

Model Resolution for a State Legislature to Rescind All Constitutional Convention Applications

Be sure to fill in all blanks with the appropriate information and have professional help in drafting the resolution to fit the format of your state.

LEGISLATURE OF THE STATE OF _____

___[(SENATE OR HOUSE)]__ CONCURRENT RESOLUTION NO. _____

BY _____

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE; RESCINDING, REPEALING, CANCELING, VOIDING AND SUPERSEDING ANY AND ALL EXTANT APPLICATIONS BY THE LEGISLATURE OF THE STATE OF _____ HERETOFORE MADE DURING ANY SESSION THEREOF TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONVENTION PURSUANT TO THE TERMS OF ARTICLE V OF THE UNITED STATES CONSTITUTION FOR PROPOSING ONE OR MORE AMENDMENTS TO THAT CONSTITUTION; URGING THE LEGISLATURES OF OTHER STATES TO DO THE SAME; DIRECTING THAT COPIES OF THIS RESOLUTION BE SENT TO SPECIFIED PERSONS.

Be it Resolved by the Legislature of the State of _____:

WHEREAS, the Legislature of the State of _____, acting with the best of intentions, has, at various times, and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either one or more amendments regarding one or more specific subjects or purposes, or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and,

WHEREAS, the Declaration of Independence proclaims that “it is the Right of the People to alter or to abolish” their form of government whenever it fails to secure their rights, which implies that a convention of representatives of the sovereign people in an Article V “convention for proposing amendments” would have the inherent power to propose sweeping changes to the Constitution (also known as a “runaway” convention), any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government as defined by our present Constitution; and,

WHEREAS, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to an Article V constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and,

WHEREAS, there is no need for, rather, there is great danger in, subjecting our form of government, which is based on the Declaration of Independence and the Constitution, to sweeping changes that would undermine its philosophical foundation of instituting government based on the principle of securing God-given rights; and,

WHEREAS, the best solution for reining in the federal government is an informed electorate which will hold public officials accountable to our existing Constitution with its principles of limited government, rather than risking a runaway Article V convention:

NOW, THEREFORE, BE IT RESOLVED by the members of the _____ Session of the _____ Legislature, the Senate [or House of Representatives, i.e. the house where the resolution is first introduced] and the House of Representatives [or Senate, i.e. the second house after passage in the house of origin] concurring, that the Legislature does hereby rescind, repeal, cancel, nullify, and supersede to the same effect as if they had never been passed, any and all extant applications by the Legislature of the State of _____ to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V thereof, regardless of when or by which session or sessions of the _____ Legislature such applications were made and regardless of whether such applications were for a limited convention to propose one or more amendments regarding one or more specific subjects or purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects.

BE IT FURTHER RESOLVED, that the Legislature of the State of _____ urges the legislatures of each and every state which has applied to Congress to call a convention for either a general or a limited constitutional convention, to repeal, and withdraw such applications.

AND BE IT FURTHER RESOLVED, that the Secretary of the Senate be, and is hereby authorized and directed to send copies of this Resolution to the Secretary of State, to the presiding officers of both houses of the legislatures of each state in the Union, to the president of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the Chairman of the Judiciary Committee of the United States House of Representatives, and to the members of Congress of the United States representing the State and people of _____.