
SENATE JOINT MEMORIAL 8016

State of Washington

64th Legislature

2016 Regular Session

By Senator Rivers

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1 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
2 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
3 THE UNITED STATES, IN CONGRESS ASSEMBLED:

4 We, your Memorialists, the Senate and House of Representatives of
5 the State of Washington, in legislative session assembled,
6 respectfully represent and petition as follows:

7 WHEREAS, The founders of our Constitution empowered state
8 legislators to be guardians of liberty against future abuses of power
9 by the federal government; and

10 WHEREAS, The federal government has created a crushing national
11 debt through improper and imprudent spending; and

12 WHEREAS, The federal government has invaded the legitimate roles
13 of the states through the manipulative process of federal mandates,
14 most of which are unfunded to a great extent; and

15 WHEREAS, The federal government has dictated teacher evaluation
16 standards to the states and withheld funds to states who have not
17 complied; and

18 WHEREAS, The federal government has mismanaged federal lands
19 within the states leading to loss of property and wildlife; and

20 WHEREAS, The federal government has overruled state-level
21 environmental coastal protections; and

1 WHEREAS, The federal government has interfered with the
2 establishment of fish consumption standards, threatening the economic
3 vitality of several industries; and

4 WHEREAS, The federal government has ceased to live under a proper
5 interpretation of the Constitution of the United States; and

6 WHEREAS, It is the solemn duty of the states to protect the
7 liberty of our people, particularly for the generations to come, by
8 proposing amendments to the Constitution of the United States through
9 a convention of the states under Article V of the Constitution, for
10 the purpose of restraining these and related abuses of power;

11 NOW, THEREFORE, Your Memorialists, the legislature of the State
12 of Washington, respectfully:

13 (1) Apply to Congress, under the provisions of Article V of the
14 Constitution of the United States, for the calling of a convention of
15 the states limited to proposing amendments to the Constitution of the
16 United States that impose fiscal restraints on the federal
17 government, limit the power and jurisdiction of the federal
18 government, and limit the terms of office for its officials and for
19 members of Congress; and

20 (2) Adopt this application expressly subject to the following
21 reservations, understandings, and declarations:

22 (a) An application to the Congress of the United States to call
23 an amendment convention of the states pursuant to Article V of the
24 United States Constitution confers no power to Congress other than
25 the power to call such a convention. The power of Congress to
26 exercise this ministerial duty consists solely of the authority to
27 name a reasonable time and place for the initial meeting of a
28 convention.

29 (b) Congress shall perform its ministerial duty of calling an
30 amendment convention of the states only upon the receipt of
31 applications for an amendment convention for the substantially same
32 purpose as this application from two-thirds of the legislatures of
33 the several states.

34 (c) Congress does not have the power or authority to determine
35 any rules for the governing of an amendment convention of the states
36 called pursuant to Article V of the United States Constitution.
37 Congress does not have the power to set the number of delegates to be
38 sent by any state to such a convention, nor does it have the power to
39 name delegates to such a convention. The power to name delegates

1 remains exclusively within the authority of the legislatures of the
2 several states.

3 (d) By definition, an amendment convention of the states means
4 that states must vote on the basis of one state, one vote.

5 (e) An amendment convention of the states convened pursuant to
6 this application must be limited to consideration of the topics
7 specified herein and no other. This application is made with the
8 express understanding that an amendment that in any way seeks to
9 amend, modify, or repeal any provision of the Bill of Rights shall
10 not be authorized for consideration at any stage. This application is
11 void ab initio if ever used at any stage to consider any change to
12 any provision of the Bill of Rights.

13 (f) Pursuant to Article V of the United States Constitution,
14 Congress may determine whether proposed amendments will be ratified
15 by the legislatures of the several states or by special state
16 ratification conventions. The legislature of the State of Washington
17 recommends that Congress select ratification by the legislatures of
18 the several states.

19 (g) The legislature of the State of Washington may provide
20 further instructions to its delegates and may recall its delegates at
21 any time for a breach of a duty or a violation of the instructions
22 provided.

23 BE IT RESOLVED, That the Secretary of State is hereby directed to
24 transmit copies of this Memorial to the President and Secretary of
25 the United States Senate and to the Speaker and Clerk of the United
26 States House of Representatives, to transmit copies to the members of
27 the United States Senate and United States House of Representatives
28 from this state, and to transmit copies to the presiding officers of
29 each of the legislative houses in the several states, requesting
30 their cooperation; and

31 BE IT FURTHER RESOLVED, That this Memorial constitutes a
32 continuing application in accordance with Article V of the
33 Constitution of the United States until the legislatures of at least
34 two-thirds of the several states have made applications on the same
35 subject.

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