House Resolution 1343 (AS PASSED HOUSE AND SENATE)

By: Representatives Coan of the 67th, Post 1, Westmoreland of the 86th, Brooks of the 47th, Moraitakis of the 42nd, Post 4, Jamieson of the 22nd, and others

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; and for other purposes.

WHEREAS, the General Assembly of the State of Georgia, 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 1952 Regular Session passed Resolution Act No. 53 (Ga. L. 1952, p. 472), applying to Congress for a constitutional convention for the limited purpose of proposing an amendment to the Constitution concerning treaty powers; and

WHEREAS, the General Assembly during its 1952 Regular Session passed Resolution Act No. 61 (Ga. L. 1952, p. 480), applying to Congress for a constitutional convention for the limited purpose of proposing an amendment to the Constitution concerning limiting taxation; and

WHEREAS, the General Assembly during its 1955 Regular Session passed Resolution Act No. 2 (Ga. L. 1955, p. 4), applying to Congress for a constitutional convention for the limited purpose of proposing an amendment to the Constitution concerning the independence of state schools; and

WHEREAS, the General Assembly during its 1959 Regular Session passed Resolution Act No. 45 (Ga. L. 1959, p. 383), applying to Congress for a constitutional convention for the limited purpose of proposing an amendment to the Constitution concerning the independence of state schools; and

WHEREAS, the General Assembly during its 1961 Regular Session passed Senate Resolution No. 39, applying to Congress for a constitutional convention for the limited purpose of proposing an amendment to the Constitution concerning the authority of the Supreme Court; and

WHEREAS, the General Assembly during its 1965 Regular Session passed Resolution Act No. 89 (Ga. L. 1965, p. 559), applying to Congress for a constitutional convention for the limited purpose of proposing an amendment to the Constitution concerning the independence of state schools; and

WHEREAS, the General Assembly during its 1967 Regular Session passed Resolution Act No. 96 (Ga. L. 1967, p. 894), applying to Congress for a constitutional convention for the limited purpose of proposing an amendment to the Constitution concerning refunds of federal taxes to the states; and

WHEREAS, the General Assembly during its 1976 Regular Session passed Resolution Act No. 93 (Ga. L. 1976, p. 184), applying to Congress for a constitutional convention for the limited purpose of proposing an amendment to the Constitution concerning a federal balanced budget; and

WHEREAS, the General Assembly during its 1991 Regular Session passed House Resolution No. 105 (Ga. L. 1991, p. 2041), applying to Congress for a constitutional convention for the limited purpose of proposing an amendment to the Constitution with respect to disrespectful actions involving the United States flag and the flags of the several states; 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 GENERAL ASSEMBLY OF GEORGIA that the 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 General Assembly hereby specifically repeals Resolution Act No. 53 (Ga. L. 1952, p. 472), passed during the 1952 Regular Session of the Georgia General Assembly; Resolution Act No. 61 (Ga. L. 1952, p. 480), passed during the 1952 Regular Session of the Georgia General Assembly; Resolution Act No. 2 (Ga. L. 1955, p. 4), passed during the 1955 Regular Session of the Georgia General Assembly; Resolution Act No. 45 (Ga. L. 1959, p. 383), passed during the 1959 Regular Session of the Georgia General Assembly; Senate Resolution No. 39, passed during the 1961 Regular Session of the Georgia General Assembly; Resolution Act No. 89 (Ga. L. 1965, p. 559), passed during the 1965 Regular Session of the Georgia General Assembly; Resolution Act No. 96 (Ga. L. 1967, p. 894), passed during the 1967 Regular Session of the Georgia General Assembly; Resolution Act No. 93 (Ga. L. 1976, p. 184), passed during the 1976 Regular Session of the Georgia General Assembly; and House Resolution No. 105 (Ga. L. 1991, p. 2041), passed during the 1991 Regular Session of the Georgia 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 Georgia Congressional delegation, and the Administrator of General Services.