

HJR

22

<TARGET><BILL></BILL><SUBJECT></SUBJECT><COMM>SJUD28</COM
M></TARGET>

**Alaska State Legislature
House of Representatives
Representative Tammie Wilson**

Interim
1292 Sadler Way Ste. 304
Fairbanks, Alaska 99701
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Session
State Capitol
Juneau, AK 99801
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**House Joint Resolution 22
Sponsor Statement**

“Requesting the United States Congress to call a convention of the states to propose amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office of federal government officials; and urging the other 49 states to request the United States Congress to call convention of the states.”

It is the solemn duty of the states to protect the liberty of its people, particularly for the generations to come, to propose amendments to the Constitution of the United States through a convention of the states under article V to place clear restraints on these and related abuses of powers.

Article V, U.S. Constitution states: *“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 its equal suffrage in the Senate.”*

By calling a convention of states, we can stop the federal spending and debt spree, the power grabs of the federal courts, and other misuses of federal power. The current situation is precisely what the Founders feared, and they gave us a solution we have a duty to use.

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**HJR 22 Ver. U.A
Explanation of Changes**

Amendment added a "WHEREAS the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and" to align HJR 22 with Georgia's SR 736.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HJR 22
Fiscal Note Number: 1
(H) Publish Date: 2/7/14

Identifier: HJR22-LEG-SESS-02-05-14
Title: FEDERAL CONSTITUTIONAL CONVENTION
Sponsor: T.WILSON
Requester: House State Affairs

Department: Alaska Legislature
Appropriation: Legislative Operating Budget
Allocation: Session Expenses
OMB Component Number: 782

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By:	Jessica Geary, Finance Manager	Phone:	(907)465-6626
Division:	Legislative Affairs Agency	Date:	02/05/2014 02:45 PM
Approved By:	Pamela Varni, Executive Director	Date:	02/05/14
Agency:	Legislative Affairs Agency		

FISCAL NOTE ANALYSIS #1

**STATE OF ALASKA
2014 LEGISLATIVE SESSION**

BILL NO. HJR 22

Analysis

This Legislative has zero fiscal impact on the Legislative Affairs Agency.

H.R. 17 RELATING TO AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES WHICH WOULD REQUIRE THAT TOTAL FEDERAL APPROPRIATIONS NOT EXCEED TOTAL ESTIMATED FEDERAL REVENUES IN A F/YEAR IN THE ABSENCE OF A NATIONAL EMERGENCY

