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Proposed Initiative Measure 2009-2010 #50

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A Bill for an Act
Should the Original Intent of the Constitution be Restored?

Colorado Secretary of State

Synopsis of this Act:

This act will repeal New Deal laws and court decisions which have frustrated the growth of our economy. This will result in a stable and interest-free monetary system issued by the treasury, the writing off of the current debt to the Federal Reserve Bank, restoration of parity and fair market values between rural and urban areas, and the ability of the public to vote down any laws they feel to be Unconstitutional.

Section 1. It is hereby found:

Whereas: The Kentucky Resolution states "Resolved, That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, -delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government..."

And Whereas: In Thomas Jefferson's Opinion on the Constitutionality of a National Bank he states the powers contained in the bill are not Constitutional as "They are not among the powers specially enumerated: for these are: 1st. A power to lay taxes for the purpose of paying the debts of the United States; but no debt is paid by this bill, nor any tax laid." and "if this was an exercise of the power of regulating commerce, it would be void, as extending as much to the internal commerce of every State, as to its external. For the power given to Congress by the Constitution does not extend to the internal regulation of the commerce of a State." and "this bill neither borrows money nor ensures the borrowing it. The proprietors of the bank will be just as free as any other money holders, to lend or not to lend their money to the public."

And Whereas: In the Opinion on the Constitutionality of a National Bank Jefferson states "They are not to lay taxes ad libitum for any purpose they please, but only to pay the debts or provide for the welfare of the Union. In like manner, they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose... It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States, and, as they would be the sole judges of the good or evil, it would be also a power to do whatever evil they please."

And Whereas: In the Opinion on the Constitutionality of a National Bank Jefferson states "the Constitution allows only the means which are "necessary," not those which are merely "convenient" for effecting the enumerated powers. If such a latitude of

construction be allowed to this phrase as to give any non-enumerated power, it will go to every one, for there is not one which ingenuity may not torture into a convenience in some instance or other, to some one of so long a list of enumerated powers. It would swallow up all the delegated powers, and reduce the whole to one power, as before observed.”

And Whereas: On March 9, 1933, 12 USC Section 95(b) was modified to read “The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March the 4th, 1933, pursuant to the authority conferred by Subsection (b) of Section 5 of the Act of October 6th, 1917, as amended [12 USCS Sec. 95(a)], are hereby approved and confirmed.” This law was declared legal when the states, through the telegram of Alfred M. Landon, Kansas Governor, called for an issuance of proclamation on Wednesday March 8, 1933 in support of the President of the United States and remains as Public Law 94-412 and Public Law 95-223.

And Whereas: The amendment to Subsection (b) of Section 5 of the Act of October 6, 1917 (Trading with the Enemy Act) has declared anyone within the jurisdictional boundary of the United States an enemy subject to the regulations set above.

And Whereas: The Agricultural Adjustment Act of May 12, 1933, which is still the authority for farm controls and price controls, was found Unconstitutional in U.S. v. Butler, 297 U.S. 1. This law also contains the authority to pay off the floating debt of the United States.

And Whereas: The acts listed above take authority from the Constitution under Article I, Section 8, Clause 11 and are for wartime or emergency measures only

And Whereas: The Supreme Court upheld the original intent of the Interstate Commerce and General Welfare Clause in 1935 under Schechter Poultry Corp. v. United States, 295 U.S. 495 and again in 1936 under United States v. Butler, 297 U.S. 1 but due to the possibility of the Judiciary Reorganization Bill of 1937 reversed the understanding of both Interstate Commerce and General Welfare Clauses with West Coast Hotel Co. v. Parish, 300 U.S. 379.

And Whereas: The 10th Amendment was struck down by the Supreme Court with U.S. v. Darby Lumber Co., 312 U.S. 100 stating the 10th Amendment is a “truism” and not intended to limit the Federal Government.

And Whereas: Article I, Section 10, Clause 1 of the Constitution states “No state shall... make any Thing but gold and silver Coin a Tender in Payments of Debt”

Section 2.

Be it Resolved that: The state of Colorado has lost all rights granted to it by the United States Constitution in favor of the Supreme Court upholding supreme power through the

General Welfare Clause and Interstate Commerce Clause. The policy of the United States Government has been that States are the implied property of the U.S. since March 9, 1933 as stated in the Congressional Record of March 9, 1933 by Congressman Patman and the Supreme Court has upheld this view since March 29, 1937. The State of Colorado recognizes these actions as taken under a declaration of national emergency.

Be it Resolved that: Because the State of Colorado abrogated their rights in support of the national emergency of 1933 through the telegrams and proclamations issued on March 8, 1933, it therefore reserves the right to reclaim all rights relinquished at that time as it was never envisioned to be a permanent relinquishment.

Be it Resolved that: The United States Government is hereby issued a Cease and Desist order relating to all activities heretofore mentioned. These shall include the immediate termination of, and all laws passed pursuant to, the Trading With the Enemy Act, Agricultural Adjustment Act, or any other declared or undeclared war or emergency power directly or indirectly affecting citizens of the State of Colorado, Unconditional return of Gold and Silver Coin and writing off of all Debt incurred by banks under the Trading With the Enemy Act, and the immediate termination of any and all laws found to take power from the General Welfare Clause and/or the Interstate Commerce Clause which shall be found in any way to also affect Intrastate Commerce.

Be it Resolved that: All land or property obtained by the Federal Government during time of declared or undeclared war or emergency power without the express consent of its owner shall be immediately and unconditionally returned or compensated.

Be it Resolved that: Any Supreme Court decision which shall use any of the previously mentioned reasonings and which shall be found to violate either the 9th or 10th Amendment shall be unconditionally reversed.

Be it Resolved that: Any laws which are found to violate Thomas Jefferson's definition of "necessary" shall be found Unconstitutional.

Section 3. Enforcement of the Provisions of Section 2:

The Governor and Attorney General of the State of Colorado shall have full authority to enforce all provisions of this act. Failure to enforce any provision of this act shall be an impeachable offense and a Class 1 Felony as they will have committed a Treasonable offence to the Constitution and Laws of the State of Colorado or that would constitute a Felony under the Common Law. Failure to enforce any provision of this act will be a sufficient admission of guilt for impeachment. The Governor is hereby authorized to use the National Guard, as granted in the Constitution Title I, Section 8, Clause 16 and reinforced through the Second Amendment, to enforce any and all provisions of this act. No law shall be made which will take precedence over the enforcement of this act.

This act shall provide for a study into all titles of the United States Code to be conducted by the General Assembly of the State of Colorado and presented for a public vote, to repeal any law which shall be found to violate the provisions of this act.

Section 4. Effective Date and Applicability:

This act shall take effect on the date of the official declaration of the vote thereon by the Governor.

The United States Government including the President, both houses of Congress, Judiciary, and all Government agencies found to be directly or indirectly violating any provision of this act shall have until 12:01 AM on March 9, 2011 to comply with all provisions. This will include the termination of any Government agency in which its existence or charter is found to be a violation of any provision of this act. Any employee of the Federal Government which should lose their employment through the enforcement of this act shall be ineligible to hold public office.

Upon passage of this act, the Secretary of the Congress will distribute copies of this bill to the State of Colorado and United States Attorney General, the President, the President of the Senate, the Speaker of the House of Representative, The Governor of each State, and the Secretary or Czar of all United States Government agencies.