Issue Brief

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CONSTITUTIONAL CONVENTIONS: POLITICAL AND LEGAL QUESTIONS

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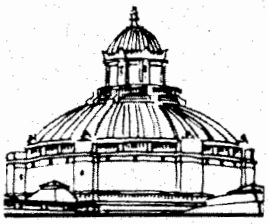

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ISSUE DEFINITION

In the 1980s, the Nation may be faced with its first constitutional convention since 1787. Applications have been passed by 32 of the necessary 34 State legislatures to convene a convention to propose an amendment limiting deficit spending, and by 19 States for an amendment prohibiting abortion. Because this process for amending the Constitution has never been used, several unresolved legal and policy questions arise governing the convening and the authority of such a convention.

BACKGROUND AND POLICY ANALYSIS

Article V of the U.S. Constitution establishes the procedures by which the Constitution may be amended. The process can be conveniently divided into two phases: procedures relating to the proposal of constitutional amendments, and procedures pertaining to the ratification of proposed amendments.

The article provides two methods for the proposing of amendments. The first permits Congress to propose amendments "whenever two-thirds of both Houses shall deem it necessary." All the amendments now part of the Constitution originated in this manner. The second method is explained in the language, "on the application of the legislatures of two-thirds [34] of the several States [Congress] shall call a convention for proposing amendments," and has never been invoked successfully.

Article V specifies that, once proposed, amendments are to be ratified either by the legislatures or special conventions of three-fourths of the States before becoming part of the Constitution. The method of ratification, by State convention or State legislature, is within Congress' power to choose according to the dictates of Article V, whether the amendment is proposed by the Congress or a convention.

Thus, a convention called pursuant to Article V does not have the power to amend the Constitution but, rather, to propose amendments. Any amendment or amendments proposed by such a convention still need to be ratified by three-fourths (38) of the States in the same manner as amendments proposed by the Congress.

Historical Overview of the Convention Issue

Controversy over the convention alternative for proposing amendments is not a new phenomenom. In the period since 1789, State legislatures have submitted more than 400 applications for a convention to consider amendments relating to a wide variety of subjects. In recent years, legislatures have applied to Congress for a convention more often than in the past. During the 174-year period from 1789 to 1963, Congress received approximately 250 applications requesting a convention. In the period since, more than 150 such applications have been received.

During the 94th-98th Congresses, in addition to the subjects of the budget and abortion, the issue of compulsory school assignment (busing) prompted 13 States to apply, and a movement to allow prayer in the public schools brought

five such applications.

The constitutional convention issue received considerable attention in the late 1960s and early 1970s, owing largely to the efforts by Senator Everett Dirksen (R.-Ill.). He wanted to convene a convention in order to amend the Constitution to allow one house of a State legislature to be apportioned by a means other than population. As a result of this campaign, Senator Sam Ervin, Jr. (D.-N.C.), introduced in 1967 (the 90th Congress) a Constitutional Convention Procedures Act (S. 2307). This bill was to provide in law the steps to be taken by the Congress in the event that applications were received from the necessary two-thirds of the States. This measure and a similar bill (S. 623) introduced in the 91st Congress were considered by the Senate Judiciary Committee, but were not reported to the floor.

Citing the need for "orderly procedures" to "avoid the possibility of a runaway convention and a constitutional crisis," Senator Ervin introduced S. 215 in 1971 (92d Congress). The bill passed the Senate by a vote of 84-0, but the House did not consider the measure on the floor. A similar bill, S. 1272, passed the Senate by a voice vote in 1973 during the 93rd Congress but, again, it was not considered on the House floor.

These 92d and 93d Congress bills, among other things: (1) specified the forms of State applications acceptable to Congress; (2) provided that the applications would remain in effect for seven years; (3) allowed States to rescind applications; (4) limited the jurisdiction of any convention to the subject for which it was called; (5) set forth administrative procedures for convening a convention, such as the method of selecting delegates and the type of vote required to propose an amendment; and (6) permitted Congress to reject a disfavored convention proposal in lieu of submitting it to the States for ratification.

In the 94th and 95th Congresses a number of bills were introduced seeking to set similar standards. Hearings were held on the 95th Congress Senate bills, S. 3, S. 520 (Helms) and S. 1710 (Hatch) in 1979. S. 817 (Hatch) was approved at the Subcommittee level in 1981, but the full Senate Judiciary Committee did not report it out of Committee.

In the 98th Congress, S. 119 (Hatch) was reported by the full Senate Judiciary Committee in August 1984, but the Senate took no further action on the measure.

Now in 1985 all of the questions concerning a possible constitutional convention are pertinent because 32 of the necessary 34 States have adopted resolutions calling for a constitutional convention to consider an amendment to require a balanced Federal budget.

The Balanced Budget Convention Drive

The National Taxpayers Union (NTU), a Washington-based lobby group claiming a membership of 100,000, has been identified with a campaign that sparked considerable interest in State legislatures to adopt resolutions to Congress about a proposed amendment to limit the power of the Federal Government to incur budget deficits. The NTU is still lobbying for the proposal in the State legislatures.

In March 1979, a coalition of labor, religious, business, and other interests met to organize a group called Citizens for the Constitution. This

group, under the leadership of the Lieutenant Governor of Massachusetts, Thomas P. O'Neill III, helped coordinate the efforts of those persons who opposed efforts to convene a constitutional convention during 1979.

The latter organization opened an office in Washington and actively lobbied in many of the States that were considering resolutions to apply to Congress for a budget convention. Citizens for the Constitution is now an informal organization of business and labor groups.

