

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Joint Resolution 5 (Delegate Dwyer, *et al.*)

Rules and Executive Nominations

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**Maryland Religious Independence From Federal Courts**

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This joint resolution requests the U.S. Congress to pass legislation declaring that the power to: (1) display the Ten Commandments; (2) recite the Pledge of Allegiance; and (3) recite the national motto, on or within property owned or administered by a state or political subdivision, is among the powers reserved to the states by the Tenth Amendment to the U.S. Constitution.

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**Fiscal Summary**

**State Effect:** Compliance with this resolution would not directly affect State finances.

**Local Effect:** Compliance with this resolution would not directly affect local finances.

**Small Business Effect:** None.

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**Analysis**

**Background:** The U. S. Constitution grants Congress the authority to except certain matters from the jurisdiction of federal courts that are inferior to the U.S. Supreme Court. Legislation has been introduced in Congress to except subject matter jurisdiction from the federal courts relating to the power to make public expressions of religious faith.

The Tenth Amendment reserves to the states those powers the Constitution does not delegate to the U.S.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SJ 2 (Senator Mooney, *et al.*) – Judicial Proceedings.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2004

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