

Ratify28 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, AmericaAgain! 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, it would have been 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 will provide a draft Joint Resolution. This is not rocket science.

As to redistricting your state for proper apportionment of U.S. representatives, AmericaAgain! has contracted a GIS mapping company and redistricting attorneys who will work with your legislature's designated staff and committee to help draw final boundaries and GIS/TIGER maps for your state's new U.S. congressional districts, at no charge to the taxpayers (up to three district map and data set 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. As explained on page 5 of the book *FEAR The People*, 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!