Senate Resolution No. 477

BY: Senator KRUEGER

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY concerning the rescission of all previous requests by the New York State Legislature or either house thereof for a convention under Article V of the United States Constitution

WHEREAS, The New York State Legislature has made applications to the United States Congress to call one or more conventions to propose amendments concerning specific subjects to the United States Constitution, pursuant to Article V thereof; and

WHEREAS, the legislature finds that:

a. Since its ratification, the United States Constitution has only been amended 27 times; and

b. Despite continual debate, extreme political turmoil, shifting views, and uncountable political, economic, and societal problems and events, our nation has not had another Constitutional Convention since 1787; and

c. Article V of the United States constitution provides a vehicle for amending the constitution upon application by "two thirds" of the several States; and

d. Throughout its long and storied history, New York has made such applications; and

e. Scholars differ as to whether such applications ever expire, and if, regardless of scope set forth in the applications, any convention would be required to abide by such scope; and

f. Wealthy interest groups could exploit decisions made by our ancestors to contort their intent to amending the Constitution and removing or altering our rights; and

WHEREAS, the legislature declares that:

a. Although historical records maintained by the State of New York and the Library of Congress are incomplete and, in some instances, unclear as to the final disposition of joint resolutions previously passed by the New York State Legislature to initiate a call to Congress for a Constitutional Convention, it is reported that the New York State Legislature has passed several such calls for a Constitutional Convention since the 1780's. These calls include (1) Joint Resolution (1789) calling broadly for amendments to the Constitution to promote the common interests and secure the great and unalienable rights of mankind; (2) Joint Resolution (1931) calling for the repeal of the eighteenth amendment; and (3) Joint Resolution (1972) calling for the allowance of public funds for secular education; and

b. It is unclear as a matter of constitutional law whether these calls ever expire, and current generations may now be bound by decisions made in a different time and culture. The need to advance these various policy reforms should be debated anew, if necessary, and not bind future generations without any consideration; now, therefore, be it

RESOLVED, (if the concur), That the Legislature does hereby rescind, repeal, cancel, nullify, and supersede, any and all prior applications by the Legislature to the Congress of the United States of America to call a Constitutional Convention to propose amendments to the Constitution of the United States pursuant to the terms of Article V of the Constitution of the United States of America, regardless of when and regardless of whether such applications were for a more limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects, whether or not the calls are confirmed by the historical records maintained by the State or the Library of Congress; and be it further

RESOLVED, (if the concur), That the Secretary of State be, and hereby is, directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States; and be it further

RESOLVED, (if the concur), That the members of the Legislature of the State of New York request that this Joint Resolution be published in the Congressional Record and listed in the official tally of state legislative applications relating to calling for the United States Congress to call a convention to propose amendments to the United States Constitution.