

# SENATE JOINT RESOLUTION 1

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By: **Senators Shank, Brinkley, Jacobs, Jennings, Pipkin, Reilly, and Simonaire**

Introduced and read first time: January 28, 2011

Assigned to: Budget and Taxation

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## SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Maryland Sovereignty Under the Tenth Amendment to the Constitution of**  
3 **the United States**

4 FOR the purpose of declaring the sovereignty of the State of Maryland under the  
5 Tenth Amendment to the Constitution of the United States; and providing  
6 notice and demand to the government of the United States to cease and desist  
7 imposing mandates that are beyond the scope of the powers delegated to the  
8 federal government under the Constitution of the United States.

9 WHEREAS, The Tenth Amendment to the Constitution of the United States  
10 reads as follows: “The powers not delegated to the United States by the Constitution,  
11 nor prohibited by it to the States, are reserved to the States respectively, or to the  
12 people”; and

13 WHEREAS, The Tenth Amendment defines the total scope of federal powers as  
14 being that power specifically granted by the Constitution of the United States and no  
15 more; and

16 WHEREAS, The scope of federal power defined by the Tenth Amendment  
17 means that the federal government was created by the states specifically to be an  
18 agent of the states; and

19 WHEREAS, The authority of the states has been eroded primarily by four  
20 developments, including: (1) federal assumption of powers reserved to the states under  
21 the Tenth Amendment; (2) interpretations of the “Commerce Clause” under the  
22 Constitution of the United States that go beyond any reasonable conception, and in  
23 effect authorize federal preemption with respect to any issue for which some faint or  
24 circuitous connection can be made to interstate commerce; (3) the threat of  
25 withholding, withdrawing, or diverting federal funds to coerce compliance with federal  
26 policies; and (4) failure by the states to challenge federal intrusions; and



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1 WHEREAS, Many state governments have endorsed federal usurpation by  
2 seeking federal funding and accepting federal delegations of power; and

3 WHEREAS, Today, in 2011, the states demonstrably are treated as agents of  
4 the federal government; and

5 WHEREAS, Numerous resolutions have been forwarded by the states over the  
6 years to the federal government without any response or result from the United States  
7 Congress or the federal government; and

8 WHEREAS, Many federal mandates are directly in violation of the Tenth  
9 Amendment to the Constitution of the United States; and

10 WHEREAS, The United States Supreme Court ruled in *New York v. United*  
11 *States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the  
12 legislative and regulatory processes of the states; and

13 WHEREAS, A number of proposals from previous Administrations of the Chief  
14 Executive and some now pending under the current Administration and from  
15 Congress may further violate the Constitution of the United States; now, therefore, be  
16 it

17 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the State  
18 of Maryland hereby claims sovereignty under the Tenth Amendment to the  
19 Constitution of the United States over all powers not otherwise enumerated and  
20 granted to the federal government by the Constitution of the United States; and be it  
21 further

22 RESOLVED, That this Resolution serve as Notice and Demand to the  
23 government of the United States, as our agent, to cease and desist, effective  
24 immediately, mandates that are beyond the scope of its constitutionally delegated  
25 powers; and be it further

26 RESOLVED, That a copy of this Resolution be forwarded by the Department of  
27 Legislative Services to the Honorable Barack Obama, President of the United States,  
28 The White House, Washington, D.C. 20500; the Honorable Harry Reid, United States  
29 Senate Majority Leader, Senate Office Building, Washington, D.C. 20510; the  
30 Honorable John Boehner, Speaker of the United States House of Representatives,  
31 House Office Building, Washington, D.C. 20515; and the Maryland Congressional  
32 Delegation: Senators Barbara A. Mikulski and Benjamin L. Cardin, Senate Office  
33 Building, Washington, D.C. 20510; and Representatives Andrew P. Harris, C. A.  
34 Dutch Ruppersberger III, John P. Sarbanes, Donna Edwards, Steny Hamilton Hoyer,  
35 Roscoe G. Bartlett, Elijah E. Cummings, and Christopher Van Hollen, Jr., House  
36 Office Building, Washington, D.C. 20515.