

A CONCURRENT RESOLUTION

1 Rescinding the request to the Congress of the United States that
2 it call a Constitutional Convention to propose an amendment
3 to the Constitution to repeal the Sixteenth Amendment to the
4 Constitution of the United States and provide for the
5 collection of taxes on income.

6 WHEREAS, Under Article V of the Constitution of the United
7 States, amendments to the Federal Constitution may be proposed
8 by the Congress whenever two-thirds of both Houses deem it
9 necessary, or on the application of the Legislatures of two-
10 thirds of the several states, the Congress shall call a
11 Constitutional Convention for the purpose of proposing
12 amendments; and

13 WHEREAS, By House Resolution No. 50, adopted by the House of
14 Representatives on May 5, 1943, and adopted by the Senate on May
15 8, 1943, the General Assembly of the Commonwealth of
16 Pennsylvania requested the Congress of the United States to call
17 a convention to propose an amendment to the Constitution of the
18 United States to repeal the Sixteenth Amendment to the

1 Constitution of the United States and to provide for the
2 collection of taxes on income; and

3 WHEREAS, Less than the required number of 34 states have,
4 through their Legislatures, made application to the Congress for
5 the calling of a Constitutional Convention to propose an
6 amendment to the Constitution; and

7 WHEREAS, There has been no such Constitutional Convention
8 since the Founding Fathers met to draft the Constitution in
9 1787; all amendments added since then having originated in
10 Congress and then having been ratified by the states; and

11 WHEREAS, One reason for the failure of the "state application
12 for a convention" option is the ambiguity of Article V of the
13 Constitution, in that it does not speak to how the "application"
14 process occurs, nor does it specify the processes to be followed
15 at the convention for proposing amendments, such as the method
16 for selection of delegates, the voting procedures and the number
17 of votes needed to propose a specific amendment, nor does
18 Article V indicate whether the convention must limit itself to
19 matters mentioned in the states' applications, or whether a
20 "runaway convention" could seek to remake the Constitution anew
21 after being called to consider only a single subject; and

22 WHEREAS, While the need for an amendment to the United States
23 Constitution to repeal the Sixteenth Amendment to the
24 Constitution of the United States and to provide for the
25 collection of taxes on income continue, the state application
26 process should not be pursued, in that a review of the 30-odd
27 applications from states calling for a convention shows no
28 uniformity, and discloses an array of contingencies,
29 inconsistencies and conditional clauses on their face, and
30 questions have been raised as to whether proper legislative

1 procedure was followed in their adoption; and foremost, the
2 question remains as to how far-reaching any such convention
3 might be; therefore be it

4 RESOLVED (the Senate concurring), That the General Assembly
5 of the Commonwealth of Pennsylvania rescind its application and
6 request to the Congress of the United States to call a
7 Constitutional Convention for the purpose of proposing an
8 amendment to the Federal Constitution to repeal the Sixteenth
9 Amendment to the Constitution of the United States and provide
10 for the collection of taxes on income; and be it further

11 RESOLVED, That the General Assembly of the Commonwealth of
12 Pennsylvania continue and renew its request to Congress to
13 prepare and submit to the several states such an amendment to
14 the Constitution of the United States in the same manner as all
15 existing amendments have originated; and be it further

16 RESOLVED, That copies of this resolution be sent to the
17 members of the Congress from Pennsylvania, the Clerk of the
18 United States House of Representatives, Washington, DC, and the
19 Secretary of the United States Senate, Washington, DC, with the
20 request that this action by the General Assembly of the
21 Commonwealth of Pennsylvania be promptly published in the
22 Congressional Record.