Government", and the Ninth Amendment states that "The enumeration  
49 in the Constitution, of certain rights, shall not be construed to  
50 deny or disparage others retained by the people"; and

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

53 WHEREAS, many federal mandates appear to be in violation of  
54 the Tenth Amendment to the Constitution of the United States, and  
55 the United States Supreme Court's ruling in *New York v. United*  
56 *States*, 112 S. Ct. 2408 (1992), stated that Congress may not  
57 simply "commandeer the legislative and regulatory processes of the  
58 States by directly compelling them to enact and enforce a federal  
59 regulatory program"; and



60 WHEREAS, the Supreme Court in that case went on to express  
61 that, "No matter how powerful the federal interest involved, the  
62 Constitution simply does not give Congress the authority to  
63 require the States to regulate. The Constitution instead gives  
64 Congress the authority to regulate matters directly and to  
65 pre-empt contrary state regulation. Where a federal interest is  
66 sufficiently strong to cause Congress to legislate, it must do so  
67 directly; it may not conscript state governments as its agents";  
68 and

69 WHEREAS, a number of proposals from previous administrations  
70 and some now pending from the present administration and from  
71 Congress may further violate the Constitution of the United  
72 States; and

73 WHEREAS, it is incumbent upon the Mississippi Legislature, as  
74 an agent for the people of the State of Mississippi, to remind the  
75 federal government to act only in ways that will ensure the  
76 protection and preservation of constitutional rights granted to  
77 each state in the framework of the Constitution of the United  
78 States as crafted by our nation's founding fathers, so as not to  
79 deny each state the enumerated right of self-governance without an  
80 over-reaching arm of federal government mandates and implications:

81 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF  
82 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That  
83 the State of Mississippi hereby reinforces the fundamental  
84 principles and authority of state sovereignty under the Tenth  
85 Amendment to the Constitution of the United States over all powers  
86 not otherwise enumerated and granted to the federal government by  
87 the Constitution of the United States and discourage the federal  
88 government, as our agent, from imposing certain restrictive  
89 mandates that are beyond the scope of these constitutionally  
90 delegated powers.

91 BE IT FURTHER RESOLVED, That this serve as Notice and Demand  
92 to the federal government, as our agent, to cease and desist,



93 effective immediately, mandates that are beyond the scope of these  
94 constitutionally delegated powers.

95 BE IT FURTHER RESOLVED, That all compulsory federal  
96 legislation which directs states to comply under threat of civil  
97 or criminal penalties or sanctions or requires states to pass  
98 legislation or lose federal funding be prohibited or repealed.

99 BE IT FURTHER RESOLVED, That copies of this resolution be  
100 transmitted to the President of the United States, the President  
101 of the United States Senate, the Speaker of the United States  
102 House of Representatives, each member of the Mississippi  
103 Congressional Delegation and to the members of the Capitol Press  
104 Corps.

