

following: "Twenty-five Thousand Dollars (\$25,000)" and insert in lieu thereof the following: "Fifty Thousand Dollars (\$50,000)".

Which amendment was read and adopted.

Favorable report, as amended, adopted.

The bill, as amended, was read the second time and ordered printed for its third reading.

Mr. Malkus, for the Committee on Judicial Proceedings, reported favorably,

Senate Resolution No. 1—By Senator Phoebus:

Senate Resolution urging the courts to desist from their recent usurpation of legislative functions.

Historically, the government of the State of Maryland and of the United States is based on separation of powers and resultant checks on undue concentration of power in any one branch of government.

It has long been recognized that the elected legislative branch of government has the prerogative and responsibility to enact laws.

The executive branch is charged with administering these laws.

The role of the judicial branch, in bringing about compliance with these laws and justice to society under these laws, includes constitutional review of these laws.

The courts traditionally have respected this division of powers and the inherent right of the legislature, on both the federal and state levels, to enact legislation. Therefore, the courts have consistently and firmly refused to consider political questions, the passage of the Fourteenth Amendment notwithstanding.

This precedent was shattered in early 1962 by a series of decisions of the Supreme Court of the United States and the lower Federal courts attacking the composition of State legislatures and the conduct of State elections.

Clearly, assumption of such power by Federal Courts violates not only the principle of separation of governmental powers, but also takes away the rights of states under the doctrine of federalism.

Acting pursuant to the unprecedented decisions of the federal courts, the courts of Maryland and more than twenty other states are now considering political questions, and have made decisions which negate the powers of state legislatures to determine their own composition and the conduct of their elections; now, therefore be it

Resolved by the Senate of Maryland, That the courts be urged to desist from their recent usurpation of the legislative prerogatives and responsibilities of the representatives elected by the people in Maryland to the State Legislature; and be it further

Resolved, That the Secretary of the Senate be instructed to send copies of this Resolution to the Chief Justice of the Supreme Court of the United States, the Chief Judge of the Court of Appeals of