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ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States  
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

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<http://www.house.gov/judiciary>

August 29, 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 New Hampshire, received by the House of Representatives in the year 1973, 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

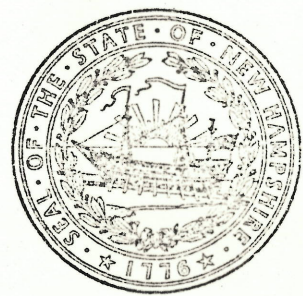
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M-238

# State of New Hampshire

OFFICE OF SECRETARY OF STATE



I, ROBERT L. STARK, Secretary of State of the State of New Hampshire, do hereby certify that the following and hereto attached *is a true copy of House Concurrent Resolution No. 6 to petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools. (Adopted May 24, 1973) as on file in this office and held in my custody as Secretary of State.*

In Testimony Whereof, I hereto set my hand and cause to be affixed the Seal of the State, at Concord, this *28th* day of *May*..... A.D. 19...*73*.



*Robert L. Stark*  
Secretary of State

10842

Re id 6-4-73J

STATE OF NEW HAMPSHIRE

HOUSE CONCURRENT RESOLUTION NO. 6

to petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools.

MEMORIAL

To the Honorable Senate and House of Representatives of the United States Congress Together Assembled, . . . . .

We, your memorialists, the Senate and House of Representatives of the State of New Hampshire in General Court Assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, Article 1 of the Amendments to the Constitution of the United States which provides "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances," has been construed by the United States Supreme Court to not permit organized prayer in public schools; and

Whereas, the Legislature of the State of New Hampshire believes that voluntary prayer in public schools should be permitted as being consistent with the guarantees the founding fathers of the United States of America intended; and

Whereas, the Legislature of the State of New Hampshire believes that Article 5, Part First, of the Constitution of New Hampshire has recognized every individual's natural and inalienable right to freedom of worship in accordance to the dictates of their own conscience, and this the Legislature of the State of New Hampshire believes to encompass the right of individual students in public schools to voluntarily say prayers of their own choosing on appropriate occasions in accordance with the dictates of their own conscience;



NOW THEREFORE BE IT RESOLVED, by the House of Representatives, the Senate concurring:

1. THAT THE LEGISLATURE OF THE STATE OF NEW HAMPSHIRE, hereby, and pursuant to Article V of the Constitution of the United States, make application 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 to the effect that: "Voluntary Prayers Shall be Permitted in Public Schools at Appropriate Times, Daily."

11. That attested copies of this concurrent resolution be sent to the presiding officers of each House of the Congress and to each member of the New Hampshire delegation in Congress, and that printed copies thereof, showing that said concurrent resolution was adopted by the Legislature of New Hampshire, be sent to each House of each legislature of each state of the United States;

111. That this application hereby made by the legislature of the State of New Hampshire shall constitute a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states shall have made similar applications pursuant to Article V.

IV. That since this is an exercise by a state of the United States of a power granted to it under the Constitution, the request is hereby made that the official journals and records of both Houses of Congress shall include the resolution or a notice of its receipt by the Congress, together with similar applications from other states, so that the Congress and the various states shall be apprised of the time when the necessary number of states shall have so exercised their power under Article V of the Constitution;


V. That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such

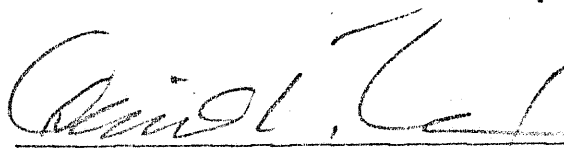
right in full also carries the power to use such right in part, the Legislature of the State of New Hampshire interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary with the text thereof nor would it have power to propose other amendments on the same or different propositions;

VI. That the Legislature of the State of New Hampshire does not, by this exercise of its power under Article V, authorize the Congress to call a convention for any purpose other than the proposing of the specific amendment which is a part hereof, nor does it authorize any representative of the State of New Hampshire who may participate in such convention to consider or to agree to the proposing of any amendment other than the one made a part hereof;

VII. That by its actions in these premises, the Legislature of the State of New Hampshire does not in any way limit in any other proceeding its right to exercise its power to the full extent;

VIII. That the Congress, in exercising its power of decision as to the method of ratification of the proposed article by the legislatures or by conventions, is hereby requested to require that the ratification be by the legislatures.

  
\_\_\_\_\_  
Speaker of the House of Representatives

  
\_\_\_\_\_  
President of the Senate

Adopted May 24, 1973.