Citizens for the constitution has been reorganized and re-named Citizens to Protect the Constitution. The organization is based in Washington D.C. It actively lobbies in state legislatures seeking to discourage the legislatures from requesting a convention.

Another organization, the Committee to Preserve the Constitution, was founded in New York in 1979. This group continues to lobby against a convention as does another group, People for the Constitution, that was established in Washington State in 1981.

In February 1984, Larry Craig announced the information of a new congressional group -- "a coalition of bipartisan Members of Congress that believe we need to enact a balanced budget/tax limitation amendment to the U.S. Constitution and are willing to go outside the bounds of Congress to do it." CLUBB, Congressional Leaders United for a Balanced Budget, counts more than sixty Senators and Representatives as members.

Although no new States applied for a convention in 1981, two "close calls" occurred. Both the Missouri and Washington legislatures considered budget convention applications that passed both houses. These resolutions died at the end of each State's legislative session because the houses could not agree on the wording for the convention request.

In three States in 1981 (Ohio, West Virginia, and Rhode Island), resolutions were adopted by one house of the legislatures.

Several "close calls" occurred in 1982. A balanced budget resolution passed the Kentucky Senate in February 1982 but failed to be adopted by the House. Similar resolutions passed the Washington House (March 1982), and the Missouri Senate (March 1982). The Missouri legislature passed a balanced budget convention application in May of 1983.

In 1984, after having been adopted by the Michigan Senate, the Michigan House Constitutional and Womens Rights Committee failed to report a balanced budget convention application to the floor by a margin of one vote. Efforts to put the balanced budget convention matter on the November ballots in California and Washington failed after successful count challenges.

The 32 States that have passed resolutions requesting a constitutional convention about Federal spending are: Alabama, Alaska Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Indiana, Kansas, Louisiana, Maryland, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, Nevada, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming. The legislatures of California, Illinois, Kentucky, and Montana have adopted resolutions requesting that Congress propose a deficit spending amendment, but not asking for a constitutional convention.

The Right-To-Life Constitutional Convention Drive

There is another effort being made in the States to convene a constitutional convention. Nineteen States--Alabama, Arkansas, Delaware, Idaho, Indiana, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey, Nevada, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, and Utah--have asked for a convention to propose an amendment which would prohibit abortions.

The National Right-to-Life Committee, an interest group with affiliates nationwide, adopted a resolution in June 1978 encouraging and supporting all methods of obtaining a right-to-life constitutional amendment. Previously, the Committee had not endorsed the convention method and a group called Americans for a Constitutional Convention, Inc. (now the Ad Hoc Committee in Defense of Life) had been the chief coordinator of the drive for the anti-abortion convention.

Organized opposition to the right-to-life constitutional amendment includes the National Abortion Rights Action League (NARAL), the Religious Coalition for Abortion Rights (RCAR), and Planned Parenthood.

POLITICAL AND LEGAL ISSUES--THE UNANSWERED QUESTIONS

The steps required to convene an Article V convention and the rules which would govern it are not set out in the Constitution or statutory law. The questions raised by these unanswered issues are set out below. A separate CRS Report, Constitutional Conventions: Political and Legal Issues (Report No. 81-135), provides further information on these questions. Copies of the report may be obtained by requesting it through the CRS Inquiry Unit at 287-5700.

(1) What is the role of Congress with respect to calling a convention?

(2) What constitutes a valid application for a convention?

(3) What is the life-span of an application?

(4) May a legislature withdraw its application for a convention?

(5) The Constitution refers to the receipt of applications for a convention from two-thirds of the States. If over 400 applications have been received since 1789, why have we not had a convention?

(6) May applications be conditional?

(7) Must they be identical?

(8) What kind of scenario can be anticipated to show the likely steps which will be taken if applications are received from 34 States?

(9) Does the Congress fulfill its constitutional duty under Article V, after receipt of valid applications

from two-thirds of the States, by proposing its own substitute amendment?

(10) Can a constitutional convention be limited to the consideration of a single issue?

(11) If a convention is limitable, who may do the limiting? The Congress? The States? Or both?

(12) If the Congress can limit the subject of a convention, how strict may that limitation be?

(13) If a convention should go beyond a limitation imposed by the Congress or the States, are there any remedies available?

(14) Is the Supreme Court the ultimate arbiter of disputes over the proper implementation of Article V?

(15) Who would have standing in a court of law to litigate any of these issues?

(16) What method of representation to a convention should be adopted?

(17) Can a Member of Congress be a delegate to a convention?

(18) Can the Congress set the vote required by the convention to propose an amendment?

(19) Is a convention the creature of the Congress, the States, or the "people"?

PERTINENT 98th CONGRESS LEGISLATION

S. 119 (Hatch)

Constitutional Convention Implementation Act of 1984 -- Sets forth procedures for holding constitutional conventions for proposing amendments to the Constitution. Requires either House of Congress to agree to a concurrent resolution calling for a convention whenever it determines that at least two-thirds of the States have submitted within a 7-year period valid applications for the calling of a constitutional convention upon the same subject. Requires that the convention be convened within 8 months of the adoption of the resolution. Entitles each State to the same number of delgates at such convention as it has Senators and Representatives in Congress. States that no Senator, Representative, or other person holding office under the United States shall be appointed as delegate. Provides that the person who is senior in years of service as a chief justice of the highest courts of the States shall convene the convention. Prohibits the appropriation of Federal funds for the specific purpose of paying convention expenses. Authorizes the convention to be conducted in accordance with such rules as it may adopt. Prohibits such convention from proposing any amendment of a general subject different from that stated in the concurrent resolution. Requires the presiding officer of the convention to submit any proposed amendment to Congress. Authorizes Congress to disapprove by concurrent resolution any amendment which differs from the general subjects described in the concurrent resolution. Directs the Administrator of General