AMENDED TITLE: HAN 5

PRIME SPONSORS: BEIRNE

CO-SPONSORS: SMITH
FREEMAN
ROGERS

ABOOD
FULLER

BETTISWORTH
MARTIN

CHUCKWUK
METCALFE

CUDDY
MONTGOMERY

FANNING
RANDOLPH

DATE	SEQ. NO.	JOURNAL PAGE	HOUSE ACTION	DATE	SEQ. NO.	JOURNAL PAGE	SENATE ACTION
02/24/81	01	0348	FIRST READING -- COMMITTEE REPORTS	06/22/81	21	1626	FIRST READING -- COMMITTEE REPORTS
05/08/81	02	1274	FIN -- DP08, NR01	06/23/81	22	1666	S.A. -- DP05
			REFERRAL RECOMMENDED TO JUDICIARY	06/24/81	23	1703	RLS -- OTHER03
05/08/81	03	1274	FIN CMT LETTER OF INTENT				TAKEN UP IMMEDIATELY
05/08/81	04	1314	NOT MOVED FROM JUD COMM BY DIV 16-22-02	06/24/81	24	1718	SECOND READING
05/18/81	05	1480	NOT MOVED FROM JUD COMM BY DIV 18-22-00	06/24/81	25	1718	AM01 ADOPTED BY DIV 12-06-02
05/19/81	06	1516	NOT MOVED FROM JUD COMM BY DIV 17-21-02	06/24/81	26	1719	ADVANCED TO 3RD READING BY UNAN CONSENT
05/26/81	07	1746	NOT MOVED FROM JUD COMM BY DIV 18-22-00				
06/03/81	08	1921	NOT MOVED FROM JUD COMM BY DIV 16-23-01	06/24/81	27	1719	THIRD READING
06/16/81	09	2164	NOT MOVED FROM JUD COMM BY DIV 11-26-03	06/24/81	28	1719	PASSED BY DIV 15-03-02
06/19/81	10	2260	JUD -- DP05, DNP01, NR01	06/24/81	29	1723	NOTICE OF RECONSIDERATION GIVEN
				06/24/81	30	1749	RECONSIDERATION NOTICE WITHDRAWN
06/21/81	11	2354	SECOND READING	06/24/81	31	1750	NOTICE OF RECONSIDERATION GIVEN
06/21/81	12	2354	AM01 ADOPTED BY DIV 23-16-01	06/24/81	32	1750	RECONSIDERATION EXPIRED UPON ADJOURNMENT
06/21/81	13	2356	ACTION 012 NOT RESCINDED BY DIV 18-22-00				
06/21/81	14	2356	ADVANCED TO 3RD READING BY UNAN CONSENT				
06/21/81	15	2356	THIRD READING				
06/21/81	16	2357	PASSED BY DIV 37-03-00				
06/21/81	17	2357	NOTICE OF RECONSIDERATION GIVEN				
06/21/81	18	2374	RECONSIDERATION NOTICE WITHDRAWN				
06/21/81	19	2374	NOTICE OF RECONSIDERATION GIVEN				
06/21/81	20	2374	RECONSIDERATION NOTICE WITHDRAWN				
11/15/82	34	0064	NOTICE OF RECONSIDERATION GIVEN				
01/15/82	33	0064	CONCURRED IN SENATE AMS BY DIV 28-12-00				
01/18/82	35	0088	RECON-1/20/82-FAILED BY DIV 13-26-01				
01/18/82	36	0088	CONCURRED IN SENATE AMS BY DIV 27-12-01				
01/20/82	37	0104	TRANSMITTED TO GOVERNOR				
02/03/82	38	0244	SIGNED BY GOVERNOR				
02/03/82	39	0244	LEGISLATIVE RESOLVE NO. 1				

Chapter 144

1 THE SIGNER OF THE BID. THE DEPARTMENT MAY REJECT THE BID OF A BIDDER
2 WHO IS IN ARREARS ON TAXES DUE THE STATE OR WHO FAILED TO PERFORM ON A
3 PREVIOUS CONTRACT WITH THE STATE. WHERE COMPETITIVE BIDS ARE REQUIRED
4 AND WHERE ALL BIDS ARE REJECTED, NEW BIDS SHALL BE CALLED FOR AS IN THE
5 FIRST INSTANCE). Before the awarding of a contract for a building or
6 the making of repairs upon a building, the department shall see that the
7 bids conform with plans and specifications approved by the Department of
8 Transportation and Public Facilities. All bids with the names of the
9 bidders and the amounts of the bids, together with all documents pertain-
10 ing to the award of a contract, shall be made a part of a file or record
11 and retained by the department for three years, unless reproduced by
12 microfilming and these files or records are open to public inspection at
13 all reasonable times. An aggrieved bidder may within five days after an
14 award of contract appeal to the department for hearing, with notice to
15 interested parties, for redetermination and final award in accordance
16 with law.

17 (b) A contract for professional services shall be awarded in
18 accordance with AS 24.23 or AS 36.98.

19 * Sec. 10. AS 44.77.010 is amended by adding a new subsection to read:

20 (c) For purposes of this chapter, "claim" includes a claim for a
21 wrongful rejection of a bid proposal or for an arbitrary and unreasonable
22 cancellation of a bid solicitation.

23 * Sec. 11. This Act applies to requests for bids or proposals for profes-
24 sional services issued after the effective date of this Act.

