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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

(202) 225-3951

<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

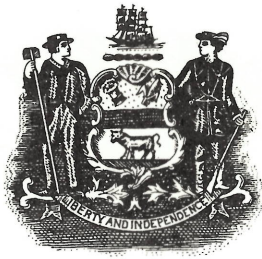
Dear Madam Clerk,

Pursuant to section 3(c) of House Resolution 5 (114th Congress), I hereby designate the attached Memorial from the State of Delaware, received by the House of Representatives in the year 1976, 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




State of DELAWARE

Office of SECRETARY OF STATE


I, Robert H. Reed, Secretary of State of the State of Delaware,
do hereby certify that the above and foregoing is a true and correct copy of
House Concurrent Resolution No. 36 entitled "APPLYING TO THE CONGRESS
FOR A CONVENTION TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE
UNITED STATES.", passed by the first session of the 128th General
Assembly and approved by the Governor June 23, 1975.

In Testimony Whereof, *I have hereunto set my hand*
and official seal at Dover this Twentieth *day*
of February *in the year of our Lord*
one thousand nine hundred and Seventy-six.





Robert H. Reed Secretary of State



Ass't Secretary of State



State of DELAWARE

Office of SECRETARY OF STATE

I, Glenn C. Kenton Secretary of State of the State of Delaware,
do hereby certify that the above and foregoing is a true and correct copy of
House Concurrent Resolution No. 36 which was signed by the Governor on June 23, 1975.

In Testimony Whereof, *I have hereunto set my hand*
and official seal at Dover this _____ *9th* _____ *day*
of _____ *June* _____ *in the year of our Lord*
one thousand nine hundred and _____ *seventy-eight.*



Glenn C. Kenton

Glenn C. Kenton, Secretary of State

[Signature]

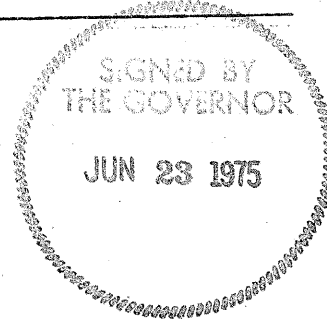
Assistant Secretary of State

Sponsor Rep. Sincok

Committee _____



HOUSE OF REPRESENTATIVES
128TH GENERAL ASSEMBLY
FIRST SESSION - 1975



HOUSE CONCURRENT RESOLUTION NO. 36 JUN 23 1975

APPLYING TO THE CONGRESS FOR A CONVENTION TO PROPOSE AN AMENDMENT
TO THE CONSTITUTION OF THE UNITED STATES.

BE IT RESOLVED by the House of Representatives of the 128th 1
General Assembly, the Senate concurring therein, that the General 2
Assembly of the State of Delaware hereby, and pursuant to Article 3
V of the Constitution of the United States, makes application to 4
the Congress of the United States to call a convention for the 5
proposing of the following amendment to the Constitution of the 6
United States: 7

"ARTICLE _____ 8

The costs of operating the Federal Government shall 9
not exceed its income during any fiscal year, except in 10
the event of declared war." 11

BE IT FURTHER RESOLVED that this application by the General 12
Assembly of the State of Delaware constitutes a continuing appli- 13
cation in accordance with Article V of the Constitution of the 14
United States until at least two-thirds of the legislatures of 15
the several states have made similar applications pursuant to 16
Article V. 17

BE IT YET 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, the General
Assembly of the State of Delaware 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 ratifi-
cation 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 YET FURTHER RESOLVED that a duly attested copy of this
resolution be immediately transmitted to the Secretary of the
Senate of the United States, the Clerk of the House of Representatives
of the United States, to each member of the Congress from this
State and to each House of each State Legislature in the United
States.