



The Seventeenth Amendment A Law That Never Existed

(Author Unknown)

OUR SENATE? *"This has been a tough election and I'm happy it's over. And we finally upset that conservative who has been holding up all the progressive legislation for so many years."* *"Yes, finally."* declared the financial backer and mentor of the new Senator from Wisconsin. *"Now we'll be able to get more of our legislation through the Senate. This has been an uphill battle all the way. Old Charlie Smith sure gave us an intense fight. If we hadn't had the financial backing from so many of my friends, we never would have unseated him."* They called the Vice-President to administer the oath to the newly elected Senator. The ceremony was set for the 3rd day of January in his freshly decorated office. Present for the swearing in was his family and several friends who had arrived in Washington, D.C. only the day before.

They were thrilled at being in the Capitol building. They'd heard so much about all the pomp and circumstance in our Congress. The Senator's wife and children were smiling from ear to ear as was his mother. She was swelling with pride over her son being elected to the United States Senate. The Vice-President joined the happy group. *"Jack, I've come to administer the oath of your office. Hell, I know you believe in the Constitution, don't you?"* *"Yes Sir, of course."* The Vice-President shook his hand and immediately walked over to offer his congratulations to Jack's family. While the local television reporters were present, no one questioned that the oath was not administered. The happy scene was simply one of mass confusion. Reporters rushed forward to shake the hand of the new Senator. The cameras swung around to the Vice-President. He smiled and said, *"Welcome to The United States Senate! This is the World's Most Exclusive Club."* This performance is a continuing charade playing on the ignorance of the American public. The *"World's Most Exclusive Club"* has not been legally in session since the election following 1913. How 'bout that? There have been over seventy years of illegal legislation and unconstitutional treaty verification. 70+ years of unconstitutional confirmation of federal judges, ambassadors and officers of the President's cabinet. How can this be? Surely no one in our government would allow such a practice to continue if it were true.

Unfortunately, it is true. Usually, when you don't watch the store . . . you get robbed. And that is what has happened to our government. WE haven't been watching the store. The behind the scene power brokers have destroyed the form of our government. There are special checks and balances as protections which our Founding Fathers established at the Convention. Two branches of the Congress were established to protect the sovereignty of the States. This was a major stumbling block in the writing of our Constitution. The first branch, the House of Representatives, were to be elected

directly by the people. The representation in the House would vary according to population. This is still true today. The Senate, our second branch, was set up to represent State interests in the new government. Each State has equal representation and voice in national affairs. Senators were elected by each respective State legislature. Consequently each State became an integral part in the formation of the new national government. They designed this to be the link between the State and national systems of government. One advantage to this system was our Senators were less vulnerable to graft and control by persons with other than honorable motives. Whenever State legislatures suspected Senators were not watching out for the State's interest in national affairs they were often replaced. This was the check and balance against the first branch which was elected by popular vote. (Documents Illustrative of the Formation of the Union of the American States, House Document No. 398, 69th Congress, 1st Session,) (1965). This principle lasted until 1912. The power managers behind our government convinced the American people they had more wisdom than our Founding Fathers. They had an Amendment to our Constitution introduced into Congress proposing to give the election of Senators directly to the people. This Amendment had the net effect of destroying the sovereignty of State governments. The Secretary of State made the announcement on May 31, 1913. He declared the Amendment ratified by the legislatures of thirty-six of the forty-eight (sic) States. (ibid., footnote page 1071.)

Sounds innocent enough, doesn't it? Sounds all legal and constitutional. This is what the dudes in government want you to believe . . . but it's a lie, a fairy tale! Let's examine this sequence of errors. In fancy and boldly written letters, the introductory statement to our Constitution declares that WE THE PEOPLE established the Constitution for the United States of America. The key is WE THE PEOPLE. We granted permission to the new government for certain specified and limited powers. By so doing, we granted the new government operating powers and gave them jurisdiction over us. The document is full of '*thou shalt not*s'. Powers which were not granted cannot be assumed. Nor can any powers which were granted be enlarged or exceeded. The individual States were really jealous of their sovereignty. They all feared the powers given to the new national government were not sufficiently restricted. This fear of the smaller States of domination by the larger nearly wrecked the Constitutional Convention. They demanded a Bill of Rights be added to the new Constitution after ratification.

NO authority can be assumed by the national government -- the Tenth Amendment clearly spells out that the powers not delegated belong to the States or the people. This Amendment is the basis to determine whether the national government has permission to function in a given area. If the power was not delegated by us and spelled out in the document, they don't have it. This Amendment is the one the federal government chooses to ignore and probably wishes did not exist. Another basic assumption we have to acknowledge is only we can agree to any changes in the document. Therefore we are responsible for the operation of our government. They are responsible to us. To be President of the United States, a person MUST be a natural born citizen of the United States. (Art II, Sec 1) This is a fixed, explicit command. There are NO exceptions allowed. No emergency allowances or Amendment

saying anyone but a natural born citizen can be President. This is the only requirement in the entire document that a candidate be natural born. It's obvious the Founders put it there for a specific purpose. Philander C. Knox, play acting as Secretary of State, introduced the 17th Amendment into Congress in 1912. The man who was acting as President was William Howard Taft. Taft was born in Cincinnati, Ohio on September 15, 1857. SURPRISE . . . Ohio was NOT admitted to the Union until August 7, 1953! At the time Taft was elected to be President Ohio was simply a territory. It was not a State which means he was not a natural born citizen. Our Constitution was violated. He was not eligible to be President by any stretch of your imagination! So our illustrious Congress hits the panic button in a frantic effort to correct a major mistake. In their infinite 'wisdom', they passed a Joint Resolution admitting Ohio as a full and equal member of the union. (Public Law 204, 83rd Congress, 1st Session). Section 2 of that Resolution states:

"This joint resolution shall take effect as of March 1, 1803. Approved August 7, 1953."

