

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE JOINT RESOLUTION 374

Sponsors: Representatives Jordan, Elmore, Glazier, and Schaffer (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary.

March 21, 2013

1 A JOINT RESOLUTION (I) RESCINDING ALL EXTANT APPLICATIONS BY THE
2 GENERAL ASSEMBLY HERETOFORE MADE DURING ANY SESSION THEREOF
3 TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A
4 CONVENTION PURSUANT TO THE TERMS OF ARTICLE V OF THE UNITED
5 STATES CONSTITUTION FOR PROPOSING ONE OR MORE AMENDMENTS TO
6 THAT CONSTITUTION, (II) URGING THE LEGISLATURES OF OTHER STATES TO
7 DO THE SAME, AND (III) DIRECTING THAT COPIES OF THIS RESOLUTION BE
8 SENT TO SPECIFIED PERSONS.

9 Whereas, the General Assembly, acting with the best of intentions, has at various
10 times and during various sessions, previously made applications to the Congress of the United
11 States to call one or more conventions to propose either a single amendment concerning a
12 specific subject or to call a general convention to propose an unspecified and unlimited number
13 of amendments to the Constitution of the United States, pursuant to the provisions of Article V
14 of the Constitution of the United States thereof; and

15 Whereas, former Chief Justice of the United States Warren E. Burger, former
16 Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading
17 constitutional scholars agree that such a convention may propose sweeping changes to the
18 Constitution, notwithstanding any limitations or restrictions to the contrary purportedly
19 imposed by the states in applying for such a convention or conventions, thereby creating an
20 imminent peril to the well-established rights of the citizens and the duties of various levels of
21 government; and

22 Whereas, the Constitution of the United States has been amended many times in the
23 history of this nation and may be amended many more times without the need to resort to a
24 constitutional convention and has been interpreted for more than two hundred years and has
25 been found to be a sound document which protects the lives and liberties of the citizens; and

26 Whereas, there is no need for, rather there is great danger in, a new constitution or
27 in opening the Constitution to sweeping changes, the adoption of which would only create legal
28 chaos in this nation and only begin the process of another two centuries of litigation over its
29 meaning and interpretation; Now, therefore,

30 Be it resolved by the House of Representatives, the Senate concurring:

31 **SECTION 1.** The General Assembly rescinds all extant applications by the
32 General Assembly to the Congress of the United States to call a convention to propose
33 amendments to the Constitution of the United States, pursuant to the terms of Article V of the
34 Constitution of the United States thereof, regardless of when or by which session of the General
35 Assembly the applications were made and regardless of whether the applications were for a



1 limited convention to propose one or more amendments regarding one or more specific subjects
2 and purposes or for a general convention to propose an unlimited number of amendments upon
3 an unlimited number of subjects.

4 **SECTION 2.** The General Assembly urges the legislatures of every state that has
5 applied to Congress to call a convention for either a general or a limited constitutional
6 convention to repeal and withdraw the applications.

7 **SECTION 3.** The Secretary of State shall send a certified copy of this resolution to
8 the secretary of state of each state, to the presiding officers of both houses of the legislatures of
9 each state, to the Secretary of the United States Senate, to the Clerk of the United States House
10 of Representatives, to the members of Congress of the United States representing this State, and
11 to the Administrator of the U.S. General Services Administration, Washington, D.C.

12 **SECTION 4.** This resolution is effective upon ratification.