

RESOLUTION

A Joint Resolution of the Senate and the House of Representatives of the State of _____ to declare as defective the current process of choosing Senators for the United States Senate by Popular Vote of the People and to provide for this State's Legislature the resumption of the Original Constitution power provided to it in Article I, Section 3, Clause 1, for the election and appointment of this State's Two United States Senators.

WHEREAS, the Founding Fathers came to a great compromise at the Constitutional Convention of 1787 and provided for proportional representation in the House of Representatives of the United States and equal representation for the States in the Senate of the United States; and

WHEREAS, the Founding Fathers determined that equal representation of the States in the Senate of the United States was to preserve the individual Sovereignty of each State; and

WHEREAS, James Madison, Father of the Constitution, in the Federalist Papers, Number 62, stated that, "It is equally unnecessary to dilate on the appointment of senators by the State legislatures. Among the various modes which might have been devised for constituting this branch of the government, that which has been proposed by the convention is probably the most congenial with the public opinion. It is recommended by the double advantage of favoring a select appointment, and of giving to the State governments such an agency in the formation of the federal government as must secure the authority of the former, and may form a convenient link between the two systems."; and

WHEREAS, the election of the United States Senators by the State Legislatures was the political mechanism against Congressional encroachment into the Sovereignty of the States; and

WHEREAS, one of the essential aspects of the states' exercise of this political mechanism is the United States Senate's advice and consent for treaties and appointments of executive and judicial officers made by the President of the United States; and

WHEREAS, James Madison stated in Federalist Papers #45, "The Senate will be elected absolutely and exclusively by the State legislatures."; and

WHEREAS, Article V of the U S Constitution, which provides for the process of Amending the Constitution, stated at the end, “and that no State, without its Consent, shall be deprived of it’s equal Suffrage in the Senate” clause has been violated in that all the States who voted against the Amendment and all the States who didn’t vote on the Amendment by virtue of the fact they were not in session to vote on the Amendment, have been clearly and Unconstitutionally deprived of their equal Suffrage in the Senate without their Consent; and

WHEREAS, the declared ratification of the Seventeenth Amendment in 1913 was defective on its face as the required number of States, according to Article V of the U S Constitution being a number that represented at least three fourths of the Forty Eight States in existence in 1913, being 36 States was not achieved; and

WHEREAS, Georgia was among several States having been listed in the Declaration of Ratification of the 17th Amendment as having Ratified, of which States were not in session and, as a result, did not take up the proposed 17th Amendment; and

WHEREAS, among the several States that did not meet the word perfect criteria for Ratification due to errors in wording and/or punctuation from the original Amendment as transmitted by Congress to the States, were New Hampshire, and

WHEREAS, under ‘Color of Law’, by a fraudulent Declaration of Ratification, there was a detrimental change to our form of Federal Government, being that of a Republic, which provided for a change in the election of the United States Senators from State Legislatures to the Popular Vote of the People of the States, thereby divesting the States of any direct voice in the Federal Government; and

WHEREAS, due to the differing modes of representation and election in the Federal House and the Senate prior to 1913, each branch provided a balance of legislative power against, and an independent check upon, the other; and

WHEREAS, prior to 1913 history reveals that in choosing their Senators, the individual State Legislatures supported the federal government, thereby providing harmony between the Governments of the States and the Government of the United States; and

WHEREAS, United States Federal Government has, since the declared ratification of the Seventeenth Amendment, steadily encroached upon the Sovereignty of the Several States united by and under the Constitution of the United States; and

WHEREAS, a Senator's general responsibility is to represent their State by way of their State’s Legislature; and

WHEREAS, each State Legislature has a role in compelling accountability from each of their United States Senators; and

WHEREAS, a State has the right to prescribe its own procedures regarding the selection process for United States Senators, including appointments in the case of deadlock.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF _____:

(1) That the Legislature of this State finds and declares to be defective the 1913 Declaration of Ratification of the 17th Amendment as Transmitted by Secretary of State William Jennings Bryan which provided for the current process of electing United States Senators by the Popular Vote of the People but fails to represent the interests of the individual States by which that chamber was created for.

(2) That this Legislature reclaim and resume the Constitutional appointment of U S Senators by recalling the current Popular elected Senators _____ and _____ to be replaced by appointments of our own election.

(3) That this Legislature make the two appointments to fill the last two of the six years left of the vacated seat of _____ and fill the last four years of the vacated seat of _____. At the end of each of these terms, a new election and appointment will be made by the Legislature of this State of _____.

(4) Upon approval by the Legislature of this State of _____, this resolution will take affect immediately and that the date for the election of these Two United States Senators by this Legislature to be set for _____.