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HOUSE JOINT MEMORIAL 4006

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Young, Blake, Jenkin, Kraft, J. Walsh, Rodne, Vick, Griffey, Dent, Harris, Haler, Manweller, Graves, Stokesbary, Chandler, and Pike

1 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
2 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF  
3 THE UNITED STATES, IN CONGRESS ASSEMBLED:

4 We, your Memorialists, the Senate and House of Representatives of  
5 the State of Washington, in legislative session assembled,  
6 respectfully represent and petition as follows:

7 WHEREAS, The founders of our Constitution empowered state  
8 legislators to be guardians of liberty against future abuses of power  
9 by the federal government; and

10 WHEREAS, The federal government has created a crushing national  
11 debt through improper and imprudent spending; and

12 WHEREAS, The federal government has invaded the legitimate roles  
13 of the states through the manipulative process of federal mandates,  
14 most of which are unfunded to a great extent; and

15 WHEREAS, The federal government has ceased to live under a proper  
16 interpretation of the Constitution of the United States; and

17 WHEREAS, It is the solemn duty of the states to protect the  
18 liberty of our people, particularly for the generations to come, by  
19 proposing amendments to the Constitution of the United States through  
20 a convention of the states under Article V of the Constitution, for  
21 the purpose of restraining these and related abuses of power;

22 NOW, THEREFORE, Your Memorialists, the legislature of the State  
23 of Washington, respectfully:

1 (1) Apply to Congress, under the provisions of Article V of the  
2 Constitution of the United States, for the calling of a convention of  
3 the states limited to proposing amendments to the Constitution of the  
4 United States that impose fiscal restraints on the federal  
5 government, limit the power and jurisdiction of the federal  
6 government, and limit the terms of office for its officials and for  
7 members of Congress; and

8 (2) Adopt this application expressly subject to the following  
9 reservations, understandings, and declarations:

10 (a) An application to the Congress of the United States to call  
11 an amendment convention of the states pursuant to Article V of the  
12 United States Constitution confers no power to Congress other than  
13 the power to call such a convention. The power of Congress to  
14 exercise this ministerial duty consists solely of the authority to  
15 name a reasonable time and place for the initial meeting of a  
16 convention.

17 (b) Congress shall perform its ministerial duty of calling an  
18 amendment convention of the states only upon the receipt of  
19 applications for an amendment convention for the substantially same  
20 purpose as this application from two-thirds of the legislatures of  
21 the several states.

22 (c) Congress does not have the power or authority to determine  
23 any rules for the governing of an amendment convention of the states  
24 called pursuant to Article V of the United States Constitution.  
25 Congress does not have the power to set the number of delegates to be  
26 sent by any state to such a convention, nor does it have the power to  
27 name delegates to such a convention. The power to name delegates  
28 remains exclusively within the authority of the legislatures of the  
29 several states.

30 (d) By definition, an amendment convention of the states means  
31 that states must vote on the basis of one state, one vote.

32 (e) An amendment convention of the states convened pursuant to  
33 this application must be limited to consideration of the topics  
34 specified herein and no other. This application is made with the  
35 express understanding that an amendment that in any way seeks to  
36 amend, modify, or repeal any provision of the Bill of Rights shall  
37 not be authorized for consideration at any stage. This application is  
38 void ab initio if ever used at any stage to consider any change to  
39 any provision of the Bill of Rights.

1 (f) Pursuant to Article V of the United States Constitution,  
2 Congress may determine whether proposed amendments will be ratified  
3 by the legislatures of the several states or by special state  
4 ratification conventions. The legislature of the State of Washington  
5 recommends that Congress select ratification by the legislatures of  
6 the several states.

7 (g) The legislature of the State of Washington may provide  
8 further instructions to its delegates and may recall its delegates at  
9 any time for a breach of a duty or a violation of the instructions  
10 provided.

11 BE IT RESOLVED, That the Secretary of State is hereby directed to  
12 transmit copies of this Memorial to the President and Secretary of  
13 the United States Senate and to the Speaker and Clerk of the United  
14 States House of Representatives, to transmit copies to the members of  
15 the United States Senate and United States House of Representatives  
16 from this state, and to transmit copies to the presiding officers of  
17 each of the legislative houses in the several states, requesting  
18 their cooperation; and

19 BE IT FURTHER RESOLVED, That this Memorial constitutes a  
20 continuing application in accordance with Article V of the  
21 Constitution of the United States until the legislatures of at least  
22 two-thirds of the several states have made applications on the same  
23 subject.

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