

Joint Resolution of the Georgia General Assembly proposing state rights amendment

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March 24, 1960

MEMORIAL TO CONGRESS PROPOSING AN AMENDMENT TO THE CONSTITUTION—  
STATE RIGHTS.

No. 220 (House Resolution No.279-600).

A RESOLUTION.

Relative to State Rights; and for other purposes.

Whereas, significant events have occurred in the course of contemporary history under our government of laws which call for a rededication of our constitutional theory of self-government and state sovereignty as established by our forefathers and guaranteed in the 1st and 10th Amendments to our Federal Constitution; and

Whereas, unbiased examination reveals that an appeal to reason and judgment is necessary as to all issues where in the Federal Government has transcended its delegated authority and has encroached upon the rights of the citizens of the sovereign State of Georgia and her sister states, and this invasion of our reserved powers must not be unchallenged; and

Whereas, the General Assembly of the State of Georgia is the appropriate body under mandate from the people of Georgia to intervene between Federal encroachment and state sovereignty; and

Whereas, Article V, Section 1, of the Constitution of the United States prescribes the only method of reestablishing those sacred constitutional principles affect the very sovereign existence of the several states; and

Whereas, the General Assembly of Georgia explicitly affirms and declares that the powers of the Federal Government in all its branches and agencies are limited by the terms of the Constitution creating the Federal union to which the states are parties and by the plain sense and intended construction and interpretation of its provisions; and

Whereas, the basic concept of the Federal Constitution apparent upon its face is that the ratifying states, parties thereto, agreed voluntarily to delegate certain of their sovereign rights to a Federal Government thus constituted and that all powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the respective states or to the people; and

Whereas, failure of this State to emphasize her clearly reserved powers could not be construed as tacit consent and acquiescence in the surrender thereof; and that submissive acquiescence to palpable, deliberate and dangerous encroachments could in the end lead to the surrender of all powers reserved to the states and inevitably to the obliteration and destruction of the sovereignty of the states contrary to the concepts and ideals embodied in the sacred compact by which this union of the states was created;

Now therefore be it resolved by the General Assembly of Georgia that the sovereign State of Georgia intervenes and registers officially its objection on behalf of its people to the effort to the Federal Government to assert an unlawful dominion over her citizens and humbly appeals to her sister states for their help and

guidance in protecting the inalienable rights and cherished freedoms; to join in taking appropriate steps for the submission of a Constitution Amendment which clearly and unequivocally defines state rights as understood by our forefathers, the framers of the Georgia Constitution and the United States Constitution; and that, until the question of states rights here asserted by the State of Georgia be settled by clear Constitutional Amendment, Georgia declares her firm intention to take all appropriate measures honorably, legally and constitutionally available to the State to resist illegal encroachment upon her sovereign power, and to urge her sister states to join in protecting these inviolable rights and cherished freedoms of their people and to urge the Congress of the United States to exercise prompt and deliberate efforts to curtail further encroachment by the Federal Government upon the reserved powers of the respective States;

And be it further resolved that the Clerk of the House is hereby directed to transmit a copy of the resolution to the Governor of this State and of each of the other States, to the President of the United States, to the Vice-President of the United States, to the Speaker of the United States House of Representatives and to each member of the Georgia Congressional Delegation.

Approved March 24, 1960.

Ga. Laws 1960, pp. 1177-1179.