GEORGETOWN LAW

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Proposals to Rescind Applications for a Convention under Article V of the U.S. Constitution
Testimony of David A. Super
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before the
House Committee on Rules
Oregon State Legislature
May 23, 2023

Thank you, Chair Fahey, Vice-Chair Breese-Iverson, Vice-Chair Kropf, and representatives for allowing me to testify today.

This Committee is considering HB 3625, which would rescind all prior applications to Congress to call a convention under Article V of the United States Constitution, and HJM 3, which would notify Congress that all of Oregon's prior applications have been rescinded. I appear in strong support of these measures. If the Legislature does not act, we all face a serious risk that self-serving adventurers will distort long-ago actions of the Legislature to call an Article V convention despite their inability to persuade the constitutionally mandated two-thirds of the states.

Such a convention could result in radical changes to our Constitution. One of the most prominent advocates of an Article V convention says one of its purposes is broadly to limit the role of the federal government. This could readily be read to restrict the reach of the Bill of Rights, including the First Amendment, the Due Process Clause, and the Equal Protection Clause as well as authority to enact environmental and consumer protections. It is difficult to think of any important features of our Constitution that could not be characterized as powers of the federal government that a convention could curtail or eliminate.

On their face, many proposals for an Article V convention focus only on one change, such as imposing term limits on Members of Congress, enacting a balanced budget amendment, or authorizing more effective campaign finance legislation. Whatever one thinks about the merits of these particular proposals, however, all Article V applications pose the same grave threat to the survival of our Constitution. Once an Article V convention convenes, it can take up any part of our existing Constitution, entertain any proposals to amend that Constitution, and indeed set out to write an entirely new Constitution.

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Calling the changes a convention might produce "amendments" does not limit the risk they pose. The Oregon State Legislature, like those of other states and like Congress, sometimes entertains "amendments" that strike out most or all of an existing law and replace it with something altogether different. Claiming that an Article V convention would be limited to proposing amendments to our existing Constitution therefore says nothing about how sweeping those amendments might be.

The Dangers of a Runaway Convention

Proponents of an Article V convention repeatedly insist that it could somehow be limited to a single purpose, such as congressional term limits or overruling *Citizens United*. To back up these assurances, however, they can offer no support whatsoever beyond their own self-serving speculation.

Claims that an Article V convention would be limited to a single purpose cannot begin to be credible unless proponents can identify a source of law that so limits a convention *and* a body that would be willing and able to enforce such limits. They can do neither.

Nothing in Article V makes any reference to a single-purpose convention. Nothing in the debates of the delegates to the 1787 Philadelphia Convention or in the Federalist Papers suggests that Article V limits the scope of conventions despite its lack of express or even implied provisions to that effect. Neither does Article V or anything in the history of the Philadelphia Convention or the Constitution's ratification suggest that either Congress or the states' legislatures have the power to limit a convention. To the contrary, the very purpose of establishing the convention method of amending the Constitution was to have a vehicle outside the control of Congress.

Even if Article V, Congress, or the states' legislatures did constrain the purposes of an Article V convention, no entity exists with the power to enforce such limits. The Supreme Court has held that the process of constitutional revision involves "political questions" on which the courts may not intervene.[1] Congress's powers relating to an Article V convention are limited to calling a convention when two-thirds of the states ask it to do so and specifying whether state conventions or legislatures should ratify proposed amendments. The President has no role in the constitutional amendment process at all. And once a state legislature appoints delegates to an Article V convention, those delegates' power derives from Article V, putting them outside the control of the legislature or state courts.[2] Even if state legislatures could discipline or recall delegates to an Article V convention, the convention may postpone voting until a single final resolution, after which any action a state might contemplate would be too late.

The only relevant precedent – the only convention convened to propose amendments to a constitution in this country – shows how easily conventions disregard their charters. As Chief Justice Warren E. Burger noted, "The meeting in 1787 ignored the limit placed by the Confederate Congress 'for the sole

1 Coleman v. Miller, 307 U.S. 433 (1939).
2 *See* Bush v. Palm Beach County Canvassing Bd., 531 U.S. 70, 76 (2000) (holding that state legislatures act as agents of the federal government when they enact laws affecting federal elections).

and express purpose.'"3 Rather than proposing amendments to the Articles of Confederation to improve commerce among the states, the Philadelphia Convention scrapped the Articles and wrote an entirely new Constitution. Justice Arthur Goldberg pointed out that "it cannot be denied that" the Philadelphia convention of 1787 "broke every restraint intended to limit its power and agenda", and "any attempt at limiting the agenda [at an Article V convention] would almost certainly be unenforceable."4

A convention called under Article V can be expected to do the same. Chief Justice Burger cut through the unsupported assertions and speculation to explain the simple stateof the law on Article V conventions:

> there is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to ensure that the Convention would obey. After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda.5

The Ratification Process is Not an Adequate Safeguard

Nor can we count on the ratification process to save us from ill-considered amendments that a convention might produce. To be sure, on this issue – very much unlike the question of limiting a convention's agenda – the text of Article V is helpful. It prohibits any amendments that are not ratifiedby three-quarters of the states. Today, that would require thirty-eight states to agree to any changes.

In today's polarized environment, however, no one can seriously expect that thirty-eight states would ratify either liberal changes to the Constitution or conservative ones. It is difficult to believe that either the Democratic-affiliated convention proponents or those allied with the Republican Party would be wasting their time and energy on this project if they were willing to be subject to a ratification process that would so obviously defeat them. This strongly suggests that they would seek to disregard the ratification procedures in Article V just as the Philadelphia Convention of 1787 disregarded the ratification procedures in the Articles of Confederation.

A quick look at the numbers shows why this is true. At present, twenty-two states are represented in the U.S. Senate by two Republicans. If liberals dominate an Article V convention, they would have to win ratification of their proposed amendments in*ten* of those states (as well as all those with Democratic or mixed Senate representation). Perhaps they could hope to pick up Iowa, North Carolina, or even Florida (although all have strongly conservative legislatures), but even if they did they would need seven more.

Conversely, twenty-three states currently have two senators who caucus as Democrats. If Republicans dominate an Article V convention, they would need ratifications from *eleven* of those states (as well as, again, all stateswith Republican or mixed Senate delegations). Possibly they could hope to win in Arizona, Georgia, New Hampshire, or Pennsylvania, but that would still leave them seven states short.

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3 Retired Chief Justice Warren E. Burger, Letter to Phyllis Schlafly (June 22, 1988).
4 Retired Associate Justice Arthur J. Goldberg, *Steer clear of constitutional convention*, MIAMI HERALD, Sept. 14, 1986.
5 Retired Chief Justice Warren E. Burger, Letter to Phyllis Schlafly (June 22, 1988).

Thus, if the convention that these resolutions would call really did limit itself to proposing a balanced budget amendment or overturning *Citizens United*, and if it really adhere to Article V's ratification procedures, it would be an ineffectual waste of time. We must be conscious of the danger that the convention would set its own, much easier, ratification procedures in lieu of those in Article V.

Disregarding the established ratification procedures would have the strongest possible precedent: the Philadelphia Convention of 1787. The Articles of Confederation, which governed the nation when the Convention was called, required unanimous agreement of the states' legislatures to any amendments.6 Knowing that that was out of reach, the delegates to the Philadelphia convention of 1787 disregarded this binding ratification process in two crucial respects: they shifted responsibility for ratification from state legislatures to state conventions, and they allowed just two-thirds of the states to approve their new Constitution.7 Eventually, strong anti-federalist states like North Carolina and Rhode Island had no choice but to go along.

Having achieved the calling of a convention and dominating its membership, it defies reason to believe that these groups would then meekly stand aside and allow their handiwork to fail for want of ratification. Republicans would justify a departure from Article V's ratification procedure with the precedent from 1787 as well as their arguments that Democrats stole the 2020 presidential election. Democrats would cite the same 1787 precedent and their arguments that Republicans sought to overturn the voters' verdict by blocking the certification of electoral votes on January 6.

One obvious possibility is that the convention's majority will call a national referendum to ratify their proposed changes, perhaps on the same ballot as a presidential election or perhaps at a completely different time, depending on whether they viewed a large turn-out as advantageous. Can we be confident, for example,that an amendment packaged as "common sense restrictions on federal regulation" would not achieve a majority? Numerous other proposals that undermine basic liberties can be dressed-up to sound reasonable and harmless to inattentive voters.

Clear evidence that convention proponents would scrap the established ratification procedures may be found in House Concurrent Resolution 24, introduced in Congress by House Budget Committee Chair Jodey Arrington (attached as an appendix to this testimony). Section 1(b) provides that a convention's proposals "shall be ratified by a vote of We the People in three-quarters (38) of the States". Popular vote is not one of the ratification methods listed in Article V. The Arrington resolution also mentions "State

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6 Article XIII of the Articles of Confederation provided: "And the Articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united States, and be afterwards confirmed by the legislatures of every State."

7 Article VII of the U.S. Constitution provides: "The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same." With thirteen statesin the union at that time, nine states constituted a two-thirds majority. Article V of the Constitution raised the threshold for ratification from two-thirds to three-quarters of the states for future amendments.

Convention delegates" – state ratifying conventions are contemplated by Article V – but however these popular votes and conventions would interact, it is a departure from the formal process. Once a convention actually produces amendments that special interests strongly want enacted, we can expect them to devise much more aggressive changes to the ratification process.

Whether or not a convention chose to stay within Article V's ratification procedures, it could attempt to secure ratification by bundling together disparate provisions with different constituencies. They would have plenty of precedent: at least eight existing amendments in the U.S. Constitution encompass more than one purpose, with the Fourteenth Amendment having nine.

Article IV, Section 20, of the Oregon Constitution prohibits bills from embracing more than one subject, but no similar rule would constrain an Article V convention. Coming up with the right brew could provide the key to ratification.

No one can predict how a proposed amendment combining gun restrictions with a balanced budget requirement would fare. It is anyone's guess whether the popularity of term limits could successfully carry restrictions on environmental protection or civil rights legislation.

The Dishonesty of Including Oregon in the Count of State Applications

The dangers of an Article V convention are amply demonstrated by the dishonest machinations of those seeking to call one. For a number of years, various groups have been seeking the 34 state applications Article V requires for the calling of a convention. Their figures have long been suspect, counting applications from the 1970s and 1980s as if there was no need for applications to be reasonably contemporaneous. Of late, however, convention proponents have run into trouble as five states – Colorado, Delaware, Maryland, Nevada, and New Mexico – have rescinded all their old applications for an Article V convention. The leading group seeking an Article V convention to establish a balanced budget requirement for the federal government admits it has no more than 28 of the required 34 states.

In response to these rescissions, however, Article V proponents adopted even more outlandish positions. Several of them began to argue that Congress should count six additional states that have rejected their urgings to apply for a convention to mandate a balanced budget. These six states, they claimed, have applied to Congress for an Article V convention at any time and on any subject. One of these states is Oregon.

The Oregon applications they cite could hardly be farther from what they suggest. Passed in 1864, with the Civil War raging, House Joint Resolution 10 (attached as an appendix to this testimony) sought an Article V convention to propose what became the Thirteenth Amendment, abolishing slavery. Although that purpose is obvious from the resolution's preamble, because its resolving language does not explicitly say that the convention it seeks is *solely* for that purpose, today's Article V proponents claim it was a "plenary" application, supporting the calling of an Article V convention for any purpose. Similarly, House Joint Resolution 4 (also attached) from 1901 clearly sought an Article V convention for the

purpose of making senators elected by popular vote, as the Seventeenth Amendment subsequently required. Here again, because that purpose was expressed in the "whereas" clauses rather than the resolving language, convention proponents similarly insist that it reflects Oregon's "plenary" support for any Article V convention at any time for any purpose.

Attached is a 2018 article from the *Federalist Society Review* by Robert G. Natelson, a primary legal advisor to the American Legislative Exchange Council (ALEC) and groups seeking an Article V convention, in which he explains in detail why Oregon should be counted as supporting any convention. 8 His position has won wide acceptance among pro-convention groups and politicians. Former Wisconsin Governor Scott Walker has argued that Oregon should be counted as one of the 34 states to have applied for an Article V convention in litigation he urges pro-convention states to file against Congress. Similarly, Budget Committee Chair Arrington's House Joint Resolution 24 (attached) asserts that the 34-state threshold already has been met, counting Oregon as one of those states. And pro-convention advocates recently sued in a Texas federal district court for an order compelling Congress to call an Article V convention, again citing Oregon as one of the states seeking such a convention. (The complaint and its appendix, listing Oregon, are attached.)

If convention proponents are prepared to misrepresent Oregon's 122-year-old application for a convention to popularly elect senators as a "plenary" application that they can aggregate with applications seeking a balanced budget amendment, we can be confident that they will be similarly disingenuous once a convention actually comes into operation.

To avoid giving them that chance, especially if pro-convention forces gain a majority in the mid-term elections, it is important for Oregon to rescind all outstanding applications for Congress to call an Article V convention. The only purpose these old applications have in staying on the books is to provide opportunities for disingenuous convention advocates to misrepresent Oregon as being on their side. Rescinding all outstanding applications would eliminate that risk. Two other states whose positions were similarly misrepresented as "plenary" support for an Article V convention, Illinois and New Jersey, recently rescinded all prior Article V applications to prevent further dishonesty.

The Risk of Serial Constitutional Revisions

Even if the initial Article V convention does not produce grievous overreach, the danger will not be over. Once we set the precedent of re-opening our Constitution to the whims of a convention majority,we will find ourselves doing so again and again.

Whichever party ends up dominating the convention that proponents would have Congress call, we can be surethat will not be the last of it. The other party surely will not accept its defeat and meekly slink away. Instead, it will begin immediately plotting its return to power and how to rewrite the Constitution

8 *See also* Paul Gardiner, *A New Strategy for the Article V Convention of States Movement*, HUNT FOR LIBERTY, Feb. 13, 2020 https://huntforliberty.com/a-convention-strategy/#_edn6.

once it gains power. We could rapidly descend into a cycle where each time a party wins a "wave" election, it calls a convention to rewrite the Constitution to its liking.

Some countries in unstable parts of the world revise their constitutions every time a new president is elected or a new general seizes power. The resulting constitutions are taken seriously by no one and are utterly incapable of protecting civil liberties or securing stable democracies.

The only way to stop this cycle of dueling constitutions is to never let it get started. If we give up our Constitution, we will never get it back. And for all its shortcomings, revolving-door constitutions will not be an improvement.

The Worst Possible Time for an Article V Convention

At a time of extraordinary national polarization, the United States Constitution is very nearly all that holds us together. One side or the other has questioned the legitimacy of five of the last six presidential elections.9 Our overseas military operations no longer unify the country as they did during the two world wars. Our flag and our national anthem have become controversial.

Gambling with our most precious emblem of unity and cohesion at this perilous moment is beyond reckless. Justice Goldberg was correct when he declared that "no single issue or combination of issues is so important as to warrant jeopardizing our entire constitutional system of governance at this point in our history".10

As Chief Justice Burger said "A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn…".11 Characteristically, Justice Scalia put it much more directly: "I certainly would not want a Constitutional Convention. I mean whoa. Who knows what would come out of that?"12 Justice Goldberg beseeched us to "turn away from this risky business of a convention, and focus on the enduring inspiration of our Constitution."13

Our Framers made calling Article V conventions difficult very much on purpose. The Federalist Papers repeatedly express foreboding about the dangers of Article V conventions.14 Indeed, when the firstCongress considered calling an Article V convention to draft a Bill of Rights, the opposition was led by none other than James Madison. He knew better than most just how capricious and willful conventions can be.

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9 In 2000, Democrats condemned the selectivity of ballot-counting in Florida's "hanging chad" controversy. Many Republicans said that President Obama was not constitutionally qualified to stand in the 2008 and 2012 elections because, they asserted, he was not born in the United States. Democrats argued that Russia intervened in the 2016 election to aid President Trump. And many Republicans claimed that massive fraud tainted the 2020 presidential election.

10 Retired Associate Justice Arthur J. Goldberg, *Steer clear of constitutional convention*, MIAMI HERALD, Sept. 14, 1986.

11 Retired Chief Justice Warren E. Burger, Letter to Phyllis Schlafly (June 22, 1988).

12 The Kalb Report - Ruth Bader Ginsberg & Antonin Scalia - YouTube (April 17, 2014).

13 Retired Associate Justice Arthur J. Goldberg, *Steer clear of constitutional convention*, MIAMI HERALD, Sept. 14, 1986.

14 Federalist No. 49 (Madison); Federalist No. 85 (Hamilton).

We should respect the Framers' wisdom and reject ill-advised and dangerous proposals to call an Article V convention. And we should certainly prevent self-serving opportunists from misrepresenting Oregon's position without winning the support of its Legislature.

Thank you very much for the opportunity to present these views to you today.

and inform him that both houses are now organized and ready to receive any communications, which he may see fit to make.

Adopted by the house of representatives, September 12th, 1864.

L. R. MOORES, *Speaker.*

J. H. MITCHELL, *President of Senate.*

HOUSE JOINT RESOLUTION, NO. 11.

Resolved by the House, the Senate concurring, That H. M. No. 1 be adopted and that the secretary of state be requested to forward a copy thereof to each of our senators, and to our representative in congress, with a copy of this resolution.

Passed the house of representatives, September 23d, 1864.

I. R. MOORES, *Speaker.*

Passed the senate September 23d, 1864.

J. H. MITCHELL, *President of the Senate.*

HOUSE JOINT RESOLUTION, NO. 10.

WHEREAS, Article 5, section 1 of the constitution of the United States provides for its own amendment as follows:

"ARTICLE 5. The congress, whenever two-thirds of both houses, shall deem it necessary, shall propose amendments to this constitution, or on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress: *Provided*, that no amendment which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal sufferage in the senate." *And whereas*, In the progress of the rebellion, it has become apparent that African slavery has been the cause thereof, and that there can be no permanent *peace* with slavery as a politicol element in the governmeat, nor with any of its attendant laws in force in the states thereof, and believing

that the constitution ought to be so amended as to forever prohibit involuntary servitude, except for crime, within the United States and the territories; thereof; therefore

Resolved by the House of Representatives of the State of Oregon, the Senate concurring, That application is hereby made to the congress of the United States to call a convention for proposing amendments to the constitution of the United States.

Adopted by the house October 15th, 1864.

I. R. MOORES,
Speaker of the House of Representatives.

Adopted in the senate, Oct. 17th, 1864.

J. H. MITCHELL,
President of the Senate.

HOUSE JOINT RESOLUTION NO. 23.

WHEREAS, in the faithful and gallant discharge of the duties required by their enlistment, our noble soldiers have shown that they can rise above considerations of wages depreciated—mines around them promising fortunes, and the alluring ease and charms of home and social life, and rallying at the cry to arms, sustain without murmur or complaint, the hardships of warfare, faithfully guarding our frontier, and maintaining the honor of our arms; therefore,

Resolved by the House of Representatives, the Senate concurring, that the thanks of this state are hereby tendered and voted to the officers and soldiers of the First Regiment Cavalry Oregon Volunteers, enlisted in the service of the United States, from this state.

Adopted by the House Oct. 19th, 1864.

