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HOUSE JOINT RESOLUTION NO. 558

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Establishing a joint subcommittee to study the status of compliance by the federal government with the terms of the United States Constitution and the Bill of Rights in its treatment of the citizens of the Commonwealth of Virginia. Report.

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Referred to Committee on Rules

WHEREAS, two hundred thirty four years ago, the Founders of the United States of America declared independence of the American Colonies from Great Britain and its King, famously proclaiming in the Declaration of Independence that under natural law the primary purpose for the institution of governments is the securing of the unalienable rights of men; that Governments have no just powers, but those to which the governed consent; and that the People have a right and a duty to alter or abolish Governments operating in violation of such principles; and

WHEREAS, on June 21, 1788, the United States became a nation. The several States joined together under a compact, the United States Constitution, which was conceived in the thought and spirit of the Declaration of Independence, and was a product of a remarkably extensive intellectual effort by some of the greatest American minds of the Eighteenth Century, superbly informed in the philosophies of the human society, politics, and law; and

WHEREAS, believing in the Baron de Montesquieu's principle that powerful, consolidated, central governments inevitably become unaccountable and oppressive, the Framers of the Constitution allowed the national government only enumerated and limited powers, those the States could not effectively exercise individually, addressing principally the States' interests in mutual defense, inter-State commerce, international relations and trade, and protection of citizens' individual rights from the national government's own violations; and

WHEREAS, to safeguard the individual rights and liberties of the People of the United States, the Framers built into the Constitution measures for the separation and control of powers, (a) making the national government tricameral and dividing the powers of its branches, (b) separating the powers of the national government from the powers of the States and the People, (c) supplying each of the governing bodies with mechanisms for opposing the usurpations of power by the other bodies, and d) engaging "the private interest of every individual... [as] a sentinel over the public rights."; and

WHEREAS, the Framers envisioned the liberty and empowerment of the citizen as the object and the ultimate means for the control of the national government, it was the Framers' communicated intent and the States' understanding during the Constitutional ratification that the State governments would sit in judgment of the Constitutional compliance by the national government and exercise authority over the remediation of any Constitutional trespasses by the national government; and

WHEREAS, during much of its history, the United States has been a land of unparalleled liberty, prosperity, and opportunities, yet from the country's birth as a Constitutional republic, and increasingly with the passage of time, the federal government has successfully pressed to expand its powers beyond the Constitutional bounds, undermining the fundamental principles on which the republic was founded and damaging in the process the state of individual rights and liberties, the rule of law, the national culture of individual self-reliance, responsibility, and empowerment, and the economy, all of which today are in severely distressed conditions; and

WHEREAS, Alexander Hamilton wrote "It may safely be received as an axiom in our political system that the State governments will, in all possible contingencies, afford complete security against invasions of the public liberty by the national authority. Projects of usurpation cannot be masked under pretenses so likely to escape the penetration of a select body of men, as the people at large" Federalist No. 28; and

WHEREAS, for too long the People of the United States and the States' governments, the custodians of the Constitution compliance, have exhibited a remarkable lack of timely awareness and resolve in the face of the unconstitutional growth of power of the national government, allowing it to: enact laws and institute agencies that impair the enjoyment of individual rights and liberties, interfere with and destroy the institution of family, discourage personal initiative and responsibility, evolve the federal tax collection from an operation the Framers intended to be small in comparison to the state revenue collections into a behemoth enterprise that dwarfs the latter; and

WHEREAS, Ronald Reagan called such an enterprise "utterly impossible, utterly unjust," whose

