

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

)	
RONALD J. CALZONE)	
Plaintiff,)	
)	
vs.)	
)	
RONALD F RICHARD, Missouri Senate)	
President pro tem)	
and)	
)	CASE NO. _____
ROBERT TODD RICHARDSON, Missouri)	
House of Representatives Speaker)	
)	

VERIFIED PETITION

COME NOW, the Plaintiff, Ronald J. Calzone, and states as follows:

1) This Action is a request for a declaratory judgment relating to Missouri Senate Concurrent Resolution No. 4 (SCR 4 – 2017), particularly that it portends transmission of an application directly to Congress, without first being presented to the Governor, for a convention pursuant to the United States Constitution's Article V in violation of the Missouri Constitution's presentment clause in Article IV, Section 8. (“Every resolution to which the concurrence of the senate and house of representatives may be necessary, except on questions of adjournment, going into joint session, and of amending this constitution, shall be presented to the governor..”)

2) This action includes, upon proper motion, a request for a temporary restraining order prohibiting the General Assembly from executing SCR 4, especially transmission

of the application to Congress, until this controversy is resolved.

3) Plaintiff Ron Calzone is a taxpayer and citizen of Missouri.

4) Plaintiff is regularly engaged as an uncompensated citizen activist in an effort to promote constitutional governance, including efforts to ensure that legislation passed by the General Assembly adheres to constitutional requirements both substantively and procedurally. Such activities include educating legislators about *constitutional limitations on their legislative powers* as well as their affirmative duties.

HOW PLAINTIFF IS IMPACTED

5) The Plaintiff is directly impacted by the unconstitutional avoidance of Article IV, Section 8's requirement that concurrent resolutions be presented to the governor. The People, through the Constitution, have placed limits on the legislature's power, which, if ignored, undermine the very foundation of our constitutional republic. Ignoring those limits nullifies the most basic premise of Missouri's social compact, "That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole." *Missouri Constitution, Article I Section 1*

6) The Plaintiff is particularly impacted in light of the many hours he spends virtually every week of the legislative session in an effort to keep legislation constitutional – he is much more than a casual observer of the legislative process.

STANDING

7) Plaintiff enjoys standing as a matter of constitutional right, based on Missouri Constitution Article 1 §§ 1, 2, 4 (conventions clause), 9 (petition clause), 10 (due process clause), 14 (access to courts), as well as their equivalents in the U.S. Constitution and the Fourteenth Amendment, thereof. “It is well established that all persons enjoy a constitutional right of access to the courts, although the source of this right has been variously located in the First Amendment right to petition for redress, the Privileges and Immunities Clause of Article IV, section 2, and the Due Process Clauses of the Fifth and Fourteenth Amendments. See *Morello v. James*, 810 F.2d 344, 346 (2d Cir.1987); see also *Simmons v. Dickhaut*, 804 F.2d 182, 183 (1st Cir.1986) (collecting cases)”. *Monsky v. Moraghan*, 127 F. 3d 243, 246 - Court of Appeals, 2nd Circuit 1997

DEFENDANTS

8) Ronald F. Richard, in his official capacity as Missouri Senate President pro tem. Senator Richard is an appropriate defendant because in his official capacity he oversees the process by which the subject resolution was passed and controls the subsequent actions, especially transmittal to Congress.

9) Robert Todd Richardson, in his official capacity as Speaker of the Missouri House of Representatives. Representative Richardson is an appropriate defendant because in his official capacity he oversees the process by which the subject bill was passed and controls the subsequent actions, especially transmittal to Congress.

LEGAL BASIS AND TIMELINESS OF ACTION

10) Among other authorities, this action is brought pursuant to Section 516.500, RSMo 2014 which states:

No action **alleging a procedural defect in the enactment of a bill into law** shall be commenced, had or maintained by any party **later than the adjournment of the next full regular legislative session following the effective date of the bill as law**, unless it can be shown that there was no party aggrieved who could have raised the claim within that time. In the latter circumstance, the complaining party must establish that he or she was the first person aggrieved or in the class of first persons aggrieved, and that the claim was raised not later than the adjournment of the next full regular legislative session following any person being aggrieved. In no event shall an action alleging a procedural defect in the enactment of a bill into law be allowed later than five years after the bill or the pertinent section of the bill which is challenged becomes effective. Emphasis added.

11) This action is brought before the adjournment of the next full regular legislative session following the enactment of SCR 4.

VENUE

12) Cole County Circuit Court is the proper venue since the seat of Missouri government and the General Assembly resides in Cole County.

“In all actions in which there is no count alleging a tort, venue shall be determined as follows: (1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;”
508.010 RSMO 2014

CONTROLLING LAWS

13) Missouri Constitution Article IV Section 8 states that,

“Every resolution to which the **concurrence of the senate and house of representatives may be necessary**, except on questions of adjournment, going into joint session, and of amending this constitution, **shall be presented to the governor**, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill; provided, that no resolution shall have the effect to repeal, extend, or amend any law.”
Emphasis Added.

BILL HISTORY

14) Senate Concurrent Resolution 4 (SCR 4) was introduced and First Read in the Missouri Senate on January 4, 2017.

15) One April 13, 2017, the Senate Third Read and Passed the resolution.

16) One May 12, 2017, on the final day of the legislative session, the House of Representatives Truly Agreed to and Finally Passed SCR 4.

Exhibit A.

17) The full text of the resolution is:

SENATE CONCURRENT RESOLUTION NO. 4

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which place limits on the federal government.