I. R. MOORES,
Speaker of the House of Representatives.

Adopted by the Senate Oct. 20th, 1864.

J. H. MITCHELL,
President of the Senate.

H. J. R. No. 22.

Resolved by the House, the Senate concurring, that joint rule No. 11 be stricken out.

Adopted by the House Oct. 18th, 1864.

I. R. MOORES,
Speaker of the House of Representatives.

Document ID: 1504 **State:** Oregon **Type:** Application
State Action: House Joint Resolution No. 10 **Date of state action:** Oct. 17, 1864
Citation: H. J. Res. No. 10 (Or. 1864) **Status:** In force **Limited:** No
Subsequent History:
Subject Matter: Slavery
Related Citations:
Notes: Courtesy of Samuel Fieldman

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HOUSE JOINT RESOLUTION, NO. 10.

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And whereas, In the progress of the rebellion, it has become apparent that African slavery has been the cause thereof, and that there can be no permanent peace with slavery as a politicol element in the governmeat, nor with any of its attendant laws in force in the states thereof, and believing that the constitution ought to he so amended as to forever prohibit involuntary servitude, except for crime, within the United States and the territories; thereof; therefore,

Resolved by the House of Representatives of the State of Oregon, the Senate concurriing, That application is hereby made to the congress of the United'States to call a convention for proposing amendments to the constitution of the United States.

Adopted by the house October 13th, 1864.

I. R. MOORES, Speaker of the House of Representatives.

Adopted in the senate, Oct. 17th, 1864.

J. H. MITCHELL. President of the Senate.

Association of New York, urging a sufficient appropriation to maintain and extend the postal tubular system in the city of New York—to the Committee on the Post-Office and Post-Roads.

Also, petition of V. Mott Pierce, president of Proprietary Association of America, and of 4 manufacturers of proprietary medicines, of Buffalo, N. Y., for the repeal of the tax under Schedule B of the war-revenue act—to the Committee on Ways and Means.

By Mr. SOUTHARD: Petition of the Toledo Yachting Association, of Toledo, Ohio, protesting against the passage of House bill No. 12743, relating to yachts and launches propelled by naphtha, gas, fluid, or electric motor—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of L. J. Callanan, of New York, and resolutions of the New York Board of Trade and Transportation, favoring the erection of a new post-office building in New York City—to the Committee on Public Buildings and Grounds.

Also, petition of New York Furniture Warehousemen's Association and Manufacturers' Association of New York, urging a sufficient appropriation to maintain and extend the postal tubular system in the city of New York—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Abbey Effervescent Salt Company, of New York, for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. VANDIVER: Petition of the Missouri Annual Conference of the Methodist Episcopal Church South, for the repeal of the war-revenue tax on legacies to educational, charitable, and religious societies—to the Committee on Ways and Means.

SENATE.

TUESDAY, *February 12, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KYLE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the following memorial of the legislative assembly of the Territory of Arizona; which was referred to the Committee on Territories, and ordered to be printed in the RECORD:

TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, *Territory of Arizona, ss:*

I, Charles H. Akers, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of the council memorial No. 3, which was filed in this office the 5th day of February, A. D. 1901, at 3 o'clock p. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix, the capital, this 6th day of February, A. D. 1901.

[SEAL.] C. H. AKERS,
Secretary of the Territory of Arizona.

Council memorial No. 3.

To the Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable body that—

First. In pursuance of an act of the legislative assembly of the Territory of Arizona two years ago, a commission was appointed by the governor to revise the statutes of the Territory of Arizona. Such commission met and has revised and codified the entire laws of the Territory of Arizona, and has presented its report to the legislature.

Second. The consideration and enactment of the code so reported, together with the usual business to be transacted, will require more time than the sixty days which the legislature is authorized to sit.

Wherefore your memorialists pray that the Congress of the United States do pass such legislation as will permit the legislative assembly of the Territory of Arizona, now in session, to continue its session to such date not later than April 21, 1901, as to it may seem fit.

Resolved, That our Delegate to Congress be respectfully requested to use his best efforts to secure the prayer herein asked for.

P. P. PARKER,
Speaker of the House.
EUGENE S. IVES,
President of the Council.

I hereby certify that the within bill originated in the council, and is known as council memorial No. 3.

JOHN J. BIRDNE,
Chief Clerk.

Filed in the office of the secretary of the Territory of Arizona this 5th day of February, A. D. 1901, at 3 p. m.

C. H. AKERS,
Secretary of Arizona.

Mr. LODGE presented the following resolutions, adopted by the legislature of Massachusetts, favoring the repeal of the duty on tea; which were ordered to lie on the table, and to be printed in the RECORD:

COMMONWEALTH OF MASSACHUSETTS, *In the year 1901.*

Resolutions relative to the abolition of the United States tax on tea.

Whereas there is now under consideration in the United States Congress a bill to reduce taxes and imposts laid under the act known as the "war-revenue act;" and

Whereas the duty on tea imposed by that act amounts to 10 cents a pound: Therefore, be it

Resolved, That the attention of the Senators and Representatives in Congress from the Commonwealth of Massachusetts is respectfully called to the following considerations:

First. That, as tea is very commonly used by all our people, the removal of the tax thereon would be in accordance with the recommendation of the President that the taxes "most burdensome to the people" should be removed.

Second. That the present tax on tea bears unequally upon the people, in that the lower grades sustain the larger tax. Therefore, be it further

Resolved, That the Senators and Representatives in Congress from this Commonwealth are respectfully requested to use their best endeavors for the abolition of the tax on tea; and that a copy of these resolutions be transmitted to them.

HOUSE OF REPRESENTATIVES, *January 31, 1901.*

Adopted. Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*
SENATE, *February 1, 1901.*

Adopted in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy. Attest:

JAMES W. KIMBALL,
Clerk House of Representatives.

Mr. LODGE presented a petition of the Woman's Christian Temperance Union of Winchester, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of West Kingston Grange, No. 10, Patrons of Husbandry, of West Kingston, R. I., praying that an appropriation be made to increase the distribution by the Department of Agriculture of the Farmers' Bulletin; which was referred to the Committee on Agriculture and Forestry.

Mr. SHOUP presented the following memorial of the legislature of Idaho; which was ordered to lie on the table, and to be printed in the RECORD:

EXECUTIVE DEPARTMENT, *Secretary's Office, State of Idaho.*

I, C. J. Bassett, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 4:

In the senate. By Moore (by request).

Which was filed in this office the 6th day of February, A. D. 1901, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 7th day of February, A. D. 1901.

[SEAL.] C. J. BASSETT, *Secretary of State.*

[Senate joint memorial No. 4. In the senate. By Moore (by request).]

A joint memorial asking the House of Representatives to pass the Senate bill to pension the Indian war veterans of the North Pacific coast.

To the honorable the House of Representatives in Congress assembled at Washington, D. C.:

Your memorialists, the legislature of the State of Idaho, would most respectfully, but urgently, ask that you pass the bill of Senator MCBRIDE, of Oregon, which has passed the Senate, to pension the Indian war veterans of the North Pacific coast, there being many soldiers in this State who are truly entitled to the relief asked.

Passed the senate February 1, 1901. Passed the house of representatives February 5, 1901. Approved February 6, 1901.

I, W. V. Helfrich, hereby certify that the above and foregoing senate joint resolution entitled "A joint memorial asking the House of Representatives to pass the Senate bill to pension the Indian war veterans of the North Pacific coast," originated in the senate on the 25th day of January, 1901, and passed the senate on the 1st day of February, 1901.

WM. V. HELFRICH,
Secretary of Senate.

Mr. FRYE presented a joint resolution of the legislature of Oregon, favoring the adoption of an amendment to the Constitution providing for the election of Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the board of supervisors of the city and county of San Francisco, Cal., praying for the enactment of legislation granting aid to the proposed exposition to be held in the city of Charleston, S. C.; which was referred to the Select Committee on Industrial Expositions.

He also presented resolutions adopted by the legislature of Massachusetts, favoring the repeal of the duty on tea; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5870) granting an increase of pension to William Nichol;

A bill (H. R. 11187) granting a pension to James W. Russell;

A bill (H. R. 3078) granting an increase of pension to Amanda W. Clancy;

to introduce any measure. The whole number of votes cast for Justice of the Supreme Court at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State, and in submitting the same to the people he and all other officers shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor.

Adopted by the House, January 27, 1899.

E. V. CARTER,
Speaker of the House.

Concurred in by the Senate February 2, 1899.

T. C. TAYLOR,
President of the Senate.

Approved February 6, 1899.

T. T. GEER,
Governor.

Approved January 31, 1901.

T. T. GEER,
Governor.

Adopted by the House January 16, 1901.

L. B. REEDER,
Speaker of the House, Twenty-first Legislative Assembly.

Concurred in by the Senate January 16, 1901.

C. W. FULTON,
President of the Senate, Twenty-first Legislative Assembly.

HOUSE JOINT RESOLUTION NO. 4.

Whereas, under the present method of the election of United States Senators by the legislatures of the several states, protracted contests frequently result in no election at all, and in all cases interfering with needed state legislation; and

Whereas, Oregon in common with many of the other states has asked congress to adopt an amendment to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and said amendment has passed the House of Representatives on several occasions, but the Senate of the United States has continually refused to adopt said amendment; therefore be it

Resolved by the House of Representatives of the State of Oregon, the Senate concurring:

That the Congress of the United States is hereby asked, and urgently requested, to call a constitutional convention for proposing amendments to the Constitution of the United States, as provided in Article V of the said Constitution of the United States.

Resolved, That we hereby ask, and urgently request, that the legislative assembly of each of the other states in the union unite with us in asking and urgently requesting the Congress of the United States to call a constitutional convention for the purpose of proposing amendments to the Constitution of the United States.

Resolved, That the Secretary of State be and he is hereby authorized and directed to send a certified copy of this Joint Resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to the legislative assembly of each and every of the other states of the union.

Adopted by the House January 23, 1901.

L. B. REEDER,
Speaker of the House.

Concurred in by the Senate January 25, 1901.

C. W. FULTON,
President of the Senate.

HOUSE JOINT RESOLUTION NO. 6.

Whereas, in the year 1891, by the summary of assessments as returned by the county clerk of Clatsop County, Oregon, to the Secretary of State for the State of Oregon, errors were made whereby the total valuation of property subject to taxation in said county for said year was made to appear to be $5,436,673, when in fact the total valuations aggregated only $5,066,009; and,

Whereas, a state tax of seven mills was levied by the state in said year 1891, on said erroneous summary, whereby said county was compelled to and did pay the tax of seven mills on $370,664 of valuation more than the actual valuation shown by the tax roll of said county for said year, and is charged on

Document ID: 1292 **State:** Oregon **Type:** Application
State Action: House Joint Resolution No. 4 **Date of state action:** Jan. 25, 1901
Citation: 34 Cong. Rec. 2290 (1901) **Status:** In force **Limited:** No
Subsequent History:
Subject Matter: Direct election of Senators, Plenary
Related Citations:
Notes: Text at 1901 Or. Laws 477-78.

The following text was created automatically by a computer OCR scan from the original document image, and may contain errors.

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Text from 1901 Or. Laws 477-78.

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Whereas, Oregon in common with many of the other states has asked congress to adopt an amendment to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and said amendment has passed the House of Representatives on several occasions, but the Senate of the United States has continually refused to adopt said amendment; therefore be it

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Resolved, That we hereby ask, and urgently request, that the legislative assembly of each of the other states in the union unite with us in asking and urgently requesting the Congress of the United States to call a constitutional convention for the purpose of proposing amendments to the Constitution of the United States.

Resolved, That the Secretary of State be and he is hereby authorized and directed to send a certified copy of this Joint Resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to the legislative assembly of each and every of the other states of the union.

Adopted by the House January 23, 1901.

L. B. REEDER, Speaker of the House.

Concurred in by the Senate January 25, 1901.

C. W. FULTON, President of the Senate.

Counting to Two Thirds: How Close Are We to a Convention for Proposing Amendments to the Constitution?

By Robert G. Natelson

Note from the Editor:

This article argues that, in aggregating applications from states to call a convention for proposing amendments under Article V of the U.S. Constitution, Congress should count plenary (unlimited) applications toward a limited-subject convention.

The Federalist Society takes no positions on particular legal and public policy matters. Any expressions of opinion are those of the author. Whenever we publish an article that advocates for a particular position, as here, we offer links to other perspectives on the issue, including ones opposed to the position taken in the article. We also invite responses from our readers. To join the debate, please email us at info@fedsoc.org.

• Laurence H. Tribe, *Issues Raised by Requesting Congress to Call a Constitutional Convention to Propose a Balanced Budget Amendment*, 10 Pac. L.J. 627, 632 (1979), http://heinonline.org/HOL/LandingPage?handle=hein.journals/mcglr10&div=44&id=&page=.

• Michael Stokes Paulsen, *A General Theory of Article V: The Constitutional Lessons of the Twenty-Seventh Amendment*, 103 Yale L.J. 677 (1993), http://heinonline.org/HOL/Page?handle=hein.journals/ylr103&div=33&g_sent=1&casa_token=.

• Russell Caplan, Constitutional Brinksmanship: Amending the Constitution by National Convention (1988), https://www.amazon.com/Constitutional-Brinksmanship-Amending-Constitution-Convention/dp/019505573X.

• Grover Joseph Rees, III, *The Amendment Process and Limited Constitutional Conventions*, 2 Benchmark 66 (1986), http://articlevinfocenter.com/wp-content/uploads/2018/03/Rees-Benchmark-1986-ocr.pdf.

About the Author:

Rob Natelson is Professor of Law at The University of Montana (ret.), Senior Fellow in Constitutional Jurisprudence at the Independence Institute in Denver, Colorado, and Director of the Independence Institute's Article V Information Center. His work has been relied on repeatedly by U.S. Supreme Court justices and parties and has been cited by the highest courts of 15 states.

Article V of the United States Constitution provides that when two thirds (currently 34) of the state legislatures apply, "Congress . . . shall call a Convention for proposing Amendments."[1] To determine whether its duty to call a convention has been triggered, Congress must count applications from states; this practice sometimes is referred to as "aggregating" applications. This paper addresses the almost unexamined[2] question of whether applications for a convention unlimited as to topic ("plenary applications") should be aggregated with those for a convention limited to one or more subjects.

Congress may face this issue very soon. At least 27 state legislatures have valid applications outstanding for a convention to propose a balanced budget amendment (BBA). At least six states without BBA applications have outstanding applications calling for a plenary convention. Thus, if aggregation is called for, 33 of the 34 applications needed for Congress to call a convention likely exist.

After consideration of the language of Article V, case law, historical practice, and other factors, this paper concludes that Congress should add existing plenary applications to the BBA

1 U.S. Const. art. V provides as follows:

> The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Convention in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

2 Not only is the precise topic of this paper unexamined in the scholarly literature, there has been very little discussion of aggregation issues in general, although they are treated to some extent in, *e.g.,* Michael Stokes Paulsen, *A General Theory of Article V: The Constitutional Lessons of the Twenty-Seventh Amendment*, 103 Yale L.J. 677 (1993) [hereinafter *Paulsen*]; Russell Caplan, Constitutional Brinksmanship: Amending the Constitution by National Convention (1988) [hereinafter Caplan]; Grover Joseph Rees, III, *The Amendment Process and Limited Constitutional Conventions*, 2 Benchmark 66 (1986).

Given this paucity, I necessarily have had to rely heavily on my own previous publications. *See, e.g.*, Robert G. Natelson, *Founding-Era Conventions and the Meaning of the Constitution's "Convention for Proposing Amendments*," 65 Fla. L. Rev. 615 (2013) [hereinafter *Founding-Era Conventions*]; State Initiation of Constitutional Amendments: A Guide for Lawyers and Legislative Drafters (4th ed, 2016), https://i2i.org/wp-content/uploads/2015/01/Compendium-4.0-plain.pdf [hereinafter Guide]; *Why the Constitution's "Convention for Proposing Amendments" is a Convention of the States* (Heartland Institute 2017) (hereinafter *Convention of the States*).

total, and that it should call a BBA convention if and when the aggregated total reaches 34.

I. Basic Principles

Article V provides that, to become part of the Constitution, an amendment must be ratified either by (1) three fourths of the state legislatures or (2) conventions in three fourths of the states. Congress chooses between the legislative and convention ratification methods. However, before an amendment may be ratified, it first must be duly *proposed*.[3] Article V itemizes two permissible methods of proposal: (1) by a two thirds vote of both houses of Congress or (2) by "a Convention for proposing Amendments." This paper focuses on the latter method, which the framers designed as a way of proposing amendments without the consent of Congress.

Article V does not delineate expressly the composition and nature of a convention for proposing amendments, and such a convention has never been held. For this reason, commentators, particularly those who oppose a convention, have long complained that Article V provides insufficient guidance on the subject.[4] But the brevity of Article V is consistent with the drafting of the Constitution generally. The Framers sought to keep the document short by outlining the basics and leaving to readers the task of supplementing the text from contemporaneous law and circumstances. For example, Article I, Section 9, Clause 2 states that "The privilege of the writ of habeas corpus shall not be suspended . . . ." It does not explain what a writ of habeas corpus is, what it contains, how it is issued, or the traditional rules regarding suspension.[5] Readers are expected to identify those facts for themselves. In this respect, Article V is no different.

Recent scholarly investigations into Article V have placed in the public domain the information necessary for understanding the Article V convention process.[6] For example, both Founding-Era evidence[7] and the Supreme Court[8] inform us that a convention for proposing amendments is a kind of "convention of the states"—also called a "convention of states." This characterization has the effect of clarifying basic convention protocols, because the protocols of such conventions were standardized long before the Constitution was drafted: The Constitutional Convention of 1787 was a convention of the states, and it had over thirty predecessors.[9] In fact, many of the delegates at the Constitutional Convention were veterans of one or more previous interstate gatherings.[10]

Moreover, the protocols have not changed significantly since the Founding. Conventions of states met in Hartford, Connecticut (1814); Nashville, Tennessee (1850); Washington, D.C. (1861), Montgomery, Alabama (1861) St. Louis, Missouri (1889); Santa Fe, New Mexico and three other cities (1922); in various locations from 1946 to 1949; and in Phoenix, Arizona (2017).[11] Although the specific rules for each meeting differed somewhat, the basic protocols remained roughly similar.[12] Most interstate conventions, both before and after the ratification of the U.S. Constitution, have been regional or "partial" conventions to which colonies or states from only a single region of the country were invited. At least eight have been general conventions—that is, gatherings to which colonies or states from all regions were invited.[13] An Article V convention for proposing amendments would be general, but there are no significant protocol differences between partial and general conventions.[14] Those protocols determine such matters as the scope of a convention call, how commissioners are instructed, and how rules are adopted.[15]

Article V does not outline these details because they were so well known to the founding generation that there was no need to repeat them. Article V is more specific only in a few instances where clarification was necessary.[16] In view of the wealth of history surrounding Article V, the courts appropriately defer to that history. The Supreme Court and other judicial tribunals have decided nearly fifty reported Article V cases,[17] and they

3 U.S. Const. art. V.

4 *E.g.*, Laurence H. Tribe, *Issues Raised by Requesting Congress to Call a Constitutional Convention to Propose a Balanced Budget Amendment*, 10 Pac. L.J. 627, 632 (1979) (calling the Constitution's convention wording "strikingly vague").