25 * Sec. 12. This Act takes effect immediately in accordance with AS 01.10-
26 070(c).

STATE OF ALASKA

THE LEGISLATURE

1982

Legislative
Resolve No.

Source

HJR 17 BE 3

3



Relating to an amendment to the Constitution of the United States which would require that total federal appropriations not exceed total estimated federal revenues in a fiscal year in the absence of a national emergency.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS annually the United States moves more deeply into debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

WHEREAS annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

WHEREAS proper planning, fiscal prudence, and plain good sense require that the federal budget be in balance absent national emergency; and

WHEREAS a continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

WHEREAS, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by Congress or, on the application of the legislatures of two-thirds of the states, Congress shall call a constitutional convention for the purpose of proposing amendments;

BE IT RESOLVED by the Alaska State Legislature that the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within four years after its ratification by the various states, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

FURTHER RESOLVED that, alternatively, this body makes application and requests that the Congress of the United States call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

FURTHER RESOLVED that if Congress proposes such an amendment to the Constitution this application shall no longer be of any force or effect; and be it

FURTHER RESOLVED that this application and request shall no longer be of any force or effect if the convention is not limited to the exclusive purpose specified by this resolution.

COPIES of this resolution shall be sent to the Secretary of the United States Senate; the Clerk of the United States House of Representatives; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U. S. Senators, and the Honorable Don Young, U. S. Representative, members of the Alaska delegation in Congress.

STATE OF ALASKA

THE LEGISLATURE

1982

Source

SJR 33

Legislative
Resolve No.

2



Relating to Women's History Month.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Alaskan women have always contributed greatly to the welfare and economy of the Territory and State of Alaska; and

WHEREAS the roles women have played in the development of the state have not been widely recognized and appreciated; and

WHEREAS it is appropriate to set aside a time to recall and reclaim the historical heritage that belongs to all Alaskans, including Alaska's women, so that all citizens will be encouraged to exercise the freedom to develop individual abilities and potentials to the fullest;

BE IT RESOLVED that the Alaska State Legislature designates the month of March during the year 1982 through the year 1992 as Women's History Month and encourages communities and educational institutions to promote the study and appreciation of women's contributions to the history of our state and of our nation; and be it

FURTHER RESOLVED that the Governor is respectfully requested to issue a proclamation calling upon the people of Alaska to observe Women's History Month with appropriate activities; and be it

FURTHER RESOLVED that the United States Congress is respectfully requested to designate March of the year 1982 through the year 1992 as Women's History Month for the nation.

COPIES of this resolution shall be sent to the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; to

consider a voice vote on final passage of legislation which adjusts the pay or affects the limitations on outside earned income of Members; to the Committee on Rules.

By Mr. ST GERMAIN:

H. Res. 347 Resolution to provide amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the second session of the Ninety-seventh Congress to the Committee on House Administration

By Mr. WYDEN:

H. Res. 348. Resolution expressing the sense of the House of Representatives with respect to the rights of residents in certain health care facilities; jointly, to the Committees on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

247. By Mr. WILLIAM J. COYNE. Memorial of the Senate of the Commonwealth of Pennsylvania, relative to Poland; to the Committee on Foreign Affairs.

248. By the SPEAKER. Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to defense cuts, to the Committee on Armed Services.

249. Also, memorial of the Legislature of the Territory of Guam, relative to the annual payment bill; to the Committee on Interior and Insular Affairs.

250. Also, memorial of the Legislature of the Territory of Guam, relative to Federal-territorial relations; to the Committee on Interior and Insular Affairs.

251. Also, memorial of the Legislature of the State of Alaska, requesting that Congress propose an amendment to the Constitution of the United States, or in the alternative, call a convention for the purpose of proposing an amendment, to require a balanced Federal budget; to the Committee on the Judiciary.

252. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to reduction of services by the Corps of U.S. Army Engineers; to the Committee on Public Works and Transportation.

