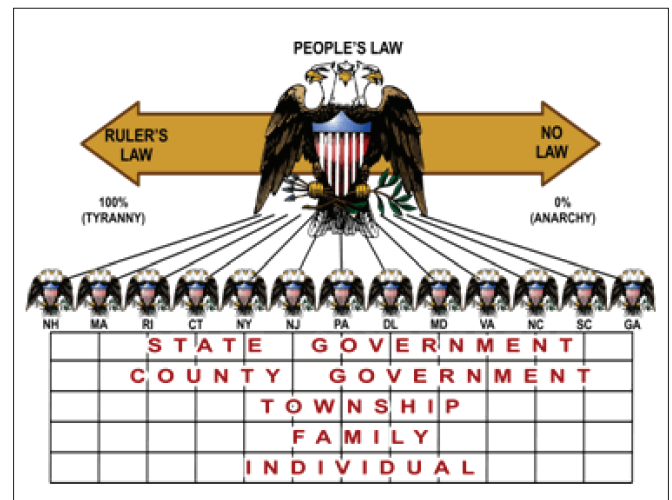


# The 17th Amendment and the Destruction of Federalism

by Earl Taylor

One of the most heated topics in all of the Constitutional Convention of 1787 concerned the protection of the states from an overpowering national government. In the beginning, the large states wanted both houses of congress to be representative of the population of the different states. The small states, of course, saw this as a means by which they would be robbed of their voices and the large states would have total dominance in congress. This problem nearly split and destroyed the convention.

It wasn't until Roger Sherman of Connecticut proposed his Great Compromise that the influential leaders began to see the wisdom of this new system—the House would represent the states according to population and the Senate would represent the states equally. Each side of the issue would thus be represented. It was at this time that Washington admitted he was wrong at first and that this new idea truly had merit in forming a more perfect union. What some may not have realized fully was the protection this new idea gave to the people against an abusive national government.



Notice how:

1. Each level of government is separate and distinct and has its own duties which it does best.
2. The national government is in the balanced center of the political spectrum—not too little and not too much governmental power. It is divided into three heads or branches.
3. The lines coming from the national government stop at the states. The states deal directly with the national government. The states provide the great bulwark of protection for the people against any overpowering move by the national government.

4. The Senate is made up of senators who are sent by the states to see to it that the national government never intrudes into states' rights and reaches down to the people. They are chosen by the state legislators who know better than the people when the national government is encroaching onto states' rights.

Even though Washington became a foremost proponent of the senators being chosen by the state legislatures, some of the others were slow to see the wisdom of that system. One of those was Thomas Jefferson.

Thomas Jefferson was not at the convention and was not privy to the many heated debates prior to the Great Compromise. He was a great populist and always thought representation should be by population. Even though he had tutored Madison by sending him many books prior to the convention, still he had questions about this new procedure.

When Jefferson finally returned from France, he asked Washington why the senators were not elected by the people. Washington asked him why he poured his hot drink in his saucer before drinking it. And Jefferson replied, "To cool it." "And that," Washington replied, "is what the Senate is for." The Senate is to cool down any hotheaded or imprudent legislation coming out of the House.

### The Temptation of Representatives in the House

One might ask, "What is there about the House members that would engender hot-headed or imprudent legislation?" They are elected every two years, which means they have to campaign for reelection every two years. Since Representatives in the House have mostly to do with raising and spending

money (all revenue bills must begin in the House) they just might be tempted to say to their constituents, "Look what I have done for you! I have brought you all of this federal money down into our district, down into our schools, our towns and cities, our hospitals, our county, our health care systems, etc. Re-elect me so I can keep these monies coming to us." In other words, the House members would be the most likely ones to get the people hooked on federal money by building a "money bridge" from Washington, D.C. directly to the people. And, of course, they would fall prey to the age-old technique of taking from those who have in order to give more and more to those who have not.

If this happens, what level of government would be completely left out of the process? The states! The very level of government meant to stand between the national government and the people!

James Madison felt this whole balanced system would be destroyed because of this weakness of human nature. He described it this way:

*"These [the 'have-nots'] may in time outnumber those [the 'haves'] who are placed above the feelings of indigence. According to the equal laws of suffrage [each person has one vote], the power will slide into the hands of the former. No agrarian attempts have yet been made in this country; but symptoms of a leveling spirit, as we have understood, have sufficiently appeared in a certain quarter to give notice of the future danger."*

He then explains that the Founders created the Senate to prevent leveling from occurring: *"How is this danger to be guarded*

*against, on the republican principles? How is the danger, in all cases of interested coalitions to oppress the minority [the 'haves'], to be guarded against? Among other means, by the establishment of a body, in the government, sufficiently respectable for its wisdom and virtue to aid, on such emergencies, the preponderance of justice, by throwing its weight into that scale. Such being the objects of the second branch in the proposed government [the Senate], he thought a considerable duration [six-year terms] ought to be given to it."*

Madison's words above explained why the Senate was to guard the property of those who "have" against those who "have-not" but the Senate also protected the people from the very wealthy "haves" who sought power over everybody else.

