

HOUSE No. 3208

The Commonwealth of Massachusetts

PRESENTED BY:

Carmine Lawrence Gentile and David T. Vieira

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying resolution:

Resolutions for a United States constitutional amendment and a limited amendment proposing convention.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>

<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>

<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>

HOUSE No. 3208

By Messrs. Gentile of Sudbury and Vieira of Falmouth, a petition (accompanied by resolution, House, No. 3208) of Carmine Lawrence Gentile and others for the adoption of resolutions memorializing the Congress of the United States to call for a convention to propose amendments in order to address concerns about the integrity of our elections and the ability of the people to participate in effective self-government. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

Resolutions for a United States constitutional amendment and a limited amendment proposing convention.

1 WHEREAS, the 1st President of the United States George Washington stated, "The basis
2 of our political systems is the right of the people to make and to alter their Constitutions of
3 Government."; and

4 WHEREAS, it was the stated intention of the framers of the Constitution of the United
5 States of America that the Congress of the United States of America should be "dependent on the
6 people alone." (James Madison, Federalist 52); and

7 WHEREAS, that dependency has evolved from a dependency on the people alone to a
8 dependency on those who spend excessively in elections, through campaigns or third-party
9 groups; and

10 WHEREAS, the United States Supreme Court ruling in Citizens United v. Federal
11 Election Commission, 558 U.S. 310 (2010) removed restrictions on amounts of independent
12 political spending; and

13 WHEREAS, the removal of those restrictions has resulted in the unjust influence of
14 powerful economic forces, which have supplanted the will of the people by undermining our
15 ability to choose our political leadership, write our own laws, and determine the fate of our state;
16 and

17 WHEREAS, corporations are artificial entities that governments create and, as such, do
18 not possess the same unalienable rights of natural persons protected by the Constitution; and

19 WHEREAS, corporations have used a claim to the rights enumerated in the US
20 Constitution, including under the 1st, 4th, 5th and 14th Amendments, to challenge and overturn
21 democratically enacted laws protecting the public interest; and

22 WHEREAS, Article V of the United States Constitution requires the United States
23 Congress to call a convention for proposing amendments upon application of two-thirds of the
24 legislatures of the several states for the purpose of proposing amendments to the United States
25 Constitution; and

26 WHEREAS, the Commonwealth of Massachusetts sees the need for a convention to
27 propose amendments in order to address concerns about the integrity of our elections and about
28 the ability of the people to participate in effective self-government, specifically those concerns
29 arising from the United States Supreme Court's rulings limiting the ability of the legislature to
30 regulate the raising and spending of money in elections and granting constitutional rights to
31 corporations; and desires that said convention should be so limited; and

32 WHEREAS, the Commonwealth of Massachusetts desires that the delegates to said
33 convention shall be comprised equally from individuals currently elected to state and local
34 office, or be selected by election in each Congressional district for the purpose of serving as
35 delegates, though all individuals elected or appointed to federal office, now or in the past, be
36 prohibited from serving as delegates to the Convention, and intends to retain the ability to restrict
37 or expand the power of its delegates within the limits expressed above; and

38 WHEREAS, the Commonwealth of Massachusetts intends that this application shall
39 constitute a continuing application, considered together with applications on this subject such as
40 those passed in the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature
41 as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 42, the 2014-2015 New
42 Jersey legislature as SCR 132, the 2015-2016 Rhode Island legislature as HR 7670 and SR 2589,
43 and all other passed, pending, and future applications, the aforementioned concerns of
44 Massachusetts notwithstanding until such time as two-thirds of the Several States have applied
45 for a Convention and said Convention is convened by Congress;

46 Therefore, BE IT RESOLVED by the Legislature of the Commonwealth of
47 Massachusetts that it calls on Congress to propose an amendment to the Constitution that would
48 affirm that (a) the rights protected by the Constitution of the United States are the rights of
49 natural persons, i.e. human individuals, only and (b) Congress and the states shall place limits on
50 political contributions and expenditures to ensure that all citizens have access to the political
51 process, and the spending of money to influence elections is not protected free speech under the
52 First Amendment; and

53 Be it further Resolved, that if Congress does not propose this constitutional amendment
54 within 6 months of the passage of this bill, then this bill constitutes a petition by the
55 Commonwealth of Massachusetts, speaking through its legislature, and pursuant to Article V of
56 the United States Constitution, to the Congress to call a limited Convention for the exclusive
57 purpose of proposing Amendments, as prescribed previously herein, to the Constitution of the
58 United States of America addressing, inter alia, concerns raised by Citizens United v. FEC,
59 McCutcheon v. FEC and related decisions, as soon as two-thirds of the several States have
60 applied for a Convention; and

61 Be it further Resolved, that this petition shall not be considered by the U.S. Congress
62 until 33 other states submit petitions for the same purpose as proposed by Massachusetts in this
63 resolution and unless the Congress determines that the scope of amendments to the Constitution
64 of the United States considered by the convention shall be limited to the same purpose requested
65 by Massachusetts; and

66 Be it further Resolved, that the Clerk of the Massachusetts House of Representatives and
67 Clerk of the Senate transmit copies of this resolution to the President and Vice President of the
68 United States and addressed to him at the legislative office which he maintains in Suite No. S-
69 212 of the United States Capitol Building, the Speaker of the United States House of
70 Representatives, the Minority Leader of the United States House of Representatives, the
71 President Pro Tempore of the United States Senate, to each Senator and Representative from
72 Massachusetts in the Congress of the United States, to the Governor of each State, and to the
73 presiding officers of each legislative body of each of the several States, requesting the
74 cooperation of the several States in issuing an application compelling Congress to call a
75 convention for proposing amendments pursuant to Article V of the United States Constitution.