253. Also, memorial of the Legislature of the Territory of Guam, relative to national tuition tax credit legislation; to the Committee on Ways and Means.

254. Also, memorial of the Legislature of the State of California, relative to the Mediterranean fruit fly; jointly to the Committees on Ways and Means and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. KILDEE, Mr. WHITEHURST, Mr. HERTZEL, Mr. NEAL, Mr. HUBBARD, Mr. FOLEY, and Mr. EMERSON

H.R. 768: Mr. MINISH and Mr. GEDDENSEN.
H.R. 769: Mr. JOHN L. BARTON and Mr. ALBOSTA

H.R. 789: Mr. McCOLLUM

H.R. 892: Mr. MITCHELL of Maryland and Mr. STARK, and Mr. FOGLETTA

H.R. 1513: Ms. MIKULSKI

H.R. 1514: Ms. MIKULSKI

H.R. 1515: Ms. MIKULSKI

H.R. 1516: Ms. MIKULSKI

H.R. 1517: Ms. MIKULSKI

H.R. 2280: Mr. FAZIO, Mr. GEPHARDT, Mr. AU-COIN, Mr. PICKLE, Mr. STARK, Mr. VENTO, Mr. DAN DANIEL, Mr. GUARINI, Mr. EDGAR, Mr. BEDELL, and Mr. GRADISON

H.R. 3269: Mr. WHITEHURST, Mr. DECKARD, Mr. ROBERTS of Kansas, Mr. O'BRIEN, Mr. FLIPPO, Mr. CLAUSEN, Mr. JOHNSTON, and Mr. BROOMFIELD

H.R. 3575: Mr. DAVIS, Mr. EVANS of Georgia, Mr. FOLEY, Mr. HAGEDORN, Mr. LOEPFLER, Mr. McHUGH, Mr. MARLENER, Mr. NOWAK, Mrs. ROUKEMA, and Mr. SCHUMER

H.R. 3660: Mr. NOWAK

H.R. 4014: Mr. WHITEHURST

H.R. 4070: Mr. JACOBS, Mr. SABO, Mr. VENTO, Mr. EDWARDS of California, Mr. MOAKLEY, Mr. D'AMOURS, Mr. LEHMAN, Mr. YATES, Mrs. SCHROEDER, Mr. SEIDERLING, Mr. STARK, Mr. MOTTLE, Mr. FOGLETTA, Mr. MCKINNEY, Mr. MAVROULES, Mr. APPELGATE, Mr. PATTERSON, Mr. SCHROEDER, and Mr. PANETTA

H.R. 4147: Mrs. SCHROEDER

H.R. 4187: Mr. HARKIN

H.R. 4227: Mr. RINALDO, Mr. CHAPPELL, Mr. HORTON, Mr. SIMON, Mr. LAFALCE, Mr. AKANA, Mr. HERTZEL, Mr. ROSENTHAL, Mr. GONORICA, Mr. FORSYTHE, Mr. SMITH of Iowa, Mr. FRANK, Mr. STOKES, Mr. GRAY, Mr. DOUGHERTY, and Ms. OAKAR

H.R. 4328: Mr. McGRATH

H.R. 4330: Mr. BAPALIS, Mr. COLEMAN, Mr. DUNCAN, Mr. ERBANK, Mr. JOHNSTON, and Mr. PETRI

H.R. 4334: Mr. BAPALIS, Mr. COLEMAN, Mr. DUNCAN, Mr. JOHNSTON, and Mr. PETRI

H.R. 4399: Mr. BRINKLEY, Mr. BOWEN, Mr. CHENEY, Mr. McEWEN, and Mr. PRICE

H.R. 4538: Mr. MAVROULES, Mr. WHITEHURST, and Mr. MATSUI

H.R. 4709: Mr. WOLF and Mr. QUILLIN

H.R. 4838: Mr. MORRISON, Mr. MCKINNEY, Mr. DYSON, and Mr. MARRIOTT

H.R. 4868: Mr. LOFF

H.R. 4882: Mr. BEILINSON, Mr. FROST, Mr. HERTZEL, Mr. FOGLETTA, Mr. BRODHEAD, Mr. FAZIO, Mr. OTTINGER, Mr. LOWRY of Washington, Mr. WEAVER, Mr. HUGHES, Mr. ECKHART, Mr. SEIDERLING, Mr. STODDE, Mr. KOGOVSEK, Mr. BARNES, Mr. DASCHLE, Mr. WOLFE, and Mr. GEPHARDT

