

1 HOUSE JOINT RESOLUTION 27

2 49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

3 INTRODUCED BY

4 Dennis J. Roch

5
6
7
8
9
10 A JOINT RESOLUTION

11 CLAIMING SOVEREIGNTY UNDER THE TENTH AMENDMENT TO THE
12 CONSTITUTION OF THE UNITED STATES OVER CERTAIN POWERS; SERVING
13 NOTICE TO THE FEDERAL GOVERNMENT TO CEASE AND DESIST CERTAIN
14 MANDATES; PROVIDING THAT CERTAIN FEDERAL LEGISLATION BE
15 PROHIBITED OR REPEALED.

16
17 WHEREAS, the tenth amendment to the constitution of the
18 United States reads as follows:

19 "The powers not delegated to the United States by the
20 Constitution, nor prohibited by it to the States, are reserved
21 to the States respectively, or to the people."; and

22 WHEREAS, the tenth amendment defines the total scope of
23 federal power as being that specifically granted by the
24 constitution of the United States and no more; and

25 WHEREAS, the scope of power defined by the tenth amendment

.177923.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 means that the federal government was created by the states
2 specifically to be an agent of the states; and

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

5 WHEREAS, many federal laws are directly in violation of
6 the tenth amendment to the constitution of the United States;
7 and

8 WHEREAS, the tenth amendment assures that we, the people
9 of the United States of America and each sovereign state in the
10 union of states, now have, and have always had, rights the
11 federal government may not usurp; and

12 WHEREAS, Article IV, Section 4 of the Constitution of the
13 United States says, "The United States shall guarantee to every
14 State in this Union a Republican Form of Government", and the
15 ninth amendment states that, "The enumeration in the
16 Constitution, of certain rights, shall not be construed to deny
17 or disparage others retained by the people"; and

18 WHEREAS, the United States supreme court has ruled in *New*
19 *York v. United States*, 112 S. Ct. 2408 (1992), that congress
20 may not simply commandeer the legislative and regulatory
21 processes of the states; and

22 WHEREAS, a number of proposals from previous
23 administrations and some now pending from the present
24 administration and from congress may further violate the
25 constitution of the United States;

.177923.1

underscored material = new
[bracketed material] = delete

1 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
2 STATE OF NEW MEXICO that New Mexico hereby claim sovereignty
3 under the tenth amendment to the constitution of the United
4 States over all powers not otherwise enumerated and granted to
5 the federal government by the constitution of the United
6 States; and

7 BE IT FURTHER RESOLVED that this resolution serve as
8 notice and demand to the federal government, as our agent, to
9 cease and desist, effective immediately, mandates that are
10 beyond the scope of these constitutionally delegated powers;
11 and

12 BE IT FURTHER RESOLVED that all compulsory federal
13 legislation that directs states to comply under threat of civil
14 or criminal penalties or sanctions or requires states to pass
15 legislation or lose federal funding be prohibited or repealed;
16 and

17 BE IT FURTHER RESOLVED that copies of this resolution be
18 transmitted to the president of the United States, the
19 president of the United States senate, the speaker of the
20 United States house of representatives and the speaker of the
21 house and the president of the senate of each state's
22 legislature of the United States.