Whereas, the Founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

Whereas, the federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

Whereas, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, it is the solemn duty of the states to protect the liberty of our people - particularly for the generations to come - to propose amendments to the United States Constitution through a convention of states under Article V to place clear restraints on these and related abuses of power:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby apply to Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and members of Congress; and

BE IT FURTHER RESOLVED that the General Assembly adopts this application with the following understandings (as the term "understandings" is used within the context of "reservations, understandings, and declarations"):

(1) An application to Congress for an Article V convention confers no power on Congress other than to perform a ministerial function to "call" for a convention;

(2) This ministerial duty shall be performed by Congress only when Article V applications for substantially the same purpose are received from two-thirds of the legislatures of the several states;

(3) The power of Congress to "call" a convention solely consists of the authority to name a reasonable time and place for the initial meeting of the convention;

(4) Congress possesses no power whatsoever to name delegates to the convention, as this power remains exclusively within the authority of the legislatures of the several states;

(5) Congress possesses no power to set the number of delegates to be sent by any states;

(6) Congress possesses no power whatsoever to determine any rules for such convention;

(7) By definition, a Convention of States means that states vote on the basis of one state, one vote;

(8) A Convention of States convened pursuant to this application is limited to consideration of topics specified herein and no other;

(9) The General Assembly of Missouri may recall its delegates at any time for breach of their duties or violations of their instructions;

(10) Pursuant to the text of Article V, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The General Assembly of Missouri recommends that Congress specify its choice on ratification methodology contemporaneously with the call for the convention;

(11) Congress possesses no power whatsoever with regard to the Article V convention beyond the two powers acknowledged herein;

(12) Missouri places express reliance on prior legal and judicial determinations that

Congress possesses no power under Article I relative to the Article V process, and that Congress must act only as expressly specified in Article V; and

BE IT FURTHER RESOLVED that this application shall expire five (5) years after the passage of this resolution; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states requesting their cooperation.

Exhibit A.

NATURE OF THIS ACTION

18) This action is for a **declaratory judgment** that the Missouri Constitution requires the General Assembly to present SCR 4 to the Governor for his consideration and be proceeded upon in the same manner as in the case of a bill, and an **order or injunction** against the transmission of SCR 4 to Congress unless such procedures have been properly satisfied.

RIPENESS

19) As will be further explained below, there does exist a controversy ripe for judicial determination. *Missouri Health Care Ass'n v. Attorney Gen. of the State of Mo.*, 953 S.W.2d 617, 621 (Mo. Banc 1997)

20) There can be a ripe controversy before a statute is enforced. *Missouri Health Care Ass'n*, 953 S.W.2d at 621. "Parties need not subject themselves to a multiplicity of

suits or litigation or await the imposition of penalties under an unconstitutional enactment in order to assert their constitutional claim for an injunction . . . [o]nce the gun has been cocked and aimed and the finger is on the trigger, it is not necessary to wait until the bullet strikes to invoke the Declaratory Judgment Act." *ANR Pipeline Co. v. Corp. Comm'n of State of Okla.*, 860 F.2d 1571, 1578 (10th Cir. 1988); see also *Babbitt v. United Farm Workers Nat'l Union*, 442 U.S. 289, 298 (1979) (a petitioner need not expose himself to enforcement before challenging a statute). One must assume the State will enforce its laws. See *Tietjens v. City of St. Louis*, 222 S.W.2d 70, 72 (Mo. banc 1949) (action was ripe even where city was not prepared to enforce the ordinance and the plaintiffs had not yet actually violated the ordinance).

21) As will be shown below, the intent to transmit SCR 4 as an application to Congress for a convention pursuant to Article V of the U.S. Constitution, **without first presenting it to the Governor**, is obvious.

Count 1

The Missouri Senate and House of Representatives Are In the Process of Violating Article IV, Section 8 of the Missouri Constitution by Avoiding Presentation of Senate Concurrent Resolution 4 to the Governor Before Its Execution

22) Plaintiff hereby restates and incorporates paragraphs 1 through 18, above, as if set forth fully herein.

The Legislative Process Can Not Be Legally Circumvented

23) The government of Missouri, including the General Assembly, possesses no powers other than those derived from the People of Missouri. *Mo. Constitution Article I, § 1*

24) The conveyance of power from the People to the government of Missouri includes certain specific constitutional limitations on the use of the legislative power. One such limitation is the requirement that concurrent resolutions be presented to the Governor and “ before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill.”

“Every resolution to which the **concurrence of the senate and house of representatives may be necessary**, except on questions of adjournment, going into joint session, and of amending this constitution, **shall be presented to the governor**, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill; provided, that no resolution shall have the effect to repeal, extend, or amend any law.”
Emphasis Added. *Missouri Constitution Article IV Section 8*

25) The People have placed numerous other limits on legislative power, such as the requirement that each bill adhere to its **original purpose** and that it be **read by title** three times in each legislative chamber before it can be finally passed (*Article III, Section 21*), and that each bill be **referred to a committee** which will **keep records** of its proceedings (*Article III, Section 22*), and that each bill contain only **one subject** (with certain exceptions) which shall be clearly expressed in its **title** (*Article III, Section 23*).

26) The People, through their Constitution, have placed other limitations and requirements on the internal processes and procedures of the General Assembly, such as the requirement that **each bill be printed in its final form** and **distributed** among the members before it is considered for final passage (*Article III, Section 24*), and a **date limit** on the introduction of bills (*Article III, Section 25*), and a requirement to keep a **journal** of its proceedings, including a **recorded vote** when five or more members

request it (*Article III, Section 26*), the use of conference committees (*Article III, Section 27*), and requirements relating to the **form by which bills are drafted** (*Article III, Section 28*).

