

1 **RESOLUTION RESCINDING THE CALL FOR**
2 **CONSTITUTIONAL CONVENTION**

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Fred J. Fife**

6 **This joint resolution of the Legislature urges the repealing, rescinding, and superseding of**
7 **any and all existing applications to Congress for a constitutional convention previously made**
8 **by the Legislature of the state of Utah. The resolution urges other states to take the same**
9 **action.**

10 *Be it resolved by the Legislature of the state of Utah:*

11 WHEREAS, the Legislature of the state of Utah, acting with the best of intentions, has, at
12 various times, previously made applications to the Congress of the United States of America for
13 one or more constitutional conventions for general purposes or for the limited purposes of
14 considering amendments to the Constitution of the United States of America on various subjects
15 and for various purposes;

16 WHEREAS, former Justices of the United States Supreme Court and other leading
17 constitutional scholars are in general agreement that a constitutional convention, notwithstanding
18 whatever limitations have been specified in the applications of the several states for a convention,
19 would have within the scope of its authority the complete redrafting of the Constitution of the
20 United States of America, thereby creating an imminent peril to the well-established rights of the
21 people and to the constitutional principles under which we are presently governed;

22 WHEREAS, the Constitution of the United States of America has been amended many
23 times in the history of the nation and may yet be amended many more times, and has been
24 interpreted for 200 years and been found to be a sound document which protects the rights and
25 liberties of the people without the need for a constitutional convention;

26 WHEREAS, there is no need for--rather, there is great danger in--a new constitution, the
27 adoption of which would only create legal chaos in America and only begin the process of another



28 two centuries of litigation over its meaning and interpretation; and

29 WHEREAS, such changes or amendments as may be needed in the present Constitution
30 may be proposed and enacted, pursuant to the process provided therein and previously used
31 throughout the history of this nation, without resort to a constitutional convention:

32 NOW, THEREFORE, BE IT RESOLVED by the Legislature of the state of Utah that any
33 and all existing applications to the Congress of the United States of America for a constitutional
34 convention or conventions heretofore made by the Legislature of the state of Utah under Article
35 V of the Constitution of the United States of America for any purpose, whether limited or general,
36 be hereby repealed, rescinded, and canceled and rendered null and void to the same effect as if the
37 applications had never been made.

38 BE IT FURTHER RESOLVED that the Legislature of the state of Utah urges the
39 legislatures of each and every state which have applied to Congress for either a general or a limited
40 constitutional convention to repeal and rescind the applications.

41 BE IT FURTHER RESOLVED that a copy of this resolution be sent to presiding officers
42 of both houses of the legislatures of each of the other states of the Union, to the President of the
43 United States Senate, to the Speaker of the United States House of Representatives, and to the
44 members of Utah's congressional delegation.

Legislative Review Note
as of 1-29-01 3:16 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel