



## **Representative Jarrod B. Martin**

*70<sup>th</sup> House District*

### **Sponsor Testimony House Concurrent Resolution 11**

Chairman Gerberry, Ranking member Daniels, members of the State Government Committee, I appreciate the opportunity to come and present sponsor testimony for House Concurrent Resolution 11. I also would like to thank Representative Jordan for his collaboration and sponsorship of this resolution.

We all are aware of the importance of the U.S. Constitution as the legal foundation of our republic, I do not have to tell you the dire implications of one level of government ignoring some, or all, of this document. Our Constitution has served us well for over two hundred and twenty years, in part, because of the great respect and adherence to it by both the federal government *and* the respective states. It is true that since it's ratification in 1789, the U.S. Constitution has been interpreted by some of the most brilliant minds in our nation's history. One question that deeply divided the political thought of the founders was how many powers were to be granted to a centralized government and what authorities were to be retained by the states. This discussion has continued through the course of history and it continues still today.

The fear of a strong centralized government arose, in part, from the unfair policies and taxation established by the rule of the British crown. Policies and taxation over which the American colonists had no say. Some of the founders such as James Madison believed that the federal government would never become too powerful because the people, with these memories so vividly in their minds, would not allow it. After many months of debate, the Constitution was ratified, but not before it was agreed that a Bill of Rights be immediately added. What resulted were ten amendments to the Constitution that guarantees the rights of individual citizens and states alike. These included the security and guarantee of our most precious freedoms; those of speech, religion, press, and fair trials among others. Included in this same Bill of Rights is the Tenth Amendment, which reads:

*“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”*

I firmly believe the Constitution sought to ensure that all levels of government in our republic derive its’ power from the people, and the Tenth Amendment preserves this local control even in the face of the federal government.

As representatives of the people of Ohio, we play an important role between the constituencies of our districts and the state and federal governments. It is not only our right but it is our responsibility as Ohio’s elected officials to question the federal government and work towards the protection and preservation of a long established and sacred republican framework. Fellow members of the Ohio House and representatives sitting on this committee, we are the

ones that must take a stand to preserve the delicate balance between federal and state jurisdiction laid forth in our Constitution. While there are many powers and responsibilities granted to the federal government from which the states are prohibited, *all* others are retained by the states or people according to our Bill of Rights.

We must ensure that the federal government is adhering to the responsibilities set forth for them in the Constitution, and not arbitrarily assuming powers outside their delegated authority. Our resolution, perhaps more commonly known as the state sovereignty resolution seeks to do just that. For many years now, the Federal government has demonstrated to the states and the American people time and again negligence in following their Constitutional authority. An authority delegated to them by the states! While the federal government continues to serve an important role within the framework of our federal republic, we the people cannot, and must not, allow it to continue to violate the U.S. Constitution and Bill of Rights any longer through the use of mandates and other regulations upon the states.

Some of the most prevalent examples of this can be found in the language of recently enacted laws of Congress. Laws such as the 2002 No Child Left Behind Act, which mandated education reforms on the states while severely underfunding the costs to the states. The REAL ID Act of 2005 mandated to the states the minimum information that would be required on driver's licenses. The list goes on and on. Are the American people and the various states' not capable of providing sufficient education regulations knowing that we in Ohio know how best to educate the young people in our communities? Or that we cannot decide what minimum information is necessary on the driver's licenses our state issues? Most recently, there is word

that the Federal government may transfer international terrorists from Guantanamo to our state. Congressman Steve Austria has introduced legislation to prohibit this from occurring, but I ask you, is that not our decision to make?

We took an oath to protect and uphold the Constitution of the United States and are duty-bound to ask ourselves, are these and countless other examples really within the Constitutional authority of the federal government and by our silence do we relinquish our constitutionally reserved rights to an entity we the states created?

Additionally, this resolution is about making sure that the federal government does not financially cripple our children, grandchildren, and great-grandchildren. According to a recent report by the Congressional Budget Office, the proposed federal budget includes a deficit of nearly *\$1.7 trillion*. Even with annual budget deficits being reduced in subsequent years, the Congressional Budget Office estimates that the total cumulative budget deficit between 2010 and 2019 will be *\$9.3 trillion*. A deficit this size has not been seen since the end of World War II. While the current economic circumstances deserve consideration, we should not be satisfied with the federal government's rapid and unconstitutional expansion beyond the scope of its' authorities delegated to it by the states. I cannot in good conscious support these and other measures enacted by the federal government that will prove to be an encumbrance to us and subsequent generations.

In closing, there has always been discussion of this topic in American politics dating back to the founders, and this resolution will not end this discussion. Make no mistake, Ohio is, and will continue to be, a proud member state of the United States of America. This resolution

contains no secessionist language unlike similar resolutions proposed in other states, but rather seeks to have the federal government live within its constitutional authority. HCR 11 simply claims Ohio's rightful sovereignty over all powers not granted to the federal government by the U.S. Constitution, and resolves that all federal legislation directing states to comply with regulations or lose funding be prohibited or repealed.

I ask you to carefully consider HCR 11 and realize that this is not a Democrat or Republican resolution. This is an American resolution that simply asks that we follow the constitution. Thank you again for the opportunity to give testimony on this very important resolution. At this time, Representative Jordan has a few words. When his is finished we'll both be happy to answer any questions that you may have.