

House Resolution 773

By: Representative Rice of the 51st

A RESOLUTION

1 Affirming states' sovereignty based on constitutional principles; and for other purposes.

2 WHEREAS, the Constitution of Georgia recognizes in Article I, Section II, Paragraph I, that
3 "[a]ll government, of right, originates with the people, is founded upon their will only, and
4 is instituted solely for the good of the whole"; and

5 WHEREAS, the Constitution of Georgia further recognizes in Article I, Section II,
6 Paragraph II, that "[t]he people of this state have the inherent right of regulating their internal
7 government" and that "[g]overnment is instituted for the protection, security, and benefit of
8 the people; and at all times they have the right to alter or reform the same whenever the
9 public good may require it"; and

10 WHEREAS, as a part of the Bill of Rights, the Ninth Amendment to the Constitution of the
11 United States provides that the "enumeration in the Constitution, of certain rights, shall not
12 be construed to deny or disparage others retained by the people" and the Tenth Amendment
13 provides that the "powers not delegated to the United States by the Constitution, nor
14 prohibited by it to the States, are reserved to the States respectively, or to the people"; and

15 WHEREAS, the several states of the United States of America did not provide for unlimited
16 submission to a central government, but constituted a general government under the
17 Constitution of the United States with definite powers and for certain purposes, reserving for
18 themselves the power of self-government and self-regulation and all other rights and powers
19 not specifically given to the central government; and

20 WHEREAS, when the central government assumes powers that were not specifically
21 delegated to the central government by the states and the people, its acts are not authoritative
22 and are void and of no force or effect; and

23 WHEREAS, the central government is not the exclusive or final judge or arbiter of whether
24 it possesses such powers or the extent of such powers since the measure of such powers is
25 the Constitution, which is in essence a contract among the several states, each of which has
26 an equal right to judge for itself violations and infractions thereof; and

27 WHEREAS, the Constitution of the United States, having delegated to Congress the power
28 to punish treason, counterfeiting the securities and current coin of the United States, piracies
29 and felonies committed on the high seas, and offenses against the law of nations and no other
30 crimes whatsoever; and

31 WHEREAS, all acts of Congress which assume to create, define, or punish crimes other than
32 those so enumerated in the Constitution are not law but are altogether void and of no force
33 or effect; and

34 WHEREAS, the power to create, define, and punish such other crimes is reserved and, of
35 right, appertains solely and exclusively to the individual states, each within its own territory;
36 and

37 WHEREAS, the First Amendment, which provides that "Congress shall make no law
38 respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging
39 the freedom of speech, or of the press; or the right of the people peaceably to assemble, and
40 petition the Government for a redress of grievances," delegates to the central government no
41 power over such matters as religion, speech, and the press; and

42 WHEREAS, because the Constitution therefore does not delegate to the central government
43 any powers over the freedoms of religion, speech, and the press, such powers are reserved
44 to the states or to the people, and the states may determine for themselves the extent to which
45 such freedoms may be exercised without being abused and to which restrictions on such
46 freedoms may be tolerated without destroying such freedoms; and

47 WHEREAS, all acts of the Congress of the United States which abridge the freedom of
48 religion, freedom of speech, and freedom of the press are not law but are altogether void and
49 of no force or effect; and

50 WHEREAS, by this resolution, the State of Georgia conveys its support for the positions
51 already taken by the State of New Hampshire in reaffirming the principles under which the
52 Constitution of the United States was adopted, recognizing the limits on the powers of

53 central government, and standing against any notion that the states have delegated any
54 powers to the central government other than those specifically delegated in the Constitution;
55 and

56 WHEREAS, any act of Congress, executive order of the President of the United States, or
57 judicial opinion of any federal court which assumes a power not delegated to the government
58 of the United States and which serves to diminish the liberty of any of the several states or
59 their citizens shall constitute a nullification of the Constitution by the government of the
60 United States. Such acts include, but are not limited to:

- 61 (1) Establishing martial law or a state of emergency within one of the states without the
62 consent of the legislature of that state;
- 63 (2) Requiring involuntary servitude or governmental service other than pursuant to, or as
64 an alternative to, incarceration after due process of law;
- 65 (3) Surrendering any power, delegated or not delegated, to a corporation or foreign
66 government;
- 67 (4) Any act regarding religion, further limitations on freedom of political speech, or further
68 limitations on freedom of the press; and
- 69 (5) Further infringements on the right to keep and bear arms, including prohibitions of type
70 or quantity of arms or ammunition.

71 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
72 GEORGIA that, should any act of Congress be passed or any executive order of the President
73 or judicial opinion of any federal court that is contrary to the delegated powers expressly
74 granted to the central government in the Constitution of the United States be put into force,
75 all powers previously delegated to the United States by the Constitution shall revert to the
76 several states individually, and any future government of the United States shall require
77 ratification by three-quarters of the states seeking to form a government of the United States
78 and shall not be binding upon any state not seeking to form such a government.

79 BE IT FURTHER RESOLVED that the members of this body affirm the sovereignty of the
80 states under the principles upon which the Constitution of the United States is based and
81 stand with the several states in seeking to ensure that the federal government only exercises
82 those powers and acts in those areas in which it is specifically delegated powers by the
83 Constitution, with the residual mass of powers being within the province of the several states
84 to exercise and act as each state deems appropriate.

85 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
86 and directed to transmit an appropriate copy of this resolution to the President of the United
87 States, the President of the United States Senate, the Speaker of the United States House of
88 Representatives, the Secretary of State of the United States, the presiding officer of each
89 house of the legislature in each state, and each member of the Georgia congressional
90 delegation.