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ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225–3951 http://www.house.gov/judiciary

October 3, 2016

The Honorable Karen Haas Clerk of the U.S. House of Representatives U.S. Capitol, Room H154 Washington, D.C. 20515

Dear Madam Clerk,

Pursuant to section 3(c) of House Resolution 5 (114th Congress), I hereby designate the attached Memorial from the State of Louisiana, received by the House of Representatives in the year 1970, as purporting to be an application of the State legislature calling for a convention for proposing amendments to the Constitution of the United States pursuant to Article V, and request that you make it publicly available.

Sincerely,

Bob Goodlatte

Chairman

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Regular Session, 1970

SENATE CONCURRENT RESOLUTION NO. 25

BY MR. JOHNSTON

ORIGINATED

IN THE

SENATE

SECRETARY OF THE SENATE

Regular Session

SENATE CONCURRENT RESOLUTION NO. 25

BY MR. JOHNSTON

A CONCURRENT RESOLUTION

Memorializing the Congress of the United States with respect to the calling of a convention for the purpose of proposing an amendment to the Constitution of the United States relative to the power of Congress and the states to levy and collect taxes upon the income derived from interest paid on evidences of indebtedness of the United States, the states and any political subdivision, agency or instrumentality of the United States or the states.

WHEREAS, the imposition of taxes by the United States
Government on the interest earned on indebtedness of States,
their political subdivisions, and the agencies and instrumentalities thereof, would create a burden on and restrict
the power of state and local governments to fund money; and

WHEREAS, the constantly recurring attempts of Congress and the Treasury Department of the United States to impose or attempt to impose such taxes, directly or indirectly, has severely damaged and continues to threaten great damage to the ability of all state and local governmental units to borrow money for needed public improvements and has delayed many improvements and substantially increased the cost of those undertaken, to the detriment of the taxpayer; and

WHEREAS, the continued attempts to impose such taxes violates the constitutional principle of reciprocal

intergovernmental tax immunity first enunciated by the Supreme Court of the United States in McCulloch v. Maryland (4 Wheat 316) in the year 1819 and more specifically applied by that court in Pollack v. Farmers' Loan & Trust Co. (157 U.S. 429) and later cases; and

WHEREAS, it is urgent and essential to the best interest of the citizens of this and all other states that definitive action be taken to insure against further attempts on the part of Congress to tax such interests earnings by amending the Constitution of the United States to unequivocally reaffirm the principle of reciprocal intergovernmental tax immunity and thereby to restore investor confidence in the market for such evidences of indebtedness and consequently reduce the burden incident to borrowing by the states, their political subdivisions, agencies and instruementalities, and ultimately the burden on the taxpayer.

THEREFORE, BE IT RESOLVED by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring that, in conformity with Article V of the Constitution of the United States, application is hereby made by the Legislature of Louisiana to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States which shall read substantially as follows:

"Article ____

Without the consent of a state, the Congress shall have no power to levy or provide for the collection of any tax, direct or indirect, upon income derived from interest paid on evidences of indebtedness of such state or of any political subdivision, agency or instrumentality thereof, nor shall any state have power, without the consent of Congress, to levy and collect any tax, direct or indirect, upon income derived from interest paid on obligations of the United States or of any agency or

instrumentality thereof."

BE IT FURTHER RESOLVED that duly attested copies of this
Concurrent Resolution shall be transmitted immediately by the
Secretary of State of Louisiana to the President and Secretary
of the Senate of the Congress of the United States, to the
Speaker and Clerk of the House of Representatives of the
Congress of the United States, to the Secretary of State of
the United States and to each member of the Congress from the
State of Louisiana.

BE IT FURTHER RESOLVED that this Concurrent Resolution shall continue in full force and effect until December 31, 1975.

LIEUTENANT GOY RNOR AND PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES