

House Resolution 1098

By: Representatives White of the 3rd, Post 2, Graves of the 10th, Ralston of the 6th, Willard of the 40th, Rogers of the 15th, and others

A RESOLUTION

1 Urging the Congress of the United States to propose an amendment to the Constitution of the
2 United States to prohibit judicial taxation; and for other purposes.

3 WHEREAS, separation of powers is fundamental to the United States Constitution and the
4 power of the federal government is strictly limited; and

5 WHEREAS, under the United States Constitution, the states are to determine public policy;
6 and

7 WHEREAS, it is the duty of the judiciary to interpret the law, not to create law; and

8 WHEREAS, our present federal government has strayed from the intent of our founding
9 fathers and the United States Constitution through inappropriate federal mandates; and

10 WHEREAS, these mandates by the way of statute, rule, or judicial decision have forced state
11 governments to serve as the mere administrative arm of the federal government; and

12 WHEREAS, federal district courts, with the acquiescence of the United States Supreme
13 Court, continue to order states to levy or increase taxes to comply with federal mandates; and

14 WHEREAS, these court actions violate the United States Constitution and the legislative
15 process; and

16 WHEREAS, the time has come for the people of this great nation and their duly elected
17 representatives in state government to reaffirm, in no uncertain terms, that the authority to
18 tax under the Constitution of the United States is retained by the people who, by their consent
19 alone, do delegate such power to tax explicitly to those duly elected representatives in the
20 legislative branch of government who they choose, such representatives being directly
21 responsible and accountable to those who have elected them; and

1 WHEREAS, the lawmakers of Alabama, Alaska, Arizona, Colorado, Delaware, Guam,
2 Illinois, Kansas, Louisiana, Mariana Islands, Massachusetts, Michigan, Missouri, Nevada,
3 New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania, South Carolina, South
4 Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming have petitioned the United
5 States Congress to propose an amendment to the Constitution of the United States of
6 America; and

7 WHEREAS, the amendment was previously introduced in Congress; and

8 WHEREAS, the amendment seeks to prevent federal courts from levying or increasing taxes
9 without representation of the people against the people's wishes; and

10 WHEREAS, under Article V of the Constitution of the United States, an amendment to the
11 Constitution may be proposed by Congress and shall become part of the Constitution when
12 ratified by three-fourths of the several states.

13 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
14 GEORGIA that the State of Georgia urges the Congress of the United States to propose an
15 amendment to the Constitution of the United States to add a new article to read as follows:
16 "Neither the Supreme Court nor any inferior court of the United States shall have the power
17 to instruct or order a state or political subdivision thereof, or an official of such a state or
18 political subdivision, to levy or increase taxes."

19 BE IT FURTHER RESOLVED that this resolution constitutes a continuing application in
20 accordance with Article V of the Constitution of the United States.

21 BE IT FURTHER RESOLVED that the State of Georgia requests the Congress to submit to
22 the several states an amendment to the Constitution of the United States for the purpose of
23 ratification or rejection.

24 BE IT FURTHER RESOLVED that the State of Georgia also proposes that the legislature
25 of each of the several states comprising the United States not enumerated in the ninth
26 undesignated paragraph of this resolution apply to the Congress requesting the enactment of
27 an amendment to the United States Constitution, as described in this resolution.

28 BE IT FURTHER RESOLVED that this resolution be transmitted to the Secretary of State
29 and presiding officers of the houses of the legislature of each of the other states in the union,

1 to the President and Vice President of the United States, to the Speaker of the United States
2 House of Representatives, to each Senator and Representative in the Congress of the United
3 States, to the Clerk of the United States House of Representatives, and to the Secretary of the
4 United States Senate.