H.R. 5083: Mr. FORSYTHE

H.R. 5147: Mr. BLILEY

H.R. 5163: Mr. STRATTON and Mr. JAMES K. COYNE

H.R. 5238: Mr. FISH, Mr. ROE, Mr. WOLF, Mr. RINALDO, Mr. HUGHES, Mr. SMITH of Pennsylvania, Mr. YATRON, Mr. MATSUI, Mrs. CHISHOLM, Mr. DAUB, Mr. FOGLETTA, Mr. SCHUMER, Mr. MOLINARI, Mr. SOLARE, Mr. EDWARDS of California, Mr. LEHMAN, Mr. FAUNTROY, Mr. DONNELLY, Mr. TRAXLER, Mr. CORRADA, Mr. MITCHELL of Maryland, Ms. MIKULSKI, Mr. YATES, Mr. GORE, Mr. OBERSTAR, Mr. EDGAR, Mr. SIMON, Mr. MAZZOLI, Mr. MURPHY, Mr. SANTINI, Mr. O'BRIEN, Mr. MITCHELL of New York, Mr. MINETA, Mr. KASTENMEIER, Mr. WONG PAT, Mr. HOWARD, Mrs. COLLINS of Illinois, Mr. MCKINNEY, Mr. D'AMOURS, Mr. FRANK, Mr. GEDDENSEN, Mr. PEPPER, Mr. ROSENTHAL, Mr. BINGHAM, Mr. FORD of Tennessee, Mr. GUARINI, Mr. BONIOR of Michigan, Mr. KILDEE, Mr. DELLUMS, Mr. PATTERSON, Mr. WHITEHURST, Mr. SMITH of Alabama, Mr. ROSE, Mr. ROBERTS of Kansas, Mr. STUNIA, Mr. EITEL, Mr. CHOCKETT, Mr. VENTO, Mr. FRITCHARD, Mr. MARKEY, Mr. STOKES, Mr. FAZIO, Mr. LANTOS, Mr. KOGOVSEK, and Mr. RATCHFORD

H.R. 5264: Mr. ROSENTHAL and Mr. ROYBAL

H.R. 5323: Mr. BREWSTER, Mr. PEASE, and Mr. PETRI

H.R. 5332: Mr. SHANNON

H.R. 5334: Mr. BROWN of Ohio, Mr. SCHEAR, Mr. LAITA, Mr. McEWEN, Mr. MILLER of Ohio, Mr. MOTTLE, Mr. PEASE, and Mr. WILLIAMS of Ohio

H.R. 5338: Mr. KILDEE, Mr. FRANK, Mr. BROWN of Colorado, Mr. MOTTLE, Mr. EMERY, Mr. SMITH of Alabama, Mr. DREIER, Mr. DOWDY, Mr. MORRISON, Mr. BINGHAM, Mr. KOGOVSEK, Mr. LOWERY of California, Mr. SAM B. HALL, Jr., Mr. STRATTON, Mr. BEARD, Mr. ROEMER, Mr. LOEPFLER, Mrs. FENWICK, Mr. FROST, and Mr. DeNARDIS

