

House Resolution 776

By: Representative Reese of the 98th

A RESOLUTION

1 Affirming states' rights based on Jeffersonian 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 should not be the exclusive or final judge or arbiter of
24 whether it possesses such powers or the extent of such powers since the measure of such
25 powers is the Constitution, which is in essence a contract among the several states, each of
26 which has an equal right to judge for itself violations and infractions thereof; and

27 WHEREAS, examples of such rights can be found in the First Amendment which provides
28 that "Congress shall make no law respecting an establishment of religion, or prohibiting the
29 free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the
30 people peaceably to assemble, and petition the Government for a redress of grievances"
31 which delegates to the central government no power over such matters as religion, speech,
32 and the press; and

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

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

41 WHEREAS, by this resolution, the State of Georgia conveys its support for the positions
42 already taken by the State of New Hampshire in reaffirming the principles under which the
43 Constitution of the United States was adopted, recognizing the limits on the powers of
44 central government, and standing against any notion that the states have delegated any
45 powers to the central government other than those specifically delegated in the Constitution;
46 and

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

52 (1) Establishing martial law or a state of emergency within one of the states without the
53 consent of the legislature of that state;

- 54 (2) Requiring involuntary servitude or governmental service other than a draft during a
55 declared war or pursuant to, or as an alternative to, incarceration after due process of law;
- 56 (3) Requiring involuntary servitude or governmental service of persons under the age of
57 18 other than pursuant to, or as an alternative to, incarceration after due process of law;
- 58 (4) Surrendering any power, delegated or not delegated, to a corporation or foreign
59 government;
- 60 (5) Any act regarding religion, further limitations on freedom of political speech, or further
61 limitations on freedom of the press; and
- 62 (6) Further infringements on the right to keep and bear arms, including prohibitions of type
63 or quantity of arms or ammunition; and

64 WHEREAS, should any act of Congress become law or any executive order of the President
65 or judicial order of any federal court be put into force, all powers previously delegated to the
66 United States by the Constitution should revert to the several states individually, and any
67 future government of the United States shall require ratification by three-quarters of the
68 states seeking to form a government of the United States and shall not be binding upon any
69 state not seeking to form such a government.

70 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
71 the members of this body affirm the rights of the states under the Jeffersonian principles
72 upon which the Constitution of the United States is based and stand with the several states
73 in seeking to ensure that the federal government only exercises those powers and acts in
74 those areas in which it is specifically delegated powers by the Constitution, with the residual
75 mass of powers being within the province of the several states to exercise and act as each
76 state deems appropriate.

77 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
78 and directed to transmit an appropriate copy of this resolution to the President of the United
79 States and the members of the Georgia congressional delegation.