27) The People have also stipulated the time laws that have been passed by the General Assembly **become effective** (*Article III, Section 29*), and the requirement that **each bill be signed by the presiding officers** of the House and Senate in a particular fashion and with specific **public declarations** before specified individuals **present the bill, in person, to the Governor** on the same day it was signed, and then that fact be entered into the **journal** (*Article III, Section 30*).

28) The People placed many other constitutional requirements on the legislative process, as well as limitations on the powers of the General Assembly in the balance of Article III and Article IV.

29) The circumventing of any of those required elements of the legislative process nullifies a bill that would otherwise become law.

*The General Assembly Is Circumventing The Legislative Process
With Senate Concurrent Resolution 4*

30) Typically, resolutions include a statement that explains exactly how the resolution will proceed once it is passed, including what the Secretary of the Senate or Chief Clerk of the House is instructed to do. SCR 4 concludes with:

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states requesting their cooperation.

31) SCR 4 includes **no instruction to present the resolution to the Governor**, as required by Article IV, Section 8.

32) Resolutions that ARE presented to the Governor include instructions to the Secretary of the Senate or Chief Clerk of the House to that effect. For instance, SCR 50 (2016) was presented to the Governor and it concludes with:

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Exhibit B.

SCR 46 (2016) was presented to the Governor, who vetoed it, whereupon the Senate and House overrode the veto. SCR 46 concludes with:

Be It Further Resolved that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Exhibit C.

SCR 1 (2015) was also presented to the Governor and the resolution concludes with:

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Exhibit D.

33) Resolutions that ARE NOT presented to the Governor do not include an instruction to the Secretary of the Senate or Clerk of the House to present it to the Governor. For example, SCR 42 (2016) was not presented to the Governor, and it

concludes with:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby declare November 14, 2016, as Neuroblastoma Cancer Awareness Day.

Exhibit E.

SCR 43 (2016) was not presented to the Governor and it concludes with:

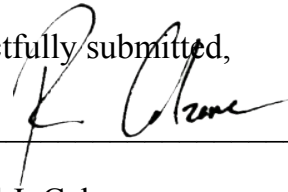
Be it further resolved that the Joint Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-eighth General Assembly and the First Regular Session of the Ninety-ninth General Assembly through December 31, 2016, as acknowledged by State v. Atterburry, 300 S.W.2d 806 (Mo. 1957).

Exhibit F.

34) It is clear from past practices that, absent instructions to do so in the body of the resolution, Senate Concurrent Resolution 4 (2017) will not be presented to the Governor, as required to by Article IV, Section 8.

WHEREFORE, Plaintiff prays that the Court, pursuant to § 516.500, RSMo, hear this action: that the Court issue a declaratory judgment that, as a concurrent resolution, CCR 4 is void without being presented to the Governor pursuant to Article IV, Section 8, and upon proper motion, issue temporary restraining orders, preliminary and permanent injunctions enjoining Defendants from transmitting SCR 4 to Congress, as well as any remedies the Court determines support the Constitution and further justice.

Respectfully submitted,




Ronald J. Calzone, pro se
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Dixon, MO 65459
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Fax: (573) 759-2147
ron@mofirst.org
PLAINTIFF

Certificate of Service

I, Ronald J. Calzone, do hereby certify that a true and correct copy of the foregoing petition was served in person and also provided to the Cole County Sheriff on, May 19, 2017, to be served on each of the following defendants.

Ronald Richard, President Pro tem
Missouri Senate
201 W Capitol Ave., Rm. 326
Jefferson City, Missouri 65101
(573) 751-2173
DEFENDANT

Robert Todd Richardson, Speaker
Missouri House of Representatives
201 West Capitol Avenue Room 308
Jefferson City MO 65101
(573) 751-4039
DEFENDANT

By 

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PLAINTIFF

Table of Exhibits

Exhibit A. Finally Agreed to and Passed version of Senate Concurrent Resolution 4 (2017).

Exhibit B. Finally Agreed to and Passed version of Senate Concurrent Resolution 50 (2016).

Exhibit C. Finally Agreed to and Passed version of Senate Concurrent Resolution 46 (2016).

Exhibit D. Finally Agreed to and Passed version of Senate Concurrent Resolution 1 (2015).

Exhibit E. Finally Agreed to and Passed version of Senate Concurrent Resolution 42 (2016).

Exhibit F. Finally Agreed to and Passed version of Senate Concurrent Resolution 43 (2016).

SENATE CONCURRENT RESOLUTION NO. 4

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which place limits on the federal government.

Whereas, the Founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

Whereas, the federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

Whereas, the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, it is the solemn duty of the states to protect the liberty of our people - particularly for the generations to come - to propose amendments to the United States Constitution through a convention of states under Article V to place clear restraints on these and related abuses of power:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby apply to Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and members of Congress; and

BE IT FURTHER RESOLVED that the General Assembly adopts this application with the following understandings (as the term "understandings" is used within the context of "reservations, understandings, and declarations"):

(1) An application to Congress for an Article V convention confers no power on Congress other than to perform a ministerial function to "call" for a convention;

(2) This ministerial duty shall be performed by Congress only when Article V applications for substantially the same purpose are received from two-thirds of the legislatures of the several states;

(3) The power of Congress to "call" a convention solely consists of the authority to name a reasonable time and place for the initial meeting of the convention;

(4) Congress possesses no power whatsoever to name delegates to the convention, as this power remains exclusively within the authority of the legislatures of the several states;

(5) Congress possesses no power to set the number of delegates to be sent by any states;

(6) Congress possesses no power whatsoever to determine any rules for such convention;

(7) By definition, a Convention of States means that states vote on the basis of one state, one vote;

(8) A Convention of States convened pursuant to this application is limited to consideration of topics specified herein and no other;

(9) The General Assembly of Missouri may recall its delegates at any time for breach of their duties or violations of their instructions;

(10) Pursuant to the text of Article V, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The General Assembly of Missouri recommends that Congress specify its choice on ratification methodology contemporaneously with the call for the convention;

(11) Congress possesses no power whatsoever with regard to the Article V convention beyond the two powers acknowledged herein;

(12) Missouri places express reliance on prior legal and judicial determinations that Congress possesses no power under Article I relative to the Article V process, and that Congress must act only as expressly specified in Article V; and

BE IT FURTHER RESOLVED that this application shall expire five (5) years after the passage of this resolution; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states requesting their cooperation.

