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TABLE 3.—State' applications to Congress seeking

State	Petitions						
	Resolution No.	Passed			Committee referred to	Congressional Record citation	Nature†
		Year	Upper chamber	Lower chamber			
Alabama.....	H. J. Res. 66...	1943	July 1	June 24	H. Judiciary S. Judiciary	89 Congressional Record, pp. 7523-7524.	A
Arkansas.....	S. Con. Res. 10.	1943	Mar. 2	Mar. 1	S. Judiciary H. Judiciary	98 Congressional Record, p. 742.	C
Delaware.....	S. Con. Res. 6.	1943	Mar. 25	Apr. 9	S. Judiciary H. Judiciary	89 Congressional Record, p. 4017.	C
Florida.....	S. Con. Res. 206.	1951	Apr. 20	Apr. 27	S. Judiciary H. Judiciary	97 Congressional Record, pp. 5155-5156.	A*
Georgia.....	H. Res. 213....	1952	Jan. 22	Jan. 21	S. Judiciary H. Judiciary	98 Congressional Record, p. 1057.	A*
Illinois.....	H. J. Res. 32...	1943	May 26	May 5	S. Judiciary H. Judiciary	98 Congressional Record, p. 742.	A
Indiana.....	H. Con. Res. 10.	1943	Mar. 6	Mar. 2	S. Judiciary H. Judiciary	98 Congressional Record, pp. 1056-1057.	C
Iowa.....	H. Con. Res. 8.	1957			S. Judiciary	Daily, May 8, 1957, pp. 5763, 5764.	
	H. Con. Res. 15.	1941	Apr. 10	Feb. 17	S. Judiciary H. Judiciary	87 Congressional Record, p. 3172; 3232-3233.	C
	S. Con. Res. 11.	1951	Mar. 28	Mar. 28	S. Judiciary H. Judiciary	97 Congressional Record, pp. 3939-3940.	D
Kansas.....	S. Con. Res. 4.	1951	Feb. 15	Mar. 21	H. Ways and Means. S. Judiciary	97 Congressional Record, p. 2936.	A
Kentucky.....	H. Con. Res. 79.	1944	Mar. 14	Mar. 8	S. Judiciary S. Judiciary	90 Congressional Record, pp. 4040-4041.	A
Louisiana.....	H. Res. 24.....	1950	June 12	June 12	S. Judiciary H. Judiciary	99 Congressional Record, pp. 320-321.	A
Maine.....	J. Res.....	1941	Apr. 15	Apr. 17	S. Judiciary H. Judiciary	87 Congressional Record, pp. 3370-3371.	A
	J. Res.....	1951	May 15	May 15	S. Judiciary H. Judiciary	97 Congressional Record, pp. 6033-6034.	D
Maryland ¹							
Massachusetts.....	S. 653.....	1941	Apr. 24	Apr. 29	S. Judiciary H. Judiciary	87 Congressional Record, pp. 3812-3813.	A
Michigan.....	S. Con. Res. 20.	1941	Apr. 29	May 16	S. Finance H. Judiciary	87 Congressional Record, p. 8904.	A
	H. Con. Res. 26.	1949	Apr. 11	Apr. 7	S. Judiciary H. Judiciary	95 Congressional Record, pp. 5628-5629.	D
Mississippi.....	S. Con. Res. 14.	1940	Apr. 29	Apr. 29	S. Judiciary H. Judiciary	86 Congressional Record, p. 6025.	C*
Nebraska.....	Leg. Res. 32...	1949	Uni-cameral	May 25	S. Judiciary	95 Congressional Record, pp. 7893-7894.	D
New Hampshire.....	H. Con. Res....	1943	Apr. 21	Apr. 13	S. Finance	89 Congressional Record, pp. 3761-3762.	C
	H. Con. Res....	1951	Aug. 21	Aug. 21	S. Judiciary H. Judiciary	97 Congressional Record, pp. 10716-10717.	D
New Jersey.....	J. Res. 5.....	1944	Feb. 25	Mar. 27	S. Judiciary H. Judiciary	90 Congressional Record, p. 6141.	B
New Mexico.....	H. J. Res. 12...	1951	Mar. 10	Feb. 28	S. Judiciary H. Judiciary	98 Congressional Record, pp. 947-948.	D
Oklahoma.....	S. J. Res. 15...	1955	May 11	May 23	H. Ways and Means.	101 Congressional Record p. 8397-8398, 8776, 9941.	E

See footnotes at end of table, pp. 94-95.

