

Joint Resolution of the Georgia General Assembly regarding the 14th and 15th Amendments

Joint Resolution of the Georgia General Assembly

Mar. 8, 1957

MEMORIAL TO CONGRESS—FOURTEENTH AND FIFTEENTH AMENDMENTS TO U.S. CONSTITUTION BE DECLARED VOID.

No. 45 (Senate Resolution No. 39).

A Resolution.

A memorial to the Congress of the United States of America urging them to enact such legislation as they may deem fit to declare that the 14th and 15th amendments to the Constitution of the United States were never validly adopted and that they are null and void and of no effect.

Whereas, the State of Georgia together with the ten other Southern States declared to have been lately in rebellion against the United States, following the termination of hostilities in 1865, met all the conditions laid down by the President of the United States, in the exercise of his Constitutional powers to recognize the governments of states, domestic as well as foreign, for the resumption of practical relations with the Government of the United States, and at the direction of the President did elect Senators and Representatives to the 19th Congress of the United States, as a State and States in proper Constitutional relation to the United States; and

Whereas, when the duly elected Senators and Representatives appeared in the Capitol of the United States to take their seats at the time for the opening of the 19th Congress, and again at the times for the opening of the 19th and the 21st Congresses, hostile majorities in both Houses refused to admit them to their seats in manifest violation of Articles I and V of the United States Constitution; and

Whereas, the said Congresses, not being constituted of Senators and Representatives from each State as required by the Supreme Law of the land, were not, in Constitutional contemplation, anything more than private assemblages unlawfully attempting to exercise the Legislative Power of the United States; and

Whereas, the so-called 19th Congress, which proposed to the Legislatures of the several States an amendment to the Constitution of the United States, known as the 14th Amendment, and the so-called 19th Congress, which proposed an amendment known as the 15th Amendment, were without lawful power to propose any amendment whatsoever to the Constitution; and

Whereas, two-thirds of the Members of the House of Representatives and of the Senate, as they should have been constituted, failed to vote for the submission of these amendments; and

Whereas, all proceedings subsequently flowing from these invalid proposals, purporting to establish the so-called 14th and 15th Amendments as valid parts of the Constitution, were null and void and of no effect from the beginning; and

Whereas, furthermore, when these invalid proposals were rejected by the General Assembly of the State of Georgia, and twelve other Southern States, as well as of sundry Northern States, the so-called 39th and 40th Congresses, in flagrant disregard of the United States Constitution, by the use of military force, dissolved the duly recognized States Governments in Georgia and nine of the other southern States and set up military occupation or puppet State governments, which compliantly ratified the invalid proposals, thereby making (at

the point of the bayonet) a mockery of Section 4, Article IV of the Constitution, guaranteeing “to every State in this Union a Republican Form of Government,” and guaranteeing protection to “each of them against invasion”; and

Whereas, further, the pretended ratification of the so-called 14th and 15th Amendments by Georgia and other States whose sovereign powers had been unlawfully seized by force of arms against the peace and dignity of the people of those States, were necessary to give color to the claim of the so-called 40th and 41st Congresses that these so-called amendments had been ratified by three-fourths of the States; and

Whereas, it is a well-established principle of law that the mere lapse of time does not confirm by common acquiescence an invalidly-enacted provision of law just as it does not repeal by general desuetude a provision validly enacted; and

Whereas, the continued recognition of the 14th and 15th Amendments as valid parts of the Constitution of the United States is incompatible with the present day position of the United States as the World’s champion of Constitutional governments resting upon the consent of the people given through their lawful representatives;

Now, therefore, be it resolved by the General Assembly of the State of Georgia:

The Congress of the United States is hereby memorialized and respectfully urged to declare that the exclusions of the Southern Senators and Representatives from the 39th, 40th and 41st Congresses were malignant acts of arbitrary power and rendered those Congresses invalidly constituted; that the forms of law with which those invalid Congresses attempted to clothe the submission of the 14th and 15th amendments and to cloth the subsequent acts to compel unwilling States to ratify these invalidly proposed amendments, imparted no validity to these acts and amendments; and that the so-called 14th and 15th Amendments to the Constitution of the United States are null and void and of no effect.

Be it further resolved that copies of this memorial be transmitted forthwith by the Clerk of the House and the Secretary of the Senate of the State of Georgia to the President of the United States, the Chief Justice of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress of the United States, and the Senators and Representatives in the Congress from the State of Georgia.

Approved March 8, 1957.