H.R. 5341: Mr. SOLOMON, Mr. DeNARDIS, Mr. BROWN of Colorado, Mr. WALGREN, Mr. STANGELAND, Mr. ROBERTS of Kansas, Mr. HAMILTON, Mr. O'BRIEN, Mrs. FENWICK, Mr. FRANK, Mr. FITZHIAN, Mr. ATKINSON, Mr. LEE, Mr. SMITH of New Jersey, Mr. SANTINI, Mr. HOLLENBECK, Mr. LOEPFLER, Mr. ROEMER, Mr. LOJAN, Mr. BEDELL, Mr. LACOMARINO, Mr. FLORIO, and Mr. HOPKINS

H.R. 5356: Mr. SYHAS and Mr. BLANCHARD

H.J. Res. 228: Mr. MINETA, Mr. BONER of Tennessee, Mr. HAWKINS, Mr. BENEDICT, Mr. MARRIOTT, Mr. AU-COIN, Mr. BEARD, Mr. PRYSER, Mr. FORD of Tennessee, Mr. VANDER JAET, Mr. WILSON, Mr. SNYDER, Mr. McCLOSKEY, Ms. FIEDLER, Mr. DICKS, and Mr. WORTLEY

H.J. Res. 316: Mrs. CHISHOLM, Mr. FRANK, Mr. PERKINS, Mr. ARCHER, Mr. ROBERTS of South Dakota, Mr. STANTON of Ohio, Mr. ST GERMAIN, Mr. OTTINGER, Mr. RITTKER, Mr. OBERSTAR, Mr. MITCHELL of New York, Mr. DONNELLY, Mr. LOWERY of California, Mr. ROSE, Mr. MOAKLEY, Mr. DICKS, Mr. DYSON, Mr. GINN, Mr. RICHMOND, Mr. FISH, Mr. HAWKINS, Ms. FERRARO, Mr. DAVIS, Mr. KEMP, Mr. McHUGH, Mr. LENT, Mr. STOWY, Mr. JONES of North Carolina, Mr. SILJANDER, Mr. FOGLETTA, Mr. MORRISON, Mr. UDALL, Mr. SWIFT, Mr. PETRI, Mr. CHAFFIN, Mr. CAMPBELL, Mr. FITZHIAN, Mr. PAUL, Mrs. HOLT, Mr. HUGHES, Mr. HAMILTON, Mr. KRAMER, Mr. FOUNTAIN, Mr. BONKER, Mr. JOHNSTON, and Mr. DELLUMS

H.J. Res. 384: Mr. MCKINNEY, Mr. BEVILL, Mr. CANNEY, Mr. PANETTA, and Mr. COLLINS of Texas

H.J. Res. 387: Mr. WILSON, Mr. WEAVER, Mr. EDWARDS of California, Mr. FASCELL, Mr. SCHUMER, Mr. PRICE, Mr. FORD of Michigan, Mr. BRILKINSON, Mr. LAFALCE, Mr. ZEPHERATI, Mr. MINISH, Mr. DUNN, Mr. ROE, Mr. CLAY, Mr. NELSON, Mr. CLINGER, Mr. EDGAR, Mr. LEACH of Iowa, Mr. D'AMOURS, Mr. WORTLEY, Mrs. SCHNEIDER, Mr. SEIDERLING, Mr. RAHALL, Mr. DYSON, and Mr. WHITLEY

H.J. Res. 394: Mr. FORD of Michigan, Mr. LEVITAS, Mr. WILSON, Mr. WIRTH, Mr. PICKLE, Ms. FERRARO, Mrs. FENWICK, Mr. RAHALL, Mr. BURGNER, Mr. SOLOMON, and Mr. DREIER