convention to limit federal income taxing po

State	Rescissions				
	Resolution No.	Passed			Committee referred to
		Year	Upper chamber	Lower chamber	
Alabama.....	H. J. Res. 10...	1945	June 13	June 6	H. Judiciary
Arkansas.....	H. Con. Res. 3.	1945	Feb. 9	Jan. 16	S. Finance
Florida.....	H. Con. Res. 596.	1953	May 4	May 4	
Georgia.....					
Illinois.....	H. J. Res. 7....	1945	Mar. 28	Mar. 13	S. Judiciary H. Judiciary
Indiana.....					
Iowa.....	H. Con. Res. 9.	1945	Mar. 14	Feb. 14	S. Judiciary
Kansas.....					
Kentucky.....	S. Res. 43.....	1946	Mar. 13	Mar. 21	S. Judiciary H. Judiciary
Louisiana.....	S. Con. Res. 15.	1954	June 23	June 24	S. Judiciary H. Judiciary
Maine.....	J. Res.....	1953	Apr. 22	Apr. 21	S. Judiciary H. Judiciary
Maryland.....					
Massachusetts.....	Res.....	1952	Apr. 22	Apr. 3	H. Judiciary S. Judiciary
Michigan.....					
Mississippi.....					
Nebraska.....	Leg. Res. 27...	1953	Uni-cameral	June 2	S. Judiciary H. Judiciary
New Hampshire.....					
New Jersey.....	S. J. Res. 4....	1954	May 3	June 28	S. Judiciary H. Judiciary
New Mexico.....					
Oklahoma.....					

convention to limit federal income taxing powers

Rescissions						
Resolution No.	Passed			Committee referred to	Congressional Record citation	Nature
	Year	Upper chamber	Lower chamber			
H. J. Res. 10...	1945	June 13	June 6	H. Judiciary	91 Congressional Record, pp. 6631-6632.	Rescinds prior action of legislature.
H. Con. Res. 3.	1945	Feb. 9	Jan. 16	S. Finance...	91 Congressional Record, p. 1209.	Res. 3 rescinds prior resolution.
H. Con. Res. 596.	1953	May 4	May 4			H. Con. Res. 596—never transmitted to Congress. ²
H. J. Res. 7...	1945	Mar. 28	Mar. 13	S. Judiciary H. Judiciary	98 Congressional Record, p. 742.	Expresses opposition to application and intent of prior resolution.
H. Con. Res. 9.	1945	Mar. 14	Feb. 14	S. Judiciary	91 Congressional Record, pp. 2383-2384.	Rescinds H. Con. Res. 15 (1941), and opposes amending Constitution re income taxes.
S. Res. 43.....	1946	Mar. 13	Mar. 21	S. Judiciary H. Judiciary	97 Congressional Record, p. 10973.	H. Res. 79 is repudiated, retracted, and withdrawn.
S. Con. Res. 15.	1954	June 23	June 24	S. Judiciary H. Judiciary	100 Congressional Record, p. 9420.	Rescinds H. Con. Res. 24.
J. Res.....	1953	Apr. 22	Apr. 21	S. Judiciary H. Judiciary	99 Congressional Record, pp. 4311, 4435.	Rescinds J. Res. of 1941.
Res.....	1952	Apr. 22	Apr. 3	H. Judiciary S. Judiciary	98 Congressional Record, p. 4641.	Rescinds S. 658 (1941).
Leg. Res. 27...	1953	Unicameral	June 2	S. Judiciary H. Judiciary	99 Congressional Record, pp. 6163, 6283.	Rescinds Leg. Res. 32.
S. J. Res. 4....	1954	May 3	June 28	S. Judiciary; H. Judiciary	100 Congressional Record, p. 11943.	Rescinds J. Res. 5.

TABLE 3.—State applications to Congress seeking

State	Petitions						
	Resolution No.	Passed			Committee referred to	Congressional Record citation	Nature†
		Year	Upper chamber	Lower chamber			
Pennsylvania.....	Con. Res. 7...	1943	May 8	May 5	S. Judiciary H. Judiciary	89 Congressional Record p. 8220.	C (Vetoed 6-7-43)
Rhode Island.....	S. 80.....	1940	Feb. 16	Mar. 15	S. Judiciary H. Judiciary	86 Congressional Record p. 3407.	A
Utah.....	H. J. Res. 3...	1951	June 15	June 15	S. Judiciary H. Judiciary	98 Congressional Record p. 947.	A
Virginia.....	H. J. Res. 32...	1952	Feb. 21	Feb. 5	S. Judiciary H. Judiciary	98 Congressional Record p. 1496.	A*
Wisconsin.....	J. Res. 55, A...	1943	June 14	May 7	S. Judiciary H. Judiciary	89 Congressional Record p. 7524.	A
Wyoming.....	H. J. Mem. 4...	1939	Feb. 16	Feb. 10	S. Judiciary H. Judiciary	84 Congressional Record pp. 1973; 2509-2510.	C*

† The House of Delegates of the General Assembly of the State of Maryland adopted a resolution requesting that Congress call a constitutional convention to limit the maximum rate of taxation to 25 percent on March 15, 1939. Despite the fact that only one chamber of the legislature had adopted the proposal, the

† EXPLANAT

A—Petitions make application for a constitutional convention to propose an amendment which would repeal the sixteenth amendment and place a maximum limitation on the rate of Federal taxation of incomes, inheritances, and gifts of 25 percent; provided, however, that in case of war the limitation may be lifted for yearly periods by a three-fourths vote of each House of Congress.

A*—Petitions are identical with A petitions save only that the limitation on rates of taxation in the proposed amendment is automatically suspended during a state of war declared by Congress and may be increased for yearly periods in time of grave national emergency by a three-fourths vote of each House of Congress.

