

By: Representatives Currie, Boyd, Carpenter, Chism, Monsour, Moore, Staples, Taylor, Zuber To: Rules

HOUSE CONCURRENT RESOLUTION NO. 38

1 A CONCURRENT RESOLUTION AFFIRMING THE SOVEREIGNTY OF THE
2 PEOPLE OF THE STATE OF MISSISSIPPI UNDER THE TENTH AMENDMENT TO
3 THE CONSTITUTION OF THE UNITED STATES OVER ALL POWERS NOT
4 OTHERWISE DELEGATED TO THE FEDERAL GOVERNMENT BY THE CONSTITUTION
5 OF THE UNITED STATES.

6 WHEREAS, in the American system of democracy, sovereignty is
7 defined as final authority, and the people, not government, are
8 sovereign; and

9 WHEREAS, the people of the State of Mississippi are not
10 united with the people of the other 49 states that comprise the
11 United States of America on a principle of unlimited submission to
12 their federal government; and

13 WHEREAS, all power not delegated by the people to government
14 is retained by the people; and

15 WHEREAS, the people of the several states comprising the
16 United States of America created the federal government to be
17 their agent for certain enumerated purposes only; and

18 WHEREAS, the Tenth Amendment to the Constitution of the
19 United States reads as follows: "The powers not delegated to the



20 United States by the Constitution, nor prohibited by it to the
21 states, are reserved to the states respectively, or to the
22 people"; and

23 WHEREAS, the Tenth Amendment defines the total scope of
24 federal power as being that which has been delegated by the people
25 to the federal government in the Constitution of the United
26 States, and also that which is necessary and proper to advancing
27 those enumerated powers, with the remainder thereof being left to
28 state governments or the people themselves; and

29 WHEREAS, powers, too numerous to list for the purposes of
30 this resolution, have been exercised, past and present, by federal
31 administrations, under the leadership of both Democrats and
32 Republicans, which infringe on the sovereignty of the people of
33 this state, and may further violate the Constitution of the United
34 States; and

35 WHEREAS, when powers are assumed by the federal government
36 which have not been delegated to it by the people, a nullification
37 of the act is the rightful remedy, and without this remedy, the
38 people of this state would be under the dominion, absolute and
39 unlimited, of whoever might exercise this right of judgment for
40 them:

41 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
42 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING
43 THEREIN, That we do hereby affirm the sovereignty of the people of
44 the State of Mississippi under the Tenth Amendment to the



45 Constitution of the United States over all powers not otherwise
46 delegated to the federal government by the Constitution of the
47 United States.

48 BE IT FURTHER RESOLVED, That this resolution shall serve as a
49 notice and demand to the federal government to cease and desist
50 any and all activities that are outside the scope of their
51 constitutionally delegated powers.

52 BE IT FURTHER RESOLVED, That a joint conference committee
53 shall be established by this Legislature to accomplish the
54 following:

55 1. Recommend and propose legislation which would have the
56 effect of nullifying specific federal laws and regulations which
57 are outside the scope of the powers delegated by the people to the
58 federal government in the Constitution;

59 2. Communicate the preceding resolutions to the legislatures
60 of each of the other 49 states that comprise the United States of
61 America;

62 3. Assure those states that the State of Mississippi
63 continues in the same esteem of their friendship as currently
64 exists; and

65 4. Assure those states that the State of Mississippi
66 considers union, for specified national purposes, and particularly
67 those enumerated in the Constitution of the United States, to be
68 friendly to the peace, happiness and prosperity of all the states.



69 BE IT FURTHER RESOLVED, That copies of this resolution be
70 furnished to the President of the United States, the President of
71 the United States Senate, the Speaker of the United States House
72 of Representatives, each member of the Mississippi Congressional
73 Delegation and to the members of the Capitol Press Corps.

