

House Concurrent Resolution No. 9

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor), FUNDERBURK, JONES (89),
GRISAMORE, KRAUS, BIVINS, EMERY AND NOLTE (Co-sponsors).

3806L.011

Be it enacted by the General Assembly of the state of Missouri, as follows:

Whereas, Thomas Jefferson said, "When the people fear their government there
2 is tyranny; when the government fears the people, there is liberty"; and
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Whereas, the Equal Protection Clause, part of the Fourteenth Amendment to the
4 United States Constitution, provides that "no state shall make or enforce any law which shall
5 abridge the privileges or immunities of citizens of the United States, nor shall any state deprive
6 any person of life, liberty or property without due process of law, nor deny to any person within
7 its jurisdiction the equal protection of the laws"; and
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Whereas, by its terms, the Equal Protection Clause restrains only state
10 governments. However, the Fifth Amendment's due process guarantee has been interpreted as
11 imposing the same restrictions on the federal government; and
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Whereas, to date, the Supreme Court of the United States has not extended full
14 "suspect class" status, status that makes a law that categorizes on the basis of suspect class and
15 therefore deserving of greater judicial scrutiny, to groups other than racial minorities and
16 religious groups; and
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Whereas, the Supreme Court of the United States has also refused to view
19 government discrimination based on a citizen's political belief or affiliation to be a suspect class;
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21 and
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Whereas, as a result, there is currently no requirement that the members of
23 Congress must be subject equally to the laws applicable to the other citizens of the United States;
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25 and
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27 **Whereas**, members of Congress should not be permitted to enact laws that do not
28 apply equally to all citizens of the United States, including themselves; and
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30 **Whereas**, a proposed 28th Amendment to the United States Constitution is
31 currently being circulated which states:
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33 "Congress shall make no law that applies to the citizens of the United States that
34 does not apply equally to the Senators or Representatives, and Congress shall
35 make no law that applies to the Senators or Representatives that does not apply
36 equally to the citizens of the United States."
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38 **Now, therefore, be it resolved** that the members of the House of
39 Representatives of the Ninety-fifth General Assembly, Second Regular Session, the Senate
40 concurring therein, hereby urge the United States Congress to submit the proposed 28th
41 Amendment to the United States Constitution to the States for ratification and inclusion in the
42 United States Constitution; and
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44 **Be it further resolved** that the Chief Clerk of the Missouri House of
45 Representatives be instructed to prepare properly inscribed copies of this resolution for the
46 Majority and Minority Leaders of the United States Senate and House of Representatives, and
47 each member of the Missouri Congressional delegation.

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