

State Legislatures' Resolution Calling for an "Article V Convention"

(The text of the resolution to be passed by each house of the legislatures of 34 states.)

A RESOLUTION memorializing the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States.

WHEREAS the founding fathers did in fact include in the Articles of Confederation a limit to the terms of representatives to the national legislature; and

WHEREAS a substantial proportion of current and former members of Congress have in fact chosen to remain in office for as long as the electorate would reelect them; and

WHEREAS the consensus of this legislative body and of many political scholars is that an incumbent has an inherent and significant advantage over any challenger at each Federal election; and

WHEREAS the potential corruption or appearance of corruption brought about by political careerism is destructive to the proper functioning of the first branch of our representative government; and

WHEREAS the citizenry have a sovereign right and a compelling interest in creating a citizen Congress that should more effectively protect our freedom and prosperity and such interest and right may not effectively be served in any way other than that proposed by this initiative; and

WHEREAS Article V of the Constitution of the United States provides that a number of these States, namely two-thirds of the current total number or thirty-four, may apply to the Congress to convene a convention for the purpose of proposing an Amendment to the Constitution. Now, therefore, be it

RESOLVED by the _____ [name of house or body] of the _____ ["State" or "Commonwealth"] of _____ [name of state], that the Congress of the United States is hereby memorialized to call a convention for the express purpose, and no other, of proposing the following amendment to the Constitution of the United States. Said convention shall be composed of seven members from each of the first thirty-four States to pass substantially identical memorializations, such members to be appointed by the legislatures of these same thirty-four States in whatever manner each legislature might choose, except that all appointees must be of the age of twenty-five years, be a citizen of the United States and be a resident of the State from which they shall be appointed.

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The convention may debate and alter the formula and term for determining the limits on terms of office to be proposed in Section 1 below. Otherwise, the amendment shall remain substantially as stated herein without expansion or alteration excepting those changes made only to improve the clarity of the amendment. The amendment to be proposed to all of the States for ultimate ratification is:

"Section 1.

"No person shall stand for election, nor shall he or she be elected or appointed, to any seat in Congress when the term for which he or she is running or being elected or appointed will cause this person to exceed total Congressional service of 12 years. Time served in the House of Representatives and in the Senate are to be combined for purposes of calculating this limit.

"In order to avoid disruption of ongoing campaigning, this section shall become effective eighteen months after ratification of this amendment.

"Section 2.

"Each Congressman and Senator shall receive compensation while in office as established by a previous Congress, in accordance with the provisions of the 27th Amendment to this Constitution, and shall receive no further pay or pension after his or her departure from service.

"This section shall become effective for any newly elected Senator or Representative six months after ratification of this amendment. As to those Senators and Representatives serving at the time of ratification of this amendment, any rights to future pay or pension that they may have accumulated under previous law shall be held to those rights attained six months after such ratification without further enhancement as to pay or time in service.

"Section 3.

"Congress shall pass no law that exempts current or former members of Congress from the applicability of that law.

"Furthermore, all such laws currently in force with such provisions shall be treated as having had those provisions stricken one year after ratification of this amendment.

"Section 4.

"No Congressman or Senator shall deal with Congress after leaving office in matters of persuasion or influence in the form of oral, written or electronic communications as to any formulation, modification, or adoption of legislation; the administration or execution of a Federal program or policy; the

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formulation, modification, or adoption of a Federal rule, regulation, executive order, policy or position of the United States Government or the nomination or confirmation of a person subject to confirmation by the Senate.

"All contracts or licenses with former Congressional officeholders pertaining to such matters shall be null and void six months after ratification of this amendment.

"Section 5.

"This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within ten years from the date of the submission hereof to the States."

BE IT FURTHER RESOLVED that if the Congress of the United States shall have proposed an amendment to the Constitution identical with that contained in this Resolution prior to receiving thirty-four State Resolutions to this same effect, this application for a convention shall no longer be of any force or effect. In addition, if this Resolution is not accompanied by thirty-three other such State Resolutions within five years of its receipt by Congress, it shall no longer be of any force or effect. And be it

FURTHER RESOLVED that the clerk of the _____ [this house or body] is instructed to send copies of this Resolution to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each Member of the Congress from this State and to the presiding officers of each house of the legislative bodies of the several States of the United States. And be it

FURTHER RESOLVED that the Attorney General of the _____ ["State" or "Commonwealth"] of _____ [name of state] is instructed that – upon receipt or other documented knowledge of similar Resolutions from thirty-three other States – shall take legal action with the Supreme Court of the United States, in accordance with the United States Constitution, Article III, Section 2, second sentence to enjoin the Congress to take the appropriate action to call such a convention if Congress shall fail to take such action within sixty days of receipt of the thirty-fourth such State Resolution, not counting any period of time during which the Congress shall be in recess.