5 U.S. Const. art. I, § 9, cl. 2. The guidelines for suspension are outlined in Robert G. Natelson, The Original Constitution: What It Actually Said and Meant 122-23 (3d ed. 2014).

6 In addition to sources cited in this paper, see Michael B. Rappaport, *The Constitutionality of a Limited Convention: An Originalist Analysis*, 28 Const. Comment. 53 (2012); Michael Stern, *Reopening the Constitutional Road to Reform: Toward a Safeguarded Article V Convention*, 78 Tenn L. Rev. 765 (2011); John Vile, Conventional Wisdom: The Alternate Article V Mechanism for Proposing Amendments to the U.S. Constitution (2016).

7 *Convention of the States*, *supra* note 2.

8 Smith v. Union Bank, 30 U.S. 518, 528 (1831) (referring to a convention for proposing amendments as a "convention of the states").

9 The constitutional term "convention" is probably the most common designation, but at various times, they also have been known as interstate congresses, committees, and commissions. *See generally Founding-Era Conventions*, *supra* note 2; Robert G. Natelson, *List of Conventions of States in American History*, http://articlevinfocenter.com/list-conventions-states-colonies-american-history/.

10 *Founding-Era Conventions, supra* note 2, at 691-710 (identifying attendees at the Constitutional Convention and prior Founding-Era conventions, initially listed by alphabetical order for each attendee, and then grouped by state).

11 Robert G. Natelson, *Lists of Conventions of States in American History*, http://articlevinfocenter.com/list-conventions-states-colonies-american-history/.

12 For example, at all of these conclaves states enjoyed equal voting power. Specifically, at every convention except St. Louis (1889), each state had one vote. At St. Louis, each state had eight votes. Robert G. Natelson, *Newly Rediscovered: The 1889 St. Louis Convention of States*, http://articlevinfocenter.com/newly-rediscovered-1889-st-louis-convention-states/.

13 *Id.* The general conventions were Albany (1754), New York City (1765 and 1774), Annapolis (1786), Philadelphia (1780 and 1787), Washington, D.C. (1861), and Phoenix (2017). *Id.*

14 The standard protocols originally were based on international practice. Caplan, *supra* note 2, at 95-96.

15 *Founding-Era Conventions*, *supra* note 2, at 686-90.

16 *Id.* at 689-90.

17 *See* Guide, *supra* note 2, at 12-13 for a table of cases.

have repeatedly consulted history to clarify the article's words and procedures.[18]

II. Definitions of Terms

When the Constitution was adopted, an *application* was an address from one person or entity to another.[19] It was thus a very broad term, and it could include communications among equals or between superiors and inferiors. An application could be an invitation, a request, a delegation, or an order.

One kind of application was a convention *call.*[20] This was an official invitation, often called a "circular letter," sent to all or some states to meet at a particular time and initial place to discuss topics itemized in the call. Most calls were issued by individual states; others came from Congress or prior conventions.[21] Calls were limited to time, initial place, and topic. Additional material, on the rare occasions when it was included, was precatory.[22]

Another kind of application, which might also be communicated by circular letter, encouraged the recipient to call or support a convention. Thus, a 1783 request from the Massachusetts legislature to the Confederation Congress asking it to call a convention was styled an "application."[23] To similar effect was the report of the 1786 Annapolis convention suggesting to the states that they meet in Philadelphia the following year,[24] and the circular letter of July 26, 1788 issued by the New York ratifying convention urging another convention to consider amendments to the 1787 Constitution.[25]

Calls and other convention applications almost invariably informed the recipients of the subjects for which the convention was sought. They almost never said merely, "let's meet." Rather, they said, "let's meet to discuss trade issues"—or defense issues, or financial issues, or some specified combination.[26] Calls and applications specifying different topics were understood to require different conventions. In 1786, one convention call invited all states to discuss trade issues while another invited some states to discuss navigation issues.[27] There was no move to aggregate the two into a single meeting to discuss both.

Another class of applications not mentioned in Article V but inherent in any convention of states are those directed by principals to their agents—that is, from state legislatures to their representatives. In this class are *commissions* (also called credentials) whereby legislatures designate their commissioners. A commission is much like a power of attorney in that it names and empowers one or more agents and defines the scope of their authority.[28] Each commissioner presents his or her commission to the convention before he or she may be seated. Closely related are *instructions*. As their name indicates, they contain more detailed directions from the appointing authority. Historically, commissions usually have been public documents while separate instructions often have been secret.[29]

Article V refines to a certain extent how calls and other initial applications operate in the amendment context: Article V provides that state legislatures may apply to Congress, and when two thirds of them have done so, Congress must call an amendments convention. This enables state legislatures to promote amendments in a way that forestalls congressional veto. The congressional role in the convention process is mandatory and limited—ministerial rather than discretionary.[30] Congress acts as a convenient common agent for the state legislatures.[31] It follows necessarily that Congress's function as the calling agent does not entitle it to alter traditional rules. Nothing in the Constitution supports the notion that Congress can expand its role to include, for example, dictating how commissioners are selected or what convention rules must be.[32]

One last point pertains to terminology: Some commentators have referred to an unlimited convention as a "general convention." This usage is incorrect.[33] A general convention is a conclave to which states from all regions of the country are invited—as

18 *Id.* at 26, n.54 (collecting cases relying on history).

19 Robert G. Natelson, *What is an Amendments Convention "Application?" What is a "Call?"* http://articlevinfocenter.com/what-is-an-amendments-convention-application-what-is-a-call/.

20 *Id.* Thus, a call sometimes was labeled an application. *E.g.*, 1 Public Records of the State of Connecticut 589 (Charley Hoadley ed., 1894).

21 *Founding-Era Conventions*, *supra* note 2 (identifying the calling entities for major conventions held before 1788).

22 *See generally id.*

23 *Id.* at 667.

24 *Proceedings of Commissioners to Remedy Defects of the Federal Government: 1786*, Yale Law School's Avalon Project, *available at* http://avalon.law.yale.edu/18th_century/annapoli.asp.

25 2 Jonathan Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution 413-44 (1836) (communicating with the governors of other states and urging them to support another convention).

26 *See generally Founding-Era Conventions*, *supra* note 2.

27 *Id.* at 668-72 (discussing the Annapolis Convention of 1786 and a proposed "Navigation Convention").

28 *See, e.g.*, The Federalist No. 40 (James Madison) ("The powers of the convention ought, in strictness, to be determined by an inspection of the commissions given to the members by their respective constituents."); see also Caplan, *supra* note 2, at 97.

29 For a convenient collection of the calls, credentials, and instructions of a Founding-Era convention, see C.A. Weslager, The Stamp Act Congress 181-97 (1976).

30 The Federalist No. 85 (Alexander Hamilton) ("The Congress 'shall call a convention.' Nothing in this particular is left to the discretion of that body."); Remarks of Rep. James Madison, 1 Annals of Congress 260 (May 5, 1789).

31 Caplan, *supra* note 2, at 94.

32 Professor Charles Black of Yale Law School may have originated the notion that Congress can control convention protocols. Charles L. Black, Jr., *The Proposed Amendment of Article V: A Theatened Disaster,* 72 Yale L.J. 958, 964-65 (1963). To support this view, he relied on the Necessary and Proper Clause. However, that Clause does not apply to the amendment process. *See* Guide, *supra* note 2, at 48-52. As the title suggests, Black's article was polemical rather than scholarly in nature.

33 Professor Black seems responsible for this error as well, Charles L. Black, Jr., *Amending the Constitution: A Letter to a Congressman*, 82 Yale L.J. 189, 198 (1972), although others have repeated it.

opposed to a partial or regional gathering. A convention for proposing amendments is necessarily general, but may be limited or unlimited as to topic. If unlimited as to topic, it should be referred to as *unlimited*, *open*, or *plenary*.[34]

III. Article V Applications Must be Aggregated By Subject Matter

Only about twenty state legislative applications under Article V have been plenary—that is, seeking an unlimited or plenary convention.[35] The other applications have sought conventions to consider amendments on one or more designated subjects. Article V does not provide expressly that the required two thirds of applications must address the same or overlapping subjects. This has led some to argue that because there have been far more than 34 applications, a call for a plenary convention is already mandatory.[36] In other words, all valid applications must be aggregated with all other valid applications to yield a plenary result.

Three aspects of this argument render it unlikely of congressional or judicial acceptance. Most fundamentally, perhaps, it conflicts with the dictates of common sense: If 12 legislatures seek a convention to consider term limits, 12 seek a convention to consider a BBA, and 12 apply for a convention to consider campaign finance reform, it does not follow that 36 legislatures want a convention to consider everything, or all three topics, or any one of them. Further, this argument conflicts with Article V's background history. In the Founders' experience, convention calls and pre-call requests almost invariably designated one or more subjects and promoted a convention to address those subjects. Without prior agreement, states did not combine unrelated applications in a single convention.[37]

Third, the argument conflicts with post-constitutional understanding. Consider by way of illustration the situation in the year 1911. At that time, there were 46 states, so 31 were needed to call a convention. Twenty-nine states had issued applications for a convention to propose direct election of U.S. Senators. Thirteen states had outstanding applications for a convention to propose a ban on polygamy.[38] Subtracting states with applications on both subjects leaves 32—one state more than the required two thirds. Yet there is no evidence of widespread (or, indeed, any) contentions that direct election applications should be aggregated with anti-polygamy applications to force a convention. Not surprisingly, therefore, most commentators have concluded, or at least assumed, that for applications to aggregate they should overlap to some extent.[39] This certainly has been the tacit assumption of Congress.

But to what extent must they overlap? Surely they need not be exact copies of each other.[40] Founding-Era conventions met even though applications and instructions differed. In my 2016 treatise on the convention process, I addressed the question of how much coincidence is required. I listed four aggregation scenarios, as follows:

1. All applications seem to address the same subject, but restrictive wording in some renders them inherently inconsistent with others.
2. Some applications prescribe a convention addressing Subject A (e.g., a balanced budget amendment) while others prescribe a convention addressing both Subject A and unrelated Subject B (e.g., term limits).
3. Some applications prescribe a convention addressing Subject A (e.g., a balanced budget amendment) while others demand one addressing Subject X, where Subject X encompasses Subject A (e.g., fiscal restraints on the federal government).
4. Some applications prescribe a convention addressing Subject A and others call for a convention unlimited as to topic.[41]

The treatise examined the first three scenarios in light of history, including the Founders' own interpretive methods, and concluded that applications in the first two situations did not aggregate, but those in the third situation did.[42] Because a full analysis of #4 would have consumed a disproportionate share of the treatise, I merely listed some arguments for both conclusions and suggested

34 Another possible kind of convention is "plenipotentiary." This term is best reserved for conclaves meeting outside constitutional restraints—i.e, those that James Madison described as reverting to "first principles." James Madison to G.L. Turberville, Nov. 2, 1788, 5 The Writings of James Madison 298-300 (Gaillard Hunt ed., 1904). By contrast, a convention for proposing amendments, even a plenary one, is limited to proposing amendments to the existing Constitution, and is subject to "the forms of the Constitution." *Id.* As explained below, states sometimes have sent commissioners with plenipotentiary powers to more limited conventions.

35 *See* The Article V Library, article5library.org. As of this writing, the Article V Library is the best and most reliable source for applications. There is at least one other website devoted to applications (http://foavc.org/), but it contains notable errors, including aggregating applications that do not overlap as to topic. A list of applications and rescissions kept by the Clerk of the U.S. House of Representatives at http://clerk.house.gov/legislative/memorials.aspx is incomplete and dates back only to 1960.

36 The most distinguished writer to urge this position is Michael Stokes Paulsen. *See Paulsen, supra* note 2, at 746-47. Professor Paulsen argued that an application conditioned on set topics was void, but that listing a particular change as its purpose should count toward a plenary convention. Professor Paulsen wrote in 1993, well before most of Article V's defining history was recovered, although five years earlier Russell Caplan had documented the Founding-Era expectation that most applications would be limited. Caplan, *supra* note 2, at 95-99.

37 *Founding-Era Conventions*, *supra* note 2, at 668-72 (discussing the Annapolis Convention of 1786 and a proposed "Navigation Convention," with no suggestion that the two be aggregated).

38 For lists of applications by date and subject matter, see the Article V Library, article5library.org.

39 *E.g.*, Caplan, *supra* note 2, at 105 ("Twenty-four applications for a balanced-budget convention, and ten for a convention to consider school busing, will impose no duty on Congress"); *See also Rees, supra* note 2, at 89 ("It seems obvious that if seventeen States apply for a convention to consider anti-abortion amendments, for instance, and seventeen others apply for a convention on a balanced budget amendment, the requisite consensus does not exist.").

40 *Cf. id.* at 107 & 108.

41 Guide, *supra* note 2, at 55.

42 *Id.* at 56-58.

that an application's specific wording might be helpful in weighing whether the application should be aggregated.[43] The present paper examines the question more thoroughly. In doing so, we need not refer to hypothetical Subjects A, B, and X, because current events provide us with a real-life situation. Should BBA and plenary applications be aggregated together?

IV. Why Older Unrescinded Applications are Still Valid

Before proceeding further, I should explain why the extant (unrescinded) BBA and plenary applications remain valid even though several BBA applications are over 40 years old and the plenary applications are even older. Why have they not lapsed with passage of time?

During the 20th century, there was considerable discussion of this "staleness" question.[44] Even the Supreme Court speculated on the staleness question as it pertains to ratifications of amendments,[45] although no court has ever ruled on it. The intervening years have fairly well resolved the question for us: Unless expressly time-limited, applications remain in effect until formally rescinded. There are at least five reasons for so concluding.

First: Legislative actions normally do not lapse due to the mere passage of time. If their text does not limit their duration, they remain in effect until repealed, even if they become outdated. Nothing in constitutional history or usage suggests that Article V legislative resolutions comprise an idiosyncratic exception.

Second: The Twenty-Seventh Amendment was first proposed by Congress in 1789, and several states ratified shortly thereafter. However, the amendment did not collect sufficient states for ratification until a new campaign ensued two centuries later. The necessary 38 states finally ratified, and the Twenty-Seventh Amendment became effective in 1992. Ensuing universal recognition of the validity of this amendment is inconsistent with the view that Article V resolutions lapse with the passage of time.[46]

Third: Recognition of the durability of Article V legislative resolutions is implied by the practice of inserting specific time limits in congressional amendment proposals and in state legislative applications. Some states have supplemented this with explicit recitals to the effect that unrescinded applications are unlimited as to time unless otherwise so providing.[47]

Fourth: Formulating and applying a staleness rule consistently with the purposes of Article V would be impractical. There are no judicial or legal standards sufficient to guide a court in this regard. (Is five years too long? Too short? What about 15 years?) Leaving the question to Congress would undercut the convention procedure's fundamental purpose as a mechanism for *bypassing* Congress. During the 1960s, Senator Sam Ervin pointed out that some senators and academics wanted to disregard any applications more than two years old.[48] This, of course, would destroy the process, since some state legislatures meet only biennially. Allowing Congress to fix a maximum life span on applications would fit the proverbial case of the fox guarding the hen-house.

Fifth: Rescission is a common procedure.[49] Legislatures, or at least lobbyists, now monitor applications and do not assume that mere duration vitiates outdated ones. Legislatures becoming dissatisfied with applications can, and do, regularly rescind them.

For these reasons, we are justified in concluding that unrescinded applications do not lapse with the mere passage of time.

V. The Unrescinded BBA and Plenary Applications

The *Article V Library*, which operates a website at http://article5library.org/,[50] currently lists 28 states with unrescinded BBA applications.[51] Yet as a matter of prudence, the Mississippi application should not be counted. It may be invalid because it improperly purports to dictate to the convention an up-or-down vote on prescribed language.[52] Even if it is valid, its prescribed

43 *Id.* at 58-60.

44 *E.g.*, Caplan, *supra* note2, at 114 (arguing that applications do not expire); *Tribe*, *supra* note 4, at 638 ("When, if ever, does a state's application lapse?"); *Rees, supra* note 2, at 99 (arguing that Congress may limit the life of an application); Douglas G. Voegler, *Amending the Constitution by the Article V Convention Method,* 55 N.D. L. Rev. 355, 369-71 (1979) (arguing that applications must be reasonably contemporaneous). Perhaps the most complete discussion is in *Paulsen, supra* note 2 (arguing that applications do not expire).

45 Dillon v. Gloss, 256 U.S. 368 (1921).

46 *Cf. Paulsen, supra* note 2 (exploring the practical effects of recognizing the validity of the Twenty-Seventh Amendment).

47 An example is a partial rescission adopted by the Texas legislature in 2017, SJR 38 (2017), *available at* http://www.capitol.state.tx.us/tlodocs/85R/billtext/pdf/SJ00038F.pdf#navpanes=0 ("WHEREAS, Regardless of their age, such past applications from Texas lawmakers remain alive and valid until such time as they are later formally rescinded.").

48 Sam J. Ervin, Jr., *Proposed Legislation to Implement the Convention Method of Amending the Constitution*, 66 Mich. L. Rev. 875, 891 (1968).

49 The Article V Library reports 22 rescissions of balanced budget applications since 1988 alone. *See* Article V Convention Application Analysis, http://article5library.org/analyze.php. There have been, of course, other rescissions.

50 *See supra* note 35 for my reasons for relying on the Article V Library rather than other sources.

51 Article V Convention Application Analysis, *Balanced Budget*, http://article5library.org/analyze.php?topic=Balanced+budget&res=1&gen=0&ylimit=0.

52 The Mississippi application, adopted in 1979, is available at http://article5library.org/gettext.php?doc=1184. It reads in part as follows:

> Now Therefore, Be it Resolved by the House of Representatives of the State of Mississippi, the Senate Concurring Therein. That we do hereby, pursuant to Article V of the Constitution of the United States, make application to the Congress of the United States to call a convention of the several states for the proposing of the following amendment to the Constitution of the United States: [proposed amendment language]

Modern scholarly opinion is split on whether prescribed language applications are valid; I am inclined to believe they are not, based both on Founding-Era practice and on subsequent case law. Guide, *supra* note 2, at 38-39. *Cf.* Caplan, *supra* note 2, at 107 (pointing out that there is no Founding-Era precedent for applications that "recite the text of an amendment and require the convention to adopt that language only."). Two commentaries arguing to the contrary are *Rappaport, supra* note 6, and *Stern, supra* note 6.

language seems to render it inconsistent with the other 27. Those 27 differ in various ways, but none of them is really crucial. Pre-convention documents issued by separate states always have varied somewhat, but that has not prevented conventions from meeting successfully.[53]

The *Article V Library* lists 16 states with unrescinded plenary applications.[54] Nine of those states[55] have BBA applications as well, so only 7 states have plenary applications but no BBA applications: Illinois, Kentucky, New Jersey, New York, Oregon, South Carolina, and Washington. But just as we eliminated Mississippi from the BBA list, we must scratch South Carolina from the plenary list. The operative resolution of its legislature's 1832 resolution is as follows:

> Resolved, That it is expedient that a Convention of the States be called as early as practicable, to consider and determine such questions of disputed power as have arisen between the States of this confederacy and the General Government.
>
> Resolved, That the Governor be requested to transmit copies of this preamble and resolutions to the Governors of the several States, with a request that the same may be laid before the Legislatures of their respective States, and also to our Senator's [sic] and Representatives in Congress, to be by them laid before Congress for consideration.[56]

Although this resolution qualifies as a call for a convention of the states, it does not qualify as an Article V application. It is not addressed to Congress, and it does not call for a convention for proposing amendments. Moreover, it is not plenary. The convention subject matter is identified as "such questions of disputed power as have arisen between the States of this confederacy and the General Government." A balanced budget amendment is not within the scope of that topic; nor are term limits nor several other subjects of modern interest. This leaves six plenary applications from states that have no BBA application outstanding, each of which is addressed below.

