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## Indiana Lawmaker Proposes Rescinding Seventeenth Amendment

Kelsey Hackem

February 19, 2015

In early February, Indiana State Senator Jim Smith (R-Charleston) recently introduced a resolution to rescind his state's ratification of the Seventeenth Amendment.

The Seventeenth Amendment to the United States Constitution was ratified in 1913, and establish direct election of United States Senators by popular vote. Prior to its ratification, United States Senators were elected by their respective state legislatures.

### **'Best Interests of Their Home States'**

Smith says the amendment has led to a disconnection between the interest of U.S. Senators and the interests of their states.

"What has happened over the past 102 years, it's all over the place. Eighteen trillion dollars in national debt, that's in no one's best interest, no state's best interest. This expansion of government control to manage about everything in our lives—even our light bulbs, for heaven sakes—government was never intended to do that," he said. "Other people have other issues, talking about other amendments, but if you boil it all down; ultimately it's the 17th Amendment.

"Our U.S. Senators have become decoupled from their home states, and they don't necessarily act in the best interests of their home states."

### **'Balance of Power'**

"It's fundamentally changed the structure or balance of power at the federal level," Smith said. "Back in 1913, they gave up this critical balance of power for the sake of convenience. It moved that fundamental balance of power that the Founders were certainly concerned about."

Smith says his resolution is symbolic, and will not change the United States Constitution.

"It definitely does not change the Constitution. There's only two ways to change the Constitution; rescinding your 'yes' vote, after ratification doesn't change that," he said. "If more states would rescind their 'yes' vote, then I think it certainly brings attention to it."

### **Pushing Back Against Washington**

Cato Institute Senior Fellow in Constitutional Studies and *Cato Supreme Court Review* Editor-in-Chief Ilya Shapiro says Smith's resolution has merit.

"In theory, I think I support repealing it, to have the Senate elected by state legislatures, but at this point in time—and this is certainly where the trend was going when it was ratified—it would be politically very difficult for a state legislature to appoint someone who didn't have broad popular support," Shapiro said.

"If the state senator [Smith] is concerned about people that the states send to Washington that get captured and don't represent the state very well, then there are things that states can do," Shapiro said. "They have been doing that, bit by bit over the last little while, pushing back on federal intrusion, and even proposing alternate constitutional amendments, giving states power to perhaps repeal federal law when they have enough votes that way, or balance the budget."