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ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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October 3, 2016

The Honorable Karen Haas
Clerk of the U.S. House of Representatives
U.S. Capitol, Room H154
Washington, D.C. 20515

Dear Madam Clerk,

Pursuant to section 3(c) of House Resolution 5 (114th Congress), I hereby designate the attached Memorial from the State of Louisiana, received by the House of Representatives in the year 1970, 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, and request that you make it publicly available.

Sincerely,



Bob Goodlatte

Chairman

HOUSE CONCURRENT RESOLUTION NO. 4

BY: MR. A. D. BROWN

A CONCURRENT RESOLUTION

Memorializing the Congress of the United States with respect to the calling of a convention for the purpose of proposing an amendment to the Constitution of the United States relative to the power of Congress and the states to enact laws to prohibit sedition and criminal anarchy.

===== O R I G I N A T E D =====

===== I N T H E =====

House of Representatives

W. Ross Cole

Clerk of the House of Representatives

HOUSE CONCURRENT RESOLUTION NO. 4

BY: MR. A. D. BROWN

A CONCURRENT RESOLUTION

Memorializing the Congress of the United States with respect to the calling of a convention for the purpose of proposing an amendment to the Constitution of the United States relative to the power of Congress and the states to enact laws to prohibit sedition and criminal anarchy.

WHEREAS, subversive elements present a clear and present danger to the governments of the United States, the state of Louisiana and other states; and

WHEREAS, cognizant of this clear and present danger, most states, including the state of Louisiana, and the Congress of the United States have enacted criminal anarchy statutes, sedition statutes and subversive activity control statutes; and

WHEREAS, the decision of the United States Supreme Court in the case of Commonwealth of Pennsylvania v. Steve Nelson (350 U.S. 497) rendered state sedition and criminal anarchy laws virtually inoperable on the grounds that Congress has occupied this field of legislation to the exclusion of parallel state legislation and that the dominant interest of the federal government precludes state intervention in cases of sedition against the United States; and

WHEREAS, the federal legislation in this field, namely the Subversive Activities Control Act, was considered by the United States Supreme Court in the 1967 case of United States v. Eugene Frank Robel (389 U.S. 258) and was held to be unconstitutional insofar as this Act was used to prohibit the employment in a defense facility of active members of Communist action organizations who have the specific intent of furthering the unlawful goals of such organizations; and

WHEREAS, the aforementioned decisions of the United States Supreme Court and other decisions of this Court in the field of control of subversive activities have for all practical purposes prohibited Congress and the various state legislatures from enacting laws prohibiting these criminal and seditious activities; and

WHEREAS, it is urgent and essential and to the best interest of the

citizens of this and all other states that subversive activity be prohibited.


THEREFORE, BE IT RESOLVED by the House of Representatives of the Legislature of Louisiana, the Senate concurring herein, that, in conformity with Article V of the Constitution of the United States, application is hereby made by the Legislature of Louisiana to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States which shall read substantially as follows:


"Amendment _____

The Congress may by law prohibit the advocating or teaching, in any manner, in public or private, of the subversion or destruction of the government of the United States by violence or other means. The Congress may by law prohibit the organizing or becoming a member of any organization or society which is known to the offender to advocate, teach or practice the subversion or destruction of the government of the United States by violence or other means.

Each state may by law prohibit the advocating or teaching, in any manner, in public or private, of the subversion or destruction of the government of the United States or of such state by violence or other means. Each State may by law prohibit the organizing or becoming a member of any organization or society which is known to the offender to advocate, teach or practice the subversion or destruction of the government of the United States or of such state by violence or other means."

BE IT FURTHER RESOLVED that duly attested copies of this Concurrent Resolution shall be transmitted immediately by the Secretary of State of Louisiana to the President and Secretary of the Senate of the Congress of the United States, to the Speaker and Clerk of the House of Representatives of the Congress of the United States and to each member of the Congress from the State of Louisiana.


SPEAKER OF THE HOUSE OF REPRESENTATIVES


LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

APPROVED: _____