



28th Amendment Fact Sheet

Text of the 1789 Amendment

Article the First. – After the First Enumeration, required by the First Article of the Constitution, there shall be One Representative for every Thirty Thousand, until the Number shall amount to One Hundred; after which the Proportion shall be so regulated by Congress that there shall not be less than One Hundred Representatives, nor less than One Representative for every Forty Thousand Persons, until the number of Representatives shall amount to Two Hundred, after which the Proportion shall be so regulated by Congress that there shall not be less than Two Hundred Representatives, nor more than one Representative for every Fifty Thousand Persons.

Q: If we ratify this 28th Amendment with a U.S. population of 320 million, we'll have 6,400 members of the U.S. House! Where would we put them all?

A: Which government places greater burdens on the American people – State or federal? The same 320 million Americans have 7,382 state legislators but only 535 federal ones. This is preposterous.

After ratifying the amendment, during the massive redistricting process in every state, various groups will be pushing passage of the *Bring Congress Home Act* (BCHA) – a far more comprehensive version of HR287 filed by Eric Swalwell (D-CA) and Steve Pearce (R-NM) in 2013. Congress must move out of the 19th century.

Q: But won't the added cost be astronomical?

A: Total congressional operating budget would be approximately equal to the present \$5.85 billion. Rather than the present 3-6 offices and staffs, U.S. congressmen under the BCHA would have a single office and paid staff of two. The BCHA will also end opulent perks and pensions and limit all members of Congress to two terms, either house.

Q: Doesn't the 20th Amendment say, "The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January"?

A: Yes. People attend meetings every day via teleconference and videoconference; Congress can do the same. It's time We The People ended Washington D.C. organized crime, and we begin with the 28th Amendment.

Q: It has been 223 years since the last ratification vote was held on this original First Amendment; hasn't the statute of limitations run out on this process?

A: No; unless there is a ratification deadline in the body of the article, a constitutional amendment has no expiration date for ratification. The original Second Amendment was not finally ratified by the required 38th state legislature until 204 years after Congress passed it on to the states for ratification in 1789.

Q: If this amendment was so important, why wasn't it ratified when Congress first passed it?

A: It was ratified when Congress first passed it! See page 3 of the draft Joint Resolution; the Connecticut House of Representatives in October 1789 voted to ratify; the CT Senate in May 1790 also voted to ratify. The House sought in 1790 to alter its vote due to a transcribing error, but the Senate rejected the idea, thus technically, Kentucky's 1792 vote was the twelfth vote among 15 states, more than three-fourths of the states.

Q: With 6400 seats in the U.S. House, we will be faced with a massive redistricting project. Given our workload on budgetary and operational matters in our state, why should the State Legislature spend time on this frivolous political issue?

A: George Washington did not speak publicly at the 1787 Constitutional Convention until the final day of that historic four-month gathering. When he finally rose to speak on the last day of the convention, Washington's first words were to urge his fellow delegates to support apportionment of representation at one congressman per 30,000 people. As a practical matter, this is very simple: no committees, reconciliation bill, or governor's signature for a ratification vote, and we provided your draft Joint Resolution. This is not rocket science.

As to redistricting your state for proper apportionment of U.S. representatives, we can contract a GIS mapping company and redistricting attorneys to work with your legislature's designated staff and/or redistricting committee to help draw final boundaries and GIS/TIGER maps for your state's new U.S. congressional districts, at a very reasonable group rate because they will be performing the same project for 50 state legislatures. The new redistricting map service will include up to three mapping and dataset iterations.

Q. Some people argue that the amendment has a fatal flaw in the last sentence, "*there shall not be less than Two Hundred Representatives, nor more than one Representative for every Fifty Thousand Persons.*" That should say, not less than one for every 50,000 persons; so if we ratify, we could have as few as 200 members in the U.S. House. How do you answer these websites?

A. Read the amendment; as the 11 legislatures knew when they ratified the amendment, it is clear that the progression is 1: 30,000 then 1: 40,000 and finally 1: 50,000 people. Those who raise this objection either have ulterior motives or are ignorant of the history of Article I, Section 2, Clause 4.

The 71st Congress, in restricting the House to only 435 districts, hijacked the Constitution. The Founding Fathers made this their first article of amendment because, as George Washington made clear during the Convention, adequate representation was paramount. It is time for our state legislatures to turn the tables on Washington D.C., bring Congress home, and restore rule of law.

