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SENATE JOINT MEMORIAL 8020

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State of Washington

61st Legislature

2010 Regular Session

By Senator Stevens

1 TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES, AND  
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4 UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of  
6 the State of Washington, in legislative session assembled, respectfully  
7 represent and petition as follows:

8 WHEREAS, The Founding Fathers came to a great compromise at the  
9 Constitutional Convention of 1787 and provided for proportional  
10 representation in the House of Representatives of the United States and  
11 equal representation for the states in the Senate of the United States;  
12 and

13 WHEREAS, The Founding Fathers determined that equal representation  
14 of the states in the Senate of the United States recognized the  
15 individual sovereignty of each state; and

16 WHEREAS, Alexander Hamilton in the Federalist Papers, Number 27,  
17 concluded that because the legislatures were "select bodies of men,"  
18 the choice of United States Senators would generally be made "with  
19 peculiar care and judgment" by the legislatures, a selection process

1 originally provided for in Article I, Section 3, Clause 1, of the  
2 Constitution of the United States; and

3 WHEREAS, The 10th amendment declared a division of authority  
4 between the states and the United States and was for the first 140  
5 years of this nation invoked by the Supreme Court of the United States  
6 as a constitutional limit of congressional power as against the powers  
7 of the several states; and

8 WHEREAS, The election of the United States Senators by the State  
9 Legislatures was the political mechanism against congressional  
10 encroachment into the sovereignty of the states; and

11 WHEREAS, One of the essential aspects of the states' exercise of  
12 this political mechanism is the United States Senate's advice and  
13 consent for treaties and appointments of executive and judicial  
14 officers made by the President of the United States; and

15 WHEREAS, The ratification of the 17th amendment in 1913 changed the  
16 election of the United States Senators from the State Legislatures to  
17 the popular vote of the people of the states, thereby divesting the  
18 states of any direct voice in the federal government; and

19 WHEREAS, Because of the differing modes of representation and  
20 election in the House and the Senate prior to 1913, each branch  
21 provided a balance of legislative power against, and an independent  
22 check upon, the other; and

23 WHEREAS, Prior to 1913, history reveals that in choosing their  
24 Senators, the individual State Legislatures supported the federal  
25 government, thereby providing harmony between the governments of the  
26 states and the government of the United States; and

27 WHEREAS, The Congress of the United States has, since the  
28 ratification of the 17th amendment, steadily encroached upon the  
29 sovereignty of this and the other states united by and under the  
30 Constitution of the United States; and

31 WHEREAS, A Senator's general responsibility is to represent state  
32 government and the State Legislature; and

33 WHEREAS, The State Legislature has a role in compelling  
34 accountability from United States Senators; and

35 WHEREAS, A state has the right to prescribe its own procedures  
36 regarding the selection process for United States Senators, including  
37 appointments in the case of deadlock;

38 NOW, THEREFORE, Your Memorialists respectfully pray:

1 (1) That the Legislature of the State of Washington find and  
2 declare to be defective the current process of electing United States  
3 Senators, which fails to represent the interests of the individual  
4 states;

5 (2) That Congress, in accordance with Article V of the Constitution  
6 of the United States, immediately transmit to the several states for  
7 ratification an amendment to the 17th amendment of the United States  
8 Constitution, as described in subsection (3) of this memorial,  
9 resolving the procedural problems, particularly the problem of the  
10 deadlocked State Legislature, inherent in the original concept; and

11 (3) That the amendment read as follows:

12 "Section 1. The Senate of the United States shall be composed of  
13 two Senators from each State, selected by the legislature of each  
14 State. Each Senator shall serve a six-year term and may be  
15 reappointed. Each Senator shall have one vote.

16 Section 2. Senators are subject to removal by the State  
17 Legislature. Removal of a Senator requires a majority of each House of  
18 the State Legislature.

19 Section 3. Congress is precluded from enacting any legislation  
20 affecting the senatorial selection process. Each State Legislature  
21 shall enact rules and procedures, consistent with this amendment,  
22 related to the selection and removal of Senators. A State Legislature  
23 may implement a selection procedure whereby the State Legislature  
24 selects a Senator by a plurality vote rather than a majority. If a  
25 State Legislature fails to enact a selection procedure, the State  
26 Legislature shall sit as a single body and shall select a Senator by a  
27 plurality vote. Irrespective of the procedures followed by the State  
28 Legislature, if the State Legislature does not choose a Senator within  
29 thirty days after a vacancy, the Governor of the State shall select the  
30 Senator.

31 Section 4. This amendment shall not be construed in a way that  
32 affects the term of, or future method of voting for, any Senator chosen  
33 before the amendment becomes valid as part of this Constitution. All  
34 state legislative proceedings including, but not limited to, those  
35 concerning procedural issues and the selection and removal of a Senator  
36 are open to the public."

37 BE IT RESOLVED, That copies of this Memorial be immediately  
38 transmitted to the Honorable Barack Obama, President of the United

1 States, the President of the United States Senate, the Speaker of the  
2 House of Representatives, and each member of Congress from the State of  
3 Washington.

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