

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Joint Resolution 2 (Delegate Anderson, *et al.*)

Rules and Executive Nominations

Judicial Proceedings

Rescission of Maryland's Ratification of the Corwin Amendment to the United States Constitution

This joint resolution rescinds Maryland's ratification of the Corwin Amendment to the U.S. Constitution.

Fiscal Summary

State Effect: None. The change is technical in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: With the enactment of Chapter 21 of 1862, the General Assembly of Maryland ratified the Corwin Amendment. The Corwin Amendment states:

No Amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.

Because the Corwin Amendment has not been ratified by three-fourths of the states, it is not part of the U.S. Constitution.

Background: On February 27, 1861, in an attempt to avert the secession of Southern states, U.S. Representative Thomas Corwin of Ohio proposed an amendment to the U.S. Constitution that would prohibit the U.S. Constitution from being amended in a manner that authorizes Congress to abolish or interfere with the states' domestic institutions, including slavery.

On March 2, 1861, the Corwin Amendment passed the U.S. Congress and was submitted to the states for ratification. The General Assembly of Maryland subsequently ratified the amendment. However, the amendment has not been ratified by three-fourths of the states and, therefore, is not part of the U.S. Constitution. Moreover, with the end of the Civil War and the ratification of the 13th Amendment to the U.S. Constitution, the purposes of the Corwin Amendment have become moot.

Only three states (Illinois, Maryland, and Ohio) ratified the Corwin Amendment, although the legality of Illinois' ratification is disputed. Ohio rescinded its ratification in 1864.

Additional Information

Prior Introductions: None.

Cross File: SJ 1 (Senator Frosh, *et al.*) - Judicial Proceedings.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2014
ncs/hlb

Analysis by: Joshua A. Lowery

Direct Inquiries to:
(410) 946-5510
(301) 970-5510