### **The Original Senate Also Stands In the Way of Those Who Want Centralized Government**

The Founders' formula for the Senate also prevented some of the super-wealthy 'haves' from gaining power by centralizing power in Washington. The Industrial Revolution produced some very wealthy capitalists, a few of which sought to control the machinery of the national government. In their attempts to do so, the states stood in their way. It was difficult to centralize power in Washington when those pesky states are always there to say "no" to proposals which would usurp power from the states and infringe on states' rights. One of the things these wealthy people did, however, is get control of much of the media in order to influence public opinion. This set the stage for major changes in the structure of the national government. It was dubbed the "progressive" era.

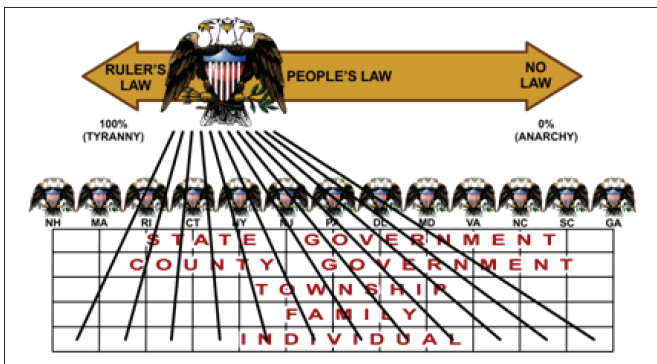
### **The Scheme to Rip the States Out of the Machinery of the National Government**

Because the state legislatures were the ones who elected U. S. Senators, there were a few charges of irregularities or corruption in the process in a couple of states. This is all the centralized power-schemers needed. When the charges of bribery began to surface in some states, the media picked up the stories and cried out to the people, "Do you really want those politicians in your state capitals electing your senators? Wouldn't it be more 'democratic' (a new progressive era term) to let the people elect the senators?" This scenario was the perfect storm to destroy the states influence in the national government.

When the proposal was made in congress to amend the Constitution to require election of senators by the people it was first resisted by the Senate. It knew what this would mean—a total destruction of the great states' bulwark of protection of the people. But the media frenzy was too strong and enough senators finally caved in to the pressure and Congress approved what was to become the Seventeenth Amendment to the Constitution.

Many of the states also at first refused to ratify the amendment, knowing they would be giving up their ability to hold a check on the national government. But once again, enough state legislatures eventually yielded to the pressure and the amendment eventually received the required three-fourths approval of the states to become the Seventeenth Amendment to the Constitution. The states had just given up their trump card to protect the people from powerful influences in Washington. They no longer had real power in the workings of national politics.

The sad result of this destruction of the beautiful balanced, divided, and limited federal system the Founders gave us was to give way to those who so desperately wanted to centralize power in Washington so they could work their power schemes to begin to control nearly every aspect of American life. The very year the Seventeenth Amendment was passed, the Federal Reserve Act was passed which institutionalized control of our monetary system in the hands of very powerful private banking interests. Also in the same year, the Sixteenth Amendment was ratified, which allowed congress access to huge sums of money through income tax. With all this money and control, the national government began moving to the left on the political spectrum. Over the decades since, the so-called progressive movement has changed our federal system to look like this:



Notice how:

1. The national government has moved far to the left, usurping more and more power.
2. Because the state legislatures no longer send their representatives into the U. S. Senate, the states are powerless to protect the people from an overpowering national government.
3. The national government, with all its agencies, bureaucracies, regulations, and

enforcement powers, comes right down into the pocketbooks, homes, schools, and communities of the people dictating nearly every aspect of life.

4. The states are left powerless, except to pass resolutions and beg Washington, D. C. for mercy.

We, at NCCS, are convinced that this monstrous power combine will soon crumble from its own weight of unwieldy power. At that time, the millions of freedom loving Americans will be able to restore the beautiful system the Founders gave us. But, of course, Americans must first learn the Founders' marvelous formula for freedom. That is the continuous mission of NCCS.

*No matter what the Constitution says, it won't endure if the people don't closely read it and demand that it be followed.*

–Oliver DeMille, Freedom Shift

## Discussion Questions

- ★ *What exactly was Roger Sherman's great compromise?*
- ★ *What are some of the strengths and weaknesses the founding fathers understood about the House and Senate (previous to the 17th amendment)?*
- ★ *What ways do you see the heavy hand of the national government in your life and your family's life that would be removed if the 17th amendment was repealed?*
- ★ *What are your thoughts about the levels of government represented in the graph? What is the importance of including the family and individual as part of government?*
- ★ *What did this lesson teach you about the healing of America?*
- ★ *In addition to teaching your immediate family, what opportunities do you have, or could you create, to share with friends or the community about how the states lost power and the federal government gained power over individuals?*