

HOUSE JOINT RESOLUTION 5

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2004 Regular Session
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By: **Delegates Dwyer, Amedori, Bartlett, Bates, Boteler, Burns, Cluster,
Costa, Frank, Fulton, Haddaway, Impallaria, Krebs, O'Donnell, Owings,
Smigiel, and Trueschler**

Introduced and read first time: February 9, 2004

Assigned to: Rules and Executive Nominations

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Maryland Religious Independence From Federal Courts**

3 FOR the purpose of requesting the Congress of the United States to pass legislation
4 declaring that the power to display the Ten Commandments on or within
5 property owned or administered by the several states or political subdivisions
6 thereof to be among the powers reserved to the states respectively; requesting
7 the Congress of the United States to pass legislation declaring that the power to
8 recite the Pledge of Allegiance on or within property owned or administered by
9 the several states or political subdivisions thereof is among the powers reserved
10 to the states, respectively; setting out the words to the Pledge of Allegiance;
11 requesting the Congress of the United States to pass legislation declaring that
12 the power to recite the national motto on or within property owned or
13 administered by the several states or political subdivisions thereof is among the
14 powers reserved to the states, respectively; setting out the words of the national
15 motto; requesting the Congress of the United States to pass legislation making
16 certain exceptions to the subject matter jurisdiction of federal courts inferior to
17 the United States Supreme Court.

18 WHEREAS, The Declaration of Independence declared that governments are
19 instituted to secure certain inalienable rights, including life, liberty, and the pursuit
20 of happiness, with which all human beings are endowed by their Creator and to which
21 they are entitled by the laws of nature and of nature's God; and

22 WHEREAS, The First Amendment to the United States Constitution secures
23 rights against laws respecting an establishment of religion or prohibiting the free
24 exercise thereof made by the federal government; and

25 WHEREAS, The rights secured under the First Amendment to the United
26 States Constitution have been interpreted by the courts of the United States to be
27 included among the provisions of the Fourteenth Amendment; and

28 WHEREAS, The Tenth Amendment to the United States Constitution clearly
29 recognizes that a state retains all rights not granted to the federal government of the
30 United States of America; and

1 WHEREAS, The Maryland Charter of 1632, the Preamble to the Maryland
2 Constitution, and Articles 36 and 37 of the Maryland Declaration of Rights recognize
3 God as the source of the blessings of liberty; and

4 WHEREAS, The federal courts have claimed legal jurisdiction in matters
5 pertaining to religion within an individual state; and

6 WHEREAS, Section 5 of the Fourteenth Amendment to the United States
7 Constitution grants the Congress power to enforce the provisions of the Fourteenth
8 Amendment; and

9 WHEREAS, Article III, Section 2, of the United States Constitution grants the
10 Congress the authority to except certain matters from the jurisdiction of the federal
11 courts inferior to the United States Supreme Court; and

12 WHEREAS, Disputes and doubts have arisen with respect to public displays of
13 the Ten Commandments and to other public expressions of religious faith; and

14 WHEREAS, Legislation has been introduced in Congress to except subject
15 matter jurisdiction from the federal courts in certain matters pertaining to the power
16 to make a public expression of religious faith; now, therefore, be it

17 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That Maryland
18 declares its independence from federal court interference with religion within the
19 State of Maryland; and be it further

20 RESOLVED, That the General Assembly requests the Congress of the United
21 States to pass legislation declaring that the power: (1) to display the Ten
22 Commandments, (2) to recite the Pledge of Allegiance, and (3) to recite the national
23 motto on or within property owned or administered by the several states or political
24 subdivisions thereof be among the powers reserved to the states respectively; that the
25 words to the Pledge of Allegiance are "I pledge allegiance to the Flag of the United
26 States of America, and to the Republic for which it stands, one Nation under God,
27 indivisible, with Liberty and Justice for all."; that the words of the national motto are
28 "In God We Trust"; and requesting the Congress of the United States to pass
29 legislation making the subject matter of these declarations exceptions to the subject
30 matter jurisdiction of federal courts inferior to the United States Supreme Court; and
31 be it further

32 RESOLVED, That a copy of this Resolution be forwarded by the Department of
33 Legislative Services to the Honorable Robert L. Ehrlich, Jr., Governor of Maryland;
34 the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and
35 the Honorable Michael E. Busch, Speaker of the House of Delegates; and be it further

36 RESOLVED, That a copy of this Resolution be forwarded by the Department of
37 Legislative Services to the Maryland Congressional Delegation: Senators Paul S.
38 Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510;
39 and Representatives Wayne T. Gilchrest, C. A. Dutch Ruppersberger III, Benjamin L.
40 Cardin, Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E.

1 Cummings, and Christopher Van Hollen, Jr., House Office Building, Washington,
2 D.C. 20515.