Services to transmit to the States copies of the proposed amendment and copies of any concurrent resolution agreed to by both Houses of Congress prescribing this mode of ratification. Provides that an amendment shall become valid when ratified by three-forths of the States. Permits a State to rescind its ratification, except when valid ratifications by three-fourths of the States exist. Introduced Jan. 26, 1983; referred to Judiciary. Referred to Subcommittee on Constitution on Feb. 22, 1983. Subcommittee on Constitution approved S. 119 for full committee consideration on Mar. 8, 1984. Hearings held by Subcommittee on Constitution on Apr. 25, 1984. Full committee approved on May 17, 1984.

LEGISLATION

H.R. 351 (Hyde, et al.)

Federal Constitition Convention Amendment Act -- Sets forth procedures for holding constitutional conventions for proposing amendments to the Constitution. Requires that both Houses of Congress agree to a concurrent resolution calling for a convention whenever it determines that at least two-thirds of the States have submitted valid applications for the calling of a constitutional convention upon the same subject. Entitles each State to the same number of delegates at such convention as it has Senators and Representatives in Congress, with one delegate elected from each congressional district and two at large. Authorizes the convention to propose constitutional amendments by a two-thirds vote of the total number of delegates. Provides that an amendment shall become valid when ratified by three-fourths of the States. Permits a State to rescind its ratification. Introduced Jan. 3, 1985; referred to the Judiciary Committee.

S. 40 (Hatch, et al.)

Constitutional Convention Implementation Act of 1985 -- Sets forth procedures for holding constitutional conventions for proposing amendments to the Constitution. Provides a procedure for the Congress to adopt a concurrent resolution calling for a convention whenever it determines that at least two-thirds of the States have submitted within a 7-year period valid applications for the calling of a constitutional convention. Requires that the convention be convened within 8 months of the adoption of the resolution. Entitles each State to send two delegates on an at-large basis and one delegate from each congressional district. States that no Senator, Representative, or other person holding office under the United States shall be elected as delegate. Provides that that the President pro tempore of the Senate and the Speaker of the House of Representatives shall convene the convention. Authorizes appropriations for the payment of convention expenses. Authorizes the convention to conduct proceedings in accordance with such rules as it may adopt by a vote of three-fifths of the number of the delegates who have subscribed to the oath of office. Prohibits such convention from proposing any amendment of a subject matter different from that stated in the concurrent resolution. Requires the presiding officer of the convention to submit any proposed amendment to the Congress. Authorizes the Congress to disapprove by concurrent resolution or to direct the Administrator of General Services to transmit to the States copies of the proposed amendment and copies of any concurrent resolution agreed to by the Congress prescribing the mode of ratification. Provides that an amendment shall become valid when ratified by three-fourths of the States. Permits a State to rescind its ratification, except when valid ratifications by three-fourths of the States exist. Introduced Jan. 3, 1985; referred to the

Judiciary Committee.

HEARINGS

U.S. Congress. Senate. Committee on the Budget. Balancing the budget. Hearings, 96th Congress, 1st session. Mar. 5, 1979. Washington, U.S. Govt. Print. Off., 1979. 114 p.

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution. Constitutional convention procedures. Hearing, 96th Congress, 1st session, on S. 3, S. 520, and S. 1710. Nov. 29, 1979. Washington, U.S. Govt. Print. Off., 1980. 1372 p.

----- Proposed constitutional amendments to require a balanced budget. Hearings, 96th Congress, 1st session, on S.J.Res. 2, 4, 5, 6, 7, 9, 10, 11, 13, 16, 18, 36, 45, 46, 56, 76, 86, and 93. Mar. 12, May 23, Oct. 4 and 11, Nov. 1, 1979. Washington, U.S. Govt. Print. Off., 1980. 621 p.

----- Legislative approaches to limiting Federal spending. Hearings, 96th Congress, 1st session. Jan. 24-25, 1980. Washington, U.S. Govt. Print. Off., 1980. 207 p.

----- Subcommittee on Constitutional Amendments. Balancing the budget. Hearings, 94th Congress, 1st session. Sept. 23, Oct. 7, 1975. Washington, U.S. Govt. Print. Off., 1975, 222 p.

----- Taxes on income, inheritances, and gifts. Hearing, 83rd Congress, 2d session, on S.J.Res. 23, proposing an amendment to the Constitution relative to taxes on income, inheritances, and gifts. Apr. 27, 1954. Washington, U.S. Govt. Print. Off., 1954. 232 p.

----- Subcommittee on Separation of Powers. S. 2307, Federal constitutional convention. Hearings, 90th Congress, 1st session, on S. 2307, a bill to provide procedures for calling constitutional conventions. Oct. 30 and 31, 1967. Washington, U.S. Govt. Print. Off., 1967. 242 p.

----- Federal constitutional convention procedures. Hearing, 93rd Congress, 1st session. Apr. 12, 1973. Washington, on S. 1272. Washington, U.S. Govt. Print. Off., 1973. 22 p.

REPORTS AND CONGRESSIONAL DOCUMENTS

U.S. Congress. House. Committee on the Judiciary. Problems relating to a Federal constitutional convention. Washington, U.S. Govt. Print. Off., 1957. 112 p.

At head of title: 85th Congress, 1st session. Committee print.

