

By: Representatives Moss, Sullivan, Ward

To: Rules

## HOUSE CONCURRENT RESOLUTION NO. 10

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, in 2011, the states are demonstrably treated as  
43 agents of the federal government; and

44 WHEREAS, many federal mandates appear to be in violation of  
45 the Tenth Amendment to the Constitution of the United States, and  
46 the United States Supreme Court's ruling in *New York v. United*  
47 *States*, 112 S. Ct. 2408 (1992), stated that Congress may not  
48 simply "commandeer the legislative and regulatory processes of the  
49 States by directly compelling them to enact and enforce a federal  
50 regulatory program"; and

51 WHEREAS, the Supreme Court in that case went on to express  
52 that, "No matter how powerful the federal interest involved, the  
53 Constitution simply does not give Congress the authority to  
54 require the States to regulate. The Constitution instead gives  
55 Congress the authority to regulate matters directly and to preempt  
56 contrary state regulation. Where a federal interest is  
57 sufficiently strong to cause Congress to legislate, it must do so  
58 directly; it may not conscript state governments as its agents";  
59 and



60           WHEREAS, a number of proposals from previous administrations  
61 and some now pending from the present administration and from  
62 Congress may further violate the Constitution of the United  
63 States; and

64           WHEREAS, it is incumbent upon the Mississippi Legislature, as  
65 an agent for the people of the State of Mississippi, to remind the  
66 federal government to act only in ways that will ensure the  
67 protection and preservation of constitutional rights granted to  
68 each state in the framework of the Constitution of the United  
69 States as crafted by our nation's founding fathers, so as not to  
70 deny each state the enumerated right of self-governance without an  
71 over-reaching arm of federal government mandates and implications:

72           NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
73 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING  
74 THEREIN, That the State of Mississippi hereby reinforces the  
75 fundamental principles and authority of state sovereignty under  
76 the Tenth Amendment to the Constitution of the United States over  
77 all powers not otherwise enumerated and granted to the federal  
78 government by the Constitution of the United States and discourage  
79 the federal government, as our agent, from imposing certain  
80 restrictive mandates that are beyond the scope of these  
81 constitutionally delegated powers.

82           BE IT FURTHER RESOLVED, That copies of this resolution be  
83 furnished to the President of the United States, the President of  
84 the United States Senate, the Speaker of the United States House  
85 of Representatives, each member of the Mississippi Congressional  
86 Delegation and to the members of the Capitol Press Corps.

