

1 HOUSE JOINT RESOLUTION 1

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

3 INTRODUCED BY

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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15 PROHIBITED OR REPEALED.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

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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 2010, 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 4, 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  
15 the 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;

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