Publication of a doctoral dissertation by Cyril F. Brickfield which was submitted to the George Washington University School of Law.

----- State applications asking Congress to call a Federal constitutional convention. Washington, U.S. Govt. Print. Off., 1959. 38 p.
At head of title: 86th Congress, 1st session. House committee print.

----- State applications asking Congress to call a Federal constitutional convention, 87th Congress. Washington, U.S. Govt. Print. Off., 1961. 40 p.
At head of title: 87th Congress, 1st session. House committee print.
Study by Cyril F. Brickfield updates his 1957 study noted above.

U.S. Congress. Senate. Committee on the Judiciary. Federal Constitutional Procedures Act; report, together with separate views, to accompany S. 215. Washington, U.S. Govt. Print. Off., 1971. 19 p. (92d Congress, 1st session. Senate. Report no. 92-336)

----- Federal Constitutional Procedures Act; report, together with additional views, to accompany S. 1272. Washington, U.S. Govt. Print. Off., 1973. 20 p. (93d Congress, 1st session. Senate. Report no. 93-293)

----- Constitutional Convention Implementation Act of 1984; report together with supplemental and additional views on S. 119, as amended. Washington, Govt. Print. Off., 1984. 78 p. (98th Congress, 2d session. Senate. Report no. 98-594)

CHRONOLOGY OF EVENTS

This chronology is divided into TWO sections. The first deals with general developments relating to the convention issue, and the second tracks the State applications for a convention as they have been received by the Congress.

SECTION I. General Developments

05/15/85 -- In California, A.J.R. 33, a balanced budget constitutional convention application was defeated in committee by a vote of 3-3.

04/23/85 -- In Minnesota, H.F. 9, a balanced budget convention application, was returned to its author by a vote of 67-63. This procedure is similar to "tabling" a resolution.

04/12/85 -- In Maine, L.D. 740, a balanced budget constitutional convention application, was defeated in the Senate by a vote of 18-7.

03/27/85 -- The Michigan House defeated (by a vote of 55-51) S.J.R. A. calling for a balanced budget convention that had been previously passed by

the Senate. H.J.R.C., a resolution endorsing a balanced budget amendment, but not a convention was passed instead by a vote of 97-10.

03/06/85 -- In Washington the Senate Judiciary Committee failed to report a balanced budget Constitutional Convention application (S.j.M. 103) by a vote of 7-6.

02/27/85 -- In Illinois, a balanced budget convention application, (S.J.Res. 2) failed to be reported by a vote of 6-4 in the Executive Committee after a hearing held the same day.

02/23/85 -- In Montana, a balanced budget convention application (H.J.R. 2) was defeated in the House by a vote of 55-45.

02/21/85 -- A hearing was held in Montana before the State Administration Committee on H.J.Res. 29.

02/13/85 -- In Montana a balanced budget constitutional convention application (H.J.R. 29) was introduced by Rep. Jack Sands. The measure was referred to the State Administration

02/09/85 -- In Illinois a balanced budget convention application (S.J.Res. 2) was introduced by Senator Watson. The measure was referred to the Executive Committee. Committee.

01/31/85 -- The Michigan Senate passed S.J.R. A by a vote of 19-12. The measure was referred to the House Appropriations Committee.

01/28/85 -- In Connecticut a balanced budget convention application S.J.R. 23) was introduced by Thomas Scott. The Resolution was referred to Government Administration and Election Committee.

01/23/85 -- In Washington a balanced budget constitutional convention application (S.J.M. 103) was introduced by Sen. Brad Owen. The measure was referred to the Judiciary Committee.

01/16/85 -- The Michigan Senate Rules Committee voted to report S.J.R.A. a balanced budget constitutional convention application by a vote of 3-2. Floor consideration is scheduled for Jan. 30.

01/11/85 -- In Michigan a balanced budget Constitution Convention Application (S.J.R. A) was introduced by Senator Ed Fredericks. A hearing is scheduled for Jan. 15, 1985; before the Senate Rules Committee.

09/13/84 -- The House Michigan Constitutional and Womens Rights Committee failed to report a balanced budget constitutional convention application by a vote of 5-4.

09/12/84 -- The Montana Supreme Court agreed to hear a challenge to the balanced budget initiative

scheduled to be on the ballot in November. The hearing was scheduled for Sept. 28, 1984.

09/08/84 -- Justice Rehnquist declined to stay the decision of the California Supreme Court to bar the balanced budget initiative from the November ballot.

08/28/84 -- The California Supreme Court removed an initiative from the November ballot that would have deprived the California Legislators of their salaries until they passed a balanced budget convention application.

07/13/84 -- An initiative in Washington State failed to qualify for the Nov. 1984 ballot to reduce the salaries of State Legislators to one dollar a year until the legislature passed a balanced budget constitutional convention application.

07/03/84 -- An initiative in Montana qualified for the November 1984 ballot that would reduce the salaries of State legislators to one dollar a year until the legislature passes a balanced budget constitutional convention application.

06/20/84 -- A suit was filed before the California Supreme Court to prevent an initiative from being placed on the November ballot. This initiative, if passed, would deprive the California Legislators of their pay until they passed an application to Congress for a constitutional convention to balance the budget.

04/18/84 -- A balanced budget convention application (H.J.R. E) passed the Michigan Senate by a vote of 23-15. Senator Ed Federicks is the sponsor.

04/14/84 -- Kentucky legislature adjourned without further action on the balanced budget application (S.C.R. 10).

03/13/84 -- A balanced budget application (J.R.H. 21) was defeated in the Vermont House Judiciary Committee by a vote of 9-1.