A. Illinois

Illinois has two valid plenary applications extant. The first dates from 1861. Its relevant language reads:

> WHEREAS, although the people of the State of Illinois do not desire any change in our Federal constitution, yet as several of our sister States have indicated that they deem it necessary that some amendment should be made thereto; and whereas, in and by the fifth article of the constitution of the United States, provision is made for proposing amendments to that instrument, either by congress or by a convention; and whereas a desire has been expressed, in various parts of the United States, for a convention to propose amendments to the constitution; therefore,
>
> Be it resolved by the General Assembly of the State of Illinois, That if application shall be made to Congress, by any of the States deeming themselves aggrieved, to call a convention, in accordance with the constitutional provision aforesaid, to propose amendments to the constitution of the United States, that the Legislature of the State of Illinois will and does hereby concur in making such application.

Essentially, this resolution expresses the Illinois state legislature's decision to join other states' applications, either in 1861 or in the future. It authorizes Congress to add Illinois to any other application lists.

The other extant Illinois application was adopted in 1903, during the campaign for direct election of Senators. Its relevant language is:

> Whereas by direct vote of the people of the State of Illinois at a general election held in said State on the 4th day of November, A.D. 1902, it was voted that this general assembly take the necessary steps under Article V of the Constitution of the United States to bring about the election of United States Senators by direct vote of the people; and
>
> Whereas Article V of the Constitution of the United States provides that on the application of the legislatures of two-thirds of the several States the Congress of the United States shall call a convention for proposing amendments:
>
> Now, therefore, in obedience to the expressed will of the people as expressed at the said election, be it
>
> Resolved by the senate (the house of representatives concurring herein), That application be, and is hereby, made to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States, as provided for in said Article V . . .

The preamble explains the motivating force for the resolution, but the operative words apply for a plenary convention. It is a basic rule of legal interpretation that when there are apparent inconsistencies between a preamble and operative words, if the operative words are clear (as they are here), they prevail. In this case, moreover, there really is no inconsistency because a legislative body may be motivated by an issue without necessarily limiting its response to that issue. Significantly, the Illinois legislature left this resolution in effect after adoption of the Seventeenth Amendment and has retained it to this day. Congress can therefore count Illinois among those states applying for a convention on any topic.

B. Kentucky

Kentucky adopted its application in 1861. The *Article V Library* contains only an announcement of the application from the Senate's presiding officer. It indicates that the application is not limited, but merely asks for a convention for proposing amendments. William Pullen's 1951 study of the application process reproduces the actual wording:

> Whereas the people of some states feel themselves deeply aggrieved by the policy and measures which have been

53 *See generally Founding-Era Conventions*, *supra* note 2.

54 The Article V Library uses the misnomer "general" for plenary. *See supra* note 33 and accompanying text.

55 Indiana, Ohio, Texas, Colorado, Iowa, Kansas, Missouri, Nebraska, and Wisconsin.

56 This and the plenary applications discussed below are available at http://article5library.org/analyze.php?topic=General&res=1&gen=1&ylimit=0.

adopted by the people of some other states; and whereas an amendment of the Constitution of the United States is deemed indispensably necessary to secure them against similar grievances in the future: therefore—

Resolved, . . . That application to Congress to call a convention for proposing amendments to the Constitution of the United States, pursuant to the fifth article, thereof, be, and the same is hereby now made by this general assembly of Kentucky; and we hereby invite our sister States to unite with us without delay, in similar application to Congress.

* * * *

Resolved, If the convention be called in accordance with the provisions of the foregoing resolutions, the legislature of the Commonwealth of Kentucky suggests for the consideration of that convention, as a basis for settling existing difficulties, the adoption, by way of amendments to the Constitution, of the resolutions offered in the Senate of the United States by the Hon. John J. Crittenden.[57]

This language is plenary. It recites its motivation (resolution of present and future grievances) and adds a suggested amendment, but its operative words are unlimited. Because of the recital of future grievances, the Kentucky application, like that of Illinois, looks forward to consideration of future topics.

C. New Jersey

The 1861 New Jersey application was motivated by impending civil war, as its lengthy text makes clear. However, the operative language of the resolution applies for a plenary convention:

And be it resolved, That as the Union of these States is in imminent danger unless the remedies before suggested be speedily adopted, then, as a last resort, the State of New Jersey hereby makes application, according to the terms of the Constitution, of the Congress of the United States, to call a convention (of the States) to propose amendments to said Constitution.

As in the case of Illinois and Kentucky, New Jersey's grant of authority to Congress has never been rescinded.

D. New York

The operative language of New York's 1789 application seeks a convention:

[W]ith full powers to take the said Constitution into their consideration, and propose such amendments thereto, as they shall find best calculated to promote our common interests, and secure to ourselves and our latest [i.e., ultimate] posterity, the great and inalienable rights of mankind.[58]

This application is clearly plenary.

E. Oregon

Oregon's 1901 application, like the 1903 application of Illinois, arose out of the campaign for direct election of Senators. The preamble recites direct election as its motivation, but the operative language is unlimited:

Whereas, under the present method of the election of United States Senators by the legislatures of the several states, protracted contests frequently result in no election at all, and in all cases interfering with needed state legislation; and

Whereas, Oregon in common with many of the other states has asked congress to adopt an amendment to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and said amendment has passed the House of Representatives on several occasions, but the Senate of the United States has continually refused to adopt said amendment; therefore be it

Resolved by the House of Representatives of the State of Oregon, the Senate concurring:

That the Congress of the United States is hereby asked, and urgently requested, to call a constitutional convention for proposing amendments to the Constitution of the United States, as provided in Article V of the said Constitution of the United States.

Resolved, That we hereby ask, and urgently request, that the legislative assembly of each of the other states in the union unite with us in asking and urgently requesting the Congress of the United States to call a constitutional convention for the purpose of proposing amendments to the Constitution of the United States.

F. Washington

Two Washington State applications remain in effect, both dating from the direct election of Senators campaign. The 1901 application contains no preamble or other recitals. Aside from transmittal directions, it states merely:

That application be and the same is hereby made to the Congress of the United States of America to call a convention for proposing amendments to the constitution

57 William Russell Pullen, The Application Clause of the Amending Provision of the Constitution 79-80 (Univ. of NC Ph.D. thesis, 1951).

58 1 Annals of Congress 29-30 (May 5, 1789). The application was dated Feb. 5, 1789.

of the United States of America as authorized by Article V of the Constitution of the United States of America.

The 1903 application is similar, except that it recites a motivation:

> Whereas the present method of electing a United States Senators is expensive and conducive of unnecessary delay in the passage of useful legislation; and
>
> Whereas the will of the people can best be ascertained by direct vote of the people: Therefore,
>
> Be it enacted by the legislature of the State of Washington,
>
> That application be, and the same is hereby, made to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States of America.

The language of each is plenary.

VI. Aggregating Plenary with Limited Applications

We now arrive at the issue of whether a plenary application may be aggregated with narrower applications. There are two questions here. The first is, "May applications limited to one or more subjects be aggregated with plenary applications to authorize a plenary convention?" The second is "May plenary applications be aggregated with those limited to one or more subjects to authorize a limited convention?"

The first question need not detain us, for the answer is a straightforward "no." There is no historical precedent for such a result, and as Russell Caplan observes, "a state desiring a federal balanced budget may not, and likely does not, want the Constitution changed in any other respect."[59] Today, in fact, while there is widespread current interest in a limited convention, there is little desire for a plenary one. For Congress as the agent for the state legislatures to call a plenary convention in these circumstances would violate its fiduciary duties to legislatures seeking to limit the convention's scope.

At initial inspection, answering the question of whether plenary applications may be aggregated toward a limited convention appears difficult because obvious precedent seems lacking. In pre-constitutional practice, states almost never issued plenary applications or calls. They almost universally specified the subjects a proposed convention was to consider, although those subjects sometimes were very broad. Hence there was no occasion when states aggregated plenary calls with more limited ones. Even the post-constitutional years have seen relatively few plenary applications. The first was issued in 1789 by New York[60] and the last in 1929 by Wisconsin, and in the intervening centuries there were fewer than twenty.[61] A closer look at historical practice, however, reveals some promising clues.

A. Founding-Era Practice

The Founders' understanding of the word "application," as we have seen, included requests for conventions (as in Article V), calls, commissions, and instructions.[62] An Article V application is essentially a conditional commission and instruction: It directs Congress to call a convention on the topics listed in the application once a sufficient number of other legislatures agree, and it necessarily grants Congress authority to do so.[63] Like other Founding-Era applications, commissions and instructions could be narrow, wider but still limited, or plenary. Consistently with the legal maxim, "The greater includes the lesser,"[64] a commissioner with wider authority could participate fully in meetings restricted to subjects narrower than, but included within, the scope of his wider authority.

One relevant instance arose out of the convention known to history as the First Continental Congress (1774). The convention call appeared in a circular letter drafted by John Jay on behalf of the New York Committee of Correspondence. It read in part as follows:

> Upon these reasons we conclude, that a Congress of Deputies from the colonies in general is of the utmost moment; that it ought to be assembled without delay, and some unanimous resolutions formed in this fatal emergency, not only respecting your [Boston's] deplorable circumstances, but for the security of our common rights.[65]

This charge is very broad[66]—perhaps as close to a plenary call as any convention of states or colonies has come. Yet it is not quite plenary, because it focuses on Boston's "deplorable circumstances" and "the security of our common rights" against Great Britain. It does not authorize discussion of, for example, colonial religious establishments or local business licensing. In response, several colonies sent commissioners to the First Continental Congress who enjoyed plenipotentiary authority—that is, they were empowered to discuss, and even to agree to, anything.[67] The record reveals no doubt that the grant of plenipotentiary

59 Caplan, *supra* note 2, at 108.

60 *See infra* notes 72 & 73 and accompanying text for discussion.

61 The Article V Library lists 21 plenary (which it calls "general") applications from 1788 to 1929. The first—Virginia's 1788 application—probably does not qualify. Although it is very broad, it is limited to amendments proposed by the state ratifying conventions. Also listed is South Carolina's 1832 resolution, but as explained above that was not an Article V application.

62 *Supra* notes 19-29 and accompanying text.

63 *Cf.* Caplan, *supra* note 2, at 97 ("The applications submitted under article V, therefore, are the descendants of the pre-1787 convention commissions.").

64 The original form is *Omne majus continet in se minus*, Duhaime's Law Dictionary, http://www.duhaime.org/LegalDictionary/O/OmneMajusContinetInSeMinus.aspx.

65 *First Continental Congress*, United States History, http://www.u-s-history.com/pages/h650.html.

66 *Cf. Founding-Era Conventions*, *supra* note 2, at 637.

67 *Id.* at 638.

authority authorized commissioners to participate in a more limited convention.

Another illustration arose from the assembly in 1777 at Springfield, Massachusetts. The scope of the call included paper money, laws to prevent monopoly and economic oppression, interstate trade barriers, and "such other matters as particularly [c]oncern the immediate [w]elfare" of the participating states, but it was restricted to matters "not repugnant to or interfering with the powers and authorities of the Continental Congress."[68] Connecticut, however, granted its commissioners plentipotentiary authority, omitting the restriction in the call.[69] No one seems to have doubted the right of the Connecticut commissioners to participate in the convention despite their broader authority.

Similarly, the documents leading up to the 1780 Boston Convention show that it was targeted at immediate war needs. Yet New Hampshire empowered its commissioners with plenipotentiary authority to consult "on any other matters that may be thought advisable for the public good," and they participated fully.[70]

Even more on point are the first two Article V applications ever issued. The 1788 Virginia application petitioned Congress to call a convention "to take into their consideration the defects of this Constitution *that have been suggested by the State Conventions.*"[71] This application was therefore limited. On the other hand, the 1789 New York application was plenary: It sought a convention "with full powers to take the said Constitution into their consideration, and propose such amendments thereto, as they shall find best calculated to promote our common interests, and secure to ourselves and our latest [i.e., ultimate] posterity, the great and inalienable rights of mankind."[72] The New York assembly surely intended its plenary application to aggregate with Virginia's limited one, for the two applications were part of the same campaign for a second general convention.[73] Moreover, the New York legislature was justified in so intending. When a state legislature applies to Congress for a limited convention, it grants Congress its authorization to call a convention on that topic. When a state legislature applies for a plenary convention, it grants Congress authority to call a convention to consider any amendments to the current Constitution. The plenary application says, in effect, "We'll meet with commissioners from the other states any time to talk about whatever amendments the commissioners might think helpful." Thus, Founding-Era practice supports the conclusion that a state issuing a plenary application thereby adds to the count for a more limited one.

B. Post-Constitutional Practice

Post-constitutional practice impels one to the same conclusion. The 1861 Washington Conference Convention was a close analogue of an Article V convention for proposing amendments: Virginia called it to propose amendments that might avert civil war. The call fixed the convention's wide, but still limited, scope this way:

> [T]o adjust the present unhappy controversies, in the spirit in which the Constitution was originally formed, and consistently with its principles, so as to afford the people of the slaveholding States adequate guarantees for the security of their rights . . . to consider, and if practicable, agree upon some suitable adjustment.[74]

Thus, the call provided that the subject was to (1) "adjust present . . . controversies," *provided that* (2) the result was consistent with guaranteeing the "rights" of slaveholders.

The convention proceedings do not contain all of the commissioners' credentials, but they do reproduce those issued by twelve states.[75] At least ten of the twelve granted authority in excess of the scope of the call.[76] Ohio, Indiana, Delaware, Pennsylvania, Rhode Island, and Missouri all authorized their commissioners to agree to "adjustments," but without limiting their representatives to the call's pro-slavery proviso. The four remaining states granted their commissioners authority to confer on anything:

- Illinois empowered its commissioners "to confer and consult with the Commissioners of other States who shall meet at Washington."[77]
- New Jersey ordered its delegates "to confer with Congress and our sister states and urge upon them the importance of carrying into effect" certain additional statements of principle.[78]
- New York authorized its delegates to "confer" with those from other states "upon the complaints of any part of

68 *Id.* at 647.

69 1 Public Records of the State of Connecticut 601-02 (Charley Hoadley ed., 1894).

70 3 Public Records of the State of Connecticut 560-61 (Charles Hoadley, ed. 1922).

71 1 Annals of Congress 28 (May 5, 1789). The application was dated Nov. 14, 1788.

72 *Id.* at 29-30. The application was dated Feb. 5, 1789.

73 *See* Caplan, *supra* note 2, at 32-40.

74 A Report of the Debates and Proceedings in the Secret Sessions of the Conference Convention for Proposing Amendments to the Constitution of the United States 9 (L.E. Chittenden ed., 1864).

75 *Id.* at 454-64.

76 Kentucky's credentials granted authority equal to the scope of the call. *Id.* at 457. Tennessee's credentials technically authorized only participation in a convention of the slaveholding states. *Id.* at 454-56.

77 *Id.* at 459.

78 *Id.* at 461.

the country, and to suggest such remedies therefor as to them shall seem fit and proper."[79]

- Massachusetts authorized its agents to "confer with the General Government, or with the separate States, or with any association of delegates from such States . . . "[80]

These grants of broader power clearly were designed to commit the states to participating in a convention whose subject matter was contained within their broad grants of authority.

Still another illustration arises from the state legislatures' campaign for direct election of U.S. Senators. The campaign ran from 1899 to 1913. During that period, many legislatures adopted applications limited to the single subject of a direct election amendment.[81] Others passed plenary applications while reciting in preambles that their motivation was to obtain a direct election amendment. Three examples of such applications were discussed above in section V—those of Oregon (1901), Illinois (1903), and Washington State (1903). As in the case of the 1789 New York application, the legislatures apparently assumed that plenary applications could be aggregated with those limited to a single subject, since they issued plenary applications as vehicles for addressing a particular issue.

VII. Three Objections Answered

Article V provides that "The Congress . . . on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments." As the text indicates, this duty is ministerial and mandatory.[82] Yet even ministerial duties may have some discretionary component.[83] Accordingly, some may object to Congress exercising its discretion to call a convention. The first possible objection may be stated in this way:

> *When a legislature applies for a plenary convention, it is not announcing its willingness to discuss only narrower issues. Rather, it is asserting, "We'll attend a convention, but only if all constitutional amendments may be considered." Thus, a plenary application should not be taken as an application for a narrower subject.*

The problem with this objection is a lack of precedent to support it. In all the history of conventions of states, I am unaware of any state that ever took this "all or nothing" position. Certainly no Article V application has ever expressed it. On the contrary, the 1789 plenary New York application and the plenary applications promoting direct election of Senators argue for the contrary.[84] A legislature certainly has the prerogative of taking an "all-or-nothing" position. In view of the lack of precedent, though, a legislature wishing to do so should express its position in clear language.

The second objection to aggregation may be summarized as follows:

> *Plenary resolutions should be scrutinized before aggregating them to see if their language is sufficiently inclusive to justify aggregation with BBA applications. If not sufficiently inclusive, they should be deemed a separate category. Thus, a plenary application that, like the 1861 Illinois resolution, looks to the future perhaps should be aggregated; but others should not be. Similarly, if an application recites a motivation other than desire for a BBA, such as direct election of Senators, then it should not be aggregated with BBA applications.*

Congress (and, if need be, the courts) should reject this contention for several reasons. The initial reason involves the text and associated history. Article V provides that Congress shall call a convention "on the Application of the Legislatures of two thirds of the several States." Running separate lists by subject is inferred from Founding-Era convention practice, not from the constitutional text. In this instance, however, there is no Founding-Era practice suggesting that the text should be read otherwise than in the most straightforward manner; an inferred exception should not be wider than the custom that implies it. This conclusion is reinforced by the Constitution's use of the imperative: "Congress . . . shall call" and by the Founding-Era practice of treating applications in a forgiving manner.

Another reason for restraining Congress's discretion as to which plenary applications to aggregate is the nature of Congress' role in the convention process. When aggregating applications and issuing the call, Congress acts as an executive agent for the state legislatures. Because a primary purpose of the convention procedure is to check Congress, when it aggregates applications it does so in a conflict of interest situation. Fiduciary principles argue against allowing Congress to avoid a convention by interpretive logic chopping.

Still another reason for rejecting this second objection arises from the purpose of the convention procedure. The Founders inserted it as an important safeguard for constitutional government and for personal liberty[85]—much like the Bill of Rights and other important constitutional checks. Just as the courts enforce most of the Bill of Rights rigorously through the use of "heightened scrutiny," so Congress and the courts should apply heightened scrutiny to efforts to block a convention.