This first vital step in that process cannot be stopped by Washington D.C.; the amendment was passed by Congress, sent on to the state legislatures, and arguably already ratified once. **Now it is your duty to perform!**

Suggested Joint Resolution

Original Constitutional Amendment #1 (to be the 28th Amendment)

Offered by Rep. _____

WHEREAS, The First Congress of the United States of America, at its first session begun and held March 4, 1789, sitting in New York, New York, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

“RESOLVED, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both houses concurring, that the following (Article) be proposed to the Legislatures of the several States, ... which (Article), when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.: (An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

“Article the First. – After the First Enumeration, required by the First Article of the Constitution, there shall be One Representative for every Thirty Thousand, until the Number shall amount to One Hundred; after which the Proportion shall be so regulated by Congress that there shall not be less than One Hundred Representatives, nor less than One Representative for every Forty Thousand Persons, until the number of Representatives shall amount to Two Hundred, after which the Proportion shall be so regulated by Congress that there shall not be less than Two Hundred Representatives, nor more than one Representative for every Fifty Thousand Persons.” And

WHEREAS, on the last day of the 1787 Constitutional Convention, delegate Nathanael Gorham proposed a change in Article I, Section 2, Clause 4 of the new U.S. Constitution, to limit the size of a U.S. congressional district to 30,000 people rather than 40,000 people – and this was the only subject about which President George Washington felt strongly enough to publicly address the Convention, urging the revision to smaller districts because 40,000 was too large; and

WHEREAS, of the first 12 amendments passed by Congress on September 25, 1789 the subject amendment was placed in first position for the reason given by Melancton Smith at the New York

ratifying convention: *“We certainly ought to fix in the Constitution those things which are essential to liberty. If anything falls under this description, it is the number of the legislature”*; and

WHEREAS in one of the Anti-Federalist letters, the prophetic 'Cato' admonished: *“It is a very important objection to this government, that the representation consists of so few; too few to resist the influence of corruption, and the temptation to treachery, against which all governments ought to take precautions...”* and

WHEREAS, Article V of the Constitution of the United States allows the ratification of the proposed Amendment to the United States Constitution by the Legislature of the State of _____ , and does not dictate a time limit on ratification of an amendment submitted by Congress, and the First Congress specifically having not provided a time constraint for ratification of the above-quoted Amendment; and

WHEREAS, The Supreme Court of the United States in 1939 ruled in the landmark case of Coleman v. Miller that Congress is the final arbiter on the question of whether too much time has elapsed between Congress' submission of a particular amendment and the most recent state legislature's ratification of same if Congress did not specify a deadline on the proposal's consideration; and

WHEREAS, the Legislature of the State of _____ finds that the proposed Amendment is today even more meaningful and necessary to the United States Constitution than in the eighteenth century when submitted for adoption, given the level of corruption and lobbyist tampering resulting in multi-million-dollar U.S. congressional elections and inability of the United States Representative to meaningfully interact with the citizens he or she is supposed to represent; and

WHEREAS, the original First Amendment was designed to avoid precisely what we suffer today: multimillion-dollar campaigns for U.S. congressmen whose districts include up to 750,000 citizens and more – a population that they can never personally know, much less represent; and

WHEREAS, the proposed amendment to the United States Constitution has already been ratified by the legislatures of the following 11 states on the dates indicated, to wit: New Jersey on November 20, 1789; Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; New Hampshire on January 25, 1790; New York on March 27, 1790; Rhode Island on June 15, 1790; Pennsylvania on September 21, 1791; Vermont on November 3, 1791; Virginia on December 15, 1791; and Kentucky on June 24, 1792; and

WHEREAS, the original First Amendment did actually receive sufficient votes for ratification once Kentucky's vote was recorded, due to the fact that the Connecticut House of Representatives in October 1789 voted to ratify Article the First, and the Connecticut Senate in May 1790 also voted to ratify it, and although the House sought by May 1790 to alter its vote due to a transcribing error, the Senate rejected the idea, thus technically, Kentucky's 1792 vote was the twelfth vote in 15 states at the time, the original First Amendment thus having been ratified by more than three-fourths of the states, making this present-day campaign truly a *re*-ratification of the People's original Right in the Bill of Rights; and

WHEREAS in 1993, the thirty-eighth State Legislature ratified the original Second Amendment, which had been ratified by the first State over 204 years earlier, at which time the Archivist of the United States declared it ratified as the Twenty-Seventh Amendment to the United States Constitution; and

WHEREAS the national member organization AmericaAgain! has offered to provide at no cost to this state, the requisite GIS/TIGER mapping consultants and apportionment law attorneys to facilitate as many as three iterations of the new redistricting map that will be necessitated by the ratification of the 28th Amendment; and

WHEREAS this joint resolution only calls for the ratification vote of the original First Amendment to the U.S. Constitution under the stipulations of Article V thereof, and is not state legislation requiring committee deliberations, a reconciliation process or signature by the Governor; and

WHEREAS all due deliberation on this matter has been held on the floor of both Houses of this Legislature, it was found in the best interests of the people of _____ that the ratification vote be held without delay, and such vote having been held in favor of ratification;

THEREFORE, be it RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE _____ LEGISLATURE OF THE STATE OF _____, THE SENATE CONCURRING HEREIN, that the foregoing proposed Amendment to the Constitution of the United States is ratified by the Legislature of the State of _____; and be it further RESOLVED, that the Secretary of State of _____ shall transmit certified copies of this resolution to the Archivist of the United States, to the Vice-President of the United States, and to the Speaker of the United States House of Representatives with a request that it be printed in full in the Congressional Record.