

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE JOINT RESOLUTION 146

Sponsors: Representatives Elmore, Kidwell, and Pickett (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

February 25, 2021

1 A JOINT RESOLUTION (I) RESCINDING ALL EXTANT APPLICATIONS BY THE
2 GENERAL ASSEMBLY HERETOFORE MADE DURING ANY SESSION THEREOF TO
3 THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A
4 CONVENTION PURSUANT TO THE TERMS OF ARTICLE V OF THE UNITED
5 STATES CONSTITUTION FOR PROPOSING ONE OR MORE AMENDMENTS TO
6 THAT CONSTITUTION, (II) URGING THE LEGISLATURES OF OTHER STATES TO
7 DO THE SAME, AND (III) DIRECTING THAT COPIES OF THIS RESOLUTION BE
8 SENT TO SPECIFIED PERSONS.

9 Whereas, the General Assembly, acting with the best of intentions, has, at various
10 times and during various sessions, previously made applications to the Congress of the United
11 States either to call one or more conventions to propose a single amendment concerning a specific
12 subject or to call a general convention to propose an unspecified and unlimited number of
13 amendments to the Constitution of the United States, pursuant to the provisions of Article V of
14 the Constitution of the United States thereof; and

15 Whereas, former Associate Justice of the United States Supreme Court Arthur J.
16 Goldberg and other leading constitutional scholars agree that such a convention may propose
17 sweeping changes to the Constitution, notwithstanding any limitations or restrictions to the
18 contrary purportedly imposed by the states in applying for such a convention or conventions,
19 thereby creating an imminent peril to the well-established rights of the citizens and the duties of
20 various levels of government; and

21 Whereas, the Constitution of the United States has been amended many times in the
22 history of this nation and may be amended many more times without the need to resort to a
23 constitutional convention and has been interpreted for more than 200 years and has been found
24 to be a sound document which protects the lives and liberties of the citizens; and

25 Whereas, there is no need for, rather there is great danger in, a new constitution or in
26 opening the Constitution to sweeping changes, the adoption of which would only create legal
27 chaos in this nation and only begin the process of another two centuries of litigation over its
28 meaning and interpretation; Now, therefore,

29 Be it resolved by the House of Representatives, the Senate concurring:

30 **SECTION 1.** The General Assembly rescinds all extant applications by the General
31 Assembly to the Congress of the United States to call a convention to propose amendments to
32 the Constitution of the United States, pursuant to the terms of Article V of the Constitution of the
33 United States thereof, regardless of when or by which session of the General Assembly the
34 applications were made and regardless of whether the applications were for a limited convention
35 to propose one or more amendments regarding one or more specific subjects and purposes or for



1 a general convention to propose an unlimited number of amendments upon an unlimited number
2 of subjects.

3 **SECTION 2.** The General Assembly urges the legislatures of every state that has
4 applied to Congress to call a convention for either a general or a limited constitutional convention
5 to repeal and withdraw the applications.

6 **SECTION 3.** The Secretary of State shall send a certified copy of this resolution to
7 the secretary of state of each state, to the presiding officers of both houses of the legislatures of
8 each state, to the Secretary of the United States Senate, to the Clerk of the United States House
9 of Representatives, to the members of the Congress of the United States representing this State,
10 and to the Administrator of the U.S. General Services Administration, Washington, D.C.

11 **SECTION 4.** This resolution is effective upon ratification.