The third objection to aggregating plenary applications with limited applications may be stated this way:

> *Plenary applications should be aggregated with limited applications that already existed before the plenary applications, but not with future ones. A legislature issuing a plenary application may be on notice of previous limited applications.*

79 *Id.* at 462.

80 *Id.* at 463-64.

81 Article V Convention Application Analysis, *Direct Election of Senators*, http://article5library.org/analyze.php?topic=Direct+election+of+Senators&res=1&gen=0&ylimit=0.

82 *Supra* note 30.

83 Roberts v. United States, 176 U.S. 222, 231 (1900) (holding that a duty can be ministerial even though its performance requires statutory construction by the officer charged with performing it).

84 *See supra* notes 71-73 & 81 and accompanying text.

85 Advocates of the Constitution relied heavily on the availability of the amendments convention process as a way of inducing the public to support the Constitution. *Founding-Era Conventions*, *supra* note 2, at 622-24.

But it is unreasonable to assume a legislature intended to seek a convention on unknown future subjects.

This argument is stronger than the second because it offers less opportunity for Congress to block a convention by sophistic word-parsing. However, a rule that a plenary application aggregates with some limited applications but not others would insert in the plenary application a condition the legislature could have added, but chose not to. Such a rule would render plenary applications relevant for issues long past—such as a convention to address state nullification[86]—but irrelevant for constitutional crises that might arise in the future.

The third objection also suffers from the same lack of justification from text or precedent that attended the previous two objections. Indeed, the precedent of the Constitutional Convention cuts in the opposite direction. The Constitutional Convention was called by the Virginia general assembly in late 1786, not by Congress in February 1787 as is often claimed.[87] The call recited as the subject matter a general overhaul of the political system.[88] Over the next few months, state after state granted their commissioners authority to match the scope of the call.[89] After seven states—a majority—had done so, the New York legislature restricted its commissioners to considering only amendments to the Articles of Confederation. Massachusetts imposed a similar limit even later in the process. Yet as far as we know, no one suggested the later narrow commissions abrogated the earlier broad ones. Even if the last seven states had adopted such restrictions, thereby imposing them on the convention, the earlier states' wider grants of authority (if not formally rescinded) would have continued those states' commitment to the convention. The gathering would have been constrained to the narrower limits, it is true; but the commissioners with wider authority still would have been empowered and expected to participate to the extent of the convention's scope.

A final point: In assessing all three of these objections, one must remember that if a legislature with a plenary application is dissatisfied with having that application aggregate toward a limited convention, it has several remedies:

- It may rescind or amend its application before the thirty-four state threshold is reached;
- It may join at the convention with the non-applying states in voting against any proposal; and
- It may join with non-applying states in refusing to ratify.[90]

VIII. Conclusion

When counting applications toward a convention for proposing a balanced budget amendment—or, indeed, toward a convention for proposing any other kind of amendment—Congress should add to the count any extant plenary applications. Currently, this count gives us 33 applications for a convention to propose a balanced budget amendment—only one short of the 34 needed to require Congress to call a convention.

86 *Cf.* the 1832 Georgia application.

87 *See generally* Michael Farris, *Defying Conventional Wisdom: The Constitution Was Not the Product of a Runaway Convention*, 40 Harvard J. L. Pub. Pol. 61 (2017).

88 *Id.*

89 For the credentials of the delegates to the 1787 convention, see 3 Records of the Federal Convention 559-86 (Max Farrand ed., 1937).

90 Guide, *supra* note 2, at 58.

118TH CONGRESS
1ST SESSION

H. CON. RES. 24

Calling an Article V Convention for proposing a Fiscal Responsibility Amendment to the United States Constitution and stipulating ratification by a vote of We the People, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2023

Mr. ARRINGTON submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

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CONCURRENT RESOLUTION

Calling an Article V Convention for proposing a Fiscal Responsibility Amendment to the United States Constitution and stipulating ratification by a vote of We the People, and for other purposes.

Whereas Article V of the Constitution of the United States states that ''The Congress . . . on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments'' to the Constitution;

Whereas congressional and State records of plenary applications for amendments on any subject and applications for the single subject of Inflation-fighting Fiscal Responsibility Amendments compiled by the Article V Library counts Nevada's ''continuing'' application, reported Feb-

ruary 8, 1979, in the Congressional Record, as the 34th thus achieving the ''two thirds'' congressional mandate to call the Convention for proposing amendments; congressional records reported 39 applications by the end of 1979, 40 in 1983, and 42 total applications over time;

Whereas Alexander Hamilton in Federalist 85 stated that ''The Congress 'shall call a Convention'. Nothing in this particular is left to the discretion of that body'';

Whereas beginning in 1979, when Congress appears to have failed in its constitutional duty to count applications and call a ''Convention for proposing Amendments'', the Nation's debt has increased to more than $31 trillion from $860 billion, while the value of the dollar has declined by over 75 percent;

Whereas the Constitution was ratified by Convention delegates ''chosen in each State by the People thereof'', and the 21st Amendment, repealing Prohibition, was ratified in 1933 by a vote of the people for Yes-pledged delegates in 38 of 39 State Conventions; and

Whereas the Supreme Court's unanimous opinion in Chiafalo v. Washington stated: ''electors . . . have no ground for reversing the vote of millions of its citizens. That direction accords with the Constitution—as well as with the trust of the Nation that here, We the People rule.'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That

SECTION 1. CALL FOR ARTICLE V CONVENTION OF STATES.

(a) IN GENERAL.—

(1) CALL FOR CONVENTION; TIMING.—As provided in Article V of the Constitution of the United States, and except as provided in paragraph (2), Congress hereby calls a Convention for proposing amendments to the Constitution of the United States for a date and place to be determined on calling the Convention.

(2) EXCEPTION.—Paragraph (1) does not apply if, prior to the expiration of the 60-day period which begins on the date of the adoption of this concurrent resolution—

(A) the House Clerk provides a written report stating there have never been unrescinded and ''continuing'' applications for a Convention to propose amendments from at least two-thirds (34) of the States on any national issues (plenary) plus the single issue of fiscal responsibility; and

(B) the House Clerk includes in the report detailed findings for each State.

(b) RATIFICATION OF AMENDMENTS BY STATES.—Each proposed amendment at the Convention for proposing amendments called under this section shall be ratified by a vote of We the People in three-quarters (38) of the States via State Convention delegates who shall ''have

no ground for reversing the vote of millions of its citizens'' (Chiafalo v. Washington).

SEC. 2. TRANSMISSION TO ADMINISTRATOR OF GENERAL SERVICES.

A copy of this concurrent resolution shall be transmitted to the Administrator of General Services for submission to the legislatures of the several States.

○

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BRIAN MATTHEW MCCALL, and KYLE BIEDERMANN,
Plaintiffs,

The STATE OF TEXAS,
Herein joined as a necessary Party

v.

Nancy Pelosi Speaker of the United States House of Representatives, Kamala Harris President of the United States Senate, Patrick Leahy President pro tempore of the United States Senate, Senator Charles Schumer United States Senate Majority Leader,
Defendants.

Case No. 5:22-cv-00093

ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW BRIAN MATTHEW MCCALL, and KYLE BIEDERMANN, Plaintiffs herein, and file this their Original Complaint against Nancy Pelosi Speaker of the United States House of Representatives, Kamala Harris President of the United States Senate, Patrick Leahy President pro tempore of the United States Senate, Senator Charles Schumer United States Senate Majority Leader, Defendants herein, and for cause, state to the court as follows;

Introduction

1. This complaint comprises Article V. of the United States Constitution.

> Article V:
> *The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect*

the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

To date, there are at least 36 states that have applications by their state legislative bodies to convene a Convention of States including Texas which filed an application (*Cong. Rec. Vol. 163, p. S4056, POM-65 ("Senate Joint Resolution No. 2")*). Some to these States in their applications have legislatively placed a sun-set provision which automatically withdraws its application after the expiration of a definite term. The State of Texas in its application sun-sets in the year 2025. Time, therefore, is of the essence for the Congress to act on its Article V obligation. The plaintiffs have successfully exhausted all political options and now turn to the court for redress. Attached is a list of all the States in the Union which have applied for and granted through their state legislators a resolution calling for a Convention of States that are currently in effect. *(see Attachment)

2. This complaint seeks to compel the Congress of the United States to call a Convention of States under Article V of the United States Constitution within sixty days.

The Parties

3. Plaintiff Brian Matthew McCall, is an individual, taxpayer, resident of Boerne, Kendall County Texas;

Plaintiff Kyle Biederman is an individual, taxpayer, resident of Fredericksburg, Gillespie County, Texas, as a duly elected State Representative to the Texas Legislature, Representative Kyle Biederman voted for Texas Convention of States resolution which passed both houses of the state legislature on May 17, 2017.

4. Plaintiffs find it necessary to join the State of Texas as a necessary party to this Complaint. The State of Texas full legislature passed the Convention of States legislation and was signed by the Governor of the State on May 17, 2017. Service of process can be served on the Secretary of State of Texas.
5. Defendant, The Congress of the United States is Constitutionally composed of two chambers, the House of Representatives and the Senate. Nancy Pelosi is the Speaker of the United States House of Representatives, Kamala Harris is the President of the United States Senate, Patrick Leahy is the President pro tempore of the United States Senate, and Senator Charles Schumer is the United States Senate Majority Leader. They may be served with process by Serving the Secretary of the House of Representatives and the Secretary of the Senate.

JURISDICTION

6. This Court has subject-matter jurisdiction over this action because this action arises under federal law, specifically, Article V of the Constitution of the United States of America.
7. This Court has jurisdiction over the Defendants because they are Article I chambers under the Constitution of the United States of America.
8. Venue is proper in this district under 28 U.S.C. §1391 because the Plaintiffs reside within the Western District of Texas.

FACTUAL BACKGROUND

9. Article V states in part (with inapplicable portions stricken) :

> ***The Congress,*** ~~*whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or,*~~ ***on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which,*** ~~*in either Case*~~***, shall be valid to all Intents and Purposes, as Part of this Constitution,*** ~~***when***~~ ***ratified by the Legislatures of three fourths of the several States****, or* ~~*by*~~

~~*Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article;*~~ ***and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.***

It is therefore the duty of the Congress of the United States of America to call a Convention of States when the requisite number of States 2/3rds have through their legislative bodies called for a Convention of States.

10. More than 2/3rds of the States of the Federal Union have had their legislatures applied and called for a Convention for proposing Amendments. See attached Exhibit A.

11. Article V mandates that the Congress (House and Senate) shall call a Convention. Each of the 50 States may send a delegation. Article V defers all procedures and rules of the Convention to the States. The delegations shall set their rules of order and select a presiding officer or officers, and Parliamentarian as they see fit.

12. The Congress of the United States, must respect States Rights to Propose Amendments as prescribed in Article V of the U. S. Constitution. This method reinvigorates the function of each State relative to the Federal Government, as well as the Sovereignty of the Citizen vis a vis those that govern.

Prayer For Relief

Wherefore, Plaintiffs pray this Court;

a. Determine it has jurisdiction over this action;

b. Declare that the State of Texas is a necessary party to this suit;

c. Declare that the Congress of the United State is obligated to call for an Article V Convention of States and Thus Order the Congress of the United State to so Call within 60 days.

d. Award to Plaintiffs' reasonable attorneys' fees and litigation costs; and

e. Grant any such other and further relief as this court may deem just and proper.

Date submitted February 2, 2022

Respectfully submitted,

/S/ Francisco R. Canseco
Francisco R. Canseco, Attorney for Plaintiffs *Pro Hac Vice*
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UNITED STATES DISTRICT COURT
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Case No. 5:22-cv-00093

*ATTACHMENT

STATES WITH LEGISLATION FOR A CONVENTION OF STATES.

- **State Applications for an Article V Convention**

State	Issue/Subject	Date of State's Approval	Receipt by Congress	Class (or Year of Rescission)
Virginia	Bill of Rights	November 14, 1788	*AC V.1 258-259*	~~(II)~~ 2004
New York	Bill of Rights	February 5, 1789	*AC V.1 282Text*	(II)
Georgia	Clarify Amendment X	December 12, 1832	*J HR V22.2 270-271*	~~II~~ *2004*
South Carolina	Clarify Amendment X	December 19, 1832	*J HR V22.2 219-220*	~~II~~ *2004*
Alabama	Limitation on Tariffs	January 12, 1833	*J HR V22.2 361-362*	II
Indiana	General and Unlimited Article V Convention	March 13, 1861?	*CG V.37.S 1465-6*	I
Ohio	General and Unlimited Article V Convention	March 20, 1861	*1861 Ohio Laws 181*	I
New Jersey	Final Resolution for Slavery	February 1, 1861	*CG V. 36.2 p. 681*	(II)
Kentucky	Final Resolution for Slavery	February 5, 1861	*CG V.36.2 p. 773*	(II)
Illinois	Final Resolution for Slavery	February 28, 1861	*CG V.36.2 p. 1270*	(??)

Nebraska	Direct Election of Senators, Other	April 14, 1893	*1893 Neb. Laws 466-7*	III
Texas	General and Unlimited Article V Convention	June 5, 1899?	*Cong. Rec. Vol. 33, p. 219 ("Concurrent resolution, S.C.R. No. 4")*	I
Minnesota	Direct Election of Senators, Other	February 13, 1901?	*CR V.34 p.2561*	(III)
Pennsylvania	Direct Election of Senators, II	February 13, 1901?	*CR V.45 p.7118*	(III)
Idaho	Direct Election of President, Vice-President and Senators	February 14, 1901?	*CR V.45 p.7114*	~~III~~ *1999*
Montana	Direct Election of Senators, II Direct Election of Senators, II	February 21, 1901? January 31, 1905?	*CR V.35 p.208* *CR V.39 p.2447*	~~(III)~~ *2007* ~~(III)~~ *2007*
Oregon	Direct Election of Senators, Other Direct Election of Senators, I Direct Election of Senators, Other	February 23, 1901? March 10, 1903? January 26, 1909?	*CR V.35 p.117* *CR V.45 p.7118* *CR V.43 p.2025*	~~(III)~~ *2000* ~~(III)~~ *2000* ~~(III)~~ *2000*
Tennessee	Direct Election of Senators, II Direct Election of Senators, Other	March 27, 1901? March 14, 1905?	*CR V.35 p.2344* *CR V.45 p.7119*	~~(III)~~ *2010* ~~(III)~~
Colorado	Direct Election of Senators, I	April 1, 1901?	*CR V.45 p.7113*	(II)
Michigan	Direct Election of Senators, Other	April 9, 1901?	*CR V.35 p.117*	(III)
Texas	Direct Election of Senators, I	April 17, 1901?	*CR V.45 p.7119*	(II)
Arkansas	Direct Election of Senators, Other	April 25, 1901?	*CR V.45 p.7113*	(III)
Kentucky	Direct Election of Senators, II	February 10, 1902?	*CR V.45 p.7115*	(III)
Illinois	Direct Election of Senators, I Direct Election of Senators, Other	February 10, 1903? May 23, 1907?	*CR V.45 p.7114* *CR V.42 p.164*	(II) (III)
Nevada	Direct Election of Senators, II	February 25, 1903?	*CR V.37 p.24*	(III)
Utah	Direct Election of Senators, I	March 12, 1903?	*CR V.45 p.7119*	~~III~~ *2001*
Washington	Direct Election of Senators, Other	March 12, 1903?	*CR V.45 p.7119*	(II)
Nebraska	Direct Election of Senators, I	March 25, 1903?	*CR V.45 p.7116-7*	(III)
Iowa	Direct Election of Senators, I	March 24, 1904?	*CR V.38 p.4959*	(III)
Missouri	Direct Election of Senators, II	March 18, 1905?	*CR V.40 p.1905*	(III)

South Dakota	Direct Election of Senators, Other Direct Election of Senators, I	February 2, 1907? February 9, 1909?	*CR V.41 p.1907* *CR V.43 p.2667-2668*	(III) (III)
Delaware	Anti-Polygamy	February 11, 1907?	*CR V.41 p.3011*	~~*III*~~ *2016*
Missouri	General and Unlimited Article V Convention	March 6, 1907?	*CR V.45 p.7116*	I
Indiana	Direct Election of Senators, Other	March 11, 1907?	*CR V.45 p.7114*	(II)
Iowa	Direct Election of Senators, Other	March 12, 1907?	*CR V.45 p.7114-5*	(II)
Nevada	Direct Election of Senators, I	March 23, 1907?	*CR V.42 p.163*	(II)
New Jersey	Direct Election of Senators, I	May 28, 1907?	*CR V.42 p.164*	(III)
Louisiana	Direct Election of Senators, Other	November 25, 1907?	*CR V.42 p.5906*	~~*(II)*~~ *1990*
Oklahoma	Direct Election of Senators, Other	January 20, 1908?	*CR V.45 p.7117-8*	~~*(II)*~~ *2009*
South Dakota	Anti-Polygamy	February 6, 1909?	*CR V.43 p.2670*	III
Kansas	Direct Election of Senators, I	March 6, 1909?	*CR V.45 p.7115*	(II)
Wisconsin	Direct Election of Senators, I	May 31, 1910?	*CR V.45 p.7119-20*	(III)
Washington	Anti-Polygamy	September 1, 1910?	*CR V.46 p.651*	III
Montana	Direct Election of Senators, Other	January 20, 1911?	*CR V.46 p.2411*	~~*(II)*~~ *2007*
Maine	Direct Election of Senators, Other	February 22, 1911?	*Cong. Rec. Vol. 46, p. 4280 ("Joint resolution")*	(III)
Tennessee	Anti-Polygamy	February 17, 1911?	*Cong. Rec. Vol. 47, p. 187 ("Senate joint resolution 43")*	~~*III*~~ *2010*
Montana	Anti-Polygamy	March 1, 1911?	*Cong. Rec. Vol. 47, pp. 98-99 ("House joint memorial 7")*remainder of text *p. 99*	~~*III*~~ *2007*
Nebraska	Anti-Polygamy	March 14, 1911?	*Cong. Rec. Vol. 47, p. 99 ("Joint resolution by House and Senate of Nebraska Legislature")*	III
Ohio	Anti-Polygamy	March 15, 1911?	*Cong. Rec. Vol. 47, pp. 660-661 ("House joint resolution 13")*remainder of text *p. 661*	III
Illinois	Prevent and Suppress Monopolies	May 11, 1911?	*Cong. Rec. Vol. 47, p. 1298 ("House joint resolution 9")*	III
Wisconsin	General and Unlimited Article V Convention	June 12, 1911?	*Cong. Rec. Vol. 47, p. 1873 ("Joint resolution (J. Res. 15, S.)")*	I
California	Direct Election of Senators, I	June 13, 1911?	*CR V.47 p.2000*	(??)
Vermont	Anti-Polygamy	December 18, 1912?	*Cong. Rec. Vol. 49, p. 1433 ("Joint resolution")*	III
Illinois	Anti-Polygamy	March 12, 1913?	*Cong. Rec. Vol. 50, pp. 120-121 (Senate joint resolution 12")*remainder of text *p. 121*	III

