

SENATE No. 2243

The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court
(2017-2018)
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SENATE, Thursday, January 11, 2017

The committee on Veterans and Federal Affairs to whom was referred the petition (accompanied by bill, Senate, No. 379) of James B. Eldridge, Carmine L. Gentile, Jennifer E. Benson, Jennifer L. Flanagan and other members of the General Court for legislation for a United States constitutional amendment and amendments convention,- reports the accompanying resolutions (Senate, No. 2243).

For the committee,
Michael F. Rush

The Commonwealth of Massachusetts

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Resolutions for a United States constitutional amendment and amendments convention.

1 WHEREAS, the 1st President of the United States George Washington stated, “The basis
2 of our political systems is the right of the people to make and to alter their Constitutions of
3 Government.”; and

4 WHEREAS, it was the stated intention of the framers of the Constitution of the United
5 States of America that the Congress of the United States of America should be "dependent on the
6 people alone." (James Madison, Federalist 52); and

7 WHEREAS, that dependency has evolved from a dependency on the people alone to a
8 dependency on those who spend excessively in elections, through campaigns or third-party
9 groups; and

10 WHEREAS, the United States Supreme Court ruling in Citizens United v. Federal
11 Election Commission, 558 U.S. 310 (2010) removed restrictions on amounts of independent
12 political spending; and

13 WHEREAS, the removal of those restrictions has resulted in the unjust influence of
14 powerful economic forces, which have supplanted the will of the people by undermining our

15 ability to choose our political leadership, write our own laws, and determine the fate of our state;
16 and

17 WHEREAS, corporations are artificial entities that governments create and, as such, do
18 not possess the same unalienable rights of natural persons protected by the Constitution; and

19 WHEREAS, corporations have used a claim to the rights enumerated in the US
20 Constitution, including under the 1st, 4th, 5th and 14th Amendments, to challenge and overturn
21 democratically enacted laws protecting the public interest; and

22 WHEREAS, Article V of the United States Constitution requires the United States
23 Congress to call a convention for proposing amendments upon application of two-thirds of the
24 legislatures of the several states for the purpose of proposing amendments to the United States
25 Constitution; and

26 WHEREAS, the Commonwealth of Massachusetts sees the need for a convention to
27 propose amendments in order to address concerns about the integrity of our elections and about
28 the ability of the people to participate in effective self-government, specifically those concerns
29 arising from the United States Supreme Court's rulings limiting the ability of the legislature to
30 regulate the raising and spending of money in elections and granting constitutional rights to
31 corporations; and desires that said convention should be so limited; and

32 WHEREAS, the Commonwealth of Massachusetts desires that the delegates to said
33 convention shall be comprised equally from individuals currently elected to state and local
34 office, or be selected by election in each Congressional district for the purpose of serving as
35 delegates, though all individuals elected or appointed to federal office, now or in the past, be

36 prohibited from serving as delegates to the Convention, and intends to retain the ability to restrict
37 or expand the power of its delegates within the limits expressed above; and

38 WHEREAS, the Commonwealth of Massachusetts intends that this application shall
39 constitute a continuing application, considered together with applications on this subject such as
40 those passed in the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature
41 as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 42, the 2014-2015 New
42 Jersey legislature as SCR 132, the 2015-2016 Rhode Island legislature as HR 7670 and SR 2589,
43 and all other passed, pending, and future applications, the aforementioned concerns of
44 Massachusetts notwithstanding until such time as two-thirds of the Several States have applied
45 for a Convention and said Convention is convened by Congress;

46 Therefore, BE IT RESOLVED by the Legislature of the Commonwealth of
47 Massachusetts that it calls on Congress to propose an amendment to the Constitution that would
48 affirm that (a) the rights protected by the Constitution of the United States are the rights of
49 natural persons, i.e. human individuals, only and (b) Congress and the states shall place limits on
50 political contributions and expenditures to ensure that all citizens have access to the political
51 process, and the spending of money to influence elections is not protected free speech under the
52 First Amendment; and

53 Be it further Resolved, that if Congress does not propose this constitutional amendment
54 within 6 months of the passage of this bill, then this bill constitutes a petition by the
55 Commonwealth of Massachusetts, speaking through its legislature, and pursuant to Article V of
56 the United States Constitution, to the Congress to call a limited Convention for the exclusive
57 purpose of proposing Amendments, as prescribed previously herein, to the Constitution of the

58 United States of America addressing, inter alia, concerns raised by Citizens United v. FEC,
59 McCutcheon v. FEC and related decisions, as soon as two-thirds of the several States have
60 applied for a Convention; and

61 Be it further Resolved, that this petition shall not be considered by the U.S. Congress
62 until 33 other states submit petitions for the same purpose as proposed by Massachusetts in this
63 resolution and unless the Congress determines that the scope of amendments to the Constitution
64 of the United States considered by the convention shall be limited to the same purpose requested
65 by Massachusetts; and

66 Be it further Resolved, that the Clerk of the Massachusetts House of Representatives and
67 Clerk of the Senate transmit copies of this resolution to the President and Vice President of the
68 United States and addressed to him at the legislative office which he maintains in Suite No. S-
69 212 of the United States Capitol Building, the Speaker of the United States House of
70 Representatives, the Minority Leader of the United States House of Representatives, the
71 President Pro Tempore of the United States Senate, to each Senator and Representative from
72 Massachusetts in the Congress of the United States, to the Governor of each State, and to the
73 presiding officers of each legislative body of each of the several States, requesting the
74 cooperation of the several States in issuing an application compelling Congress to call a
75 convention for proposing amendments pursuant to Article V of the United States Constitution.