03/11/84 -- West Virginia legislature adjourns without passing S.J.Res. 38, a balanced budget convention application.

02/30/84 -- An initiative has been filed in Montana to reduce the salaries of State legislators to one dollar a year until the legislature passes a balanced budget constitutional convention application. The sponsors have until June 29 to get the requisite number of signatures to get the measure on the ballot.

02/22/84 -- A balanced budget convention application (S.C.R. 10) passed the Kentucky Senate by a vote of 24-13.

01/19/84 -- A balanced budget convention application was introduced in the West Virginia Senate by

Senator Robert Holliday (S.J.Res. 38). The measure was referred to the Senate Judiciary Committee.

01/17/84 -- A balanced budget convention application was introduced in the Vermont House by Reps. Giuliani, Graff, and Condon (J.R.H. 21). The measure was referred to the House Judiciary Committee.

01/11/83 -- A balanced budget convention application was introduced in the Kentucky Senate by Senator Ford (S.C.R. 10). Twenty-three of a 38 possible Senate members have cosponsored the measure.

05/31/83 -- An initiative drive has been started in Washington to directly pass a balanced budget application thus bypassing the legislature. Signatures must be obtained from 138,472 persons before July 13, 1984.

05/26/83 -- Missouri House passed S.C.R. No. 3 by a vote of 116-45 and became the 32nd State to approve a balanced budget constitutional convention application.

05/20/83 -- Petitions for an initiative that provides that if the Assembly does not approve a balanced budget convention application that "compensation, benefits, and expenses of legislators" will be suspended is being circulated in California by the National Tax Limitation Committee. Sponsors of the measure must obtain 393,835 signatures by Sept. 16, 1983.

05/15/83 -- Balanced budget applications have been introduced J. in the New Jersey Legislature by Senator Dasey (S. 4 referred to the State Government Committee) and by Assemblyman Simmer (referred to the Revenue, Finance, and Appropriation Committee).

05/10/83 -- A balanced budget contitutional convention application was introduced in the New York Assembly by Assemblyman Wertz (A. 3552). A similar application sponsored by Senator Johnson was introduced in the Senate (S. 915). Both measures were referred to the respective chambers' Judiciary Committee.

03/03/83 -- A balanced budget convention application was introduced in the Michigan House by Representative O'Connor (H.J.R.F.). It was referred to the Constitutional Revision and Women's Rights Committees.

-- A balanced budget convention application was introduced in the California House by Assemblyman Frank Hall (H.J.R. 29).

04/04/83 -- A resolution seeking to withdraw an application for a balanced budget convention (passed by the Maryland Legislature in 1975) passed the House by

a vote of 81 to 45 (H.J.R. 37). A Similar Senate Resolution (S.J.R. 17) was referred to the Constitution and Public Law Committee for futher study.

03/29/83 -- A balanced budget convention application introduced by Senator Snowden passed the Missouri Senate by a vote of 21 to 10 (S.C.R. no. 3).

02/15/83 -- A balanced budget convention application was introduced in the Michigan Senate by Senator Fredericks (S.S.R.E.)

02/08/83 -- A balanced budget convention application was introduced in the Michigan Senate by Senator Croce (S.J.R.C.).

02/07/83 -- A balanced budget convention application was introduced in the Minnesota Senate by Senator Schemieleski (S. File 203).

01/31/83 -- A balanced budget convention application was introduced in the Ohio Senate by Senator Lukens (S.J.R.1).

01/18/83 -- A balanced budge constitutional convention applicatio was introduced in the Ohio Senate by Senator Donald Lukens (S.S.R. No. 1). It was referred to the bill Referral Committee.

01/10/83 -- Petitions were circulated in Washington State to put a pro-balanced budget constitutional convention initiative on the ballot.

03/18/82 -- Missouri Senate passes S.Con.Res. 14 for a budget convention.

03/03/82 -- Washington House passes H.J.M. 1, by a vote of 51-47 for a budget convention.

02/23/82 -- Kentucky Senate passes S.Con.Res. 20, for a budget convention by a vote of 25-11.

01/18/82 -- Alaska becomes thirty-first State to adopt a balanced budget convention application.

05/01/81 -- Washington and Missouri legislatures adjourn without completing action on their budget convention applications.

03/24/81 -- Conferees appointed in Missouri legislature on S.C.R. 4 for a budget convention. This measure has passed both Houses in differing forms.

03/06/81 -- Washington Senate passes S.J.M. 105 for a balanced budget convention. The House previously passed H.J.M. 1, requesting budget convention that was worded slightly differently. The Legislature adjourns Apr. 26, 1981.

02/16/81 -- S.C.R. 5 passed West Virginia Senate. Referred to

House Rules Committee.

02/10/81 -- Ohio Senate passed S.J.R. 1 for a balanced budget convention. There has been no House action.

04/29/80 -- Alabama legislature becomes the 19th State to adopt a right-to-life convention application.

04/08/80 -- Oklahoma legislature becomes 18th State to adopt a right-to-life convention application.

03/03/80 -- Idaho legislature becomes the 17th State to adopt a right-to-life convention application.

01/30/80 -- Tennessee legislature becomes the 16th State to adopt a right-to-life convention application with House approval of S.J.Res. 23 by a vote of 59-32, with one absention.

01/28/80 -- West Virginia Senate approves a budget convention application resolution (S.Con.Res. 4) by a vote of 20-14.

01/25/80 -- Kentucky Senate approves a budget convention application resolution (S.Con.Res. 9) by a vote of 26-1.

