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HOUSE JOINT MEMORIAL 4022

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State of Washington                      55th Legislature                      1998 Regular Session

By Representatives Lambert, Sheahan, Koster, D. Sommers, Mulliken and Thompson

Read first time 04/08/97. Referred to Committee on Law & Justice.

1            TO THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED  
2 STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE  
3 OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF  
4 THE UNITED STATES, IN CONGRESS ASSEMBLED:

5            We, your Memorialists, the Senate and House of Representatives of  
6 the State of Washington, in legislative session assembled, respectfully  
7 represent and petition as follows:

8            WHEREAS, Separation of powers is fundamental to the United States  
9 Constitution and the power of the federal government is strictly  
10 limited; and

11           WHEREAS, Under the United States Constitution, the states are to  
12 determine public policy; and

13           WHEREAS, It is the duty of the judiciary to interpret the law, not  
14 to create law; and

15           WHEREAS, Our present federal government has strayed from the intent  
16 of our founding fathers and the United States Constitution through  
17 inappropriate federal mandates; and

18           WHEREAS, These mandates by way of statute, rule, or judicial  
19 decision have forced state governments to serve as the mere  
20 administrative arm of the federal government; and

1       WHEREAS, Federal district courts, with the acquiescence of the  
2 United States Supreme Court, continue to order states to levy or  
3 increase taxes to comply with federal mandates; and

4       WHEREAS, These court actions violate the United States Constitution  
5 and the legislative process; and

6       WHEREAS, The time has come for the people of this great nation and  
7 their duly elected representatives in state government, to reaffirm, in  
8 no uncertain terms that the authority to tax under the Constitution of  
9 the United States is retained by the people who, by their consent  
10 alone, do delegate such power to tax explicitly to those duly elected  
11 representatives in the legislative branch of government who they  
12 choose, such representatives being directly responsible and accountable  
13 to those who have elected them; and

14       WHEREAS, Several states have petitioned the United States Congress  
15 to propose an amendment to the Constitution of the United States of  
16 America; and

17       WHEREAS, The amendment was previously introduced in Congress; and

18       WHEREAS, The amendment seeks to prevent federal courts from levying  
19 or increasing taxes without representation of the people and against  
20 the people's wishes;

21       NOW, THEREFORE, Your Memorialists respectfully pray that:

22       (1) The Congress of the United States prepare and submit to the  
23 several states an amendment to the Constitution of the United States to  
24 add a new article providing as follows:

25       "Neither the Supreme Court nor any inferior court of the United  
26 States shall have the power to instruct or order a state or a political  
27 subdivision thereof, or an official of such a state or political  
28 subdivision, to levy or increase taxes";

29       (2) This application constitutes a continuing application in  
30 accordance with Article V of the Constitution of the United States; and

31       (3) The Legislature of the State of Washington also proposes that  
32 the legislatures of each of the several states comprising the United  
33 States that have not yet made similar requests apply to the United  
34 States Congress requesting enactment of an appropriate amendment to the  
35 United States Constitution, and apply to the United States Congress to  
36 propose such an amendment to the United States Constitution; and

37       BE IT RESOLVED, That copies of this Memorial be immediately  
38 transmitted to the Honorable William J. Clinton, President of the  
39 United States, the President of the United States Senate, the Speaker

1 of the House of Representatives, and each member of Congress from the  
2 State of Washington.

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