

SENATE CONCURRENT RESOLUTION NO. 53

WHEREAS, in the American system, sovereignty is defined as final authority, and the people, not government, are sovereign; and

WHEREAS, the founders of the Constitution created an ingenious template of checks and balances, with divisions and distributions of power to provide for and protect the highest sovereignty--that of each individual citizen; and

WHEREAS, the people of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes only and retained sovereignty for the states and each individual citizen over all other purposes; and

WHEREAS, the Founding Fathers determined that equal representation of the states in the Senate of the United States recognized the individual sovereignty of each state and provided an impediment against encroachment into the sovereignty of the states by the federal government; and

WHEREAS, James Madison, in the Federalist Papers, No. 62, wrote on the appointment of senators by the state legislatures that it gives the "...State governments such an agency in the formation of the federal government as must secure the authority of the former..."; and

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

WHEREAS, James Madison explained this independent check against improper acts of legislation in Federalist Papers, No. 62, "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."; and

WHEREAS, the ratification of the 17th Amendment in 1913 changed the election of the United States Senators from the 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 has diluted the power of the separate states, unbalanced federalism, and has resulted in the increased power of the federal government; and

WHEREAS, the Congress of the United States has, since the ratification of the 17th Amendment, steadily encroached upon the sovereignty of this and the other states united by and under the Constitution of the United States; and

WHEREAS, a Senator's general responsibility should be, as intended by our founders, to represent state government and the state legislature; and

WHEREAS, the state legislature has a role in compelling accountability from United States Senators:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fifth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby declare defective the current process of choosing United States Senators, request Congress to transmit for consideration by the states of the United States, an amendment to the 17th Amendment to the United States Constitution that provides for state legislatures to elect members of the United States Senate; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri congressional delegation.