B—Petitions make application for a constitutional convention to propose an amendment which would repeal the sixteenth amendment and place a maximum limitation on the rate of Federal taxation on incomes, gifts, and inheritances of 25 percent, except that in time of war the limitation on the taxation of incomes may be suspended for yearly periods by a vote of three-fourths of each House of Congress.

C—Petitions make application for a constitutional convention to propose an amendment which would repeal the sixteenth amendment and place a maximum limitation of 25 percent on the rate of taxation of incomes, gifts, and inheritances.

C*—Petitions identical with C petitions except for the omission of a single section relating to the effective date of a provision and the following clause in the proposed amendment: "Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect."

D—Petitions make application for a constitutional convention to propose an amendment which would

convention to limit Federal income taxing

Resolution No.	Passed			Comm referred
	Year	Upper chamber	Lower chamber	
H. Res. 548...	1949	Apr. 27	Mar. 30	S. Jud
J. Res. 11, A...	1945	Feb. 20	Feb. 14	S. Jud H. Jud

petition was forwarded to Congress and referred to the Committee (84 Congressional Record 3320 (1939)).
 * Florida's rescinding resolution has not been trans

ORY NOTES

place limitations on the Federal power of taxation, e

atures of three-fourths of the States otherwise provid
 (1) 25 percent of all taxes collected by the Uni
 of 50 percent of personal income and 38 percent o
 separate funds after 20 percent of such sums sha
 cipal of the national debt.

(2) Moneys from the two separate funds shall b
 as specified.

(3) A minimum deduction of \$600 for each de
 come shall be allowed in levying income taxes.

The proposed amendment contained in these petition
 (1) That the number of new States which may
 United States shall be limited to three except upo
 of the several States.

(2) That the dollar shall be the unit of curren

(3) That the gold content of the dollar as of Ja

E—Petition seeks, in the alternative, a conventio
 Government to the States and their subdivisions: so
 aid for State and local functions.

convention to limit Federal income taxing powers—Continued

Rescissions						
Resolution No.	Passed			Committee referred to	Congressional Record citation	Nature
	Year	Upper chamber	Lower chamber			
H. Res. 548...	1949	Apr. 27	Mar. 30	S. Judiciary	95 Congressional Record p. 8286.	Repeals prior resolution.
J. Res. 11, A..	1945	Feb. 20	Feb. 14	S. Judiciary H. Judiciary	91 Congressional Record p. 3266.	Rescinds prior resolution.

petition was forwarded to Congress and referred to the Senate Finance Committee and the House Judiciary Committee (84 Congressional Record 3320 (1939)).

² Florida's rescinding resolution has not been transmitted to Congress.

ORY NOTES

place limitations on the Federal power of taxation, except during a state of war and except when the legislatures of three-fourths of the States otherwise provide, as follows:

(1) 25 percent of all taxes collected by the United States and all moneys collected in taxes in excess of 50 percent of personal income and 38 percent of corporate income shall be placed respectively in two separate funds after 20 percent of such sums shall have first been used to make payments on the principal of the national debt.

(2) Moneys from the two separate funds shall be annually divided pro rata among the several States as specified.

(3) A minimum deduction of \$600 for each dependent and for each person reporting a separate income shall be allowed in levying income taxes.

The proposed amendment contained in these petitions provides also:

(1) That the number of new States which may be formed from the Territories and possessions of the United States shall be limited to three except upon the express consent of the legislatures of three-fourths of the several States.

(2) That the dollar shall be the unit of currency.

(3) That the gold content of the dollar as of January 1, 1949, shall not be decreased.

E—Petition seeks, in the alternative, a convention to shift some of the taxing power from the Federal Government to the States and their subdivisions: so as to bring about less reliance upon Federal grants in aid for State and local functions.

TABLE 4.—Present status of State applications submitted requesting a constitutional convention to propose amendments limiting the Federal power of taxation ^a

Applications for convention pending	Applications rescinded	Applications otherwise ineffective
Delaware. Florida. Georgia. Indiana (b). Iowa. Kansas. Maine. Michigan (b). Mississippi. New Hampshire (b). New Mexico. Oklahoma. Pennsylvania. Utah. Virginia. Wyoming.	Alabama. Arkansas. Illinois. Iowa. Kentucky. Louisiana. Maine. Massachusetts. Nebraska. New Jersey. Rhode Island. Wisconsin.	Indiana (b). Michigan (b). New Hampshire (b). Maryland (c).

(a) Submitted since 1939.
(b) State submitted 2 applications only, 1 of which should be considered as validly pending.
(c) Adopted by only 1 house of the State legislature.

