

SENATE CONCURRENT RESOLUTION NO. 4028

Introduced by

Senator Mutch

1 A concurrent resolution rescinding all applications made by the Legislative Assembly to the
2 Congress of the United States to call a convention pursuant to the terms of Article V of the
3 United States Constitution for proposing amendments to that Constitution and urging the
4 legislative bodies in other states to take similar action.

5 **WHEREAS**, the Legislative Assembly, acting with the best of intentions, has, at various
6 times, applied to the Congress of the United States to call a convention to propose
7 amendments to the United States Constitution, pursuant to the provisions of Article V of the
8 United States Constitution; and

9 **WHEREAS**, former Justice of the United States Supreme Court Warren E. Burger,
10 former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other
11 leading constitutional scholars agree that such a convention may propose sweeping changes to
12 the Constitution, any limitations or restrictions purportedly imposed by the states in applying for
13 such a convention or conventions to the contrary notwithstanding, thereby creating an imminent
14 peril to the well-established rights of the citizens and the duties of various levels of government;
15 and

16 **WHEREAS**, the Constitution of the United States has been amended many times in the
17 history of this nation and may be amended many more times, without the need to resort to a
18 constitutional convention, and has been interpreted for more than 200 years and has been
19 found to be a sound document that protects the lives and liberties of the citizens; and

20 **WHEREAS**, there is great danger in a new constitution or in opening the Constitution to
21 sweeping changes, the adoption of which would only create legal chaos in this nation and only
22 begin the process of another two centuries of litigation over its meaning and interpretation;

23 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**
24 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

1 That the Legislative Assembly rescinds the following applications made by the
2 Legislative Assembly to the Congress of the United States to call a convention pursuant to
3 Article V of the United States Constitution:

4 1967 House Concurrent Resolution "I-1", calling for a convention to amend the
5 Constitution of the United States, relating to apportionment;

6 1971 Senate Concurrent Resolution No. 4013, calling for a convention to amend the
7 Constitution of the United States to provide revenue sharing;

8 1975 Senate Concurrent Resolution 4018, calling for a convention to amend the
9 Constitution of the United States to require a balanced cash budget for each session of
10 Congress except in time of war or national emergency;

11 1979 Senate Concurrent Resolution No. 4033, calling for a convention to amend the
12 Constitution of the United States to prohibit federal estate taxes; and

13 **BE IT FURTHER RESOLVED**, that the Legislative Assembly urges the legislative
14 bodies of each state that have applied to Congress to call a convention to rescind; and

15 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this
16 resolution to the presiding officer of each legislative body in each state, to the President of the
17 United States Senate, to the Speaker of the United States House of Representatives, to the
18 members of the North Dakota Congressional Delegation, and to the administrator of General
19 Services, Washington, D.C.