Oregon	Anti-Polygamy	January 20, 1913?	*Cong. Rec. Vol. 49, p. 2463 ("Senate joint resolution 2")*	~~III~~ *2000*
Wisconsin	Anti-Polygamy	March 26, 1913?	*Cong. Rec. Vol. 50, pp. 42-43 (No number, or resolution type, is given for this resolution)*remainder of text *p. 43*See, also, *Cong. Rec. Vol. 50, p. 116*	III
Missouri	Supreme Court Jurisdiction	April 15, 1913?	*Cong. Rec. Vol. 50, p. 2428 ("House joint and concurrent resolution 23")*	III
Michigan	Anti-Polygamy	July 2, 1913?	*Cong. Rec. Vol. 50, p. 2290 ("House resolution No. 120")*	III
South Carolina	Anti-Polygamy	February 15, 1915?	*Cong. Rec. Vol. 53, p. 2442 ("Concurrent resolution")*	~~III~~ *2004*
Louisiana	Mode of Amendment, Other	January 12, 1920?	*CR V.60 p.31*	~~22~~ *1990*
Nevada	Anti-Prohibition	December 7, 1925?	*CR V.67 p.458*	(??)
Wisconsin	Direct Election of President and VP	December 7, 1925?	*CR V.67 p.458*	(??)
Wisconsin	General and Unlimited Article V Convention	June 10, 1929	*Cong. Rec. Vol. 71, p. 2590 ("Senate Joint Resolution 65")*	(??)
Wisconsin	Article V Requirements Already Met for Convention Call	September 4, 1929?	*Cong. Rec. Vol. 71, p. 3369 ("Senate Joint Resolution 83")*	(??)
Wisconsin	Article V Requirements Already Met for Convention Call	September 23, 1929?	*Cong. Rec. Vol. 71, p. 3856 ("Joint Resolution No. 83, S.")*	(??)
Massachusetts	Anti-Prohibition	March 13, 1931?	*Cong. Rec. Vol. 75, p. 45 ("Resolutions")*	(III)
New York	Anti-Prohibition	December 8, 1931?	*Cong. Rec. Vol. 75, p. 48 ("Assembly 4")*	(IV)
Wisconsin	Anti-Prohibition	December 8, 1931?	*Cong. Rec. Vol. 75, p. 57 ("Joint resolution")*	(III)
New Jersey	Anti-Prohibition	February 1, 1932?	*Cong. Rec. Vol. 75, p. 3299 ("Joint Resolution 1")*	(III)
California	Tax on Government Securities	July 9, 1935?	*Cong. Rec. Vol. 79, p. 10814 ("Senate joint resolution")*	III
California	Federal Labor Laws	July 9, 1935?	*Cong. Rec. Vol. 79, p. 10814 ("Senate Joint Resolution 23")*	III
Oregon	General Welfare Act of 1937 ("Townsend National Recovery Plan")	February 1, 1939?	*Cong. Rec. Vol. 84, p. 985 ("House Joint Memorial 1")*	~~III~~ *2000*
Wyoming	Income Tax, Limit II	March 8, 1939?	*Cong. Rec. Vol. 84, pp. 2509-2510 ("House Joint Memorial 4")*remainder of text *p. 2510*	~~III~~ *2009*
Maryland	Income Tax, Limit II	March 27, 1939?	*Cong. Rec. Vol. 84, p. 3320 ("House resolution")* **appearing to have been approved only by the Maryland House of Delegates—and NOT at all by the Maryland Senate**	III
Rhode Island	Income Tax, Limit I	March 26, 1940?	*Cong. Rec. Vol. 86, p. 3407 ("Resolution")*	III
Iowa	Income Tax, Limit II	April 18, 1941?	*Cong. Rec. Vol. 87, p. 3172 ("House Concurrent Resolution 15")*	III
Maine	Income Tax, Limit I	April 17, 1941?	*Cong. Rec. Vol. 87, pp. 3370-3371 ("Resolution")*remainder of text *p. 3371*	~~III~~ *1953*

Massachusetts	Income Tax, Limit I	April 29, 1941?	*Cong. Rec. Vol. 87, pp. 3812-3813 ("Resolutions")*remainder of text *p. 3813*	~~III~~ *1952*
Michigan	Income Tax, Limit I	May 16, 1941?	*Cong. Rec. Vol. 87, p. 4537 ("Senate Concurrent Resolution 20")*	III
Iowa	Presidential Term Limits	March 26, 1943?	*Cong. Rec. Vol. 89, p. 2516 ("House Concurrent Resolution 26")*	(III)
Illinois	Presidential Term Limits	March 26, 1943?	*Cong. Rec. Vol. 89, pp. 2516-2517 ("Senate Joint Resolution 8")*remainder of text *p. 2517*	(III)
Michigan	Presidential Term Limits	April 6, 1943?	*Cong. Rec. Vol. 89, p. 2944 ("Senate Concurrent Resolution 24")*	(III)
New Hampshire	Income Tax, II	April 29, 1943?	*Cong. Rec. Vol. 89, pp. 3761-3762 ("A concurrent resolution")*remainder of text *p. 3762*	~~III~~ *2010*
Delaware	Income Tax, Limit I	May 3, 1943?	*Cong. Rec. Vol. 89, p. 4017 ("Senate Concurrent Resolution 6")*	~~III~~ *2016*
Illinois	Income Tax, Limit II	May 26, 1943?	*Cong. Rec. Vol. 98, pp. 742-743 (HJR 32)*remainder of text *p. 743*	~~III~~ *1952*
Pennsylvania	Limited Funding Mandates, Various	May 27, 1943?	*Cong. Rec. Vol. 89, p. 8220 ("Joint resolution")*	III
Pennsylvania	Income Tax, Limit II	May 27, 1943?	*CR V.89 pp.8220-8221 ("[House Concurrent resolution [No. 50]"*]	III
Alabama	Income Tax, Limit I	July 8, 1943?	*Cong. Rec. Vol. 89, pp. 7523-7524 ("House Joint Resolution 66")*remainder of text *p. 7524*	III
Wisconsin	Income Tax, Limit I	September 14, 1943?	*Cong. Rec. Vol. 89, p. 7524 ("Assembly Joint Resolution 55")*	III
Wisconsin	Presidential Term Limits	September 14, 1943?	*Cong. Rec. Vol. 89, p. 7525 ("Joint Resolution No. 38, A")*	(III)
Kentucky	Income Tax, Limit I	March 20, 1944?	*Cong. Rec. Vol. 90, pp. 4040-4041 ("House Resolution 79")*remainder of text *p. 4041*	~~III~~ *1951*
New Jersey	Income Tax, Limit I	February 25, 1944?	*CR V.90 p.6141*	~~III~~ *1954*
California	World Federation	April 14, 1949?	*Cong. Rec. Vol. 95, pp. 4568-4569 ("Assembly Joint Resolution 26")*remainder of text *p. 4569*	IV
New Jersey	World Federation	April 14, 1949?	*Cong. Rec. Vol. 95, p. 4571 ("Assembly Concurrent Resolution 17")*	IV
North Carolina	World Federation	April 20, 1949?	*Cong. Rec. Vol. 95, pp. 6587-6588 ("Resolution 37")* remainder of text *p. 6588*	IV
Michigan	Revenue Sharing, II	May 5, 1949?	*Cong. Rec. Vol. 95, pp. 5628-5629 (HCR 26)*remainder of text *p. 5629*	IV
Florida	World Federation	May 16, 1949?	*Cong. Rec. Vol. 95, p. 7000 ("Senate Memorial 282")*	~~III~~ *2010*
Nebraska	Revenue Sharing, II	May 25, 1949?	*Cong. Rec. Vol. 95, pp. 7893-7894 ("Legislative Resolution 32")*remainder of text *p. 7894*	~~IV~~ *1953*
Connecticut	World Federation	June 1, 1949?	*Cong. Rec. Vol. 95, p. 7689 ("Joint Resolution")*	IV
Kansas	Income Tax, Limit I	March 28, 1951?	*Cong. Rec. Vol. 97, p. 2936 (SCR 4)*	III
Iowa	Revenue Sharing, II	April 17, 1951?	*Cong. Rec. Vol. 97, pp. 3939-3940 (SCR 11)*remainder of text *p. 3940*	IV
Florida	Income Tax, Limit I	May 10, 1951?	*Cong. Rec. Vol. 97, pp. 5155-5156 (SCR 206)*remainder of text *p. 5156*	~~III~~ *2010*
Maine	Revenue Sharing, II	June 4, 1951?	*Cong. Rec. Vol. 97, pp. 6033-6034 ("Joint Resolution")* remainder of text *p. 6034*	IV

New Hampshire	Revenue Sharing, II	August 28, 1951?	*Cong. Rec. Vol. 97, pp. 10716-10717 ("Concurrent Resolution")* remainder of text *p. 10717*	~~IV~~ *2010*
Arkansas	Income Tax, Limit II	February 4, 1952?	*Cong. Rec. Vol. 98, p. 742 (SCR 10)*	III
Utah	Income Tax, Limit I	February 11, 1952?	*Cong. Rec. Vol. 98, p. 947 ("Joint Resolution")*	~~III~~ *2001*
New Mexico	Revenue Sharing, II	February 11, 1952?	*Cong. Rec. Vol. 98, pp. 947-948 (HJR 12) p. 948*	IV
Georgia	Limited Treaty Powers, Various	January 29, 1952?	*CR V.98 p.1057*	~~III~~ *2004*
Georgia	Income Tax, Limit I	February 6, 1952?	*CR V.98 p.1057*	~~III~~ *2004*
Indiana	Income Tax, Limit II Income Tax, Limit II	February 18, 1952? March 12, 1957?	*Cong. Rec. Vol. 98, pp. 1056-1057 (HCR 10)*remainder of text *p. 1057* *Cong. Rec. Vol. 103, pp. 6474-6475 ("House Enrolled Concurrent Resolution 8")*remainder of text *p. 6475*	III III
Virginia	Income Tax, Limit I	February 21, 1952?	*Cong. Rec. Vol. 98, p. 1496 (HJR 32)*	~~III~~ 2004
California	Motor Vehicle Tax Distribution	April 16, 1952?	*Cong. Rec. Vol. 98, pp. 4003-4004 (AJR 8)*remainder of text *p. 4004*	III
Louisiana	Income Tax, Limit I	January 13, 1953?	*Cong. Rec. Vol. 99, p. 320 ("Concurrent resolution")* remainder of text *p. 321*	~~III~~ *1954*
South Dakota	Mode of Amendment, Other Mode of Amendment, by 12 States Mode of Amendment, Identical Text	March 5, 1953? February 15, 1955? March 2, 1963?	*Cong. Rec. Vol. 99, pp. 9180-9181 (SJR 4)*remainder of text *p. 9181* *Cong. Rec. Vol. 101, pp. 2861-2862 (SJR 5)*remainder of text *p. 2862* *Cong. Rec. Vol. 109, pp. 14638-14639 (SJR 1)*remainder of text *p. 14639*	~~IV~~ *2010* ~~IV~~ *2010* ~~III~~ *2010*
Illinois	Mode of Amendment, Other Mode of Amendment, Identical Text	June 25, 1953? March 5, 1963?	*Cong. Rec. Vol. 99, p. 9864 (HJR 37)* *Cong. Rec. Vol. 109, p. 3788 (SJR 4)*	IV III
Georgia	School Management, States' Right School Management, States' Right School Management, States' Right	January 31, 1955? February 5, 1959? March 4, 1965?	*Cong. Rec. Vol. 101, p. 1532 ("Resolution")* *Cong. Rec. Vol. 105, p. 1834 (HR 99)* *Cong. Rec. Vol. 111, p. 5817 (HR 128-212)*	~~III~~ *2004* ~~III~~ *2004* ~~III~~ *2004*
Texas	Mode of Amendment, by 12 States Mode of Amendment, Identical Text	March 14, 1955? April 4, 1963?	*Cong. Rec. Vol. 101, pp. 2770-2771 (SCR 15)*remainder of text *p. 2771* *Cong. Rec. Vol. 109, p. 11852 (HCR 21)*	IV III
Oklahoma	Income Tax, Limit Other	May 23, 1955?	*Cong. Rec. Vol. 101, pp. 8397-8398 (SJR 15)*remainder of text *p. 8398* (*referred to the Committee on Finance rather than to the Committee on the Judiciary*)	~~III~~ *2009*
Michigan	Mode of Amendment, by 12 States	April 4, 1956?	*Cong. Rec. Vol. 102, pp. 7240-7241 (HCR 8)*remainder of text *p. 7241*	IV
Idaho	Mode of Amendment, by 12 States	April 1, 1957?	*Cong. Rec. Vol. 103 pp. 4831-4832 (HCR 6)*remainder of text *p. 4832*	~~IV~~ *1999*

Indiana	Mode of Amendment, by 12 States	March 12, 1957?	Cong. Rec. Vol. 103, pp. 6471-6472 ("House Enrolled Concurrent Resolution 2")remainder of text p. 6472	IV
Indiana	Limited Treaty Powers, Various	March 12, 1957?	Cong. Rec. Vol. 103, pp. 6472-6473 ("House Enrolled Concurrent Resolution 4")remainder of text p. 6473	III
Indiana	Proportional Electoral College, Other	March 12, 1957?	Cong. Rec. Vol. 103, pp. 6473-6474 ("House Enrolled Concurrent Resolution 7")remainder of text p. 6474	III
Indiana	Repeal of Constitution's 16th Amendment	March 12, 1957?	Cong. Rec. Vol. 103, pp. 6474-6475 ("House Enrolled Concurrent Resolution 8")remainder of text p. 6475	III
Indiana	Balanced Budget, Other Balanced Budget, Other	March 12, 1957? January 26, 1976?	Cong. Rec. Vol. 103, pp. 6475-6476 ("House Enrolled Concurrent Resolution 9")remainder of text p. 6476 Cong. Rec. Vol. 122, p. 931 ("Concurrent Resolution")	III III
Florida	Supreme Court Review, Other	June 5, 1957?	Cong. Rec. Vol. 103, p. 12787 (SCR 116)	~~III~~ 2010
Alabama	Judicial Term Limits	June 25, 1957?	Cong. Rec. Vol. 103, p. 10863 (SJR 47)	III
Connecticut	Prohibit Interstate Income Tax	May 6, 1958?	Cong. Rec. Vol. 104, pp. 8085-8086 (SJR 9)remainder of text p. 8086	III
Alabama	Limited Federal Preemption	January 1, 1959?	Cong. Rec. Vol. 105, p. 3083 (SJR 2)	III
Wyoming	Limit Federal Powers	February 26, 1959?	Cong. Rec. Vol. 105, pp. 3085-3086 ("Enrolled Joint Resolution 2")remainder of text p. 3086	~~III~~ 2009
Arkansas	Validity of 14th Amendment	March 18, 1959?	Cong. Rec. Vol. 105, p. 4398 (HCR 24)	III
Nevada	Limit Federal Powers	March 11, 1960?	Cong. Rec. Vol. 106, p. 10749 (SJR 7)	III
Louisiana	Limit Federal Powers	June 11, 1960?	Cong. Rec. Vol. 106, p. 14401 (HCR 22)	~~III~~ 1990
Arkansas	Supreme Court Review, Other	February 2, 1961?	Cong. Rec. Vol. 107, p. 2154 (HCR 14)	III
Wyoming	Balanced Budget, Other Balanced Budget, Emergency	February 21, 1961? February 8, 1979?	Cong. Rec. Vol. 107, p. 2759 ("Enrolled Joint Resolution 4") CR V.125 p.2116	~~III~~ 2009 ~~IV~~ 2009
Georgia	Supreme Court Review, Other	March 9, 1961?	Cong. Rec. Vol. 107, p. 4715 (SR 39)	~~III~~ 2004
South Carolina	Limit Federal Powers	March 11, 1962?	Cong. Rec. Vol. 108, p. 5051 ("Concurrent Resolution")	~~III~~ 2004
Oklahoma	Mode of Amendment, Identical Text	January 21, 1963?	Cong. Rec. Vol. 109, p. 1172 ("Enrolled Senate Concurrent Resolution 2")	~~III~~ 2009
Oklahoma	Apportionment of Legislature, I	January 21, 1963?	Cong. Rec. Vol. 109, pp. 1172-1173 ("Enrolled Senate Concurrent Resolution 3")remainder of text p. 1173	~~III~~ 2009
Kansas	Mode of Amendment, Identical Text	January 31, 1963?	Cong. Rec. Vol. 109, p. 2769 (SCR 3)	~~III~~ 1970
Kansas	Apportionment of Legislature, I	January 31, 1963?	Cong. Rec. Vol. 109, p. 2769 (SCR 4)	~~III~~ 1970

Florida	Supreme Court Review, Court of the Union	February 5, 1963?	*Cong. Rec. Vol. 109, pp. 2071-2072 ("Senate Memorial 12-X(63)"*remainder of text *p. 2072*	~~III~~ *2010*
Florida	Mode of Amendment, Identical Text	February 5, 1963?	*Cong. Rec. Vol. 109, p. 2072 ("Senate Memorial 13-X(63)"*	~~III~~ *2010*
Idaho	Apportionment of Legislature, I Apportionment of Legislature, II	February 14, 1963? January 26, 1965?	*Cong. Rec. Vol. 109, p. 2281 (SJM 4)* *Cong. Rec. Vol. 111, p. 1229 (SJM 1)*	~~III~~ *1999* ~~III~~ *1999*
Arkansas	Mode of Amendment, Identical Text	February 21, 1963?	*Cong. Rec. Vol. 109, p. 2768 (HJR 2)*	III
Arkansas	Supreme Court Review, Court of the Union	February 21, 1963?	*Cong. Rec. Vol. 109, pp. 2768-2769 (HJR 3)*remainder of text *p. 2769*	III
Arkansas	Apportionment of Legislature, I Apportionment of Legislature, II	February 21, 1963? April 5, 1965?	*Cong. Rec. Vol. 109, p. 2769 (HJR 4)* *Cong. Rec. Vol. 111, pp. 6917-6918 (SJR 1)*remainder of text *p. 6918*	III III
Arkansas	Proportional Electoral College, Other	February 21, 1963?	*Cong. Rec. Vol. 109, p. 2769 (HJR 12)*	III
South Dakota	Proportional Electoral College, Other	March 11, 1963?	*CR V.109 p.3982*	??
Montana	Apportionment of Legislature, I Apportionment of Legislature, II	March 11, 1963? February 17, 1965?	*Cong. Rec. Vol. 109, p. 3854 (SJR 15)* *Cong. Rec. Vol. 111, p. 2777 ("A Joint Resolution")*	~~III~~ *2007* ~~III~~ *2007*
Idaho	Balanced Budget, Other	March 11, 1963?	*Cong. Rec. Vol. 109, p. 3855 ("SJM 9")*	~~III~~ *1999*
Montana	Proportional Electoral College, I	March 25, 1963?	*Cong. Rec. Vol. 109, p. 4469 ("HJR 13")*	~~III~~ *2007*
Wyoming	Supreme Court Review, Court of the Union	February 14, 1963?	*Cong. Rec. Vol. 109 pp. 4778-4779 ("Enrolled Joint Resolution 2")*remainder of text *p. 4779*	~~III~~ *2009*
Wyoming	Apportionment of Legislature, I	February 9, 1963?	*Cong. Rec. Vol. 109, p. 4779 ("Enrolled Joint Memorial 14")*	~~III~~ *2009*
Wyoming	Mode of Amendment, Identical Text	February 15, 1963?	*Cong. Rec. Vol. 109, p. 4779 ("Enrolled Joint Memorial 15")*	~~III~~ *2009*
Alabama	Supreme Court Review, Court of the Union	March 13, 1963?	*Cong. Rec. Vol. 109, p. 5250 (HJR 13)*	III
Washington	Apportionment of Legislature, I	March 30, 1963?	*Cong. Rec. Vol. 109, p. 5867 (HJM 1)*	III
Missouri	Apportionment of Legislature, I Apportionment of Legislature, II	April 8, 1963? February 22, 1965?	*Cong. Rec. Vol. 109, p. 5868 (HCR 4)* *Cong. Rec. Vol. 111, p. 3304 (HCR 2)*	III III
Missouri	Mode of Amendment, Identical Text	April 8, 1963?	*Cong. Rec. Vol. 109, p. 5868 (HCR 5)*	III

