

House Concurrent Resolution No. 39

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor), MUNZLINGER, NIEVES,
LAIR, RUESTMAN, DUSENBERG, SCHIEFFER, DOUGHERTY, McGHEE,
GRISAMORE AND WELLS (Co-sponsors).

4391L.011

Whereas, the Tenth Amendment to the Constitution of the United States reads as
2 follows: "The powers not delegated to the United States by the Constitution, nor prohibited by
3 it to the states, are reserved to the states respectively, or to the people."; and

Whereas, the Tenth Amendment defines the total scope of federal power as being
4 that specifically granted by the Constitution of the United States and no more; and
5

Whereas, the scope of power defined by the Tenth Amendment means that the
6 federal government was created by the states specifically to be an agent of the states; and
7

Whereas, today, in 2010, the states are demonstrably treated as agents of the
8 federal government; and
9

Whereas, many federal laws are directly in violation of the Tenth Amendment to
10 the Constitution of the United States; and
11

Whereas, the Tenth Amendment ensures that we, the people of the United States
12 of America and each sovereign state in the Union of States, now have, and have always had,
13 rights the federal government may not usurp; and
14

Whereas, Section 4, Article IV, of the Constitution says, "The United States shall
15 guarantee to every state in this Union a Republican Form of Government", and the Ninth
16 Amendment states that "The enumeration in the Constitution, of certain rights, shall not be
17 construed to deny or disparage others retained by the people"; and
18

Whereas, the First Amendment to the Constitution guarantees to "the right of the
19 people...to petition the Government for a redress of grievances"; and
20

21 **Whereas**, the United States Supreme Court has ruled in *New York v. United States*,
22 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory
23 processes of the states; and

24 **Whereas**, a number of proposals from previous administrations and some now
25 pending from the present administration and from Congress may further violate the Constitution
26 of the United States:

27 **Now, therefore, be it resolved** that the members of the House of
28 Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate
29 concurring therein, hereby claim sovereignty under the Tenth Amendment to the Constitution
30 of the United States over all powers not otherwise enumerated and granted to the federal
31 government by the Constitution of the United States; and

32 **Be it further resolved** that this resolution serves as notice and demand to
33 the federal government to cease and desist, effective immediately, mandates that are beyond the
34 scope of these constitutionally delegated powers; and

35 **Be it further resolved** that all compulsory federal legislation that directs
36 states to comply under threat of civil or criminal penalties or sanctions or that requires states to
37 pass legislation or lose federal funding be prohibited or repealed; and

38 **Be it further resolved** that the Chief Clerk of the Missouri House of
39 Representatives be instructed to prepare a properly inscribed copies of this resolution for
40 Governor Jay Nixon, requesting that on behalf of the people and the State of Missouri that the
41 Governor join with the governors of the several states in signing a Joint Petition of Right to be
42 prepared and transmitted to President Barack Obama, Vice President Joe Biden as presiding
43 officer of the United States Senate, the Speaker of the United States House of Representatives,
44 and each member of the Missouri Congressional delegation.

✓