Memo: Rescind All Previous "Article V Constitutional Convention" Resolutions by the Massachusetts General Court

UPDATED MAY 22, 2025

Overview

Under Article V of the U.S. Constitution, a convention can be called when 2/3 of the states (34) petition for a convention to enact amendments to the Constitution. An Article V convention has never been called before in American history, but in February 2022, *McCall et al v Pelosi et al* was filed in U.S. District Court claiming that enough states have passed resolutions for a convention. Luckily the case was dismissed citing the political question doctrine, but not on the merits.

The lawsuit revealed a new strategy by special interest groups seeking to call for a convention: to add up all active resolutions – regardless if a resolution seeks to limit a convention to a specific issue – to achieve the 34 state count. The lawsuit notably included Massachusetts resolutions in their count by including a 1977 resolution to ban abortion, a 1931 resolution attempting to overturn prohibition, and many others. These memorializations from Massachusetts are ***still active*** and should be rescinded immediately.

The Problem

An Article V convention would be a dangerous threat to the U.S. Constitution, our democracy, and our civil rights and liberties. Efforts to pass Article V convention resolutions are being supported and funded by conservative shadow organizations like ALEC. Despite the intentions of some groups to try and limit a convention to a single issue (e.g. overturning *Citizens United* or requiring a balanced budget) there is no language in the U.S. Constitution or existing laws to limit a convention to one issue, and it is widely understood that a convention, once called, will be able to consider any amendments to the Constitution that the delegates want to consider.

There are no guidelines or rules to govern selection of delegates nor the procedures of such a convention including how delegates to a convention would be picked, what rules would be in place, what would happen in the case of legal disputes, what issues would be raised, how the American people would be represented, and how to limit the influence of special interests. Since there is no way to limit a convention's focus, any constitutional issue could be brought up, and fundamental rights could be undermined, including marriage equality, civil rights and civil liberties, voting rights, and privacy rights.

Why Must Massachusetts Act Now?

Efforts to call for an Article V Constitutional Convention are being championed by special interest groups and powerful lawmakers in Washington D.C. In February 2025, House Budget Chair Jodey Arrington introduced H.C.R. 15 to call a convention.

119TH CONGRESS
1ST SESSION

H. CON. RES. 15

Calling an Article V Convention for proposing a Fiscal Responsibility Amendment to the United States Constitution and stipulating ratification by a vote of We the People, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2025

Mr. ARRINGTON submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Calling an Article V Convention for proposing a Fiscal Responsibility Amendment to the United States Constitution and stipulating ratification by a vote of We the People, and for other purposes.

One of the most vocal supporters of an Article V Convention, **Congressman Mike Johnson of Louisiana**, was recently named Speaker of the House Speaker. Furthermore, the Heritage Foundation president and leader of the far-right campaign "Project 2025" endorsed a call for a Constitutional Convention under Article V. If there is any effort to convene a convention now, it should not be in the name of Massachusetts.

The many resolutions from Massachusetts must be rescinded immediately so we're not unintentionally contributing to the 2/3 of states needed to call a Convention of States.

The Solution: Rescind All Previous Resolutions from Massachusetts

To address the concerns raised by many legal experts and pro-democracy advocates, Massachusetts should join Connecticut (2025), Washington (2025), New York (2024), Illinois (2022), New Jersey (2021), Colorado (2021), and 20 other states to rescind all previous resolutions calling for an Article V convention.

Joins 8 other states

Mass. supports abortion ban

By Norman Lockman
Globe Staff

By a vote of 21-14, the Massachusetts Senate approved a resolution yesterday asking Congress to call a national constitutional convention for the purpose of amending the US Constitution to prohibit abortion.

The action makes the Massachusetts Legislature the ninth in the nation to ask Congress for a constitutional convention on abortion. If 34, or two-thirds of the state legislatures do the same thing, Congress would be constitutionally bound to call the first constitutional convention since 1787, when the Constitution was written.

The House approved the resolution last month. It does not require approval by Gov. Michael S. Dukakis.

Senate action came after a final effort to amend the bill was defeated 18-17.

Sen. Alan Sisitsky (D-Springfield) called for reconsideration of the tie vote on Monday that killed an amendment of his that would have prohibited tampering with the Bill of Rights if a national constitutional convention were called.

Sen. Joseph B. Walsh (D-Dorchester), the sponsor of the resolution, said Sisitsky's amendment

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was only a delaying tactic, and that there was no real danger to the Bill of Rights.

If the convention should formulate any amendments to the Constitution, 38 or three-fourths of the state legislatures would needed to ratify them.

