

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

H.J.R. 1014

4  
5 By: Representative Mullenix

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8 **HOUSE JOINT RESOLUTION**

9 REQUESTING AN AMENDMENT TO THE UNITED STATES CONSTITUTION  
10 ON THE SUBJECT OF JUDICIAL TAXATION.

11  
12 **Subtitle**

13 REQUESTING AN AMENDMENT TO THE U.S.  
14 CONSTITUTION ON THE SUBJECT OF JUDICIAL  
15 TAXATION.

16  
17 WHEREAS, separation of powers is fundamental to the United States  
18 Constitution and the power of the federal government is strictly limited; and

19 WHEREAS, under the United States Constitution, the states are to  
20 determine public policy; and

21 WHEREAS, it is the duty of the judiciary to interpret the law, not to  
22 create law; and

23 WHEREAS, our present federal government has strayed from the intent of  
24 our founding fathers and the United States Constitution through inappropriate  
25 federal mandates; and

26 WHEREAS, these mandates by way of statute, rule or judicial decision  
27 have forced state governments to serve as the mere administrative arm of the  
28 federal government; and

29 WHEREAS, federal district courts with the acquiescence of the United  
30 States Supreme Court, continue to order states to levy or increase taxes to  
31 comply with federal mandates; and

32 WHEREAS, these court actions violate the United States Constitution and  
33 the legislative process; and

34 WHEREAS, the time has come for the people of this great nation and their  
35 duly elected representatives in state government to reaffirm, in no uncertain  
36 terms, that the authority to tax under the Constitution of the United States

1 is retained by the people who, by their consent alone, do delegate such power  
2 to tax explicitly to those duly elected representatives in the legislative  
3 branch of government whom they choose, such representatives being directly  
4 responsible and accountable to those who have elected them; and

5 WHEREAS, several states have petitioned the United States Congress to  
6 propose an amendment to the Constitution of the United States of America; and

7 WHEREAS, the amendment was previously introduced in Congress; and

8 WHEREAS, the amendment seeks to prevent federal courts from levying or  
9 increasing taxes without representation of the people and against the peoples  
10 wishes,

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12 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIRST GENERAL  
13 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS  
14 ELECTED TO EACH HOUSE AGREEING THERETO:

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16 1. That the Congress of the United States prepare and submit to the  
17 several states an amendment to the Constitution of the United States to add a  
18 new article providing as follows:

19 "Neither the Supreme Court nor any inferior court of the United States  
20 shall have the power to instruct or order a state or a political subdivision  
21 thereof, or an official of such a state or political subdivision, to levy or  
22 increase taxes."

23 2. That this application constitutes a continuing application in  
24 accordance with article V of the Constitution of the United States.

25 3. That the legislature of the state of Arkansas also proposes that the  
26 legislatures of each of the several states comprising the United States that  
27 have not yet made similar request apply to the United States Congress  
28 requesting enactment of an appropriate amendment to the United States  
29 Constitution, and apply to the United States Congress to propose such an  
30 amendment to the United States Constitution.

31 4. That the Secretary of State of the state of Arkansas transmit copies  
32 of this Resolution to the President and Vice President of the United States,  
33 the presiding officer in each house of the legislature in each of the states  
34 in the union, the Speaker of the United States House of Representatives, the  
35 President of the United States Senate and to each member of the state of

1 Arkansas Congressional Delegation.