TABLE 5.—Chronological sequence of the actions of the State legislatures relating to limiting the taxing powers of the Federal Government

Year	Legislatures passing resolutions	Legislatures rescinding resolutions	Year	Legislatures passing resolutions	Legislatures rescinding resolutions
1939	Wyoming.	None.	1946	None.	Kentucky.
1940	Mississippi. Rhode Island.	None.	1949	Michigan. Nebraska.	Rhode Island.
1941	Iowa. Maine. Massachusetts. Michigan.	None.	1950	Louisiana. Florida.	None.
1943	Alabama. Arkansas. Delaware. Illinois. Indiana. New Hampshire. Pennsylvania. Wisconsin.	None.	1951	Iowa. Kansas. Maine. New Hampshire. New Mexico. Utah. Virginia.	None.
1944	Kentucky. New Jersey.	None.	1952	Georgia. Virginia.	Massachusetts.
1945	None.	Alabama. Arkansas. Illinois. Iowa. Wisconsin.	1953	None.	Maine. Nebraska. Louisiana. New Jersey.
			1954	None.	None. None.
			1955	Oklahoma.	
			1957	Indiana.	

TABLE

TYPES OF AMENDMENTS CONTAINED IN STATES RELATING TO AMENDING THE FEDERAL POWER OF TAXATION

TYPE

SECTION 1. The sixteenth article of United States is hereby repealed.

SECTION 2. The Congress shall have power from whatever source derived, without regard to any census or enumeration, and without regard to any maximum rate of tax exceed 25 per centum.

SECTION 3. The maximum rate of any tax shall not exceed 25 per centum. SECTION 4. The limitations upon the power of the States to tax shall, however, be subject to the limitations in which the United States is engaged in any war, while such war, to repeat such action as often as necessary.

SECTION 5. Sections 1 and 2 shall take effect on the first day of December following the ratification of this article shall affect the power of the United States to tax in accordance with the terms of any law then in effect.

SECTION 6. Section 3 shall take effect on the first day of the month following the ratification of this article shall affect the power of the United States to transfer occurring prior to the taking effect of the terms of any law then in effect.

(Contained in resolutions of the State of Kentucky, Louisiana, Maine, Massachusetts, and Wisconsin.)

SECTION 7. Same as type A, differing only in that it is suspended during a war declared by Congress, national emergency, may likewise suspend the vote of three-fourths of each House.

(Contained in resolutions of the State of Kentucky, Louisiana, Maine, Massachusetts, and Wisconsin.)

SECTION 1. The sixteenth article of United States is hereby repealed.

SECTION 2. The Congress shall have power from whatever source derived, without regard to any census or enumeration, and without regard to any maximum rate of all taxes, duties, and excises with respect to, or measured by income. In the event that the United States is so engaged, suspend, limitation with respect to income subject to the maximum rate of 25 per centum.

SECTION 3. The maximum aggregate rate of any tax shall not exceed 25 per centum. SECTION 4. The limitations upon the power of the States to tax shall, however, be subject to the limitations in which the United States is engaged in any war, while such war, to repeat such action as often as necessary.

^a Table 6, as revised in this thesis, is from table Report: "Problems Relating to State Applications on Federal Tax Rates" (1952).

TABLE 6†

TYPES OF AMENDMENTS CONTAINED IN APPLICATIONS SUBMITTED BY THE SEVERAL STATES RELATING TO AMENDING THE CONSTITUTION SO AS TO LIMIT THE FEDERAL POWER OF TAXATION

TYPE A

SECTION 1. The sixteenth article of amendment to the Constitution of the United States is hereby repealed.

SECTION 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration: *Provided*, That in no case shall the maximum rate of tax exceed 25 per centum.

SECTION 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of or intended to take effect in possession or enjoyment at or after death, or by way of gift, shall in no case exceed 25 per centum.

SECTION 4. The limitations upon the rates of said taxes contained in sections 2 and 3 shall, however, be subject to the qualification that in the event of a war in which the United States is engaged creating a grave national emergency requiring such action to avoid national disaster, the Congress by a vote of three-fourths of each House may for a period not exceeding 1 year increase beyond the limits above prescribed the maximum rate of any such tax upon income subsequently accruing or received or with respect to subsequent devolutions or transfers of property, with like power, while the United States is actively engaged in such war, to repeat such action as often as such emergency may require.

SECTION 5. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax on incomes for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect.

SECTION 6. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect.

(Contained in resolutions of the States of Alabama, Illinois, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Rhode Island, Utah, Wisconsin.)

TYPE A*

Same as type A, differing only in that the limitation on taxation is automatically suspended during a war declared by Congress, and Congress, during a period of national emergency, may likewise suspend the limitation for yearly periods by a vote of three-fourths of each House.

(Contained in resolutions of the States of Florida, Georgia, and Virginia.)

TYPE B

SECTION 1. The sixteenth article of amendment to the Constitution of the United States is hereby repealed.

SECTION 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration. The maximum aggregate rate of all taxes, duties, and excises which the Congress may lay or collect on, with respect to, or measured by income, however, shall not exceed 25 per centum. In the event that the United States shall be engaged in a war which creates a national emergency so grave as to necessitate such action to avoid national disaster, the Congress by a vote of three-fourths of each House, may while the United States is so engaged, suspend, for periods not exceeding 1 year each, such limitation with respect to income subsequently accruing or received.

SECTION 3. The maximum aggregate rate of all taxes, duties, and excises which the Congress may lay or collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of or intended to take effect in possession or enjoyment at or after death, or by way of gift, shall not exceed 25 per centum.

