

# House Concurrent Resolution No. 14

## 95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ERVIN.

4051L.011

**Whereas**, on October 26, 1987, President Ronald Reagan issued Executive Order  
2 Number 12612 regarding the division of governmental responsibilities and the fundamental  
3 principles of federalism; and  
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**Whereas**, President Reagan's executive order detailed the fundamental principles  
5 of federalism reflecting the limited, enumerated powers of the Constitution of the United States  
6 approved by the Constitutional Convention of 1787 and ratified by the ninth state on June 21,  
7 1788, along with the Bill of Rights ratified on December 15, 1791; and  
8  
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**Whereas**, the following statements from the executive order reflect the principles  
10 of federalism embodied in the Constitution of the United States:  
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13 (1) Federalism is rooted in the knowledge that our political liberties are best assured by  
14 limiting the size and scope of the national government;  
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16 (2) The people of the States created the national government when they delegated to it  
17 those enumerated governmental powers relating to matters beyond the competence of the  
18 individual States;  
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20 (3) The constitutional relationship among sovereign governments, State and national,  
21 is formalized in and protected by the Tenth Amendment to the Constitution;  
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23 (4) The people of the States are free, subject only to restrictions in the Constitution itself  
24 or in constitutionally authorized Acts of Congress, to define the moral, political, and legal  
25 character of their lives;  
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27 (5) In most areas of governmental concern, the States uniquely possess the constitutional  
28 authority, the resources, and the competence to discern the sentiments of the people and to  
29 govern accordingly. In Thomas Jefferson's words, the States are "the most competent  
30 administrations for our domestic concerns and the surest bulwarks against anti-republican  
31 tendencies";  
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33 (6) The nature of our constitutional system encourages a healthy diversity in the public  
34 policies adopted by the people of the several States according to their own conditions, needs, and  
35 desires. In the search for enlightened public policy, individual States and communities are free  
36 to experiment with a variety of approaches to public issues;

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38 (7) Policies of the national government should recognize the responsibility of - and  
39 should encourage opportunities for - individuals, families, neighborhoods, local governments,  
40 and private associations to achieve their personal, social, and economic objectives through  
41 cooperative effort;

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43 (8) In the absence of clear constitutional statutory authority, the presumption of  
44 sovereignty should rest with the individual States. Uncertainties regarding the legitimate  
45 authority of the national government should be resolved against regulation at the national level;  
46 and

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48 **Whereas**, in 1998, President Bill Clinton rescinded this executive order; and

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50 **Whereas**, the reinstatement of Executive Order Number 12612 is necessary "to  
51 restore the division of governmental responsibilities between the national government and the  
52 States that was intended by the Framers of the Constitution and to ensure that the principles of  
53 federalism established by the Framers guide the Executive departments and agencies in the  
54 formulation and implementation" of federal policies:

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56 **Now, therefore, be it resolved** that the members of the House of  
57 Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate  
58 concurring therein, hereby encourage President Barack Obama to reinstate Executive Order  
59 Number 12612 regarding the division of governmental responsibilities and the fundamental  
60 principles of federalism which was issued on October 26, 1987, by President Ronald Reagan, and  
61 later rescinded by President Bill Clinton in 1998; and

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63 **Be it further resolved** that the Chief Clerk of the Missouri House of  
64 Representatives be instructed to prepare a properly inscribed copy of this resolution for President  
65 Barack Obama.

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