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ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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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 Virginia, 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

COMMONWEALTH OF VIRGINIA



GENERAL ASSEMBLY

Senate Joint Resolution No. 109

Calling a convention for proposing an amendment to the Constitution of the United States relating to attendance in the public schools.

Patrons: Messrs. Parkerson, Gray, F. T., Campbell, Anderson, Gray, E. T., Warren, Buchanan, Willey, Manns, Smith, McNamara, Stone, Bendheim, Bateman, Burruss, Walker, Canada and Dalton.

Whereas, Article V of the Constitution of the United States provides that on the application of the legislatures of two-thirds of the several states, the Congress shall call a convention for proposing amendment to such Constitution; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby requested by this General Assembly to call a convention for the purpose of proposing the following amendment to the Constitution of the United States:

Article _____

"No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin."

Resolved, That this application constitutes 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 have made similar applications pursuant to Article V. If Congress proposes an amendment to the Constitution identical with that contained in this Resolution before January one, nineteen hundred seventy-four, this application for a state application shall no longer be of any force or effect.

Be it further Resolved, 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 this General Assembly 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 the text thereof nor would it have power to propose other amendments on the same or different propositions.

Be it finally Resolved, That certified copies of this Joint Resolution be forwarded by the Governor to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Administrator of General Services in Washington, to the legislatures of the other states and to the Virginia delegation to Congress.

Agreed to by the Senate

January 30, 1973

Louise O. Lucas
Clerk of the Senate

Agreed to by the House of Delegates

February 15, 1973

George R. Reil
Clerk of the House of Delegates