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HOUSE JOINT RESOLUTION NO. 625

Offered January 23, 1995

Memorializing the Congress of the United States to propose a constitutional amendment to provide for the calling of limited national constitutional conventions.

Patrons—Wilkins, Albo, Crouch, Dudley, Orrock and Sherwood

Referred to Committee on Rules

WHEREAS, constitutional conventions played an important role in the creation of American government; and

WHEREAS, the convention has historically been the expression of the people's right to create their own governing authority and to consent actively to that authority; and

WHEREAS, although Article V of the Constitution of the United States says that Congress shall call a convention for the purpose of amending the Constitution whenever two-thirds of the states request it, the article does not address whether states can limit the convention to one or more topics; and

WHEREAS, this question raises immediate concerns since most petitions received by Congress today apply for a limited convention and Congress has not adopted legislation addressing the validity of these petitions or how they are to be counted for purposes of determining whether the requisite number of states have applied for a convention; and

WHEREAS, many states are reluctant to ask Congress to call a national convention for fear of creating a "runaway convention" that might undermine the delicate constitutional framework the forefathers worked so hard to establish; and

WHEREAS, it is time for Congress to lay to rest these concerns by proposing a constitutional amendment to clarify that the agenda of a constitutional convention may be set in the application of the states; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly of Virginia request the Congress of the United States to propose an amendment to Article V of the Constitution of the United States which provides for the deletion of the language shown as stricken and the insertion of the italicized language, in essence as follows:

ARTICLE V

AMENDMENT OF THE CONSTITUTION

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or on the applications of two-thirds of the several states, shall call a convention for proposing amendments, ~~which, in either case, .~~ *Except for applications asking Congress to call an unlimited convention, each application shall specify the subject or subjection which shall limit the agenda of the constitutional convention. In determining whether two-thirds of the states have applied for the same limited convention, Congress shall consider whether each request in its entirety or in part calls for a substantially similar need for change. Any amendments proposed by Congress or convention shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that. However, no state, without its consent, shall be deprived of its equal suffrage in the Senate.*

RESOLVED FURTHER, That the General Assembly request the legislatures of the several states to apply to Congress for the proposal of this amendment to the Constitution of the United States; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the Archivist of the United States at the National Archives and Records Administration of the United States, the members of the Virginia Congressional Delegation, and the legislatures of each of the several states attesting the adoption of this resolution.

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