

2004 SESSION

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HOUSE JOINT RESOLUTION NO. 194

Offered January 14, 2004

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Rescinding and withdrawing all past resolutions of the General Assembly applying to the Congress of the United States to call a constitutional convention to amend the Constitution of the United States.

Patrons—Landes and Black; Senator: Hanger

Referred to Committee on Rules

WHEREAS, there has been no convention convened to amend the Constitution of the United States, and all amendments adopted to date have been initiated by two-thirds of the members of both houses of Congress and ratified by three-fourths of the states; and

WHEREAS, the operations of a convention are unknown and the apportionment and selection of delegates, method of voting in convention, and other essential procedural details are not specified in Article V of the Constitution of the United States; and

WHEREAS, the General Assembly of Virginia has not called for a convention to amend the Constitution of the United States in the recent past, but in the more distant past has called for a convention (i) by House Joint Resolution No. 168 in 1977 concerning a presidential item veto, (ii) by the second resolved clause of Senate Joint Resolution No. 36 in 1976 concerning a balanced budget, and (iii) by other resolutions applying to the Congress to call a convention; and

WHEREAS, the status of these past resolutions is unclear and the prudent course requires the General Assembly to rescind and withdraw all past applications for a convention to amend the Constitution of the United States lest a convention be convened without current and careful consideration; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly of Virginia rescinds and withdraws all past resolutions by the General Assembly applying to the Congress of the United States to call a convention for the purpose of amending the Constitution of the United States including HJR No. 168 (1977), SJR No. 36 (1976), and all other resolutions calling for a convention; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit certified copies of this joint resolution to the Archivist of the United States at the National Archives and Records Administration of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia delegation to the United States Senate and House of Representatives.

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