

HOUSE JOINT RESOLUTION 30

By Casada

A RESOLUTION rescinding, repealing, canceling, voiding, nullifying, and superseding any and all prior applications by the general assembly 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 and urging the legislatures of other states to do the same.

WHEREAS, the general assembly of the State of Tennessee, 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 a single amendment concerning a specific subject 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 general assembly during its 1977 Regular Session passed House Joint Resolution No. 21, applying to Congress for a constitutional convention for the limited purpose of proposing an amendment to the Constitution concerning terms of judges in the federal judiciary; and

WHEREAS, the general assembly during its 1977 Regular Session passed House Joint Resolution No. 22, applying to Congress for a constitutional convention for the limited purpose of proposing an amendment to the Constitution concerning federal appropriations and federal revenues; and

WHEREAS, the general assembly during its 1977 Regular Session passed House Joint Resolution No. 160, applying to Congress for a constitutional convention for the limited purpose

of proposing an amendment to the Constitution concerning the power of the President to veto any particular item or items of any appropriations bill; and

WHEREAS, former Chief Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, 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; 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 a 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 and there is in fact great danger in a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SIXTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the Tennessee general assembly does hereby rescind, repeal, cancel, void, nullify, and supersede, to the same effect as if they had never been passed, any and all prior applications by the general assembly 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 and regardless of whether such applications were for a more limited convention to propose one or more amendments regarding one or more specific subjects and 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 Tennessee general assembly hereby specifically repeals House Joint Resolution No. 21, passed during the 1977 Regular Session of the general assembly; House Joint Resolution No. 22, passed during the 1977 Regular Session of the general assembly; and House Joint Resolution No. 160, passed during the 1977 Regular Session of the general assembly.

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

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to the presiding officers of both houses of the legislatures of each state in the Union, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Tennessee Congressional delegation, and the federal Administrator of General Services.