

Daniel George

Subject: HCR 4 comment Add to SCR 4

From: Mike Coons [mailto:mcoons@mtaonline.net]
Sent: Wednesday, March 25, 2015 2:38 PM
To: Oren Brown
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This is my testimony to the House State Affairs re: HCR4, companion bill to SCR 4

My name is Mike Coons, National Director for Citizen Initiatives.

Assistant Attorney General Mike Shechter in his opinions last Tuesday made comments that need to be corrected.

1.He kept calling Article V (pertaining to the States) a Constitutional Convention. This is not a Constitutional Convention, it is an amendment convention and to continue calling it a Constitutional Convention is one of the many reasons the John Birch and Eagle Forum has been so vocal and effective. The only Constitutional Convention was in 1787 whereby Article V was put into the Constitution for purposes of amending the Constitution either by the Congress or the States.

2.For clarification he stated that Article V, Congress, has been used 27 times. Actually the number is closer to 100. Reason this is significant is that the States rejected all but 27 proposed Amendments, which is why we put such an emphasis on State Legislature sovereignty in this process.

3.He talked about concerns if States can limit to a single amendment.
Article V is about the right of States to propose amendments. That means
1 or more.

4.He further commented that this has never been acted upon by the courts or Congress and that the Dept of Law didn't know how the question of a convention will be received. The courts have nothing to do with the convening of or running the convention. The Congress has only three duties; 1. Keep count of applications per subject matter; 2. Convene a convention upon 34 States making the same application and 3. receive and send proposed amendment for ratification to the 50 States.

5.Mr Shechter stated: "Once called a convention creates it's own rules and they can consider any amendments it may choose to is also an equally valid theory". This is why the Delegate Resolution, HCR 4 is so important! When 26 or more States, a majority, pass this, along with the embedded Countermand Amendment language, there is no option for the several States at the convention to create it's own rules or to bring up other amendments.

Of the two resolutions before you, HCR 4 is the most important. The safety and efficiency of the convention is assured with 26 or more States adopting the rules for the convention prior to the convening of the convention.

Mike Coons
National Director Citizen Initiatives

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