

ONE HUNDRED SIXTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 297

Introduced by Hilkemann, 4.

WHEREAS, the Constitutional Convention of 1787 was initially convened to make revisions to the Articles of Confederation and this Convention decided instead to discard the Articles of Confederation entirely and create a new system of government; and

WHEREAS, the Constitution of the United States has served as the cornerstone of American liberty since its creation in 1787 and was the first written national constitution to set forth a system of separation of powers and to ensure that the rights of minority groups could not be easily trampled upon by the will of the majority; and

WHEREAS, despite turmoil and grave political and economic concerns, including, without limitation, the Civil War and the Great Depression, a subsequent constitutional convention has not been held since 1787; and

WHEREAS, the Constitution has proven to be resilient and has been amended only twenty-seven times during its two-hundred-thirty-two-year history; and

WHEREAS, Article V of the Constitution requires the Congress of the United States to convene a constitutional convention upon the application of the legislatures of two-thirds of the several states; and

WHEREAS, in 1893, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1903, the Legislature passed House Roll No. 167 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1907, the Legislature passed Senate File No. 313 to make an application to Congress to call a convention to propose specified amendments to

the Constitution; and

WHEREAS, in 1911, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1949, the Legislature passed Legislative Resolution 32 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1965, the Legislature passed Legislative Resolution 42 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1978, the Legislature passed Legislative Resolution 152 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1979, the Legislature passed Legislative Resolution 106 to make an application to the Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, a Legislature may not bind a future Legislature for the very reason that in the course of human events new priorities emerge, what represented positive adaptation at a particular time ceases to do so, and the will of the people of the State of Nebraska changes; and

WHEREAS, over ninety-five percent of the members of the current Legislature have not had an opportunity to consider or take a position on the aforementioned resolutions, indeed may not even be aware of their contents; and

WHEREAS, the issues raised and the contents of the respective resolutions may no longer be germane to the present times; and

WHEREAS, action by the current legislatures of a small number of states could, in a very short period of time, irrevocably trigger one or more conventions to be convened without the concurrence of two-thirds of the current legislatures; and

WHEREAS, former Chief Justice of the Supreme Court Warren E. Burger, former Associate Justice of the Supreme Court Arthur Goldberg, and other

leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, thereby creating imminent peril to the well-established rights of citizens and the duties of various levels of government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That each resolution petitioning Congress to call for a constitutional convention under Article V of the Constitution of the United States included in this resolution shall be automatically rescinded if the convention is not called on or before January 1, 2021.

2. That any application to the United States Congress for the calling of a convention under Article V of the United States Constitution that is submitted to the Nebraska legislature during or after the current legislative session shall be automatically rescinded if the convention is not called on or before the seventh anniversary of the date the last legislative vote is taken on the application.

3. That the members of the Legislature urge the members of other state legislatures, which have previously requested for Congress to convene a constitutional convention, to establish a date at which prior applications that are no longer relevant to the state's interests will be rescinded.