12/19/79 -- Senate Subcommittee on the Constitution approves a proposed constitutional amendment which would limit Federal spending, allowing deficit spending only when authorized by a vote of three-fifths of each House.

12/29/79 -- Hearing held by Senate Subcommittee on the Constitution on the subject of constitutional convention procedures.

12/01/79 -- Hearing held by Senate Subcommittee on the Constitution on the subject of proposed amendments to balance the budget. Hearings were also held on Mar. 12, May 23, and Oct. 4, 1979.

07/06/79 -- The New York Times reports that although the balanced budget convention drive appears to be over this year, proponents will concentrate on Maine, Minnesota, Kentucky, and Rhode Island in early 1980.

04/26/79 -- New Hampshire becomes 30th State to request a constitutional convention on the budget with the State Senate approval of an application by a vote of 16-7.

04/20/79 -- New Hampshire House approves a budget convention application by a vote of 178-161.

03/23/79 -- Montana Senate rejects budget convention application by a vote of 31-18.

03/17/79 -- Under leadership of Massachusetts Lieutenant Governor Thomas P. O'Neill III, a group called the

Citizens for the Constitution is formed to oppose the convening of a constitutional convention.

03/16/79 -- Debt limit increase approved in the U.S. House of Representatives, after defeat of an amendment (by a 201-199 procedural vote) which would have permitted future increases in the debt ceiling only if the Federal budget were in balance.

03/00/79 -- Gallup survey for the U.S. Chamber of Commerce reports 76% of those responding favor a constitutional amendment to limit Federal spending and taxes.

02/26/79 -- California Assembly, by a vote of 63-6, adopts a resolution requesting Congress to amend the Constitution to balance the budget, but does not include language calling for a constitutional convention.

02/22/79 -- California State Assembly's Ways and Means Committee defeats budget convention application proposal by a vote of 12-8.

02/09/79 -- Iowa House adopts resolution applying for a balanced budget constitutional convention.

02/08/79 -- Harris poll shows that 69% of sample favor major cutbacks in Federal spending, and same percentage favors a constitutional amendment to balance the budget.

02/04/79 -- Republican Party leaders meeting in Easton, Md. reported as rejecting a resolution endorsing a constitutional amendment to require a balanced budget in favor of a proposal to call for lower taxes and the imposition of spending limits on the Federal Government.

01/30/79 -- National Tax Limitation Committee issues an amendment proposal, authored in part by Milton Friedman, to limit Federal spending.

01/25/79 -- California Senate approves a resolution requesting a constitutional convention relating to the budget by a vote of 24-14.

01/09/79 -- California Governor Edmund G. Brown calls for a constitutional amendment to require a balanced Federal budget, endorsing a constitutional convention if one is necessary to achieve such an amendment.

SECTION II. State Applications Received by the Congress

06/11/84 -- Arizona legislature application received relating granting the President item veto power. CR/S. 6892 (v. 130).

05/24/84 -- do. CR/H. 4884. (v. 130).

Note: Either the text or a summary of each State

application appears in the Congressional Record (CR). Page numbers are cited as follows: CR/H2301-H2304 (v. 126). Senate citations generally include the text of the application.

07/21/83 -- Missouri legislative application received relating to balanced budget amendment. Referred to Senate Judicary Committee. CR/S 10594 (v. 129)

07/11/83 -- Missouri legislative application received relating to balanced budget amendment. Referred to House Judiciary Committee. CR/H 4942 (v. 129)

03/29/82 -- Alaska legislature application received relating to balanced budget amendment. Referred to Senate Judiciary Committee. CR/S2917 (v. 128).

02/03/82 -- Alaska legislature application received relating to convening a convention to propose an amendment to balance the budget. Referred to House Judiciary Committee. CR/H200 (v. 128).

09/09/81 -- Alabama legislature application received relating to making Federal judgeships elective offices. Referred to House Judiciary Committee. CR/H6072 (v. 127).

05/15/80 -- Arizona Legislature application received relating to convening a convention to propose an amendment which would prevent the Federal Government from threatening to withold Federal funds to force States to act in certain ways. Referred to Senate Judiciary Committee. CR/S5467 (v. 126).

05/09/80 -- Alabama Legislature application received relating to a convention to propose a right-to-life amendment. Referred to Senate Judiciary Committee. CR/S5095 (v. 126).

05/02/80 -- Tennessee Legislature application received relating to a convention to propose a right-to-life amendment. Referred to Senate Judiciary Committee. CR/S4499 (v. 126).

04/29/80 -- Tennessee Legislature application received relating to right-to-life convention. Referred to House Judiciary Committee. CR/H3074 (v. 126).

-- Arizona Legislature application received relating to a balanced budget. Referred to House Judiciary Committee. CR/H2245 (v. 125).

04/24/80 -- Oklahoma Legislature application received about a convention relating to right-to-life amendment. Referred to Senate Judiciary Committee. CR/S4202 (v. 126).

03/21/80 -- Idaho Legislature application received about a convention relating to a right-to-life amendment. Referred to Senate Judiciary Committee. CR/S2804

(v. 126).

03/18/80 -- Idaho Legislature application received for a right-to-life constitutional convention. Referred to House Judiciary Committee. CR/H1967 (v. 126).

01/29/80 -- Nevada Legislature application received about a convention relating to the budget. Referred to Senate Judiciary Committee. CR/S548 (v. 126).

01/28/80 -- Nevada Legislature application received about a convention relating to the budget. Referred to House Judiciary Committee. CR/H295 (v. 126).