Utah	Proportional Electoral College, I	April 8, 1963?	*Cong. Rec. Vol. 109, p. 5947 (HCR 1)*	~~III~~ *2001*
Colorado	Proportional Electoral College, I	April 11, 1963?	*Cong. Rec. Vol. 109, p. 6659 (HJM 4)*	III
Colorado	Income Tax, Limit Other	April 25, 1963?	*Cong. Rec. Vol. 109, p. 7060 (SJM 9)*	III
Nevada	Apportionment of Legislature, I	February 12, 1963? February 17, 1965?	*Cong. Rec. Vol. 109, p. 9942 (SJR 2)*	III
South Carolina	Apportionment of Legislature, I Apportionment of Legislature, II	June 10, 1963? February 18, 1965?	*Cong. Rec. Vol. 109, p. 10441 ("House Concurrent Resolution")* *Cong. Rec. Vol. 111, p. 3304 ("Concurrent Resolution")*	~~III~~ *2004*
South Carolina	Apportionment of Legislature, I	June 10, 1963?	*Cong. Rec. Vol. 109, p. 10442 (SCR 149)*	~~III~~ *2004*
South Carolina	Mode of Amendment, Identical Text	June 10, 1963?	*Cong. Rec. Vol. 109, p. 10441 ("House Concurrent Resolution")*	~~III~~ *2004*
South Carolina	Mode of Amendment, Identical Text	June 10, 1963?	*Cong. Rec. Vol. 109, p. 10442 (SCR 148)*	~~III~~ *2004*
South Carolina	Supreme Court Review, Court of the Union	June 10, 1963?	*Cong. Rec. Vol. 109, pp. 10441-10442 ("House Concurrent Resolution")* remainder of text *p. 10442*	~~III~~ *2004*
South Carolina	Supreme Court Review, Court of the Union	June 10, 1963?	*Cong. Rec. Vol. 109, pp. 10442-10443 (SCR 147)* remainder of text *p. 10443*	~~III~~ *2004*
Texas	Apportionment of Legislature, I Apportionment of Legislature, II	April 4, 1963? July 26, 1965?	*Cong. Rec. Vol. 109, p. 11852 (HCR 22)* *Cong. Rec. Vol. 111, p. 18171 (SCR 24)*	III III
Texas	Proportional Electoral College, I	May 22, 1963?	*Cong. Rec. Vol. 109, pp. 11852-11853 (HCR 29)*remainder of text *p. 11853*	III
South Dakota	Apportionment of Legislature, I Apportionment of Legislature, II	March 2, 1963? March 1, 1965?	*Cong. Rec. Vol. 109, p. 14639 (SJR 2)* *Cong. Rec. Vol.111, pp.3722-3723 ("Joint resolution")* remainder of text *p. 3723*	~~III~~ *2010* ~~III~~
Wisconsin	Proportional Electoral College, I	March 2, 1963?	*Cong. Rec. Vol. 109, p. 14808 (Resolution Number Not Provided)*	III
Virginia	Apportionment of Legislature, I Apportionment of Legislature, II	March 15, 1964? December 3, 1964?	*Cong. Rec. Vol. 110, p. 5659 (HJR 90)* *Cong. Rec. Vol. 111, pp. 880-881 (HJR 6)*remainder of text *p. 881*	~~III~~ ~~III~~ 2004
Massachusetts	School Management, Other	March 18, 1964?	*Cong. Rec. Vol. 110, p. 7616 (Unnumbered resolution)* **appearing to have been approved only by the Massachusetts House of Representatives—and NOT at all by the Massachusetts Senate**	III
Massachusetts	Senior Pensions	April 23, 1964?	*Cong. Rec. Vol. 110, p. 9875 (Unnumbered resolution)*	III
Virginia	Mode of Amendment, Identical Text	December 3, 1964?	*Cong. Rec. Vol. 111, p. 880 (HJR 5)*	~~III~~ 2004

Louisiana	School Management, States' Right	January 6, 1965?	Cong. Rec. Vol. 111, pp. 164-165 (SCR 3)remainder of text p. 165	~~III~~ 1990
Arizona	Apportionment of Legislature, II	February 18, 1965?	Cong. Rec. Vol. 111, p. 3061 (HCM 1)	~~III~~ 2003
Kansas	Apportionment of Legislature, II	January 27, 1965?	Cong. Rec. Vol. 111, pp. 3061-3062 (SCR 1)remainder of text p. 3062	~~III~~ 1970
South Carolina	School Management, States' Right	February 18, 1965?	CR V.111 p.3304	~~III~~ 2004
Utah	Apportionment of Legislature, II	March 8, 1965?	CR V.111 p.4320	~~III~~ 2001
Maryland	Apportionment of Legislature, II	March 25, 1965?	Cong. Rec. Vol. 111, p. 5820 (SJR 1)	III
North Carolina	Apportionment of Legislature, II	May 17, 1965?	Cong. Rec. Vol. 111, p. 10673 ("Resolution 60")	~~III~~ 1969-Not Joint
Minnesota	Apportionment of Legislature, II	May 17, 1965?	Cong. Rec. Vol. 111, p. 10673 ("Resolution 5")	III
Oklahoma	Proportional Electoral College, I	May 12, 1965?	Cong. Rec. Vol. 111, p. 11488 (SCR 35) also found at Cong. Rec. Vol. 111, pp. 11802-11803 ("Enrolled Senate Concurrent Resolution No. 35") remainder of text p. 11803	~~III~~ 2009
Louisiana	Apportionment of Legislature, II	June 1, 1965?	Cong. Rec. Vol. 111, p. 12110 (SCR 25)	~~III~~ 1990
New Hampshire	Apportionment of Legislature, II	June 8, 1965?	CR V.111 p.12853	~~III~~ 2010
Illinois	Revenue Sharing, Other	June 9, 1965?	CR V.111 p.14144	III
Florida	Apportionment of Legislature, II	June 22, 1965?	Cong. Rec. Vol. 111, p. 14308 (HM 2433)	~~III~~ 2010
Mississippi	Apportionment of Legislature, II	July 7, 1965?	Cong. Rec. Vol. 111, p. 15769 ("S. Con. Res. 101")	III
Mississippi	School Management, States' Right	July 7, 1965?	Cong. Rec. Vol. 111, pp. 15769-15770 ("S. Con. Res. 102") remainder of text p. 15770	III
Mississippi	Anti-Subversion	July 7, 1965?	Cong. Rec. Vol. 111, p. 15770 ("H. Con. Res. 14")	III
Illinois	Apportionment of Legislature, II Apportionment of Legislature, Other	June 22, 1965 March 13, 1967	Cong. Rec. Vol. 111, p. 19379 ("Senate Resolution No. 52" and unicameral--not likewise approved by Illinois House of Representatives) Cong. Rec. Vol. 113, p. 8004 (HJR 32)	~~III~~ 1969-Not Joint III
Nebraska	Proportional Electoral College, I	August 10, 1965?	CR V.111 p.19775	III
Nebraska	Apportionment of Legislature, I	September 22, 1965?	Cong. Rec. Vol. 111, p. 24723 ("Legislative Resolution")	III
Ohio	Revenue Sharing, Other	September 28, 1965?	Cong. Rec. Vol. 111, p. 25237 (SJR 16)	III
Kentucky	Apportionment of Legislature, II	October 6, 1965?	Cong. Rec. Vol. 111, pp. 26073-26074 ("Senate" Concurrent "Resolution 8") remainder of text p. 26074	III
Alabama	Apportionment of Legislature, II	January 14, 1966?	Cong. Rec. Vol. 112, pp. 200-201 (SJR 3)remainder of text p. 201	III
New Mexico	Apportionment of Legislature, II	January 14, 1966?	Cong. Rec. Vol. 112, p. 199 (SJR 2)	III

Tennessee	Apportionment of Legislature, II	January 14, 1966?	Cong. Rec. Vol. 112, p. 199-200 (HJR 34)remainder of text p. 200	~~III~~ 2010
Illinois	Apportionment of Legislature, Other	March 13, 1967	Cong. Rec. Vol. 113, p. 8004 (HJR 32)	III
Indiana	Apportionment of Legislature, II	March 13, 1967?	Cong. Rec. Vol. 113, p. 6384 ("House Enrolled Concurrent Resolution No. 58")	III
Alabama	Revenue Sharing, Other	April 19, 1967?	Cong. Rec. Vol. 113, pp. 10117-10118 ("Resolution No. 11") remainder of text p. 10118	III
North Dakota	Apportionment of Legislature, Other	April 28, 1967?	Cong. Rec. Vol. 113, p. 11175 (HCR I-1)	~~III~~ 2001
Georgia	Revenue Sharing, Other	May 4, 1967?	Cong. Rec. Vol. 113, pp. 11743-11744 ("Resolution 96")remainder of text p. 11744	~~III~~ 2004
Texas	Revenue Sharing, Other	June 28, 1967?	Cong. Rec. Vol. 113, p. 17634 (SCR 12)	III
Illinois	Revenue Sharing, Other	June 28, 1967?	Cong. Rec. Vol. 113, p. 17634-17635 (SJR 63)remainder of text p. 17635	~~III~~ 1969-Not Joint
Iowa	Apportionment of Legislature, Other	May 13, 1969?	Cong. Rec. Vol. 115, p. 12249 (SCR 13)	III
Florida	Revenue Sharing, Other	September 3, 1969?	Cong. Rec. Vol. 115, p. 24116 (SM 397)	~~III~~ 2010
New Hampshire	Revenue Sharing, I	December 1, 1969?	Cong. Rec. Vol. 115, p. 36153-36154 ("Concurrent resolution..."remainder of text p. 36154	~~III~~ 2010
Mississippi	School Management, Other School Management, No Assignment	March 5, 1970? March 15, 1973?	Cong. Rec. Vol. 113, p. 6097 (SCR 514) Cong. Rec. Vol. 119, p. 8089 (HCR 55)	III IV
Louisiana	Anti-Subversion	June 22, 1970?	Cong. Rec. Vol. 116, pp. 20672-20673 (HCR 4-A) remainder of text p. 20673	~~III~~ 1990
Louisiana	Income Tax, Limit Other	July 7, 1970?	Cong. Rec. Vol. 116, p. 22906 (SCR 25)	~~III~~ 1990
Louisiana	Revenue Sharing, Other	July 10, 1970?	Cong. Rec. Vol. 116, p. 23765 (HCR 270)	~~III~~ 1990
New Jersey	Revenue Sharing, I	December 16, 1970?	Cong. Rec. Vol. 116, p. 41879 (SCR 77)	IV
West Virginia	Revenue Sharing, I	January 26, 1971?	Cong. Rec. Vol. 117, pp. 541-542 (HCR 9)remainder of text p. 542	IV
Massachusetts	Revenue Sharing, I	March 4, 1971?	Cong. Rec. Vol. 117, p. 5020 (Unnumbered resolution)	IV
South Dakota	Revenue Sharing, I	March 8, 1971?	Cong. Rec. Vol. 117, p. 5303 (HJR 503)	IV
North Dakota	Revenue Sharing, I	April 26, 1971?	Cong. Rec. Vol. 117, p. 11841 (SCR 4013)	~~IV~~ 2001
Louisiana	Revenue Sharing, I	June 15, 1971?	Cong. Rec. Vol. 117, pp. 19801-19802 (SCR 138) remainder of text p. 19802	~~IV~~ 1990
Ohio	Revenue Sharing, I	June 28, 1971?	Cong. Rec. Vol. 117, p. 22280 ("Joint Resolution")	IV
Delaware	Revenue Sharing, I	February 18, 1971?	CR V.117 p.3175	~~??~~ 2016
Oregon	Revenue Sharing, I	May 24, 1971?	CR V.117 p.16574	??
Massachusetts	School Management, Other School Management, Other	September 8, 1971? March 28, 1973?	Cong. Rec. Vol. 117, p. 30905 (Unnumbered resolution) CR Vol. 119, pp. 12408-12409 (Unnumbered resolution) remainder of text p. 12409	IV IV

Michigan	School Management, No Assignment	November 16, 1971?	CR V.117 pp.41598-41599 (SCR 172) Printed in "Extensions of Remarks" portion of Congressional Recordremainder of text p. 41599	IV
Iowa	Revenue Sharing, I	March 2, 1972?	Cong. Rec. Vol. 118, pp. 6501-6502 (HJR 1)remainder of text p. 6502	IV
Florida	Senate Control of Presiding Officer	April 4, 1972?	Cong. Rec. Vol. 118, p. 11444 (SM 227)	~~IV~~ 2010
Arizona	School Management, Prayer	April 4, 1972?	Cong. Rec. Vol. 118, p. 11445 (HCR 2009)	~~III~~ 2003
Tennessee	School management, No Assignment	May 8, 1972?	CR V.118 p.16214	~~??~~ 2010
New York	School Management, Other	October 2, 1972?	Cong. Rec. Vol. 118, pp. 33047-33048 ("Joint Resolution No. 7)remainder of text p. 33048	IV
Virginia	Balanced Federal Budget	March 15, 1973? March 10, 1975? March 29, 1976?	Cong. Rec. Vol. 119, p. 8091 (HJR 75) CR Vol. 121, p. 5793 (SJR 107) CR Vol. 122, pp. 8335-8336 (SJR 36)remainder of text p. 8336	~~IV~~ ~~III~~ ~~IV~~ 2004
Mississippi	Prayer in Public Buildings	March 20, 1973?	Cong. Rec. Vol. 119, p. 8689 (HCR 14)	IV
Virginia	School management, No Assignment	April 3, 1973?	CR V.119 p.10675	~~??~~ 2004
New Jersey	School Management, Other	April 9, 1973?	CR V.119 p.11446	??
Texas	School Management, No Assignment	April 10, 1973?	Cong. Rec. Vol. 119, p. 11515 ("House Concurrent Resolution")	IV
Oklahoma	School Management, No Assignment	April 25, 1973?	Cong. Rec. Vol. 119, p. 14428 (HCR 1026)	~~III~~ 2009
Maryland	School Management, Other	May 7, 1973?	CR V.119 p.14421	??
Nevada	School Management, No Assignment	May 29, 1973?	Cong. Rec. Vol. 119, pp. 17022-17023 (SJR 7)remainder of text p. 17023	IV
New Hampshire	School Management, Other	June 5, 1973?	CR V.119 p.18190	~~??~~ 2010
Arkansas	Balanced Federal Budget	March 10, 1975? March 8, 1979?	Cong. Rec. Vol. 121, p. 5793 ("Senate Concurrent Resolution") CR Vol. 125, p. 4372, POM-78 (HJR 1)	III IV
Mississippi	Balanced Federal Budget	April 29, 1975?	Cong. Rec. Vol. 121, pp. 12175-12176 (HCR 51)remainder of text p. 12176	III
Missouri	Right to Life, Various	May 5, 1975?	Cong. Rec. Vol. 121, p. 12867 (SCR 7)	III
Nevada	Limited Funding Mandates, Various	June 26, 1975?	Cong. Rec. Vol. 121, p. 21065 (AJR 47)	III
Louisiana	Balanced Federal Budget	July 28, 1975? February 8, 1979? July 19, 1979?	Cong. Rec. Vol. 121, p. 25312 (SCR 109) CR V.125 p.2110-1 Cong. Rec. Vol. 125, pp. 19470-19471, POM-394 (SCR 4) remainder of text p. 19471	~~III~~ 1990 ~~IV~~ 1990 ~~V~~ 1990
Kentucky	School Management, No Assignment	September 8, 1975?	Cong. Rec. Vol. 121, p. 27821 ("House" Joint "Resolution No. 29")	III
Alabama	Balanced Federal Budget	September 10, 1975?	Cong. Rec. Vol. 121, p. 28347 (HJR 105)	~~IV~~ 1989

Georgia	Balanced Federal Budget	February 6, 1976?	Cong. Rec. Vol. 122, p. 2740 (HR 469-1267)	~~II~~ 2004
Delaware	Balanced Federal Budget	February 25, 1976?	Cong. Rec. Vol. 122, p. 4329 (HCR 36)	~~II~~ 2016
South Carolina	Balanced Federal Budget	February 25, 1976? February 8, 1979?	Cong. Rec. Vol. 122, p. 4329 (Numerically Undesignated Resolution) CR V.125 p.2114	~~II~~ 2004 ~~II~~ 2004
Massachusetts	School Management, No Assignment	April 7, 1976?	Cong. Rec. Vol. 122, p. 9735, (Unnumbered resolution)	III
Oklahoma	Limited Funding Mandates, Various	June 7, 1976?	CR V.122 p.16814	III
Louisiana	Right to Life, Various	July 22, 1976?	CR V.122 p.23550	~~II~~ 1990
Maryland	Balanced Federal Budget	January 28, 1977?	Cong. Rec. Vol. 123, pp. 2545-2546, POM-59 (SJR 4) remainder of text p. 2546	IV
Virginia	Line Item Veto, Various	March 28, 1977?	CR V.123 p.9289 (1977 House Joint Resolution No. 168)	~~22~~ 2004
New Jersey	Right to Life, Various	April 5, 1977?	Cong. Rec. Vol. 123, p. 10481, POM-124 ("Senate No. 1271")	IV
South Dakota	Right to Life, Unborn Right to Life, Sacred Life	April 18, 1977? April 18, 1980?	Cong. Rec. Vol. 123, p. 11048, POM-135 (HJR 503)	~~II~~ 2010
Utah	Right to Life, Various	May 2, 1977?	Cong. Rec. Vol. 123, pp. 13057-13058, POM-151 (HJR 28) remainder of text p.13058	~~III~~ 2001
Arkansas	Right to Life, Various	May 20, 1977?	Cong. Rec. Vol. 123, pp. 15808-15809, POM-189 (HJR 2) remainder of text p. 15809	IV
Rhode Island	Right to Life, Various	May 20, 1977?	Cong. Rec. Vol. 123, p. 15809, POM-190 ("Resolution")	IV
Texas	Balanced Federal Budget	May 30, 1977?	Cong. Rec. Vol. 125, pp. 5223-5224, POM-95 (HCR 31) remainder of text p. 5224	IV
Arizona	Balanced Federal Budget	June 14, 1977?	Cong. Rec. Vol. 123, pp. 18873-18874, POM-231 (HCM 2003) remainder of text p. 18874	~~III~~ 2003
Massachusetts	Right to Life, Various	June 23, 1977?	CR V.123 p.20659	??
Indiana	Right to Life, Various	July 22, 1977?	CR V.123 p.4797	??
Colorado	Balanced Federal Budget	April 5, 1978?	Cong. Rec. Vol. 124, p. 8778, POM-579 (Senate Joint Memorial No. 1)	V
Nebraska	Right to Life, Various	April 21, 1978?	Cong. Rec. Vol. 124, p. 12694, POM-637 (Legislative Resolution No. 152)	IV
Tennessee	Judicial Term Limits	April 25, 1978?	Cong. Rec. Vol. 124, p. 11437, POM-612 (HJR 21)	~~III~~ 2010
Tennessee	Balanced Federal Budget	April 25, 1978?	Cong. Rec. Vol. 124, pp. 11437-11438, POM-613 (HJR 22) remainder of text p. 11438	~~III~~ 2010
Pennsylvania	Right to Life, Various	April 25, 1978?	Cong. Rec. Vol. 124, p. 11438, POM-614 (House Bill No. 71--described as a "Joint Resolution")	IV
Oklahoma	Balanced Federal Budget	May 3, 1978?	Cong. Rec. Vol. 124, p. 12397 (POM-629) (HJR 1049)	~~II~~ 2009
Kansas	Balanced Federal Budget	May 19, 1978?	Cong. Rec. Vol. 124, p. 14584, POM-657 (SCR 1661)	IV

