

HOUSE JOINT RESOLUTION 2

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(PRE-FILED)

By: **Delegate Smigiel**

Requested: November 16, 2009

Introduced and read first time: January 13, 2010

Assigned to: Rules and Executive Nominations

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

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

4 FOR the purpose of demanding that the federal government halt its practice of
5 assuming powers and imposing mandates on the states of the United States for
6 purposes not enumerated under the Constitution of the United States.

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

11 WHEREAS, The Tenth Amendment describes the scope of the federal power as
12 being the power expressly granted by the Constitution of the United States and no
13 more; and

14 WHEREAS, The scope of the power described under the Tenth Amendment
15 means that the federal government was created by the states specifically to be an
16 agent of the states; and

17 WHEREAS, In 2009 the states demonstrably are treated as agents of the
18 federal government; and

19 WHEREAS, Many of the powers assumed and mandates imposed on the states
20 by the federal government are in direct violation of the Tenth Amendment to the
21 Constitution of the United States; and

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



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1 WHEREAS, A number of proposals from prior Executive Administrations of the
2 United States and some now pending from the current Executive Administration and
3 from the United States Congress may further violate the Constitution of the United
4 States; now, therefore, be it

5 RESOLVED, by the General Assembly of Maryland, That the House of
6 Delegates and Senate in the 427th Session of the Maryland General Assembly:

7 (1) Affirm the sovereignty of Maryland under the Tenth Amendment
8 to the Constitution of the United States over all powers not otherwise enumerated and
9 granted to the federal government by the Constitution of the United States; and

10 (2) Demand that the federal government halt and reverse its practice
11 of assuming powers and imposing mandates on the states for purposes not
12 enumerated under the Constitution of the United States; and be it further

13 RESOLVED, That a Special Committee of Conference and Correspondence be
14 appointed by the Speaker of the House of Delegates and the President of the Senate of
15 Maryland and that the Special Committee communicate this resolution to the
16 legislatures of the several states to:

17 (1) Assure them that this State continues and values their esteemed
18 friendship;

19 (2) Call on them to participate in a joint working group among the
20 states to enumerate the abuses of authority by the federal government under the
21 Tenth Amendment to the Constitution of the United States; and

22 (3) Seek repeal of the assumption of powers and mandates unlawfully
23 imposed on the states by the federal government; and be it further

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