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59 rampant abuses of citizens' rights were publicly exposed during the nationally televised September 1997
60 Senate Finance Committee Oversight Hearing, an enterprise that drives small businesses into the ground
61 and makes the very enjoyment of Life and Liberty impossible for many of our countrymen, eclipse in
62 status and claimed authority the State governments, contrary to the Framers' stated intent, usurping
63 critical powers of the States and the People, and transforming the once proud Sovereigns, duty-bound to
64 defend their citizens' rights against encroachments from all quarters, to abject supplicants of federal
65 funding, stripped by a Supreme Court edict of even the historical standing to represent their citizens'
66 interests in Court, institute short-sighted and irresponsible economic and fiscal policies that have
67 impaired the operation of free markets, stifled productivity of honest businesses, ran up the national debt
68 to a catastrophic level, and left the nation with a fractured economy at the mercy of nations whose
69 interests and values are at odds with ours, and inject politics, judicial activism, and rampant mockery of
70 the due process rights of citizens into the judicial process, and promote a judicial culture in which the
71 judges issue rulings that "bear no relationship whatsoever to the cases that have been filed and argued...
72 falsify the facts of the cases... make disingenuous use or omission of material authorities... [and] cover
73 up these things with no-publication and no-citation rules"; and

74 WHEREAS, a government permitted to disregard and violate the will and rights of the people
75 inevitably succumbs to corruption and despotism that see the nation to cultural, moral, and economic
76 ruin, and as the federal government has grown destructive of the ends for which it was established, both
77 liberty and prosperity in the United States are facing an existential crisis, manifested today by, among
78 other, the federal government's imposition of health care mandates on the American people and by the
79 daunting state of the national economy; and

80 WHEREAS, the government of Virginia must fulfill its historical and Constitutional obligation to the
81 citizens of Virginia to investigate the federal government's compliance with the Constitution and the Bill
82 of Rights within the Commonwealth, as well as to exercise all legitimate powers at its disposal to
83 alleviate and present such abuses, now and in perpetuity; now, therefore, be it

84 RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be
85 established to study the status of compliance by the federal government with the terms of the United
86 States Constitution and the Bill of Rights in its treatment of the citizens of the Commonwealth of
87 Virginia. The joint subcommittee shall have a total membership of eight legislative members to be
88 appointed as follows: five members of the House of Delegates to be appointed by the Speaker of the
89 House of Delegates in accordance with the principles of proportional representation contained in the
90 Rules of the House of Delegates and three members of the Senate to be appointed by the Senate
91 Committee on Rules. The joint subcommittee shall elect a chairman and vice-chairman from among its
92 membership, who shall be members of the General Assembly.

93 In conducting its study, the joint subcommittee shall investigate the state of compliance by the
94 federal government with the terms of the United States Constitution and the Bill of Rights in its
95 treatment of the citizens of the Commonwealth and recommend remedies for (i) any unauthorized acts of
96 the federal government, (ii) actions that amount to noncompliance by the federal government with the
97 terms of the United States Constitution, and (iii) acts of Congress that are outside of the enumerated
98 powers specified in Article I, Section 8 of the United States Constitution and the Bill of Rights as they
99 relate to the treatment of citizens of the Commonwealth of Virginia.

100 Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates.
101 Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be
102 provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide
103 assistance to the joint subcommittee for this study, upon request.

104 The joint subcommittee shall be limited to four meetings for the 2011 interim, and the direct costs of
105 this study shall not exceed \$ 8,000 without approval as set out in this resolution. Approval for
106 unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the
107 joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is
108 agreed to, written authorization of both Clerks shall be required.

109 No recommendation of the joint subcommittee shall be adopted if a majority of the House members
110 or a majority of the Senate members appointed to the joint subcommittee (i) vote against the
111 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
112 joint subcommittee.

113 The joint subcommittee shall complete its meetings by November 30, 2011, and the chairman shall
114 submit to the Division of Legislative Automated Systems an executive summary of its findings and
115 recommendations no later than the first day of the 2012 Regular Session of the General Assembly. The
116 executive summary shall state whether the joint subcommittee intends to submit to the General
117 Assembly and the Governor a report of its findings and recommendations for publication as a House or
118 Senate document. The executive summary and the report shall be submitted as provided in the
119 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
120 and reports and shall be posted on the General Assembly's website.

121 Implementation of this resolution is subject to subsequent approval and certification by the Joint
122 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
123 delay the period for the conduct of the study, or authorize additional meetings during the 2011 interim.

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