

SENATE JOINT RESOLUTION 1

P5, P1

0lr1408

By: **Senators Mooney, Harris, Munson, and Simonaire**

Introduced and read first time: January 18, 2010

Assigned to: Budget and Taxation

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
21 under 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

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



1 WHEREAS, Today, in 2010, the states demonstrably are treated as agents of
2 the federal government; and

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

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

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

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

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

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

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