

HOUSE JOINT RESOLUTION 10

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

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A JOINT RESOLUTION

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FEDERAL GOVERNMENT TO CEASE AND DESIST CERTAIN MANDATES; PROVIDING THAT CERTAIN FEDERAL LEGISLATION BE PROHIBITED OR REPEALED.

WHEREAS, the tenth amendment to the United States constitution reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by 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 that specifically granted by the United States constitution and no more; and

WHEREAS, the scope of power defined by the tenth amendment

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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 2011, 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 United States constitution; and

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

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

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

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

25 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE

.184197.1

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1 STATE OF NEW MEXICO that New Mexico hereby claim sovereignty
2 under the tenth amendment to the United States constitution
3 over all powers not otherwise enumerated and granted to the
4 federal government by the United States constitution; and

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

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

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