SENATE CONCURRENT RESOLUTION NO. 50

Unofficial

Relating to recognition of September as Suicide Prevention Awareness Month in Missouri

WHEREAS, in the United States, suicide is the second leading cause of death among 15 to 24-year olds and the tenth leading cause of death overall; and

WHEREAS, in the United States, one suicide occurs on average every 12.8 minutes; and

WHEREAS, in the United States, over one million people attempt suicide each year, and nearly five million people are survivors of a suicide of a loved one or friend; and

WHEREAS, in 2013, the number of suicides in Missouri more than doubled the number of homicides; and

WHEREAS, the suicide rate in Missouri outpaces the national suicide rate; and

WHEREAS, suicide prevention awareness programs have been shown to reduce the stigma associated with suicide and develop broad community support for suicide prevention; and

WHEREAS, the establishment of Suicide Prevention Awareness Month would provide an appropriate venue to communicate an important message to the public about the extent of this serious public health concern and the existence of community and mental health programs available to aid those in need:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby recognize each year the month of September as "Suicide Prevention Awareness Month"; and

BE IT FURTHER RESOLVED that the citizens of Missouri are encouraged to participate in appropriate activities such as wearing turquoise and purple ribbons to raise awareness of suicide prevention; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Unofficial

An act by concurrent resolution and pursuant to Article IV, Section 8, to disapprove the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range.

Whereas, the Department of Health and Senior Services filed a proposed rule 19 CSR 15-8.410 on December 26, 2014, and filed the order of rulemaking with the Joint Committee on Administrative Rules on May 1, 2015; and

Whereas, the Joint Committee on Administrative Rules held a hearing on May 12, 2015, and has found 19 CSR 15-8.410, lacking in compliance with the provisions of Chapter 536, RSMo;

Now Therefore Be It Resolved the General Assembly finds that the Department of Health and Senior Services has violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of sections 536.014, 536.200, 536.205, 536.300, and 536.303, RSMo; and

Be It Further Resolved that the Ninety-eighth General Assembly, Second Regular Session, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the final order of rulemaking for the proposed rule 19 CSR 15-8.410 Personal Care Attendant Wage Range; and

Be It Further Resolved that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for the proposed rule 19 CSR 15-8.410, upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-eighth General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

Be It Further Resolved that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Resolution

Copy

SENATE CONCURRENT RESOLUTION NO. 1

Relating to recognition of January as sex trafficking awareness month.

Whereas, sex trafficking is a modern-day form of slavery in which psychological and physical coercion is used to force people to engage in commercial sex acts; and

Whereas, the Justice Department has identified St. Louis as a major hub of sex trafficking; and

Whereas, the average victim of sex trafficking is thirteen years old; and

Whereas, sex traffickers have been luring young girls and boys into the sex trade industry through the internet or by meeting adolescents on the street through promises of a better life, a place to stay, friendship, and money; and

Whereas, these girls and boys, once lured into the sex trade industry, often suffer beatings, rape, are held in isolation in deplorable conditions, and are forbidden from leaving their room unless they're with their trafficker; and

Whereas, the average person in the commercial sex industry only lives for seven years after being lured into the trade; and

Whereas, federal officials estimate there are hundreds of thousands of victims of sex trafficking; and

Whereas, children from all socioeconomic backgrounds are at risk of becoming victims of sex trafficking; and

Whereas, increasing awareness of the problem of sex trafficking in Missouri will help people identify victims of sex trafficking and educate parents, teachers, and children of the dangers and risks in order to prevent more people from becoming victims:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby designate January as sex trafficking awareness month in Missouri; and

Be It Further Resolved that the General Assembly encourages and recommends that people of the State of Missouri observe sex trafficking awareness month through appropriate activities to increase awareness of sex trafficking; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to send properly inscribed copies of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Unofficial

Whereas, neuroblastoma is a type of cancer that forms in the sympathetic nervous system of infants and young children; and

Whereas, neuroblastoma is a very serious childhood disease which is responsible for 12% of all cancer deaths in children under 15 years of age, accounts for about 7% of all cancers in children, and is the most common type of cancer among infants; and

Whereas, there are roughly 650 new cases of neuroblastoma each year in the United States causing a child to die every 16 hours from the disease; and

Whereas, the National Cancer Institute spends less than 3% of its budget and the American Cancer Society directs less than 2% of its research dollars towards pediatric cancer; and

Whereas, pediatric AIDS research receives four times more funding than childhood cancer even though childhood cancer is 20 times more prevalent; and

Whereas, physicians frequently face major challenges in diagnosing neuroblastoma because the symptoms are very similar to more common and less serious childhood illnesses, which results in delayed diagnosis; and

Whereas, by the time neuroblastoma is diagnosed, in roughly two out of three cases the disease has already spread to other parts of the body; and

Whereas, the children suffering from neuroblastoma often undergo treatment involving chemotherapy as well as surgery, and experience prolonged painful symptoms; and

Whereas, the families of children with neuroblastoma must deal with the potential of losing their child while at the same time face out of pocket expenses to treat childhood cancer of roughly \$40,000 a year, even with insurance coverage; and

Whereas, those suffering from neuroblastoma deserve recognition and support in their battle against this painful and deadly disease:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby declare November 14, 2016, as Neuroblastoma Cancer Awareness Day.

