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4
5 By: Representatives Bentley, S. Meeks, Dotson, Payton, Ladyman, B. Smith, Rye, C. Cooper, Ray, Carr,
6 Bryant, M. Berry
7 By: Senator D. Sullivan

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9 **HOUSE CONCURRENT RESOLUTION**

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

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14 **Subtitle**

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

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

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

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



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

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

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9 WHEREAS, the Tenth Amendment of the United States Constitution clearly
10 states: "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,
12 or to the people."; and

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

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

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

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

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

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

22
23 WHEREAS, Supreme Court Justice Joseph Story wrote in 1833: “Let us
24 never forget, that our constitutions of government are solemn instruments,
25 addressed to the common sense of the people and designed to fix, and
26 perpetuate their rights and their liberties. They are not to be frittered
27 away to please the demagogues of the day. They are not to be violated to
28 gratify the ambition of political leaders. They are to speak in the same
29 voice now, and for ever. They are of no man’s private interpretation. They
30 are ordained by the will of the people; and can be changed only by the
31 sovereign command of the people.”,

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33 NOW THEREFORE,

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

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

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