†Table 6, as revised in this thesis, is from table set out on pp. 24-27 of House Judiciary Committee Staff Report: "Problems Relating to State Applications for a Convention To Propose Constitutional Limitations on Federal Tax Rates" (1952).

SECTION 4. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of the article. Nothing contained in the article shall affect the power of the United States after said date to collect any tax on, with respect to, or measured by, income for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect.

SECTION 5. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax with respect to any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect.

(Contained in resolution of the State of New Jersey.)

TYPE C

SECTION 1. The sixteenth amendment to the Constitution of the United States is hereby repealed.

SECTION 2. The Congress shall have power to lay and collect taxes on income, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration; *Provided*, That in no case shall the maximum rate of tax exceed 25 per centum.

SECTION 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of death or intended to take effect in possession or enjoyment at or after death, or by way of gift, shall in no case exceed 25 per centum.

SECTION 4. Sections 1 and 2 shall take effect at midnight on the 31st day of December, following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect.

SECTION 5. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3 laid in accordance with the terms of any law then in effect.

(Contained in resolutions of the States of Arkansas, Delaware, Indiana, Iowa, New Hampshire, and Pennsylvania.)

TYPE C*

Identical with type C, except that section 5 is omitted and section 4 does not contain the sentence: "Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect."

(Contained in resolutions of the States of Mississippi and Wyoming.)

TYPE D

SECTION 1. The power to levy taxes and appropriate the revenues therefrom heretofore granted to the Congress by the States in the several articles of this constitution is hereby limited.

SECTION 2. This article shall be in effect except during a state of war, hereafter declared, when it shall be suspended. The suspension thereof shall end upon the termination of the war but not later than 3 months after the cessation of hostilities, whichever shall be earlier. The cessation of hostilities may be declared by proclamation of the President or by concurrent resolution of the Congress or by concurrent action of the legislatures of 32 States.

SECTION 3. Notwithstanding the provisions of article V, this article may be suspended for a time certain or amended at any time by concurrent action of the legislatures of three-fourths of the States.

SECTION 4. There shall be set aside in the Treasury of the United States a separate fund into which shall be paid 25 percent of all taxes collected by authority derived from the sixteenth amendment to this Constitution, except as provided in section 5, and 25 percent of all sums collected by the United States from any other tax levied for revenue.

SECTION 5. There shall be set aside in the Treasury of the United States a separate fund into which shall be paid all sums received from taxes levied on

personal incomes in excess of 50 percent of profits of corporations in excess of 38

SECTION 6. Before paying any sums in 5 hereof, the Treasurer of the United States which shall be used in payment of the pri States.

SECTION 7. No tax shall hereafter be in individuals which does not exceed, in the \$600 per annum, and in the case of marriage jointly. A minimum deduction of \$600 dependent.

SECTION 8. The Treasurer of the United the separate fund created by section 4 h ¼ of 1 percent of said fund and from the State a portion of such remainder determined in ratio to the entire population of the several decennial census or any subsequent general

SECTION 9. The Treasurer of the United created by section 5 hereof, pay to each the amount of money in such fund which tions within such State.

SECTION 10. Any sums paid hereunder for appropriation only by the legislature appropriate therefrom for any purpose not for the exclusive power of the Congress. expenditures of funds herein made a direct the appropriation thereof.

SECTION 11. Each legislature shall have for the assembly thereof in special sessions to, the suspension of, or the ratification article.

SECTION 12. Each legislature shall have represent such legislature in any concurrent action of the legislatures of uniform action by the legislatures of the with the amendment of this article.

SECTION 13. The Congress shall not create territory of the several States as constituted shall not create, form, or admit more than insular possessions under the jurisdiction January 1949, or from territory thereafter of the legislatures of three-fourths of the

SECTION 14. On and after January 1, currency. The gold content of the dollar be decreased.

SECTION 15. Concurrent action of the herein shall mean the adoption of the same legislatures. A limit of time may be fixed concurrent action shall be taken. No action of a preceding legislature taken the

SECTION 16. During any period when by concurrent resolution adopted by two tion is made that additional funds are not limit the amount of money required by the States. Such limitation shall continue until concurrent action of a majority of the termination of any such limitation the limitation without the express consent by legislatures of the several States.

SECTION 17. This article is declared to (Contained in resolutions of the braska, New Hampshire, and New

personal incomes in excess of 50 percent thereof and from taxes levied on income or profits of corporations in excess of 38 percent thereof.

SECTION 6. Before paying any sums into the funds created by sections 4 and 5 hereof, the Treasurer of the United States shall deduct therefrom 20 percent which shall be used in payment of the principal of the national debt of the United States.

SECTION 7. No tax shall hereafter be imposed on that portion of the incomes of individuals which does not exceed, in the case of unmarried persons, the sum of \$600 per annum, and in the case of married persons the sum of \$1,200 per annum jointly. A minimum deduction of \$600 per annum shall be allowed for each dependent.