SENATE COMMITTEE SUBSTITUTE
Unofficial
FOR

SENATE CONCURRENT RESOLUTION NO. 43

Whereas, the Missouri State Capitol is the people's building; and

Whereas, the Constitution of the state of Missouri affirms the right of the people to petition their elected officials; and

Whereas, the members of the General Assembly have noted the continuing need for increased space in the State Capitol building for the citizens of this state, including those with physical disabilities, to exercise fully this right and meet with their elected representatives; and

Whereas, currently, a sizeable number of legislative offices are located in physical spaces that cannot be accessed by those citizens with physical disabilities; and

Whereas, statewide elected officers and other entities currently occupy physical space in the State Capitol building for job duties that could be performed in other state-owned buildings; and

Whereas, in order to ensure accessibility to the State Capitol building for all citizens of this state and accommodate the needs of the public, it is necessary to reallocate, for use by the General Assembly, physical space currently utilized by certain statewide elected officers and other entities listed in this resolution; and

Whereas, section 8.010, RSMo, establishes the Board of Public Buildings and grants it general supervision and charge of the public property of the state at the seat of government; and

Whereas, subsection 1 of section 8.460, RSMo, states "The board of public buildings may build an office building in the City of Jefferson to house state offices which are presently located in rented quarters within the county of Cole, and they shall remove as many offices from the State Capitol building as the General Assembly deems necessary to provide adequate space for its members"; and

Whereas, the General Assembly is duty bound to investigate the appropriate space needs of the members of the General Assembly in the State Capitol building in order to demand the Board of Public Buildings to remove the appropriate number of offices from the State Capitol building:

Now Therefore Be It Resolved by the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Committee on Capitol Improvements" to examine the appropriate space needs of the General Assembly, certain statewide elected officers, and other entities within the State Capitol building; and

Be it further resolved that the Joint Committee on Capitol Improvements shall be composed of the President Pro Tempore of the Senate, the Speaker of the House of the Representatives, two members of the Senate appointed by the President Pro Tempore of the Senate, two members of the House of Representatives appointed by the Speaker of the House; two members of the Senate appointed by the Senate Minority Leader, and two members of the House of Representatives appointed by the House Minority Leader. The President Pro Tempore and the Speaker of the House shall be co-chairpersons of the Committee. A majority of the members shall constitute a quorum. Meetings of the Joint Committee may be called at such time and place as one or both of the chairpersons designate; and

Be it further resolved that the Joint Committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The Joint Committee may make reasonable requests for staff assistance from the research and appropriations staffs of the House and Senate and the Committee on Legislative Research; and

Be it further resolved that the Joint Committee may prepare a final report, together with its recommendations for any demands for reallocation of space within the State Capitol building to the Board of Public Buildings pursuant to subsection 1 of section 8.460, RSMo, for submission to the General Assembly by December 31, 2016, at which time the Joint Committee shall be dissolved; and

Be it further resolved that members of the Joint Committee and any staff personnel assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee; and

Be it further resolved that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingent Fund; and

Be it further resolved that the Joint Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-eighth General Assembly and the First Regular Session of the Ninety-ninth General Assembly through December 31, 2016, as acknowledged by State v. Atterbury,

Unofficial

Resolution

Copy

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

)	
RONALD J. CALZONE)	
Plaintiff,)	
))	
vs.)	
))	
RONALD F RICHARD, Missouri Senate)	
President pro tem)	
and)	
))	CASE NO. _____
ROBERT TODD RICHARDSON, Missouri)	
House of Representatives Speaker)	
))	

**MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION**

Comes now Plaintiff, pursuant to Missouri Rules of Civil Procedure 92(a) and moves this Court for entry of a temporary restraining order that prohibits Defendants and their agents from transmitting Senate Concurrent Resolution 4 (2017) to Congress or the several states.

Likewise, Plaintiff, pursuant to Missouri Rules of Civil Procedure 92(c) and moves this Court for entry of a preliminary injunction that prohibits Defendants and their agents from transmitting Senate Concurrent Resolution 4 (2017) to Congress or the several states.

Entry of such relief is appropriate in this case because Plaintiff is likely to succeed on the merits, there is ongoing irreparable harm to Plaintiff, the ongoing harm to Plaintiff absent an injunction outweighs any harm an injunction would cause to Defendants, and

the issuance of an injunction is in the public interest.

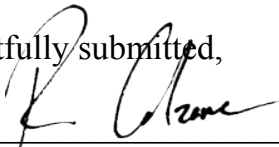
The factual basis supporting this relief is contained in the Verified Petition and Plaintiff's Suggestions in Support of this motion filed herewith. Bond should be waived or set at a nominal amount since there will be no demonstrable harm to Defendants if the requested relief is issued.

WHEREFORE, Plaintiff requests this Court:

A. Enter a temporary restraining order that prohibits Defendants and their agents from transmitting Senate Concurrent Resolution 4 (2017) to Congress or the several states.

B. Enter a preliminary injunction that prohibits Defendants and their agents from transmitting Senate Concurrent Resolution 4 (2017) to Congress or the several states.

Respectfully submitted,




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PLAINTIFF

Certificate of Service

I, Ronald J. Calzone, do hereby certify that a true and correct copy of the foregoing motion was served in person and also provided to the Cole County Sheriff on, May 19, 2017, to be served on each of the following defendants.

