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By: Representatives Bentley, S. Meeks, Dotson, Payton, Ladyman, B. Smith, Rye, C. Cooper, Ray, Carr, Bryant, M. Berry
By: Senator D. Sullivan

HOUSE CONCURRENT RESOLUTION

CONCERNING THE CONSTITUTIONAL AUTHORITY VESTED IN THE PEOPLE, THE STATES, AND THE UNITED STATES GOVERNMENT.

Subtitle

CONCERNING THE CONSTITUTIONAL AUTHORITY VESTED IN THE PEOPLE, THE STATES, AND THE UNITED STATES GOVERNMENT.

WHEREAS, our nation was organized by the United States Constitution with a clear division of civil authority between the United States Government and the individual states; and

WHEREAS, the United States Constitution contains several provisions intended to establish and preserve that proper balance of civil authority between the United States Government and the individual states; and

WHEREAS, those provisions in the United States Constitution include, in Article I, a United States Senate with equal suffrage for all states, equal suffrage for the United States House of Representatives when selecting a President of the United States, and a specific limitation of federal authority with the enumerated powers of the United States Congress. In Article III of the United States Constitution, there is a specific list of original jurisdictional authorities for the United States Supreme Court, and the United States Congress is granted control of appellate jurisdictional authority for the United States Supreme Court. In Article V of the United

States Constitution, equal suffrage is required for all states when proposing and ratifying constitutional amendments; and

WHEREAS, in the Bill of Rights of the United States Constitution, certain rights of the people are enumerated in the first eight (8) amendments, and the Ninth Amendment of the United States Constitution reserves all unenumerated rights for the people; and

WHEREAS, the Tenth Amendment of the United States Constitution clearly states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”; and

WHEREAS, James Madison said in Federalist No. 45: “The powers delegated [that is, enumerated] by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former [federal powers] will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.”; and

WHEREAS, James Madison warned in 1792: “If Congress can apply money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may establish teachers in every state, county, and parish, and pay them out of the public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the union...; they may undertake the regulation of all roads other than post roads; in short, every thing, from the highest object of state legislation, down to the most minute object of police, would be thrown under the power of Congress..."; and

WHEREAS, in 1791 Thomas Jefferson wrote: “I consider the foundation of

the Constitution as laid on this ground: That 'all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people.' To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition."; and

WHEREAS, in 1800 Thomas Jefferson wrote: "What an augmentation [growth] of the field for jobbing, speculating, plundering, office-building and office hunting, would be produced by an assumption of all the state powers into the hands of the general [United States] government. The true theory of our constitution is surely the wisest and best, that the states are independent as to every thing within themselves, and united as to every thing respecting foreign nations."; and

WHEREAS, Richard Henry Lee wrote in 1788: "In forming a federal constitution, which ex vi termine, supposes state governments existing, and which is only to manage a few great national concerns, we often find it easier to enumerate particularly the powers to be delegated to the federal head, than to enumerate particularly the individual rights to be reserved..."; and

WHEREAS, Supreme Court Justice Joseph Story wrote in 1833: "Let us never forget, that our constitutions of government are solemn instruments, addressed to the common sense of the people and designed to fix, and perpetuate their rights and their liberties. They are not to be frittered away to please the demagogues of the day. They are not to be violated to gratify the ambition of political leaders. They are to speak in the same voice now, and for ever. They are of no man's private interpretation. They are ordained by the will of the people; and can be changed only by the sovereign command of the people.",

NOW THEREFORE,
BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

THAT the State of Arkansas, on behalf of all the citizens of this individual state, renew its commitment to all of the unalienable rights of its citizens and all of the constitutional civil authority reserved for the individual State of Arkansas.