

HOUSE JOINT RESOLUTION NO. HJ0007

Rescission of federal constitutional resolutions.

Sponsored by: Representative(s) Edwards and Jennings and
Senator(s) Anderson and Hutchings

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION rescinding a previous resolution adopted
2 by the Wyoming Legislature which requested the Congress of
3 the United States to convene a constitutional convention
4 under Article V of the U.S. Constitution.

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6 WHEREAS, Article V of the Constitution of the United States,
7 after the application of two-thirds (2/3) of state
8 legislatures, reserves to Congress the exclusive authority to
9 call a convention for proposing constitutional amendments;

10 and

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12 WHEREAS, the Supreme Court of the United States ruled in
13 *Dillon v. Gloss* that Congress alone reserves the power to
14 "deal with subsidiary matters of detail ..." under the U.S.

1 Constitution, which likely includes the manner of convening
2 a constitutional convention under Article V; and

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4 WHEREAS, Article V also likely requires the "mode of
5 ratification" of amendments arising from a constitutional
6 convention to be determined not by state legislatures or by
7 delegates, but by Congress; and

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9 WHEREAS, the authority of state legislatures to impose any
10 penalty, sanction or limitation on constitutional convention
11 delegates is uncertain, since such delegates represent the
12 people and because of the sovereign "... Right of the People
13 to alter or to abolish [their Government], and to institute
14 new Government ... ;" and

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16 WHEREAS, states likely have no constitutional authority to
17 establish or predetermine the rules of order or operational
18 aspects of a constitutional convention; and

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20 WHEREAS, James Madison wrote in *Federalist No. 43* that Article
21 V should only be utilized to repair "discovered
22 [constitutional] faults" or for "amendment of
23 [constitutional] errors;" and

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2 WHEREAS, nothing in Article V limits a constitutional
3 convention to the consideration of amendments relating to any
4 specific topic or list of topics; and

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6 WHEREAS, nothing in Article V provides for, nor can any state
7 application under Article V guarantee, equal suffrage or
8 equal franchise to each state at a constitutional convention;
9 and

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11 WHEREAS, the Wyoming Legislature adopted House Joint
12 Resolution 7 in 2009, specifically rescinding past
13 resolutions requesting Congress to convene an Article V
14 constitution convention; and

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16 WHEREAS, the Wyoming Legislature desires to reaffirm its
17 commitment to the U.S. Constitution by rescinding a
18 resolution adopted in 2017 which requested Congress to
19 convene an Article V constitutional convention.

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21 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
22 *LEGISLATURE OF THE STATE OF WYOMING:*

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1 **Section 1.** That the Wyoming Legislature, by this
2 resolution, hereby rescinds, nullifies and supersedes House
3 Joint Resolution 2, adopted in 2017, regarding a balanced
4 budget amendment to the U.S. Constitution.

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6 **Section 2.** That the Secretary of State of Wyoming
7 transmit copies of this resolution to the President of the
8 United States, the President of the United States Senate, the
9 Speaker of the United States House of Representatives and to
10 the Wyoming Congressional Delegation.

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(END)