Ronald Richard, President Pro tem
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DEFENDANT

Robert Todd Richardson, Speaker
Missouri House of Representatives
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Jefferson City MO 65101
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DEFENDANT

By 

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PLAINTIFF

**IN THE CIRCUIT COURT OF COLE COUNTY
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ROBERT TODD RICHARDSON, Missouri)	
House of Representatives Speaker)	
))	

**SUGGESTIONS IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

INTRODUCTION

The question before the court is exceedingly simple: Is the General Assembly obligated to support Article IV, Section 8 of the Missouri Constitution when using a Senate *Concurrent* Resolution to apply to Congress for a constitutional convention, or not?

In that section, the People of Missouri place a straightforward constraint on the power of the legislature – a requirement that “every resolution to which the *concurrence* of the senate and the house of representatives may be necessary, except on questions of adjournment, going into joint session, and of amending this constitution, **shall be presented to the governor...**”

Emphasis added. Exceptions to the rule are plainly listed, but those exceptions clearly don't relate to an application to Congress for a constitutional convention.

Section 8 also stipulates that such concurrent resolutions “be proceeded upon in the same manner as in the case of a bill...”, which includes the veto process.

Specifically at issue is the 2017 **Senate Concurrent Resolution 4**, but that measure is only one example of what has become a troubling trend by the General Assembly of ignoring plain constitutional limits on their power.

STATEMENT OF FACTS

A. Legislative Vehicles

In addition to bills, there are at least six vehicles to carry legislation in the Missouri General Assembly:

1. House Joint Resolutions
2. Senate Joint Resolutions
3. House Concurrent Resolutions
4. Senate Concurrent Resolutions
5. House Resolutions
6. Senate Resolutions

The first four vehicles each require passage in the originating chamber, and subsequent consideration and passage in the second chamber, and a conference to resolve any amendments approved by one chamber and not the other, followed by final votes on the finished product, if it is not exactly the same as versions previously approved. That process is what the Constitution calls “concurrence.”

The latter two vehicles, House Resolutions and Senate Resolutions, do not require action from the opposite chamber. In other words, **no concurrence is required**.

B. Senate Concurrent Resolution 4

Senate Concurrent Resolution 4 is an application to Congress, pursuant to Article V of the U.S. Constitution, for a convention to propose amendments to the U.S. Constitution.

As the name makes obvious, Senate Concurrent Resolution 4 required, and received, the concurrence of both the Senate (the originating chamber) and the House. Although amended in the Senate, once it was perfected there, no changes were made by the House, so once the House accepted the Senate version, no additional votes were required by the Senate.

C. Some Concurrent Resolutions are presented to the Governor and some are not.

Historically, some House and / or Senate Concurrent Resolutions are presented to the Governor and otherwise proceeded upon in the same manner as a bill, and some are not. For instance, in 2015, SCR 1, and in 2016, SCR 46, and SCR 50 were all presented to the Governor, but SCR 42 and SCR 43 were not presented to the Governor. Exhibits B, C, D, E and F.

Each of the Concurrent Resolutions which were sent to the Governor included a statement in the body (typically the last clause) instructing the Secretary of the Senate or the Chief Clerk of the House to present the resolution to the Governor, among other tasks.

Each of the Concurrent Resolutions which were NOT sent to the Governor had NO instruction to the Secretary of the Senate or the Chief Clerk of the House to present the resolution to the Governor.

On information and belief, that pattern has been the same for years.

D. *With three exceptions, the Missouri Constitution requires concurrent resolutions to be presented to the Governor for his consideration, at which time he may choose to veto, sign, or ignore it.*

Article IV, Section 8 of the Missouri Constitution says:

“Every resolution to which the **concurrence of the senate and house of representatives may be necessary**, except on questions of *adjournment*, going into *joint session*, and of *amending this constitution*, **shall be presented to the governor**, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill; provided, that no resolution shall have the effect to repeal, extend, or amend any law.”
Emphasis Added. *Missouri Constitution Article IV Section 8*

In 2016, neither SCR 42 nor SCR 43 related to the three exceptions.

E. *Article V of the U.S. Constitution provides for applications to Congress from state legislatures.*

Article V of the U.S. Constitution says:

“The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, **on the Application of the Legislatures of two thirds of the several States**, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.” Emphasis Added.

STANDARD OF REVIEW

For the purposes of granting temporary or preliminary relief, this court must consider “(1) the threat of irreparable harm to the movant; (2) the state of balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest.” *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981). While the movant bears the burden of demonstrating the existence of these factors, “[n]o single factor in itself is dispositive,” *Baker Elec. Coop., Inc. v. Chaske*, 28 F.3d 1466, 1472 (8th Cir. 1994) (internal quotation marks omitted), and Plaintiff does not even need to show a “fifty percent chance of” success on the merits, *PCTV Gold, Inc. v. SpeedNet, LLC*, 508 F.3d 1137, 1143 (8th Cir. 2007) (internal quotation marks omitted). Once a movant demonstrates this likelihood of success on the merits, this court may presume that he has been irreparably harmed. *Calvin Klein Cosmetics Corp. v. Lenox Labs., Inc.*, 815 F.2d 500, 505 (8th Cir. 1987).

ARGUMENT

I. The Constitution is unambiguous.

Article IV, Section 8 of the Missouri Constitution speaks for itself – SCR 4 *did* require concurrence of both the House and Senate, and it is neither a question of adjournment, an action to take the legislature into joint session, nor does it seek to amend the *state* constitution. The exceptions to the unambiguous general rule are equally unambiguous, including their application – or lack of application – to SCR 4.

