



**The Issue:** State Sovereignty

**Background:**

Today, States are treated as agents of the federal government. There are many federal laws that are in direct violation of the Tenth Amendment; and, many proposals from the current administration that may further violate the Constitution of the United States.

The Tenth Amendment to the Constitution of the United States 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.”*

The Tenth Amendment defines the scope of power retained by the federal government should only serve as an agent to the States and no more than what is specifically granted in the constitution.

The federal government’s role is not to usurp States rights. The United States Supreme Court ruled in *New York vs. The United States*, 112 S. Ct. 2408 (1992), that the Congress of the United States may not commandeer the legislative and regulatory processes of the States.

**Current Party Position:**

The **Republican Party of Texas** platform includes this issue under “Right-to-Work”. It currently reads: *“Limited Federal Powers – We support state sovereignty reserved under the Tenth Amendment and oppose mandates beyond the scope of federal authority. We further support abolition of federal agencies involved in activities not originally delegated to the federal government under a strict interpretation of the Constitution.”*

The **Constitution Party of Texas** platform includes this issue. It currently reads: *“Whereas the Constitution says the Powers not delegated to the federal government are reserved to the States or the people; and Whereas so-called “federal aid” in areas not authorized is unconstitutional, illegal and immoral, Be it therefore resolved that the State of Texas declines to accept all monies from the federal government for any purpose not specifically and clearly articulated in the Constitution, and rejects all Federal mandates and regulations which are unconstitutional, thus restoring the intended balance of power between the States and their creation, the U.S. Government.”*

The **Libertarian Party of Texas, Green Party, & Democratic Party** platforms do not include this issue.

**Proposed Party Platform Language:**

BE IT RESOLVED, that we claim sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and, that we demand that the federal government cease and desist mandates that are beyond the scope of these constitutionally delegated powers.

Signed:

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*Who we are: Americans for Prosperity (AFP) is a nationwide organization of citizen leaders committed to advancing every individual’s right to economic freedom and opportunity. AFP believes reducing the size and scope of government is the best safeguard to ensuring individual productivity and prosperity for all Americans. AFP educates and engages citizens in support of restraining state and federal government growth, and returning government to its constitutional limits. For more information, visit [www.americansforprosperity.org](http://www.americansforprosperity.org)*