07/19/79 -- Louisiana Legislature application received relating to a balanced budget. Referred to Senate Judiciary Committee. CR/S9890-S9891 (v. 125).

07/18/79 -- Louisiana Legislature application received relating to a balanced budget. Referred to House Judiciary Committee. CR/H6197 (v. 125).

07/17/79 -- Louisiana Legislature application received relating rules and regulations adopted by administrative bodies. Referred to Senate Judiciary Committee. CR/S9647 (v. 125).

-- Louisiana Legislature application received relating to balanced budget. Referred to House Judiciary Committee. CR/H6112 (v. 125).

06/25/79 -- Iowa Legislature application received relating to a balanced budget, Referred to Senate Judiciary Committee. CR/S8409-S8410 (v. 125).

-- Nevada Legislature application received relating to right-to-life. Referred to Senate Judiciary Committee. CR/S8409 (v. 125).

06/22/80 -- Representative Grassley inserts text of Iowa Legislature application for a convention relating to a balanced budget. CR/E3168 (v. 125).

06/21/79 -- Senator Jepsen inserts text of Iowa State Senate resolution making application for a convention relating to the budget. CR/S8182 (v. 125). (This resolution passed in 1979.)

06/18/79 -- Iowa Legislature application received relating to a balanced budget. Referred to Senate Judiciary Committee. CR/S7879 (v. 125).

06/05/79 -- Maryland Legislature application received relating to a balanced budget. Referred to House Judiciary Committee. CR/H4074 (v. 125). (This resolution was adopted in 1975.)

05/31/79 -- Representative Smith inserts communication of a majority of the members of the Iowa Senate stating

that if they had been able to reconsider their passage of their balanced budget application, they would have done so. CR/H3982 (v. 125).

05/24/79 -- Senator Humphrey inserts New Hampshire Legislature application for a convention. CR/S6300 (v. 125). (This resolution was adopted in 1979.)

05/16/79 -- New Hampshire application received relating to a balanced budget. Referred to Senate Judiciary Committee. CR/S6085 (v. 125).

05/15/79 -- New Hampshire application received relating to balanced budget. Referred to House Judiciary Committee. CR/H3284 (v. 125).

05/03/79 -- North Dakota application received relating to a balanced budget. Referred to Senate Judiciary Committee. CR/S5920 (v. 125).

05/01/79 -- Indiana Legislature application received relating to a balanced budget. Referred to Senate Judiciary Committee. CR/S5017 (v. 125). (This resolution was adopted in 1979.)

-- Indiana Legislature application received relating to a balanced budget. Referred to House Judiciary Committee. CR/H2534 (v. 125).

04/10/79 -- Arizona Legislature application received relating to a balanced budget. Referred to Senate Judiciary Committee. CR/S4298 (v. 125).

03/22/79 -- Oregon Legislature application received relating to a balanced budget. Referred to Senate Judiciary Committee. CR/S3165 (v. 125). (This resolution passed the legislature in 1977.)

03/19/79 -- Representative McClory inserts Illinois Senate resolution urging Congress to act on a balanced budget amendment. CR/E1174 (v. 125).

03/15/79 -- Oregon Legislature application received relating to a balanced budget. Referred to House Judiciary Committee. CR/H1424 (v. 125). (This resolution passed the legislature in 1977.)

-- Alabama Legislature application received relating to the budget. Referred to House Judiciary Committee. CR/H1424 (v. 125). (This resolution was adopted in 1976.)

-- Texas Legislature application received relating to the budget. Referred to Senate Judiciary Committee. CR/S2869 (v. 125). Also received in House and referred to House Judiciary Committee. CR/H1424 (v. 125). (This resolution passed in 1977.)

03/13/79 -- Alabama Legislature application relating to budget received. Referred to Senate Judiciary Committee. CR/S2610 (v. 125). (This resolution was adopted in 1976.)

03/12/79 -- Pennsylvania Legislature application received relating to the budget. Referred to Senate Judiciary Committee. CR/S2500-S2501 (v. 125). (This resolution was adopted in 1976.)

-- Georgia Legislature application received relating to a right-to-life amendment. Referred to House Judiciary Committee. CR/H1229 (v. 125).

-- Nebraska Legislature application received relating to a balanced budget. Referred to House Judiciary Committee. CR/H1229 (v. 125).

03/08/79 -- Arkansas Legislature application relating to the budget received. Referred to Senate Judiciary Committee. CR/S2363 (v. 125). (This resolution was adopted in 1979.)

-- Georgia Legislature application received relating to a right-to-life amendment. Referred to Senate Judiciary Committee. CR/S2363 (v. 125).

-- Utah Legislature application relating to budget received. Referred to Senate Judiciary Committee. CR/S2363-S2364 (v. 125). (This resolution was adopted in 1979.)

03/07/79 -- Nebraska Legislature application received relating to a balanced budget. Referred to Senate Judiciary Committee. CR/S2185 (v. 125).

-- Utah Legislature application received relating to a balanced budget. Referred to House Judiciary Committee. CR/H1145 (v. 125).

03/05/79 -- Arkansas Legislature application relating to the budget received. Referred to House Judiciary Committee. CR/H1068 (v. 125). (This resolution was adopted in 1979.)

03/01/79 -- Florida Legislature application relating to the budget received. Referred to Senate Judiciary Committee. CR/S1930 (v. 125). (This resolution, Senate Memorial No. 234, passed in 1976.)

-- Florida Legislature application relating to the budget received. Referred to Senate Judiciary Committee. CR/S1930-S1931 (v. 125). (This resolution, House Memorial No. 2081, passed in 1976.)

