

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3961
judiciary.house.gov

August 30, 2022

The Honorable Cheryl L. Johnson
Clerk of the U.S. House of Representatives
U.S. Capitol, Room H154
Washington, DC 20515

Dear Madam Clerk:

Pursuant to section 3(m) of House Resolution 8 (117th Congress), I hereby designate the attached Memorial from the State of West Virginia, received by the House of Representatives in the month of July 2022, as purporting to be an application of the state legislature calling for a convention for proposing amendments to the Constitution of the United States pursuant to Article V of the Constitution, and I request that you make it publicly available electronically on the website of the Clerk. Thank you.

Sincerely,



Jerrold Nadler
Chairman

5005



West Virginia House of Delegates

OFFICE OF THE CLERK
BUILDING 1, SUITE 212
1900 KANAWHA BLVD., EAST
CHARLESTON 25305

STEPHEN J. HARRISON
CLERK OF THE HOUSE

(304) 340-3200
STEVE.HARRISON@WVHOUSE.GOV

June 14, 2022

Speaker Nancy Pelosi
Speaker of the House of Representatives
H-209, The Capitol
Washington, D.C. 20515

Dear Speaker Pelosi:

The enclosed documents are being returned along with two copies of this transmittal letter with original signatures.

If you have questions, please contact the Office of the Clerk of the West Virginia House of Delegates at 304-340-3200 or house.clerk@wvhouse.gov.

Sincerely,

Stephen J. Harrison
Clerk of the House

West Virginia House of Delegates

OFFICE OF THE CLERK
BUILDING 1, SUITE 212
1900 KANAWHA BLVD., EAST
CHARLESTON 25305



STEPHEN J. HARRISON
CLERK OF THE HOUSE

RECEIVED
2022 APR 25 PM 7:27
SPEAKERS ROOMS
U.S. HOUSE OF REPS
(304) 340-3200
STEVE.HARRISON@WVHOUSE.GOV

A copy of House Concurrent Resolution 31 is forwarded to you pursuant to the following directive in the resolution:

...Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution, legislative call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Delegates from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation;...

And;

...Further Resolved, That the Clerk of the House forward a copy of this resolution to the representatives and senators elected by the citizens of West Virginia serving the citizens of West Virginia in the Congress of the United States in Washington, D.C.

Jed

HOUSE CONCURRENT RESOLUTION 31

[By Delegates Keaton, Barnhart, Booth, Burkhammer, Clark, Conley, Crouse, Dean, Ferrell, Forst, Hamrick, Hanna, Hardy, Holstein, Honaker, Horst, J. Jeffries, Kimble, Kimes, Longanacre, Mallow, Mandt, Mazzocchi, McGeehan, Miller, Paynter, Pinson, Pritt, Smith, Summers, Sypolt, Tully, B. Ward, G. Ward, Zatezalo and Hanshaw (Mr. Speaker)]

Applying to the Congress of the United States to call a convention for proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and adopting certain reservations, understandings and declarations limiting the application.

Whereas, Executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of his or her constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D. C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

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

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited convention of the states under Article V; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress; and, be it

Further Resolved, That the Clerk of the House of Delegates forward a copy of this resolution, legislative call and application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Delegates from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; and, be it

Further Resolved, The West Virginia Legislature adopts this application expressly subject to the following reservations, understandings, and declarations:

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

(2) Congress shall perform its ministerial duty of calling an amendment convention of the states only upon the receipt of applications for an amendment convention for the substantially same purpose as this application from two thirds of the legislatures of the several states;

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

(4) By definition, an amendment convention of the states means that states shall vote on the basis of one state, one vote;

(5) A convention of the states convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void *ab initio* if ever used at any stage to consider any change to any provision of the Bill of Rights;

(6) Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The West Virginia Legislature recommends that Congress select ratification by the legislatures of the several states; and

(7) The West Virginia Legislature may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the representatives and senators elected by the citizens of West Virginia serving the citizens of West Virginia in the Congress of the United States in Washington, D.C.

House Concurrent Resolution 31 was adopted by the Legislature on the fourth day of March, in the year of our Lord, Two Thousand Twenty-Two, and in the One Hundred Fifty-Ninth year of the State.

Stephen J. Harrison
Clerk of the House of Delegates
and Keeper of the Rolls of the Legislature