

By: Representative Owen

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 36

1 A CONCURRENT RESOLUTION APPLYING TO THE UNITED STATES
2 CONGRESS TO CALL A CONVENTION OF THE STATES UNDER THE PROVISIONS
3 OF ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES FOR THE
4 PURPOSE OF PROPOSING AMENDMENTS LIMITED TO REQUIRING THAT THE
5 SUPREME COURT OF THE UNITED STATES BE COMPOSED OF NINE JUSTICES.

6 WHEREAS, Article V of the Constitution of the United States
7 mandates that upon application of the legislatures of two-thirds
8 (2/3) of the several states, Congress shall call a convention for
9 proposing amendments; and

10 WHEREAS, the Legislature of the State of Mississippi deems an
11 amendment to the Constitution of the United States requiring that
12 the Supreme Court of the United States be composed of nine (9)
13 justices to be necessary:

14 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
15 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING
16 THEREIN, That the Legislature of the State of Mississippi applies
17 to Congress, under the provisions of Article V of the Constitution
18 of the United States, for the calling of a convention of the
19 states, limited to proposing an amendment to the Constitution of



20 the United States requiring that the Supreme Court of the United
21 States be composed of nine (9) justices.

22 BE IT FURTHER RESOLVED, That copies of this application shall
23 be transmitted by the Secretary of State to the President and
24 Secretary of the United States Senate, to the Speaker and Clerk of
25 the United States House of Representatives, to members of the
26 Mississippi congressional delegation and to the presiding officers
27 of each house of the several state legislatures, requesting their
28 cooperation in applying for the convention, limited to the subject
29 matter contemplated by this application.

30 BE IT FURTHER RESOLVED, That this application is to be
31 considered as covering the amendment language of the presently
32 outstanding United States Supreme Court composition applications
33 from other states and that this application shall be aggregated
34 with the same for the purpose of attaining the two-thirds (2/3) of
35 states necessary to require the calling of a convention for
36 proposing an amendment limited to the same, but shall not be
37 aggregated with any applications on any other subject.

38 BE IT FURTHER RESOLVED, That the Legislature of the State of
39 Mississippi adopts this application expressly subject to the
40 following reservations, understandings and declarations:

41 (a) An application to the Congress of the United States
42 to call a convention of the states under Article V of the United
43 States Constitution confers no power to Congress other than the
44 power to call such a convention. The power of Congress to exercise



45 this ministerial duty consists solely of the authority to name a
46 reasonable time and place for the initial meeting of a convention;

47 (b) Congress shall perform its ministerial duty of
48 calling a convention of the states only upon receipt of
49 applications for a convention for the substantially same purpose
50 as this application from two-thirds (2/3) of the legislatures of
51 the several states;

52 (c) Congress does not have the power or authority to
53 determine any rules for the governing of a convention for
54 proposing amendments called under Article V of the United States
55 Constitution. Congress does not have the power to set the number
56 of delegates to be sent by any state to such a convention, nor
57 does it have the power to name delegates to such a convention.
58 The power to name delegates remains exclusively within the
59 authority of the legislatures of the several states;

60 (d) By definition, a convention of the states means
61 that states shall vote on the basis of one (1) state, one (1)
62 vote;

63 (e) A convention for proposing amendments convened
64 under this application shall be limited to consideration of the
65 topics specified in this application and no other. This
66 application is made with the express understanding that an
67 amendment that in any way seeks to amend, modify or repeal any
68 provision of the Bill of Rights shall not be authorized for
69 consideration at any stage. This application shall be void if



70 ever used at any stage to consider any change to any provision of
71 the Bill of Rights;

72 (f) Under Article V of the United States Constitution,
73 Congress may determine whether proposed amendments shall be
74 ratified by the legislatures of the several states or by special
75 state ratification conventions. The Legislature of the State of
76 Mississippi recommends that Congress select ratification by the
77 legislatures of the several states; and

78 (g) The Legislature of the State of Mississippi may
79 provide further instructions to its delegates and may recall its
80 delegates at any time for a breach of a duty or a violation of the
81 instructions provided.

82 BE IT FURTHER RESOLVED, That this application constitutes a
83 continuing application in accordance with Article V of the
84 Constitution of the United States until the legislatures of at
85 least two-thirds (2/3) of the several states have made
86 applications on the same subject. This application further
87 supersedes all previous applications by the Legislature of the
88 State of Mississippi on the same subject.