"It is a dangerous procedure to call a constitutional convention," Sisitsky said.

But Walsh said: "All we are doing is expressing our views to Congress so that they will act. We are not talking repealing the Bill of Rights. Maybe now the Congress will get the message and respond."

Rhode Island, Arkansas, Indiana, Louisiana, Missouri, New Jersey, South Dakota and Utah already have asked for conventions.

An attempt to make abortions illegal was killed yesterday by the New Hampshire senate when it amended a "housekeeping" bill designed to bring certain laws in line with the criminal code.

The bill would have made a person guilty of a misdemeanor for willfully taking any action to produce a miscarriage.

The Massachusetts General Court has sent multiple Article V Convention resolutions to Congress over the last two hundred years. Most of these resolutions are held in perpetuity and are still considered pending including the most recent one sent in 1977 asking for an Article V convention to constitutionally **ban abortions.** Here are the Massachusetts resolutions cited in the *McCall v Pelosi* lawsuit:

- **Ban Abortion (1977):** ***"****Resolutions Requesting The Congress of the United States to Call A Convention For The Purpose of Proposing An Amendment To The Constitution Of The United States Protecting The Right To Life Of All Human Beings During Every State of Biological Development" –* *See Resolution.*
- **Use Public Funds to Subsidize Private Schools (1971, 1973, 1974)** *"Resolutions Memorializing The Congress Of The United States To Call A Constitutional Convention For The Purpose Of Proposing An Amendment To The Constitution Of The United states Relating To The Use of Public Funds For Secular Education" –* *See Resolution.*
- **Use Federal Income Tax Revenue by States and Municipalities (1971)** *"Resolutions Requesting Congress To Call A Convention For The Purpose Of Amending the United States Constitution To Provide For Intergovernmental Sharing Of Federal Income Tax Revenue" –* *See Resolution.*
- ***Senior Pension Minimum of $200 (1964)*** *"Resolutions Requesting Congress To Call A* ***Convention*** *For Proposing An Amendment To The Constitution Of The United States Providing A Pension Of Two Hundred Dollars Monthly For Certain Persons" -* *See Resolution.*
- ***Limiting Government Enterprise (1964)*** *"Resolutions Memorializing The Congress Of The United States To Propose An Amendment To The Constitution Curtailing The Government Of The United States From Engaging In Certain Financial Enterprises And Repealing The*

Sixteenth Article Of Amendments Of The Constitution Of The United States (Passed by the House only) - See Resolution.

- ***Limit The Income Tax (1941)*** *"Resolutions Requesting Congress To Call A Convention For Proposing An Amendment To The Constitution Of The United States Relative To Taxes On Incomes, Inheritances And Gifts, And To Provide A Mode For The Ratification Of Said Amendment." - See Resolution.*
- ***Overturn Prohibition (1931)*** *"Resolutions Memorializing Congress To Call A Constitutional Convention To Amend Or Repeal The Eighteenth Article Of Amendment Or To Itself Propose Such An Amendment For Submission To The Several States" - See Resolution.*

These pending resolutions are severely out-dated, do not reflect the current will of the people, and in most cases concern issues that have already been resolved by either Congress or the Supreme Court. One such example is allowing states to use public funds to subsidize private schools after a 5-4 SCOTUS decision by the conservative majority in 2020 in *Espinoza v Montana*. Additionally, the 21st amendment was later passed, nullifying a need for an Article V convention to overturn prohibition. Yet these resolutions are still pending and are being used by conservative special interests groups to push for an Article V convention. The best solution is to pass a blanket rescission of all previous resolutions, which is what other states are doing.

Next Steps

In the last three years, Connecticut, Washington, New York, New Jersey, Colorado, and Illinois have rescinded all previous resolutions calling for an Article V convention. Massachusetts should do the same. A resolution only needs to be passed in the House and Senate - it does not require a Governor's signature - to be sent to Congress. We respectfully request the Massachusetts House and Senate pass a resolution immediately rescinding all previous calls for an Article V convention in addition to not passing any subsequent resolutions in the foreseeable future.

Draft Resolution Rescission Language

Resolution Rescinding Previous Calls for Constitutional Conventions

Be It Resolved by the General Court of the Commonwealth of Massachusetts that all applications previously transmitted by the Massachusetts Legislature to the Congress of the United States calling for a convention for the purpose of proposing an amendment to the United States Constitution are hereby rescinded. Copies of this resolution shall be transmitted by the Offices of the Clerks of the Massachusetts House of Representatives and Senate to the Office of the Clerk of the United States House of Representatives and to the Secretary of the United States Senate in Washington, D.C immediately upon its passage.