SECTION 8. The Treasurer of the United States shall once in each year, from the separate fund created by section 4 hereof, pay to each of the several States $\frac{1}{4}$ of 1 percent of said fund and from the remainder of said fund shall pay to each State a portion of such remainder determined by the population of each State in ratio to the entire population of the several States according to the last Federal decennial census or any subsequent general census authorized by law.

SECTION 9. The Treasurer of the United States shall, from the separate fund created by section 5 hereof, pay to each State, once in each year, a sum equal to the amount of money in such fund which was collected from persons or corporations within such State.

SECTION 10. Any sums paid hereunder to the several States shall be available for appropriation only by the legislatures thereof. The legislatures may appropriate therefrom for any purpose not forbidden by the constitutions of the respective States and may appropriate therefrom for expenditures within the States for any purpose for which appropriations have heretofore been made by the Congress except such purposes as are specifically reserved by this Constitution for the exclusive power of the Congress. The people of each State may limit the expenditures of funds herein made available to the legislature, but shall not direct the appropriation thereof.

SECTION 11. Each legislature shall have power by rule or resolution to provide for the assembly thereof in special sessions for the purpose of considering amendments to, the suspension of, or the ratification of amendments proposed to this article.

SECTION 12. Each legislature shall have power to elect one or more persons to represent such legislature in any council or convention of States created by concurrent action of the legislatures of 32 States for the purpose of obtaining uniform action by the legislatures of the several States in any matters connected with the amendment of this article.

SECTION 13. The Congress shall not create, admit, or form new States from the territory of the several States as constituted on the 1st day of January 1949, and shall not create, form, or admit more than three States from the Territories and insular possessions under the jurisdiction of the United States on the 1st day of January 1949, or from territory thereafter acquired without the express consent of the legislatures of three-fourths of the several States.

SECTION 14. On and after January 1, 1949, the dollar shall be the unit of the currency. The gold content of the dollar as fixed on January 1, 1949, shall not be decreased.

SECTION 15. Concurrent action of the legislatures of the several States as used herein shall mean the adoption of the same resolution by the required number of legislatures. A limit of time may be fixed by such resolution within which such concurrent action shall be taken. No legislature shall revoke the affirmative action of a preceding legislature taken therein.

SECTION 16. During any period when this article is in effect the Congress may, by concurrent resolution adopted by two-thirds of both Houses wherein declaration is made that additional funds are necessary for the defense of the Nation, limit the amount of money required by this article to be returned to the several States. Such limitation shall continue until terminated by the Congress or by concurrent action of a majority of the legislatures of the several States. Upon termination of any such limitation the Congress may not thereafter impose a limitation without the express consent by concurrent action of a majority of the legislatures of the several States.

SECTION 17. This article is declared to be self-executing.

(Contained in resolutions of the States of Iowa, Maine, Michigan, Nebraska, New Hampshire, and New Mexico.)

TYPE E

SECTION 1. That sound public tax policy requires greater reliance upon State and local sources of revenue for necessary State and local improvements, with less dependence upon Federal appropriations, and the lower Federal taxes which such a policy will make possible.

SECTION 2. That Federal participation in the cost of State and local improvements (in which the Federal Government may have a legitimate interest) would be continued automatically, as long as State and local taxes paid by each taxpayer are deductible in computing the Federal income tax, and that this form of Federal assistance is preferable to outright grants-in-aid, with their accompanying Federal controls and additional costs.

SECTION 3. That such a shift in tax policy can only be instituted and accomplished by action of the Congress, followed by corresponding State and local action, rather than the other way around.

SECTION 4. That the Congress of the United States is therefore respectfully petitioned to institute such a fiscal policy, restudying the financial relationship of the three levels of Government so as to bring about less reliance upon Federal grants-in-aid for traditionally State and local functions of government, and to take appropriate action either to submit a constitutional amendment limiting the taxing powers of Congress (except in time of war or grave national emergency) or to call a constitutional convention for such purpose.

(Contained in resolution from the State of Oklahoma.)

TABLE 7.—State constitutional

State	Number of conventions ¹	Procedure for calling a con	
		Vote in legislature	Refer
Alabama.....	6	Majority members elected.	Majori- tion.
Arizona.....	1	Majority vote.....	Majori- tion.
Arkansas.....	6		Majori- tion.
California.....		$\frac{2}{3}$ members elected.....	Majori- tion.
Colorado.....	1	$\frac{2}{3}$ members elected.....	Majori- tion.
Connecticut.....	2		Majori- tion.
Delaware.....	5	$\frac{2}{3}$ members elected.....	Majori- tion.
Florida.....	5	$\frac{2}{3}$ all members.....	Majori- tion.
Georgia.....	12	$\frac{2}{3}$ all members.....	No re-
Idaho.....	1	$\frac{2}{3}$ members elected.....	Majo- ing ele-
Illinois.....	5	$\frac{2}{3}$ each house.....	Majo- ger
Indiana.....	2		Majo-
Iowa.....	3	Question mandatory every 10 years beginning 1870; legislature may provide for submission of question.	qu
Kansas.....	4	$\frac{2}{3}$ members elected.....	Maj- ge
Kentucky.....	6	Majority members elected, 2 successive sessions.	Maj- tio- fi- ti-
Louisiana.....	10	No constitutional provision; practice is proposal by legislature, approved by referendum vote.	No v- p- a- d-
Maine.....	1	$\frac{2}{3}$ both houses.....	M
Maryland.....	4	Question mandatory every 20 years beginning 1930.	M
Massachusetts.....	5	No constitutional provision; but legislature has submitted question of calling convention to people under its general powers.	M
Michigan.....	5	Question mandatory every 16 years beginning 1926.	M
Minnesota.....	1	$\frac{2}{3}$ members elected.....	M
Mississippi.....	7		M
Missouri.....	6	Question mandatory every 20 years.	M
Montana.....	1	$\frac{2}{3}$ members elected.....	M
Nebraska.....	4	$\frac{2}{3}$ members elected.....	M
Nevada.....	2	$\frac{2}{3}$ members elected.....	M
New Hampshire.....	14	Question mandatory every 7 years.	M
New Jersey.....	4		M
New Mexico.....	1	$\frac{2}{3}$ members elected.....	M
New York.....	8	Majority of legislature. Question mandatory every 20 years beginning in 1957.	M
North Carolina.....	6	$\frac{2}{3}$ members elected.....	M
North Dakota.....	1		M