-- New Mexico Legislature application received relating to budget. Referred to Senate Judiciary Committee. CR/S1931-S1932 (v. 125). (This resolution passed in 1976.)

-- South Dakota Legislature application received relating

to a balanced budget. Referred to Senate Judiciary Committee. CR/S1931 (v. 125).

-- Idaho Legislature application received relating to a balanced budget. Referred to Senate Judiciary Committee. CR/S1932 (v. 125).

02/28/79 -- Idaho Legislature application received relating to budget. Referred to House Judiciary Committee. CR/H1004 (v. 125). (This resolution passed in 1979.)

02/27/79 -- Florida Legislature application received relating to a balanced budget. Referred to House Judiciary Committee. CR/H946 (v. 125). (This resolution, House Memorial No. 2081, passed in 1976.)

-- South Dakota Legislature application received relating to a balanced budget. Referred to House Judiciary Committee. CR/H946 (v. 125). (This resolution passed in 1979.)

02/26/79 -- New Mexico Legislature application received relating to budget. Referred to House Judiciary Committee. CR/H898 (v. 125). (This resolution passed in 1976.)

-- Representative Fountain inserts North Carolina resolution relating to calling a constitutional convention for a balanced budget. (This resolution was adopted in 1979.) CR/H887 (v. 125).

-- Mississippi Legislature application received relating to a right-to-life amendment. Referred to Senate Judiciary Committee. CR/S1788 (v. 123).

02/22/79 -- Florida Legislature application received relating to budget. Referred to House Judiciary Committee. CR/H830 (v. 125). (This resolution, Senate Memorial No. 234, passed in 1976.)

-- North Carolina application received relating to budget. Referred to House Judiciary Committee. CR/H830 (v. 125).

02/21/79 -- Mississippi application received relating to a constitutional convention regarding a right-to-life amendment. Referred to House Judiciary Committee. CR/H816 (v. 125).

02/08/79 -- Senator Harry F. Byrd inserted copies of applications for a convention relating to the budget from the following States: Alabama (1976 resolution), Arizona (1977 Resolution), Colorado (1978 resolution), Delaware (1975 resolution), Florida (1976 resolution), Georgia (1976 resolution), Kansas (1978 resolution), Louisiana (1978 resolution), Maryland (1975 resolution), Mississippi (1975 resolution), Nebraska (1976 resolution), New Mexico (1976 resolution), North Dakota (1975 resolution), Oklahoma (1976 resolution), Oregon (1977

resolution), Pennsylvania (1976 resolution), South Carolina (1976 resolution), Tennessee (1977 resolution), Texas (1977 resolution), Virginia (1976 resolution), and Wyoming (1977 resolution). CR/S1305-S1313 (v. 125).

02/06/79 -- North Carolina Legislature application received relating to budget. Referred to Senate Judiciary Committee. CR/S1123 (v. 125). (This resolution passed in 1979.)

ADDITIONAL REFERENCE SOURCES

Constitutional Convention

American Bar Association. Special Constitutional Convention Study Committee. Amendment of the Constitution by the convention method under Article V. Chicago, 1974. 90 p.

American Enterprise Institute for Public Policy Research. Proposals for a constitutional convention to require a balanced Federal budget. Washington, 1979. 38 p. (American Enterprise Institute for Public Policy Research. Legislative analysis, 96th Congress, no. 3).

Black, Charles L., Jr. Amending the Constitution: a letter to a Congressman. Yale law journal, v. 82, Dec. 1972. 189-215.

Fisher, Louis. Confidential spending and governmental accountability. George Washington law review, v. 47, Jan. 1979: 347-385.

Gross, Bertram M. Unbalancing the Constitution. Nation, v. 228, Apr. 28, 1979: 449-468.

Kapp, Elaine S. A balanced Federal budget and constitutional convention controversy. State government, v. 7, spring 1979: 58-64.

U.S. Library of Congress. Congressional Research Service. Calling a Federal constitutional convention by State petition; selected references [by] Johnny Killian, updated by Meredith McCoy [Washington] 1979. 5 p.
CRS Report 79-61A

----- Constitutional conventions: political and legal issues; the unanswered questions [by] Meredith McCoy and David C. Huckabee. [Washington] June 2, 1981. 43 p.
CRS Report 81-135 GOV/A

Balanced Budget Amendment

Cohen, Richard E. Trying to kick the spending habit. National journal, v. 11, Apr. 21, 1979: 632-636.

MacLaury, Bruce K. Proposals to limit Federal spending and balance

the budget. In Pechman, Joseph A., ed. Setting national priorities: the 1980 budget. Washington, Brookings Institution, 1979: 213-223.

Niskanen, William. Controlling the growth of government: the constitutional amendment approach. St. Louis, Center for the Study of American Business, Washington University, 1979. 18 p. (Washington University, St. Louis. Center for the Study of American Business: Wittemore House series)

Shannon, John and Bruce Wallin. Restraining the Federal budget: alternative policies and strategies. Intergovernmental perspective, v. 5, spring 1979: 8-14.

U.S. Library of Congress. Congressional Research Service. Balancing the budget and limiting Federal spending: a selected bibliography [by] Felix Chin. Apr. 6, 1979. 7 p.

----- The balanced budget proposal: some macroeconomic implications [by] John Henderson.
CRS Mini Brief MB79229

----- Balanced budget and spending limitations: proposed constitutional amendments [by] Allen M. Schick.
CRS Issue Brief IB79027

Walker, David B. The balanced budget movement: a political perspective. Intergovernmental perspective, v. 5, spring 1979: 15-20.