Delaware	Right to Life, Various	June 9, 1978?	Cong. Rec. Vol. 124, p. 17055, POM-687 (HCR 9)	~~III~~ 2016
North Dakota	Balanced Federal Budget	February 8, 1979?	CR V.125 p.2113	~~II~~ 2001
North Carolina	Balanced Federal Budget	February 22, 1979?	CR V.125 p.2113-4	??
Mississippi	Right to Life, Various	February 26, 1979?	Cong. Rec. Vol. 125, p. 3196, POM-49 (HCR 3)	IV
Florida	Balanced Federal Budget	March 1, 1979? June 21, 1988?	Cong. Rec. Vol. 125, p. 3655, POM-59 ("Senate Memorial" No. 234) Cong. Rec. Vol. 125, pp. 3655-3656, POM-60 (HM 2801) remainder of text p. 3656 Cong. Rec. Vol. 134, p. 15363, POM-549 (SM 302)	~~IV~~ 1988 ~~VI~~ 2010
Idaho	Balanced Federal Budget	March 1, 1979?	Cong. Rec. Vol. 125, p. 3657, POM-64 (HCR 7)	~~V~~ 1999
New Mexico	Balanced Federal Budget	March 1, 1979?	Cong. Rec. Vol. 125, pp. 3656-3657, POM-62 (SJR 1) remainder of text p. 3657	IV
South Dakota	Balanced Federal Budget	March 1, 1979?	Cong. Rec. Vol. 125, p. 3656, POM-61 (SJR 1)	~~V~~ 2010
Nebraska	Balanced Federal Budget	March 7, 1979?	Cong. Rec. Vol. 125, p. 4152, POM-67 (Legislative Resolution No. 106)	IV
Georgia	Right to Life, Various	March 8, 1979?	Cong. Rec. Vol. 125, p. 4372, POM-79 (House Resolution No. 254)	~~IV~~ 2004
Utah	Balanced Federal Budget	March 8, 1979?	Cong. Rec. Vol. 125, pp. 4372-4373, POM-80 (HJR 12)	~~III~~ 2001
Pennsylvania	Balanced Federal Budget	March 12, 1979?	Cong. Rec. Vol. 125, p. 4627-4628, POM-85 (House Concurrent "Resolution No. 236")	IV
Oregon	Balanced Federal Budget	March 22, 1979?	Cong. Rec. Vol. 125, p. 5953, POM-104 (SJM 2)	~~IV~~ 2000
Indiana	Balanced Federal Budget	May 1, 1979?	Cong. Rec. Vol. 125, p. 9188, POM-192 ("Senate Enrolled Joint Resolution No. 8")	IV
New Hampshire	Balanced Federal Budget	May 16, 1979?	Cong. Rec. Vol. 125 p. 11584, POM-223 (HCR 8)	~~IV~~ 2010
Iowa	Balanced Federal Budget	June 18, 1979?	Cong. Rec. Vol. 125, p. 15227, POM-301 (SJR 1)	IV
Nevada	Right to Life, Various	June 25, 1979?	Cong. Rec. Vol. 125, p. 16350, POM-312 (SJR 27)	V
Nevada	Balanced Federal Budget	January 29, 1980?	Cong. Rec. Vol. 126, pp. 1104-1105, POM-535 (SJR 8) remainder of text p. 1105	III ~~V~~ 1989-Not Joint
Idaho	Right to Life, Various	March 21, 1980?	Cong. Rec. Vol. 126, p. 6172, POM-602 (SCR 132)	~~V~~ 1999
Oklahoma	Right to Life, Various	April 24, 1980?	Cong. Rec. Vol. 126, p. 8972, POM-701 (HJR 1053)	~~IV~~ 2009
Tennessee	Right to Life, Various	May 2, 1980?	Cong. Rec. Vol. 126, p. 9765, POM-712 (SJR 23)	~~IV~~ 2010
Alabama	Right to Life, Various	May 8, 1980?	Cong. Rec. Vol. 126, p. 10650, POM-717 (SJR 9)	IV
Arizona	Limited Funding Mandates, Various	May 15, 1980?	Cong. Rec. Vol. 126, p. 11389, POM-730, (HCR 2001)	~~III~~ 2003

North Dakota	Right to Life, Various	April 27, 1981?	*CR V.127 p.10650*	??
Alaska	Balanced Federal Budget	February 3, 1982?	*CR V.128 p.798*	??
Missouri	Balanced Federal Budget	July 21, 1983?	*Cong. Rec. Vol. 129, p. 20352, POM-323 (SCR 3)*	V
Arizona	Line Item Veto, Various	June 5, 1984?	*Cong. Rec. Vol. 130, p. 15611, POM-684 (SCR 1008)*	~~III~~ *2003*
South Dakota	Line Item Veto, Various	March 12, 1986?	*Cong. Rec. Vol. 132, pp. 4473-4474, POM-599, ("A Joint Resolution")*remainder of text *p. 4474*	~~V~~ *2010*
Utah	Income Tax, Limit Other	March 30, 1987?	*Cong. Rec. Vol. 133, p. 9736, POM-94 (SJR 8)*	~~III~~ *2001*
South Dakota	Term Limits on Members of Congress	April 4, 1989?	*Cong. Rec. Vol. 135, pp. 5395-5396, POM-42 (HJR 1001)* remainder of text *p. 5396*	~~IV~~ *2010*
Idaho	Income Tax, Limit Other	April 10, 1989?	*CR V.135 p.5895*	~~V~~ *1999*
Georgia	Flag Desecration	April 16, 1991?	*Cong. Rec. Vol. 137, pp. 8085-8086, POM-26 (House "Resolution No. 105")* remainder of text *p. 8086*	~~IV~~ *2004*
Colorado	Limited Funded Mandates, Various	June 26, 1992?	*Cong. Rec. Vol. 138, p. 16552, POM-428 (SJM 92-3)*	V
South Dakota	Limited Funded Mandates, Various	March 22, 1993?	*Cong. Rec. Vol. 139, p. 5905, POM-50 (SJR 3)*	~~V~~ *2010*
Missouri	No Judicial Taxing Power	June 29, 1993?	*Cong. Rec. Vol. 139, p. 14565, POM-175 (SCR 9)*	V
Delaware	Income Tax, Limit Other	June 28, 1994?	*Cong. Rec. Vol. 140, p. 14718, POM-554 (HCR 56)*	~~IV~~ *2016*
Missouri	Limited Funding Mandates, Various	June 29, 1994?	*Cong. Rec. Vol. 140, pp. 15072-15073, POM-575 (SCR 21)* remainder of text *p. 15073*	V
Arizona	No Judicial Taxing Power	March 27, 1996?	*Cong. Rec. Vol. 142, pp. S3012-S3013, POM-523 (SCR 1014)* remainder of text *p. S3013*	~~III~~ *2003*
South Dakota	No Judicial Taxing Power	March 27, 1996?	*Cong. Rec. Vol. 142, p. S3013, POM-526 (HCR 1010)*	III
Nevada	Term Limits on Members of Congress	June 29, 1996?	*Nevada Constitution*	III
North Dakota	No Judicial Taxing Power	April 6, 2001?	*Cong. Rec. Vol. 147, pp. S3704-S3705, POM-7 ("House Concurrent Resolution No. 3031")*remainder of text *p. S3705*	III
Louisiana	Posse Comitatus	April 29, 2008?	*Cong. Rec. Vol. 154, p. S3504, POM-329 ("House Concurrent Resolution No. 38")*	IV
Florida	Balanced Federal Budget	April 19, 2010	*Cong. Rec. Vol. 160, pp. S5563-S5564, POM-323 ("Senate Concurrent Resolution 10")*remainder of text *p. S5564*	V
Nebraska	Balanced Federal Budget (Reaffirmation of 1976 Legislative Resolution No. 106)	April 13, 2010	*"Legislative Resolution No. 538"*	V
North Dakota	Mode of Amendment, Other	April 14, 2011	*"House Concurrent Resolution No. 3048"*	V

North Dakota	Increase in federal debt to require approval by majority of state legislatures	April 11, 2011	*Cong. Rec. Vol. 158, p. S1459, POM-66 ("Senate Concurrent Resolution No. 4007")*	IV
Alabama	Balanced Federal Budget	June 1, 2011	*Cong. Rec. Vol. 160, pp. S3666-S3667, POM-251 ("Senate Joint Resolution No. 100")* remainder of text *p. S3667*	V
Louisiana	Increase in federal debt to require approval by majority of state legislatures	June 21, 2011	*Cong. Rec. Vol. 158, p. S2241, POM-69 ("House Concurrent Resolution No. 87")*	IV
New Hampshire	Balanced Federal Budget	May 16, 2012	*Cong. Rec. Vol. 162, p. S5153, POM-197 ("House Concurrent Resolution 40")*	V
Ohio	Balanced Federal Budget	November 20, 2013	*Cong. Rec. Vol. 160, p. S1174, POM-197 ((Senate) "Joint Resolution No. 5")*	V
Georgia	Balanced Federal Budget	February 20, 2014	*Cong. Rec. Vol. 160, pp. S3667-S3668, POM-254 ("Senate Resolution 371")* remainder of text *p. S3668*	V
Georgia	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	March 6, 2014	*Cong. Rec. Vol. 160, p. S4332, POM-285 ("Senate Resolution No. 736")*	V
Michigan	Balanced Federal Budget	March 26, 2014	*Cong. Rec. Vol. 163, p. S2098, POM-14 ("Enrolled Senate Joint Resolution V")*	V
Tennessee	Balanced Federal Budget	April 9, 2014	*Cong. Rec. Vol. 165, p. S5406, POM-128 ("House Joint Resolution No. 548")*	V
Alaska	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	April 19, 2014	*Cong. Rec. Vol. 160, p. S6021, POM-345 ("House Joint Resolution 22", also referred to as "Legislative Resolve No. 68")*	V
Florida	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	April 21, 2014	*Cong. Rec. Vol. 160, p. S4332, POM-286 ("Senate Memorial 476")*	V

Florida	Balanced Federal Budget	April 21, 2014	*Cong. Rec. Vol. 160, p. S4333, POM-288 ("Senate Memorial 658")*	V
Florida	Legislation in Congress to contain only one subject and that one subject must be clearly expressed in the measure's title	April 23, 2014	*Cong. Rec. Vol. 160, p. S4333, POM-289 ("House Memorial 261")*	V
Vermont	Regulation of election campaign donations and expenditures; end legal concept of "corporate personhood"; overturn 2010 U.S. Supreme Court decision in case of *Citizens United v. Federal Election Commission*	May 2, 2014	*Cong. Rec. Vol. 160, p. S4331, POM-284 ("Joint Senate Resolution No. 27")*	V
Louisiana	Balanced Federal Budget	May 15, 2014	*Cong. Rec. Vol. 160, p. S5563, POM-322 ("House Concurrent Resolution No. 70")*	V
California	Regulation of election campaign donations and expenditures; end legal concept of "corporate personhood"; overturn 2010 U.S. Supreme Court decision in case of *Citizens United v. Federal Election Commission*	June 23, 2014	*Cong. Rec. Vol. 160, p. S5507, POM-320 ("Assembly Joint Resolution No. 1")*	V
Illinois	Regulation of election campaign donations and expenditures; end legal concept of "corporate personhood"; overturn 2010 U.S. Supreme Court decision in case of *Citizens United v. Federal Election Commission*	December 3, 2014	*Cong. Rec. Vol. 162, p. S71, POM-126 ("Senate Joint Resolution No. 42")*	V
South Dakota	Balanced Federal Budget	February 17, 2015	*Cong. Rec. Vol. 162, p. S6550, POM-255 ("House Joint Resolution No. 1001")*	V
New Jersey	Regulation of election campaign donations and expenditures; end legal concept of "corporate personhood";	February 23, 2015	*"Senate Concurrent Resolution No. 132"*	V

	overturn 2010 U.S. Supreme Court decision in case of *Citizens United v. Federal Election Commission*			
Utah	Balanced Federal Budget	March 6, 2015	*"House Joint Resolution No. 7"*	V
North Dakota	Balanced Federal Budget	March 24, 2015	*Cong. Rec. Vol. 161, pp. S2399-S2400, POM-17 ("House Concurrent Resolution 3015")*remainder of text *p. S2400*	V
Alabama	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	May 21, 2015	*Cong. Rec. Vol. 161 pp. S8601-S8602, POM-124 ("House Joint Resolution 112")* remainder of text *p. S8602*	V
Tennessee	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	February 4, 2016	*Cong. Rec. Vol. 163, p. S6534, POM-117 ("Senate Joint Resolution No. 67")*	V
Florida	Term limits on Members of Congress	February 10, 2016	*Cong. Rec. Vol. 163, p. S112, POM-6 ("House Memorial 417")*	V
Indiana	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	February 29, 2016	*Cong. Rec. Vol. 162, p. S6663, POM-256 ("Senate Enrolled Joint Resolution No. 14")*	V
West Virginia	Balanced Federal Budget	March 12, 2016	*Cong. Rec. Vol. 162, p. S5277, POM-201 and POM-202 ("House Concurrent Resolution 36")*	V
Alaska	Countermand Amendment, which would allow states to propose initiatives that could repeal any federal statute, executive order, judicial decision, or regulatory decision if	April 16, 2016	*Cong. Rec. Vol. 164, p. S703, POM-164 (HJR 14, also referred to as "Legislative Resolve No. 49")*	V

	three-fifths of state legislatures approved.			
Oklahoma	Combination of: (1) Balanced Federal Budget; and (2) Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	April 18, 2016	*Cong. Rec. Vol. 162, pp. S6354-6355, POM-213 ("Senate Joint Resolution No. 4")* remainder of text *p. S6355*	V
Louisiana	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	May 25, 2016	*"Senate Concurrent Resolution No. 52"*	V
Rhode Island	Regulation of election campaign donations and expenditures; end legal concept of "corporate personhood"; overturn 2010 U.S. Supreme Court decision in case of *Citizens United v. Federal Election Commission* (*Rhode Island lawmakers chose to approve two separate unicameral resolutions, rather than to adopt a single bicameral resolution. The validity of this approach is subject to question*).	June 16, 2016 (*R.I. House version*) and June 17, 2016 (*R.I. Senate version*)	*Cong. Rec. Vol. 162, p. S5276, POM-198 (R 326—H 7670)* and *Cong. Rec. Vol. 162, pp. S5276-S5277, POM-199 (R 327—S 2589)* remainder of text *p. S5277*	V
Wyoming	Balanced Federal Budget	February 27, 2017	*"House Enrolled Joint Resolution No. 2"*	V
Arizona	Fiscal restraints on the federal government, limiting the power and jurisdiction of the	March 13, 2017	*Cong. Rec. Vol. 163, pp. S6534-S6535, POM-118 and POM-120 ("House Concurrent Resolution 2010")* remainder of text *p. S6535*	V

	federal government, and limiting the terms of office of federal officials, including members of Congress			
North Dakota	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	March 24, 2017	*Cong. Rec. Vol. 163, p. S2527, POM-16 ("House Concurrent Resolution No. 3006")*	V
Arizona	Balanced Federal Budget	March 27, 2017	*Cong. Rec. Vol. 163, p. S6535, POM-119 and POM-121 ("House Concurrent Resolution 2013")*	V
Texas	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	May 10, 2017	*Cong. Rec. Vol. 163, p. S4056, POM-65 ("Senate Joint Resolution No. 2")*	V
Missouri	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	May 12, 2017	*Cong. Rec. Vol. 163, pp. S3361-S3362, POM-40 ("Senate Concurrent Resolution No. 4")*	V
Wisconsin	Balanced Federal Budget	November 7, 2017	*Cong. Rec. Vol. 164, pp. S109-S110, POM-154 ("Assembly Joint Resolution No. 21")remainder of text p. S110*	V
Alabama	Term Limits on Members of Congress	January 25, 2018	*Cong. Rec. Vol. 164, pp. S3759-S3760, POM-243 ("House Joint Resolution No. 23")*	V
Missouri	Term Limits on Members of Congress	May 17, 2018	*Cong. Rec. Vol. 164, p. S5422, POM-278 ("Senate Concurrent Resolution No. 40")*	V
Arkansas	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of	February 14, 2019	*Cong. Rec. Vol. 165, pp. S5601-S5602, POM-138 and POM-139 ("Senate Joint Resolution No. 3")*	V

	federal officials, including members of Congress			
Utah	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress	March 5, 2019	*"Senate Joint Resolution No. 9"*	V
Mississippi	Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials—but specifically excluding the imposition of term limits upon members of Congress	March 27, 2019	*Cong. Rec. Vol. 165, p. S5447, POM-133 ("Senate Concurrent Resolution No. 596")*	V
West Virginia	Term Limits on Members of Congress	March 22, 2021	*Cong. Rec. Vol. 167, p. S4517, POM-18 ("House Concurrent Resolution No. 9")*	V
Oklahoma	Combination of: (1) Balanced Federal Budget; and (2) Fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress **(reprising 2016 joint resolution numbered as "Senate Joint Resolution No. 4" which is scheduled to expire on December 31, 2023)**	April 20, 2021	*Cong. Rec., Vol. 167, pages S6839 through S6841, POM-85 and POM-86 ("Senate Joint Resolution No. 23")*	
Missouri	Fiscal restraints on the federal government, limiting	May 13, 2021	*Cong. Rec., Vol. 167, pp. S4770-S4771, POM-22 ("Senate Concurrent Resolution No. 4")*	

the power and jurisdiction of the federal government, and limiting the terms of office of federal officials, including members of Congress **(reprising 2017 concurrent resolution likewise numbered as "Senate Concurrent Resolution No. 4" which is scheduled to expire on the fifth anniversary of its adoption--that being in 2022)**