See footnotes at end of table, p. 102.

TABLE 7.—State constitutional conventions *

State	Number of conventions ¹	Procedure for calling a convention ²		Popular ratification (convention proposals)
		Vote in legislature	Referendum vote	
Alabama.....	6	Majority members elected.	Majority voting at election.	No provision.
Arizona.....	1	Majority vote.....	Majority vote on question.	Majority vote on proposals.
Arkansas.....	6			
California.....		$\frac{2}{3}$ members elected.....	Majority vote on question.	Majority vote cast at special election.
Colorado.....	1	$\frac{2}{3}$ members elected.....	Majority vote on question.	Majority vote at election which may be special election.
Connecticut.....	2			
Delaware.....	5	$\frac{2}{3}$ members elected.....	Majority vote on question.	No provision.
Florida.....	5	$\frac{2}{3}$ all members.....	Majority vote on question.	No provision.
Georgia.....	12	$\frac{2}{3}$ all members.....	No referendum.....	Majority vote on proposals in state as a whole and majority vote of local electors in subdivision affected. "Adopted by people."
Idaho.....	1	$\frac{2}{3}$ members elected.....	Majority of electors voting in next general election.	
Illinois.....	5	$\frac{2}{3}$ each house.....	Majority voting at next general election.	Majority vote at special election.
Indiana.....	2			
Iowa.....	3	Question mandatory every 10 years beginning 1870; legislature may provide for submission of question.	Majority voting on the question.	No provision.
Kansas.....	4	$\frac{2}{3}$ members elected.....	Majority voting at next general election.	No provision.
Kentucky.....	6	Majority members elected, 2 successive sessions.	Majority vote on question at least $\frac{1}{4}$ qualified voters at last election.	No provision.
Louisiana.....	10	No constitutional provision; practice is proposal by legislature, approved by referendum vote.	No constitutional provision; practice is proposal by legislature, approved by referendum vote.	
Maine.....	1	$\frac{2}{3}$ both houses.....		No provision.
Maryland.....	4	Question mandatory every 20 years beginning 1930.	Majority voting at election.	Majority vote on proposals.
Massachusetts.....	5	No constitutional provision; but legislature has submitted question of calling convention to people under its general powers.	Majority voting on question.	
Michigan.....	5	Question mandatory every 16 years beginning 1926.	Majority voting at election.	Majority vote on proposals.
Minnesota.....	1	$\frac{2}{3}$ members elected.....	Majority voting at election.	No provision.
Mississippi.....	7			
Missouri.....	6	Question mandatory every 20 years.	Majority vote on question.	Majority vote on proposals.
Montana.....	1	$\frac{2}{3}$ members elected.....	Majority vote on question.	Majority vote at elections.
Nebraska.....	4	$\frac{2}{3}$ members elected.....	Majority voting at election.	Majority vote on proposals.
Nevada.....	2	$\frac{2}{3}$ members elected.....	Majority voters at election.	No provision.
New Hampshire.....	14	Question mandatory every 7 years.	Majority voting in town meetings.	$\frac{2}{3}$ voting in annual town meetings.
New Jersey.....	4			
New Mexico.....	1	$\frac{2}{3}$ members elected.....	Majority vote on question.	"Ratified by people."
New York.....	8	Majority of legislature. Question mandatory every 20 years beginning in 1957.	Majority vote on question.	Majority vote on proposals.
North Carolina.....	6	$\frac{2}{3}$ members elected.....	Majority voting at election.	No provision.
North Dakota.....	1			

See footnotes at end of table, p. 102.

