



Written by [Joe Wolverton, II, J.D.](#) on April 25, 2012

Utah's Liljenquist Pledges to Work to Repeal NDAA and 17th Amendment

In a press conference held on April 24 at 2:00 p.m. (MDT), the former Utah State Senator and current GOP challenger to six-term Senator Orrin Hatch described the indefinite detention provisions of the NDAA as “an overreach and a violation of the Bill of Rights.” He said that had he been in office when Congress voted to pass the NDAA he would have been “a no vote.”



Later in the interview, in a surprising answer to a question, Liljenquist informed *The New American* that he supports the repeal of the 17th Amendment. Regarding , Liljenquist explained his opposition to the popular election of the U.S. Senate that was effected by the ratification of the 17th Amendment to the Constitution:

“There is a disconnect between the state legislatures and the state delegations in Washington, D.C.” “I commit that if I ever lose the support of the Utah State Legislature, I will come home and not return to Washington,” he continued.

The candidate is correct in his view of the proper relationship between state government and federal Senate as established by our Founders in the Constitution. History is on Liljenquist's side, as well.

Edmund Randolph, Governor of Virginia and representative of that state at the Constitutional Convention, said that the object of the particular mode of electing Senators was to “control the democratic branch.” Recognizing the terrors historically accompanying any government with even a slight tincture of democracy, Randolph admonished that “a firmness and independence may be the more necessary in this branch, as it ought to guard the Constitution against encroachments of the Executive who will be apt to form combinations with the demagogues of the popular branch.”

James Madison, known appropriately as the Father of the Constitution, said that “the use of the Senate is to consist in its proceeding with more coolness, with more system, and more wisdom than the popular branch” and to “protect the people against the transient impressions in which they themselves might be led.”

During the debates on the matter in the Convention, Luther Martin of Maryland said it plainly: “The Senate is to represent the states.” Finally, Roger Sherman, an influential delegate to the Constitutional Convention of 1787, wrote in a letter to John Adams: “The senators, being ... dependent on [state legislatures] for reelection, will be vigilant in supporting their rights against infringement by the legislative or executive of the United States.”

With Sherman's assessment in mind, is it reasonable to regard the abolition of this check on the legislative and executive branches of the central government as a purposeful tactic of the enemies of



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our Constitution? That is to say, with the “artillery” of state legislatures silenced by the 17th Amendment, the ability of the legislative and executive branches to collude in the usurpation of power would be significantly increased. Indeed, the “combination” of demagogues in the executive and legislative branches has formed and has thrived in the post-17th Amendment electoral environment.[]

In his comments, Liljenquist displayed a remarkable and noteworthy comprehension of other fundamental aspects of federalism, as well. In response to a question from *The New American* regarding his interpretation of the Tenth Amendment, enumerated powers, and the right of states to be self-governing, Liljenquist answered in a frank and well-informed manner that should please all supporters of the Constitution in the Beehive State.

“I’m a Tenth Amendment guy and a states’ rights guy,” Liljenquist proclaimed. “I will work to remove power from the federal government and return power to the states,” he added.

As a former member of the Utah State Senate, Liljenquist knows from whence he speaks. With regard to Washington’s usurpation of power, Liljenquist laments that state legislators are forced to “beg for their lives” from the federal government just for the right to govern their states. “We have lost our way and have allowed Congress and the Courts to use the Commerce Clause to centralize government power in Washington,” Liljenquist remarked.

On the [issues page of his campaign’s official website](#), Liljenquist takes a decidedly state-centered tack with regard to several key national issues.

Under “Entitlements,” Liljenquist writes that “if we are going to have a welfare program at all, it should be administered at a state level.”

Regarding education, Liljenquist states that “there is no role for the federal government in education.”

And, as one might expect from a Republican senatorial candidate from the west where the federal government has unconstitutionally seized control of vast swaths of land, Liljenquist promises that should he be elected to serve in Washington, he will “strongly promote measures to give Utah and other states not only control over [their] land, but also the ability to develop [their] own natural resources.”

In an article published online this week by *The New American*, Thomas Eddlem recounts the story of Liljenquist’s success in the Utah Republican Convention to force Orrin Hatch into a primary race, the first time Hatch has faced such a challenge since elected to his current seat in 1976. Eddlem writes:

Six-term incumbent Utah Senator Orrin Hatch ... will face a primary opponent for the first time since he was elected to the U.S. Senate in 1976, after the Utah GOP convention narrowly failed Saturday to give him the 60 percent super-majority needed to avoid a primary. The 78-year-old Senator came up just 31 votes short of avoiding a primary, and will face former state Senator Dan Liljenquist in the primary.

“Hatch received 59.2 percent of delegate vote to Liljenquist’s 40.8 percent,” on the second ballot, the Utah-based *Deseret News* reported April 21. “Candidates need 60 percent of the vote to win the party nomination outright. Eight other candidates did not advance after the first ballot.”

For his part, Hatch packaged the obvious setback as a success in disguise. After the convention, Hatch told the [Salt Lake Tribune](#): “We’re going to win it.” He is reported by the Salt Lake City daily to have called the vote causing the primary “a tremendous victory.”

“We’re pretty darn happy about what did happen. It sent a message. It says that this tough old bird isn’t someone you can just trample on,” Hatch added.



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While there is much for constitutionalists to celebrate in the candidacy of Dan Liljenquist and his challenge to the GOP Establishment that has voted consistently to perpetuate corporate welfare and to pass one after the other measure consolidating all power in the hands of the plutocrats on the Potomac, there are a few issues where Liljenquist could yet benefit from a more dedicated study of the Constitution.

His stances on the Balanced Budget Amendment (he's for it), Cut, Cap and Balance (he describes himself as a "vocal supporter" of it), and immigration (he advocates for the use of the E-Verify system) are inconsistent with his commitment to adhere to the enumerated powers of the Constitution. The Constitution grants no power to the federal government to act in any one of these areas, thus that power is reserved by the states and the people.

Utah voters head to the polls on June 26 to vote in their state's primary elections.



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