

SENATE No. 319

By Mr. LoPresti, a petition (accompanied by resolutions, Senate, No. 319) of Michael LoPresti, Jr., and Alfred Saggese, Jr., for adoption of resolutions requesting the Congress of the United States to call a convention for the purpose of amending the Constitution of the United States to prohibit forced busing. Federal Financial Assistance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

RESOLUTIONS REQUESTING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR THE PURPOSE OF AMENDING THE CONSTITUTION OF THE UNITED STATES TO PROHIBIT FORCED BUSING.

Resolved, That the General Court of the Commonwealth of Massachusetts pursuant to Article V of the Constitution of the United States, hereby makes application to the Congress of the United States to call a convention for proposing the following amendment to the Constitution of the United States.

No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin; and, be it further

Resolved, That this application shall constitute a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V. If Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1974, this application for a state application shall no longer be of any force or effect; and, be it further

Resolved, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such ex-

ercise and since the power to use such right in full also carries the power to use such right in part the General Court of the Commonwealth of Massachusetts interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and, be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from this Commonwealth.