The analysis should stop with that simple argument on a simple issue since it would take some **judicial gymnastics** to conclude that any concurrent resolution outside the three specific exceptions can escape the requirement to be presented to the Governor.

II. The Supreme Court stretched their credulity in 1957.

Well, the Missouri Supreme Court had their gym shorts on in 1957 when they wrote the strained opinion in *State v. Atterbury*, 300 SW 2d 806 (Mo. banc 1957). In that opinion, the Court appealed to the constitutions of Illinois, Alabama, Kentucky, and especially Maine to supply words that the People of Missouri saw fit to leave out of their own Constitution. *Id.* at 814-815.

The Court found significance in the fact that Maine Constitution's clause most similar to Missouri's Article IV § 8 read, "Every bill or resolution *having the force of law*, to which the concurrence of both Houses may be necessary, except on a question of adjournment, which shall have passed both Houses, shall be presented to the Governor..." *Id.* at 815. The phrase "having the force of law" is, of course, not part of the Missouri's Article IV § 8. In fact, it is not even implied by the context.

The 1957 opinion went on to say:

We believe that the constitution of Maine expresses what is implied in the Missouri constitution when it limits the resolutions that have to be submitted to the governor to those "*having the force of law*." (Emphasis supplied.) It is our conclusion and holding that joint resolutions, as that term is used in art. III, § 31, and the concurrent resolutions mentioned in art. IV, § 8, are those resolutions which have the force and effect of law. **In this view we are further supported by the distinction drawn between legislative and procedural acts** in *Gilbreath v. Willett*, 148 Tenn. 92, 251 S.W. 910, 28 A.L.R. 1147, and *Attorney General v. Brissenden*, 271 Mass. 172, 171 N.E. 82.

Bold supplied. *Id.* at 817.

Interestingly, the 1957 Missouri Supreme court chose to draw a distinction that the *framers* certainly DID NOT paint with the words they selected for Article IV § 8. More contemporary Supreme Court opinions seem to militate against the sort of rationalization used by the 1957 Court. "This Court must assume that every word contained in a constitutional provision has effect, meaning, and is not mere surplusage." *City of Arnold v. Tourkakis*, 249 S.W.3d 202,

206 (Mo. banc 2008). “When words do not have a technical or legal meaning, 'they must be given their plain or ordinary meaning unless such construction will defeat the manifest intent of the constitutional provision.’” *Mo. Prosecuting Attorneys v. Barton Cnty.*, 311 S.W.3d 737, 742 (Mo. banc 2010). *State v. Honeycutt*, 421 SW 3d 410 (Mo. Banc 2013), citing *Tourkakis* and *Barton County*.

III. Even the strained opinion in *State v. Atterbury* supports the Plaintiff's position.

“The question, then, is whether Senate Concurrent Resolution No. 10 has the force and effect of law.” *State v. Atterbury*, 300 SW 2d 806, 817 (Mo. Banc 1957)

“Generally, it may be said that a legislative body uses a resolution to *express an opinion* or purpose with respect to a given matter or thing and it is *temporary in nature*, while a law is intended to direct and control *permanently matters* applying to persons and things in general. “ Emphasis added. *Id.* at 817.

“It is our opinion that the resolution presently before us, Senate Concurrent Resolution No. 10, is *administrative or procedural* in character and that it does not have the *force and effect of law*. Its submission to the governor was not required by the constitutional provisions in question.” Emphasis added. *Id.* at 817.

If we are to accept the 1957 Court's strained opinion, the question in *Atterbury* would also be the question to answer in the instant case, namely, whether Senate Concurrent Resolution 4 is “*express[ing] an opinion*” or is it “*administrative or procedural in character*”, or, on the other hand, does it have the “*force and effect of law*”?

OR, is there yet another category in which the character of a resolution is more

than administrative but not quite what one would consider as having “the force of law”? One might ask if SCR 4 was **internal house-keeping** business of the legislature, or does it **have broader reach**?

The People clearly take amending the U.S. Constitution seriously. So much so, in fact, that they have NOT entrusted ratification of proposed amendments to the General Assembly. Article I § 4 requires proposed amendments “affecting the the individual liberties of the people” to be “submitted to conventions of the people.”

Therefore, it is reasonable to conclude that the legislature making application to Congress for a constitutional convention is more than internal house-keeping – it is more than “*administrative or procedural in character.*” It is certainly not “*temporary in nature.*”

But, does an application to Congress for a constitutional convention carry, in some way, the “*force of law*”?

IV. Senate Concurrent Resolution 4 carries the force of law.

A 2002 opinion from the Missouri Court of Appeals, Western District, resolved some differences between some state legislators, organizations, and state employees and Governor Holden over an executive order. Therein, the court classified executive orders into three categories:

1. Formal, ceremonial, and political orders.
2. Communications to subordinate executive branch officials regarding the execution of their executive branch duties.
3. Orders with “the force of law.”

Kinder v. Holden, 92 SW 3d 793, 806 (2002)

The Western District court explained executive orders with the “force of law” this way:

Governor may require information from officers of the Executive Department regarding any subject relating to the duties of their respective offices. If the Governor issued an order **requiring information** from an officer of the Executive Department and such officer refused, the Governor **could obtain a court order** and the sanctions of noncompliance with a court order to enforce the executive order. "The distinction between this third classification and the second classification is **based upon the presence of some constitutional or statutory provision, which authorizes the executive order** either specifically or by way of necessary implication." Internal citations omitted. Emphasis added. *Id.* at 806.

And:

Although the executive order in *McCulloch* was not categorized by the court in that case, it seems clear that it would have been considered in the third classification of executive orders that have the force of law **due to the constitutional and statutory provisions authorizing it**. Emphasis added. *Id.* at 807.

