



Introduced Version

**SENATE CONCURRENT  
RESOLUTION No. \_\_\_\_\_**

**DIGEST OF INTRODUCED RESOLUTION**

A CONCURRENT RESOLUTION urging the Congress of the United States to pass and submit to the states for ratification an amendment to the Constitution of the United States to prohibit courts from ordering any state or political subdivision to levy or increase any tax.

**Ford**

\_\_\_\_\_, read first time and referred to Committee on



## SENATE CONCURRENT RESOLUTION

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A CONCURRENT RESOLUTION urging the Congress of the United States to pass and submit to the states for ratification an amendment to the Constitution of the United States to prohibit courts from ordering any state or political subdivision to levy or increase any tax.

*Whereas, Separation of powers is fundamental to the United States Constitution, and the power of the federal government is strictly limited;*

*Whereas, Under the United States Constitution, the states are to determine public policy;*

*Whereas, It is the duty of the judiciary to interpret the law but not to create the law;*

*Whereas, In a five to four decision on April 18, 1990, the United States Supreme Court extended the power of the judicial branch of government beyond any defensible bounds;*

*Whereas, In Missouri v. Jenkins, the court held that a federal court has the power to order an increase in state and local taxes;*

*Whereas, The unprecedented decision by the court in Missouri v. Jenkins violated a fundamental tenet of the separation of powers: that no member of the federal judiciary, members of which serve for life and are answerable to no one, should have control over the power of the purse;*



*Whereas, It is a well established maxim that whoever controls the purse ultimately controls power, the ability of government to function, and the direction the government shall go;*

*Whereas, Our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates;*

*Whereas, These court actions violate the United States Constitution and the legislative process;*

*Whereas, The time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, delegate the power to tax explicitly to those duly elected representatives in the legislative branch of government who they chose, those representatives being directly responsible and accountable to those who have elected them;*

*Whereas, Several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America;*

*Whereas, The amendment was previously introduced in Congress; and*

*Whereas, The amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

- 1           SECTION 1. That the Congress of the United States prepare and  
2 submit to the several states an amendment to the Constitution of the  
3 United States to add a new article providing as follows:  
4           "Neither the Supreme Court nor any inferior court of the United  
5 States shall have the power to instruct or order a state or a political  
6 subdivision thereof, or an official of such a state or political



1 subdivision, to levy or increase taxes".  
2 SECTION 2. That this application constitutes a continuing  
3 application in accordance with Article V of the Constitution of the  
4 United States.  
5 SECTION 3. That the principal clerk of the House of  
6 Representatives transmit a copy of this resolution to the President and  
7 Vice President of the United States, the Speaker of the United States  
8 House of Representatives, the President Pro Tempore of the United  
9 States Senate, and each member of the Indiana Congressional  
10 delegation.