TABLE 7.—*State constitutional conventions*—Continued

State	Number of conventions ¹	Procedure for calling a convention ²		Popular ratification (convention proposals)
		Vote in legislature	Referendum vote	
Ohio.....	4	2/3 members elected. Question mandatory every 20 years beginning 1932.	Majority vote on question.	Majority vote on proposals.
Oklahoma.....		Majority vote of legislature. Question mandatory every 20 years beginning 1907.	Majority vote on question.	Majority vote on proposals.
Oregon.....	2	Majority of Legislature or initiative petition of 8 percent of legal voters.	Majority vote on question.	No provision.
Pennsylvania.....	³ 5 (n)			
Rhode Island.....	6	Majority votes of legislature.	Majority votes on question.	According to terms of act calling convention.
South Carolina.....	7	2/3 members elected.....	Majority voting at election.	No provision.
South Dakota.....	1	2/3 members elected.....	Majority voting at election.	No provision.
Tennessee.....	4	Majority members elected.	Majority voting on question.	No provision.
Texas.....	5			
Utah.....	1	2/3 members elected.....	Majority voting at next general election.	Majority vote at next general election.
Vermont.....	11			
Virginia.....	³ 9	Majority members elected.	Majority vote on question.	No provision.
Washington.....	1	2/3 members elected.....	Majority voting at election.	"Adopted by people."
West Virginia.....	2	Majority members elected.	Majority voting at election which can be a special election.	"Ratified by voters."
Wisconsin.....	1	Majority of legislature...	Majority vote on question.	No provision.
Wyoming.....	1	2/3 members elected.....	Majority voting at next general election.	"Adopted by people."
Guam.....				
Hawaii.....	1	Question mandatory every 10 years.	Majority voting at election. ⁴	Majority vote on proposals. ⁴
Puerto Rico.....	1			
Virgin Islands.....				

¹ Source: The Book of the States, 1954-55, vol. X, Council of State Governments, Chicago.

² For dates of conventions and action taken at each, see The Book of the States, 1941-42, pp. 48-55, and subsequent volumes. Constitutional conventions for the purpose of proposing amendments were held in New Hampshire in 1930, 1938, 1941 and 1948. In New Hampshire eight proposed amendments were drafted by the Limited Constitutional Convention meeting April-July, 1953. They will be submitted to the people on November 3, 1953, and a majority of those voting will be sufficient to ratify each of the eight proposals. A single amendment to Virginia's constitution was effected by a convention on May 2, 1945.

³ In the states which make no provision for revision or amendment by constitutional convention, it appears that such conventions have been held permissible as an inherent right of the people acting through elected representatives.

⁴ One of these was not a convention, but a special constitutional commission appointed by the Governor, under authority of an act of the legislature.

⁵ Majority vote must constitute 35 percent of total vote cast at general election, or of registered voters at special election.

PRESENT FEDERAL PROCEDURE FOR CONSTITUTIONAL AMENDMENTS TO THE CONSTITUTION

Originally, Revised Statute 205 committing resolutions containing constitutional amendments to the President. By its authority, the State Department

In 1950, however, Reorganization Plan No. 1 effective May 24, 1950, transferred the functions of the President to the General Services Administration.

In 1951, Congress enacted section 101 of the General Services Administration Code, which repealed Revised Statute 205 brought about by Reorganization Plan No. 1.

The following procedure is not yet developed through the years:

(1) When Congress adopts a resolution for amendment, certified copies are sent to the States for ratification.

(2) The General Services Administration issues a resolution with covering letter, to advise the State legislatures. Receipt of the resolution is reported to the President by the Governors.

(3) When the State legislature approves a proposed amendment, General Services Administration issues a resolution either from (a) the Governor, or (b) the State legislature.

(4) When it is evident that nearly all States have ratified a proposed amendment, General Services Administration is in constant touch with the remaining States. When all legislatures are in session.

(5) When the legislatures of three-fourths of the States have ratified a proposed amendment, the Administration issues a proclamation declaring the proposed amendment to be part of the United States Constitution.

PRESENT FEDERAL PROCEDURE FOR TRANSMITTING PROPOSED
CONSTITUTIONAL AMENDMENTS TO THE STATES FOR RATIFICA-
TION

Originally, Revised Statute 205 contained the procedure for transmitting resolutions containing constitutional amendments to States. By its authority, the State Department performed this function.

In 1950, however, Reorganization Plan No. 20 (5 U. S. C. 133z), effective May 24, 1950, transferred the functions to the General Services Administration.

In 1951, Congress enacted section 106b of title 1, United States Code, which repealed Revised Statute 205 and reflected the changes brought about by Reorganization Plan No. 20 of 1950.

The following procedure is not wholly statutory. It has been developed through the years:

(1) When Congress adopts a resolution proposing a constitutional amendment, certified copies are sent to the General Services Administration.

(2) The General Services Administration transmits copies of the resolution with covering letter, to the Governors asking them to advise the State legislatures. Receipt acknowledgment is obtained from the Governors.

(3) When the State legislature approves or disapproves a proposed amendment, General Services Administration receives notification either from (a) the Governor, or (b) the State legislature.

(4) When it is evident that nearly three-fourths of the States have ratified a proposed amendment, General Services Administration keeps in constant touch with the remaining States, especially those whose legislatures are in session.

(5) When the legislatures of three-fourths of the States have ratified a proposed amendment, the Administrator of General Services issues a proclamation declaring the proposal to be officially part of the United States Constitution.

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