It is generally understood that Article V of the U.S. Constitution is one way the several states can exercise rightful authority over the federal government, including Congress, to wit, largely control the amendment process. The Missouri legislature is certainly *constitutionally authorized* to apply to Congress for a convention under Article V of the U.S. Constitution, and that application has the *force of law* as part of the 2/3s of the states making similar application. (e.g. “Congress... shall call a convention...” *U.S. Const., Article V*)

Closer to home, one might also argue that SCR 4 is the legislature's order to an officer of the legislature, the Secretary of the Senate, who could be the subject of a court order if she refused to follow the instructions to her in the resolution.

V. The purpose and use of concurrent resolutions is not the same in all jurisdictions.

One of the pitfalls of projecting words and meanings from other jurisdictions' constitutions into the meaning of Missouri's Article IV § 8. (e.g. “force of law” from the Maine Constitution) is that the framers and ratifiers may have an entirely different intent for the use of their legislative vehicles. For example, “Concurrent Resolutions” in the U.S. House and Senate are not ever supposed to carry the force of law, while Missouri's clearly do at times.

From the U.S. Senate's website:

“Concurrent resolutions, which are designated H.Con. Res. or S.Con. Res., and followed by a number, must be passed in the same form by both houses, but they **do not require the signature of the president and do not have the force of law.** Concurrent resolutions are generally used to make or amend **rules that apply to both houses.** They are also used to **express the sentiments** of both of the houses. For example, a concurrent resolution is used to set the time of Congress’ **adjournment.** It may also be used by Congress to convey **congratulations** to another country on the anniversary of its independence. Another important use of the concurrent resolution is for the annual congressional budget resolution, which sets Congress’ revenue and **spending goals** for the upcoming fiscal year.” Emphasis added.

See:

https://www.senate.gov/legislative/common/briefing/leg_laws_acts.htm

Last visited May 19, 2017.

Framers of the Missouri Constitution certainly did not follow that pattern with respect to the use of concurrent resolutions, and they made no distinction between resolutions carrying the force of law and any other resolution when they built in the presentation requirement. Consequently, the situations are not analogous.

VI. The Missouri Constitution is not in conflict with Article V of the U.S. Constitution's application clause.

It might be argued that any state law that made it impossible for the legislature to unilaterally apply to Congress for a constitutional convention would run afoul of the Supremacy

Clause. Although the Plaintiff is not conceding that point, he does want to make the case that such is not the case in Missouri.

While Article IV § 8 makes it clear that concurrent resolutions require presentation to the Governor, the same is NOT true of House Resolutions and Senate Resolutions. The General Assembly could have chosen to send identical House and Senate resolutions to Congress, independent of any action by the Governor, and completely fulfilled the purpose of Article V of the U.S. Constitution WITHOUT violating the Missouri Constitution.

VII. Political dynamics affect concurrent resolutions and House or Senate Resolutions differently.

It is presumptuous for a court to assume that there is no difference in the ease or difficulty, or other considerations, with respect to passing the various types of resolutions.

If anything, the legislative process is dynamic and unpredictable. At times there may be reasons a concurrent resolution is actually easier to pass than a House or Senate Resolution. For instance, one chamber may not want their “name” to be the only name on some piece of legislation, but they may feel there is safety in numbers. Only after one makes a move will the other make a commitment.

Other times, one chamber will pass what they know is an imperfect piece of legislation with the assumption the other chamber will “fix it.”

In any event, it not appropriate for this or any other court to go beyond or fall short of constitutional mandates as simple as “Every resolution to which the concurrence of the senate and house of representatives may be necessary, except on questions of adjournment, going into joint session, and of amending this constitution, shall be presented to the governor...”

VIII. Missouri courts can't control Congress. Irreparable harm will be done if Article IV § 8 is ignored.

There is no certainty that once Missouri sends an application for a constitutional convention that bell can be unrung. Missouri courts can't control Congress and how Congress counts applications toward the 2/3 requirement of Article V.

IX. If SCR 4 need not be presented to the Governor, there is no rush, and no harm done the Defendants if Plaintiff's motion is granted.

If Defendants are right and presentation to the Governor is not required, they have no real time limits on when they must transmit the resolution to Congress. On information and belief, the Speaker and Pro tem can sign SCR 4 at will and hold it until the courts resolve this matter.

CONCLUSION

There is a very real possibility that Plaintiff, and all Missourians who care about the fidelity of the legislative process, will suffer irreparable harm if the General Assembly is allowed to ignore Article IV § 8. On the other hand, Defendants have little to lose from a restraining order or preliminary injunction. From the foregoing there is no doubt that there is a reasonable likelihood, even probability, of Plaintiff's success. And lastly, what could possibility be more in the public's interest than ensuring the chains and fences they placed on and around the government they created are intact and respected?

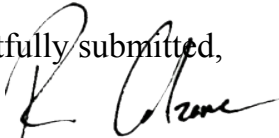
Both a temporary restraining order and preliminary injunction are very much in order.

WHEREFORE, Plaintiff requests this Court:

A. Enter a temporary restraining order that prohibits Defendants and their agents from transmitting Senate Concurrent Resolution 4 (2017) to Congress or the several states.

B. Enter a preliminary injunction that prohibits Defendants and their agents from transmitting Senate Concurrent Resolution 4 (2017) to Congress or the several states.

Respectfully submitted,




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I, Ronald J. Calzone, do hereby certify that a true and correct copy of the foregoing petition was served in person and also provided to the Cole County Sheriff on, May 19, 2017, to be served on each of the following defendants.

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