Quick arithmetic shows that to be backdated by 150 years. That's ex-post facto law. They CAN'T do it! It's a conspicuous violation of our Constitution which states: "*No . . . ex post facto law shall be passed.*" (Art I, Sec 9) This was added protection for our citizens. An Act which was legal one day could not be declared illegal a day, a week, or even years later. NO law can be predated by one day. We didn't agree to any change through the Amendment process. That guaranteed protection of no ex post facto law is still the basic law of the land.

Another problem surfaces under this Public Law. They used a Resolution to make a law when the intent of the Founders was for only Bills to become law. Resolutions are to express an opinion or to censure some person or action but were never to become law. Taft was not President and his illegal lackeys such as Philander C Knox were not officials of the government. They introduced this Amendment illegally into Congress. It is therefore an unconstitutional act and of no legal consequence. The election of Senators is as it was in the beginning, by the Legislatures of the various states, NOT by popular vote. They have not been in session legally since 1913.

Wait . . . there's more! Let's look at the last two lines of Article V of our Constitution. "*. . . and that no State, without its consent, shall be deprived of its equal Suffrage in the Senate.*" The '*Secretary of State*' announced in 1913 it had been ratified by the legislatures of thirty-six of the forty-eight states. Article V says 100% of the States have to agree to any change in their equal voice in the Senate. Not three-quarters as he announced. 100 PERCENT of the States must agree. Delaware and Utah objected to the Amendment and nine other States did not act on it. Another section of the Constitution was violated in defiance of the authority we granted. Thirty-six States have forced a change on the other States in their equal voting power in the Senate.

Some might say they still have equal suffrage since there are two Senators from each State. (Sounds like a weak bureaucratic argument.) However, they no longer represent primarily the interest of the State. Now they supposedly represent the interests

of the people. All the States did not agree to allow for a change of equal voting power. These Acts constitute usurpation of powers we granted. For a definition of usurpation, in Black's Law Dictionary, we find: "*The unlawful seizure or assumption of sovereign power. The assumption of government or supreme power by force or illegally, in derogation of the constitution and of the rights of the lawful ruler.*"

Isn't this exactly what we have just found has been happening to the authority we granted? George Washington, in his Farewell Address, made the following remark: "*Usurpation is the customary weapon by which free governments are destroyed.*" Another admonition we have ignored. (Messages and Papers of the Presidents, J. D. Richardson, 1898) To quote Alexander Hamilton in The Federalist Papers, No. 78: "*There is no position which depends on clearer principles than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void.*" What they did is no good . . . they broke the law. (All references to 'Paper No. 78' are from this book.)

Hamilton goes on further in the same paper to state: "*To deny this would be to affirm that the deputy is greater than his principle; that the servant is above his master; that the representative of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize, but what they forbid.*" Madison, in Paper No. 62, makes clear the reasoning for the election of Senators by the States: "*In this spirit it may be remarked that the equal vote allowed to each State is at once a constitutional recognition of the portion of sovereignty remaining in the individual States and an instrument for preserving that residuary sovereignty.*" "*No law or resolution can now be passed without the concurrence, first, of a majority of the people, and then of a majority of the States.*" Presently, we no longer have that guarantee of one branch of the Congress watching the actions of the other branch. The established check and balance was destroyed.

These people now go willy-nilly passing legislation in direct contradiction to the intent of our Founding Fathers. As one obvious example, in 1982 a money bill originated in the Senate. Can't be done legally. This is in direct violation of a crystal clear restriction in our Constitution which dictates: "*All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.*" There was much heavy argument during the Constitutional Convention on this very issue of money bills. Is it becoming apparent that they now feel the servants are above the masters? After all, who in blazes are you? How do we correct this mess? I will be first to admit it will be difficult. There is no question they will be reluctant to give up their powers and positions. They're on the big gravy train and it's tough to derail. Phone calls and letters to the offices of your Senators would be a start. Letters to the Editors of local newspapers will alert other people. Let's start putting up some roadblocks to derail that train. Using Petitions For Redress of Grievances to Senators and Representatives will be a good tactic. It will be interesting to see what they have to say about it. State Legislatures will have to become involved in this fight. After all, it was their power in the national government and their sovereignty which was diluted

and destroyed. I'm also certain they know nothing about this issue at present so each citizen MUST question their State representative.

The States were duped into accepting the 17th Amendment. The States who did not act on the ratification would be the logical ones to initiate the action. They should force the federals to have the Amendment set aside. They easily repealed the 18th Amendment (Prohibition) by Conventions in the States. We have to start the action and get our government back within the confines of the authority which we granted! The filing of a civil suit as a federal question action in federal court would be another option. The action would have to be directly against the Senate for being illegally in session. The American people have the intelligence, ingenuity and backbone to get a job done once they are aware of a serious problem. We are not a nation of wimps . . . not yet anyway.

A comment is necessary concerning our new Senator not taking the required oath in our opening illustration. I personally have witnessed such an incident on local television news which concerned a newly elected Congressman. This business of Congress passing a law which is 150 years ex post facto has other serious ramifications. I will cover these in later papers.