

The Bitter Harvest of the 17th Amendment

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Subtitle: A Mistake That Keeps on Giving. Our once Free Republic continues to reel from a one hundred and four-year-old mistake: the 17th Amendment. Pardon me if I don't celebrate tomorrow's anniversary.

Republican theory demands the consent of the governed. From ancient Greece, republican Rome, Saxon Germany, and the English kingdom from which we declared our Independence, the component members of their societies had a place at the lawmaking table. Greek ecclesia, Roman tribunes and senators, Saxon Micklegemots, English commons, lords and king, encompassed the totality of their societies. By this, the consent of the governed was present in every law.

Unlike simpler Greek or Saxon societies which met in single-house democratic assemblies to craft their laws, the vast American Republic required representation of an additional component member, the states. Like the people, the states preceded the Union. Also like the people, the states relinquished some powers in exchange for legislative representation. Out of necessity, our republic was a compound form; it featured both democratic and federal elements.

It could be no other way, for the states would have never subjected themselves to a government in which they were not represented. Until the 17th Amendment, no republic in history denied the lawmaking consent of a component member. Since 1913, the states have been subjected to arbitrary, despotic rule – tyranny. While the Constitution and subsequent laws and court rulings still act on the states, the states have no say in the government of their creation. Left in the wake of the 17A is federalism without a federal government!

Post-17A, the senate is an institution whose foundation cannot support its purposes. Popularly derived bodies are not known for their caution and circumspection. Instead of reflecting the distinct interests of the various states, senators are no more than at-large politicians with extended terms in which they are free to serve their electoral and party interests rather than those of their states and nation.

When confronted with strong-willed presidents, these roving politicians typically seek electoral safety in rubber-stamping executive initiatives. It is why treaties and presidential nominees to high offices are rarely opposed, and why presidents since FDR have gotten away with the appointment of federal judges hostile to the 9th and 10th Amendments. Worst of all, as just another popularly derived chamber but with dangerously long terms, the post-17A senate not only doesn't serve as a check on the House of Representatives, it is typically a partner to the House's wild social justice initiatives.

This contradiction, this tyranny within an otherwise rational form of government will be our demise. Because of the

17A, the tyranny exerted on the states is fast overwhelming the other component of the American republic – the people.

Scotus outrages enabled by the 17A go back to the New Deal:

- *Helvering v. Davis* (1937) To promote the general welfare, government may rob Peter to enrich Paul.
- *Wickard v. Filburn* (1942) Washington, DC can regulate just about any commercial activity.
- *Engel v. Vitale* (1962) The Constitution prohibits prayer in public schools.
- *Roe v. Wade* (1973) Fifty-five million innocent dead and counting.
- A series of decisions culminating in *Chevron USA Inc. v. Natural Resources Defense Council* (1984), so much as rendered the states subservient to executive branch agencies.
- *Obergefell v. Hodges* (2015) Homosexual marriage. Five lawyers know better than thousands of years of Western Civilization.

A few days ago, the 7th Circuit Court of Appeals ruled that the 1964 Civil Rights Act protects homosexuals from workplace discrimination. Oh. Who knew?

Of course, there are dozens more. The effect of the mistaken 17th Amendment was to gradually snuff out free government, that happy condition in which government respects the Laws of Nature and makes no law without the consent of the component members of the nation. Scotus amends statutory law and the Constitution at will and without fear.

In conclusion, we should remain excited about President Trump's reforms, yet realize our situation is beyond the redemption of one man. Not even the enormous will of the President can salvage our dying republic. Right now, the Deep State slow-rolls congressional inquiries into Susan Rice's illegal and high crime surveillance, without court ordered warrants, of Team Trump and many others. It is up to us to rescue free government. What took over a hundred years to screw up cannot be restored overnight, yet there must be a starting point. Begin with restoration of the first principle of republican free government, the consent of the governed. Repeal the 17th Amendment through Article V.

We are the many; our oppressors are the few. Now, it is our turn. Be proactive. Be a Re-Founder. Join Convention of States. [Sign our COS Petition.](#)

This is an updated post from April 8th 2016.