By: Representative Owen

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 24

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

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

WHEREAS, the Legislature of the State of Mississippi deems an amendment to the Constitution of the United States requiring that the Supreme Court of the United States be composed of nine justices to be necessary:

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

the United States requiring that the Supreme Court of the United States be composed of nine justices.

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

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

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

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

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

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

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

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

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

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

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

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

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