

# House Concurrent Resolution No. 36

## 94TH GENERAL ASSEMBLY

4433L.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

**Whereas**, President Reagan's executive order detailed the fundamental principles  
4 of federalism reflecting the limited, enumerated powers of the Constitution of the United States  
5 approved by the Constitutional Convention of 1787 and ratified by the ninth state on June 21,  
6 1788, along with the Bill of Rights ratified on December 15, 1791; and

**Whereas**, the following statements from the executive order reflect the principles  
8 of federalism embodied in the Constitution of the United States:

10 (1) Federalism is rooted in the knowledge that our political liberties are best assured by  
11 limiting the size and scope of the national government;

12 (2) The people of the States created the national government when they delegated to it  
13 those enumerated governmental powers relating to matters beyond the competence of the  
14 individual States;

15 (3) The constitutional relationship among sovereign governments, State and national,  
16 is formalized in and protected by the Tenth Amendment to the Constitution;

17 (4) The people of the States are free, subject only to restrictions in the Constitution itself  
18 or in constitutionally authorized Acts of Congress, to define the moral, political, and legal  
19 character of their lives;

20 (5) In most areas of governmental concern, the States uniquely possess the constitutional  
21 authority, the resources, and the competence to discern the sentiments of the people and to  
22 govern accordingly. In Thomas Jefferson's words, the States are "the most competent  
23 administrations for our domestic concerns and the surest bulwarks against anti-republican  
24 tendencies";

25 (6) The nature of our constitutional system encourages a healthy diversity in the public  
26 policies adopted by the people of the several States according to their own conditions, needs, and  
27 desires. In the search for enlightened public policy, individual States and communities are free  
28 to experiment with a variety of approaches to public issues;

29 (7) Policies of the national government should recognize the responsibility of - and  
30 should encourage opportunities for - individuals, families, neighborhoods, local governments,

31 and private associations to achieve their personal, social, and economic objectives through  
32 cooperative effort;

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

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

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

43 **Now, therefore, be it resolved** that the members of the House of  
44 Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate  
45 concurring therein, hereby encourage President George W. Bush to reinstate Executive Order  
46 Number 12612 regarding the division of governmental responsibilities and the fundamental  
47 principles of federalism which was issued on October 26, 1987, by President Ronald Reagan, and  
48 later rescinded by President Bill Clinton in 1998; and

49 **Be it further resolved** that the Chief Clerk of the Missouri House of  
50 Representatives be instructed to prepare a properly inscribed copy of this resolution for President  
51 George W. Bush.