

Assembly Joint Resolution

No. 10

Introduced by Assembly Member Grove

February 27, 2015

Assembly Joint Resolution No. 10—Relative to a federal constitutional convention.

LEGISLATIVE COUNSEL'S DIGEST

AJR 10, as introduced, Grove. Federal constitutional convention: application.

This measure would constitute an application to the United States Congress to call a constitutional convention pursuant to Article V of the United States Constitution limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government and limit the power and jurisdiction of the federal government.

This measure would constitute a continuing application for such convention until the legislatures of 2/3 of the states have made applications on the same subject and the convention has been called by the Congress of the United States.

Fiscal committee: no.

- 1 WHEREAS, The Founders of the United States Constitution
- 2 empowered state legislators to be guardians of liberty against
- 3 excessive use of power by the federal government; and
- 4 WHEREAS, The federal government has created a mounting
- 5 national debt exceeding \$17 trillion through improper and
- 6 imprudent spending; and

1 WHEREAS, The federal government has usurped the legitimate
2 roles of the states through unfunded federal mandates; and

3 WHEREAS, The federal government has ceased to operate
4 under a proper interpretation of the Tenth Amendment to the United
5 States Constitution; and

6 WHEREAS, It is the solemn duty of the states to protect the
7 liberty of our people, particularly for the generations to come, by
8 proposing amendments to the United States Constitution through
9 a convention of the states under Article V to place clear restraints
10 on these and related excessive uses of power; now, therefore, be
11 it

12 *Resolved by the Assembly and the Senate of the State of*
13 *California, jointly*, That the Legislature of the State of California
14 hereby make application to the Congress of the United States to
15 call an amendment convention pursuant to Article V of the United
16 States Constitution limited to proposing amendments to the United
17 States Constitution that impose fiscal restraints on the federal
18 government and limit the power and jurisdiction of the federal
19 government; and, be it further

20 *Resolved*, That pursuant to Article V of the Constitution of the
21 United States, the Legislature of the State of California joins in
22 the application of the states of Georgia (SR 736 (2014)), Florida
23 (SM 476 (2014)), and Alaska (HJR 22 (2014)) for a convention
24 for the sole and exclusive purpose of proposing amendments to
25 the Constitution of the United States limited to the purposes stated
26 therein, provided, however, that the delegates from California to
27 said convention are expressly limited to consideration and support
28 for amendments that impose fiscal restraints on the federal
29 government, and which limit the power and jurisdiction of the
30 federal government. It is the express intention of this Legislature
31 that this application shall be aggregated with the subsequent
32 applications of other states limited to the purposes identified in
33 this application or those of the states named above; and, be it
34 further

35 *Resolved*, That the other states be encouraged to make similar
36 applications for an amendment convention pursuant to Article V
37 of the United States Constitution; and, be it further

38 *Resolved*, That this application shall constitute a continuing
39 application for such amendment convention pursuant to Article V
40 of the United States Constitution until the legislatures of two-thirds

1 of the states have made applications on the same subject and such
2 convention has been called by the Congress of the United States;
3 and, be it further

4 *Resolved*, that the Legislature of California adopt this application
5 with the following understandings (as the term “understandings”
6 is used within the context of “reservations, understandings, and
7 declarations”):

8 1. An application to Congress for an Article V convention
9 confers no power on Congress other than to perform a ministerial
10 function to “call” a convention;

11 2. This ministerial duty shall be performed by Congress only
12 when Article V applications for substantially the same purpose
13 are received from two-thirds of the legislatures of the several states;

14 3. The power of Congress to “call” a convention solely consists
15 of the authority to name a reasonable time and place for the initial
16 meeting of the Convention;

17 4. Congress possesses no power whatsoever to name delegates
18 to said convention, as this power remains exclusively within the
19 authority of the legislatures of the several states;

20 5. Congress possesses no power to set the number of delegates
21 to be sent by any state;

22 6. Congress possesses no power whatsoever to determine any
23 rules for said convention;

24 7. By definition, a convention of states means that states vote
25 on the basis of one state, one vote;

26 8. A convention of states convened pursuant to this application
27 is limited to consideration of topics specified herein and no other;

28 9. The Legislature of California may provide instructions to its
29 delegates (commissioners);

30 10. The Legislature of California may recall its delegates at any
31 time for breach of their duties or violation of their instructions;

32 11. Pursuant to the text of Article V, Congress may determine
33 whether proposed amendments shall be ratified by the legislatures
34 of the several states or by special state ratification conventions;
35 the Legislature of California recommends that Congress specify
36 its choice of ratification methodology contemporaneously with
37 the call for the convention;

38 12. Congress possesses no power whatsoever with regard to the
39 Article V convention beyond the two powers acknowledged herein;
40 and

1 13. The Legislature of California places express reliance on
2 prior legal and judicial determinations that Congress possesses no
3 power under Article I of the United States Constitution relative to
4 the Article V process and that Congress must act only as expressly
5 specified in Article V; and, be it further
6 *Resolved*, That the Chief Clerk of the Assembly transmit copies
7 of this resolution to the President of the United States, the Speaker
8 and the Clerk of the United States House of Representatives, the
9 President and the Secretary of the United States Senate, each
10 member of the California Congressional Delegation, and the
11 legislatures of each of the several states, attesting the adoption of
12 this resolution by the Legislature of California.

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