

AMENDED IN ASSEMBLY JUNE 12, 2000  
AMENDED IN ASSEMBLY JANUARY 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**Assembly Joint Resolution**

**No. 35**

**Introduced by Assembly Member House**

August 31, 1999

Assembly Joint Resolution No. 35—Relative to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AJR 35, as amended, House. Taxation.

This measure would memorialize the President and the Congress to impose any taxes, duties, imposts, or excises in accordance with the ~~United~~ *United* States Constitution, to resist the usurpation of power by the executive branch, particularly with respect to the “E-Rate” program, and to restore a republican form of government.

Fiscal committee: no.

1 WHEREAS, The United States Constitution has not  
2 been repealed; and  
3 WHEREAS, The United States “Senators and  
4 Representatives ... and the members of the several state  
5 legislatures, and all executive and judicial officers, both of  
6 the United States and of the several states, shall be bound  
7 by oath or affirmation, to support this Constitution ...” (cl.  
8 3, Art. VI, U.S. Const.); and



1 WHEREAS, The United States Constitution is “the  
2 supreme law of the land; and the judges in every state  
3 shall be bound thereby ...” (cl. 2, Art. VI, U.S. Const.); and

4 WHEREAS, “All legislative powers herein granted  
5 shall be vested in a Congress of the United States ...” (cl.  
6 1, Sec. 1, Art. I, U.S. Const.); and

7 WHEREAS, “All bills for raising revenue shall originate  
8 in the House of Representatives ...” (cl. 1, Sec. 7, Art. I,  
9 U.S. Const.); and

10 WHEREAS, The Constitution gives only to Congress  
11 the “power to lay and collect taxes, duties, imposts and  
12 excises ...” (cl. 1, Sec. 8, Art. I, U.S. Const.); and

13 WHEREAS, The Constitution gives only to Congress  
14 the power “to make all laws which shall be necessary and  
15 proper for carrying into execution the foregoing powers,  
16 and all other powers vested by this Constitution in the  
17 government of the United States, or in any department  
18 or officer thereof” (cl. 18, Sec. 8, Art. I, U.S. Const.); and

19 WHEREAS, The declared intent of the Clinton  
20 administration to rule by executive order, which orders  
21 have no constitutional authorization, and which usurp the  
22 powers delegated by the Constitution to Congress, violate  
23 the concepts of “a republican form of government” (Sec.  
24 4, Art. IV, U.S. Const.), destroy the concept of “balance  
25 of powers,” and create an autocracy, thereby destroying  
26 the United States Constitution; and

27 WHEREAS, The Federal ~~Communication~~  
28 *Communications* Commission (FCC), with President  
29 Clinton’s urging and approval, has imposed on every  
30 telephone user in America a tax, duty, impost, or excise,  
31 known as the “E-Rate” program, which violates and  
32 usurps those powers given by the Constitution to  
33 Congress; and

34 *WHEREAS, The E-Rate program is also known as the*  
35 *“Gore Tax” because of the strong support given to it by*  
36 *Vice President Gore, with the purpose of wiring schools*  
37 *and libraries to the Internet; and*

38 *WHEREAS, in 1997 the Federal Communications*  
39 *Commission, not Congress, required telephone*  
40 *companies to pay into a universal services fund by means*



1 of the E-Rate tax and in 1999 the Federal  
2 Communications Commission, not Congress, raised the  
3 E-Rate tax by 73 percent; and

4 WHEREAS, The Federal Communications  
5 Commission's Truth in Billing Docket (CC98-170)  
6 prohibits telephone companies from disclosing the "Gore  
7 Tax" in the telephone bill so that the American citizen  
8 does not know where his or her tax dollars are going,  
9 contrary to the Constitution and the founding principle  
10 of "no taxation without representation"; and

11 WHEREAS, These actions are ~~not~~ ~~only~~  
12 unconstitutional, ~~but~~ ~~perjurious~~ on the part of the  
13 President, who was required to take an oath to "support  
14 this Constitution" as the "supreme law of the land"; now,  
15 therefore, be it

16 Resolved by the Assembly and Senate of the State of  
17 California, jointly, That the Legislature of the State of  
18 California requests Congress to do all of the following:

19 (1) Exercise its constitutional authority to resist the  
20 usurpation of power by the executive branch and of  
21 government agencies, as the FCC, to both rule by decree,  
22 dictation or "executive order," and to impose taxes,  
23 duties, imposts, or excises, as in the "E-Rate" program,  
24 upon the people of these United States of America.

25 (2) Restore the "republican form of government"  
26 guaranteed in Section 4 of Article IV of the United States  
27 Constitution, permitting the voices of the people to be  
28 heard through their elected representatives in the  
29 Congress, requiring all citizens and those abiding in the  
30 United States, without regard to class, status, or office, to  
31 be equally subject to the laws of our land, including the  
32 supreme law, our Constitution, and all laws enacted  
33 under the authority of the United States Constitution.

34 (3) Require all agencies, departments, commissions,  
35 and boards existing under the authority of congressional  
36 law, or of the Constitution, to be required, under  
37 certainty of penalties, to respect and abide by the  
38 Constitution and all applicable statutes; and be it further

39 Resolved, That the Chief Clerk of the Assembly  
40 transmit copies of this resolution to the President and



1 Vice President of the United States, to the Speaker of the  
2 House of Representatives, and to each Senator and  
3 Representative from California in the Congress of the  
4 United States.

O