H. Con. Res. 219: Mr. WOLF, Mr. ADBASSO, Mr. COLLINS of Texas, and Mr. McCOLLUM

H. Con. Res. 222: Mr. ANTHONY

H. Con. Res. 238: Mr. MOAKLEY, Mr. OTTINGER, Mr. GILMAN, Mr. RICHMOND, Mr. HEFFNER, Mr. WEISS, Mr. FOGLETTA, Mr. FORD of Michigan, Mr. SCHEUER, Mr. OBERSTAR, Mr. GRAY, Mr. FISH, Mr. DELLUMS, Mr. YATES, Mr. BONIOR of Michigan, Mr. DeNARDIS, Mr. CORCORAN, Mr. EMERY, Mr. SANTINI, Mr. D'AMOURS, Mr. ROE, Mr. FAZIO, Mr. ARCHER, Mr. MARRIOTT, Mr. GUARINI, Mr. PATTERSON, Mr. VENTO, Mr. MATSUI, Mr. OXLEY, Mr. KEMP, Mr. WHITEHURST, Mr. MURTHA, Mr. BARNES, Mr. FOLEY, Mr. EVANS of Delaware, Mr. KASTENMEIER, Mr. LEE, Mr. HUBBARD, Mr. LOWRY of Washington, and Mr. GINDRICH

H. Con. Res. 255: Mr. BEDELL, Mr. HORTON, Mr. WILSON, Mr. ROE, Mr. JEFFRIES, Mr.

1 HJR49
2 156053-1
3 By Representatives Johnson (K), Henry, Long, Moore (B),
4 Collins, Wallace, Harper, Beckman, Ball, McCutcheon, Clouse,
5 Buttram, Roberts, Greer, Williams (D), Lee, Butler, Nordgren,
6 Shedd, Fincher, Gaston, Carns, Tuggle, Drake, Patterson,
7 Farley, Johnson (W), Baughn, Chesteen, Faust, Brown, Davis
8 and Weaver
9 RFD: Rules
10 First Read: 16-JAN-14

1
2
3
4
5
6
7
8 MAKING APPLICATION FOR A CONVENTION OF THE STATES
9 UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION TO PROPOSE
10 CERTAIN AMENDMENTS RELATING TO THE FEDERAL GOVERNMENT.
11

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

15 WHEREAS, the federal government has created a
16 crushing national debt through improper and imprudent
17 spending; and

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

22 WHEREAS, the federal government has ceased to live
23 under a proper interpretation of the Constitution of the
24 United States; and

25 WHEREAS, it is the solemn duty of the states to
26 protect the liberty of our people, particularly for the
27 generations to come, to propose amendments to the Constitution

1 of the United States through a Convention of the States under
2 Article V to place clear restraints on these and related
3 abuses of power; now therefore,

4 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
5 HOUSES THEREOF CONCURRING, That the Legislature of the State
6 of Alabama hereby applies to Congress, under the provisions of
7 Article V of the Constitution of the United States, for the
8 calling of a convention of the states limited to proposing
9 amendments that impose fiscal restraints on the federal
10 government, limit the power and jurisdiction of the federal
11 government, and limit the terms of office for its officials.

12 BE IT FURTHER RESOLVED, That the Secretary of State
13 is hereby directed to transmit copies of this application to
14 the President and Secretary of the United States Senate and to
15 the Speaker and Clerk of the United States House of
16 Representatives, and to the members of the Senate and House of
17 Representatives of the United States Congress from this state;
18 and to also transmit copies hereof to the presiding officers
19 of each of the legislative houses in the several states,
20 requesting their cooperation.

21 BE IT FURTHER RESOLVED, That this application
22 constitutes a continuing application in accordance with
23 Article V of the Constitution of the United States until the
24 Legislatures of at least two-thirds of the several states have
25 made applications on the same subject.

REFERENCE TITLE: convention; amendments; balanced federal budget

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HCR 2017

Introduced by
Representatives Thorpe, Barton, Borrelli, Boyer, Kwasman, Livingston, Orr,
Smith, Stevens, Townsend, Senator Barto; Representatives Gowan, Olson,
Senators Crandell, Melvin, Shooter, Ward

A CONCURRENT RESOLUTION

APPLYING TO THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO REQUIRE
THAT THE CONGRESS ADOPT A BALANCED FEDERAL BUDGET.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. That, pursuant to Article V of the Constitution of the United
4 States, the Legislature of the State of Arizona formally applies to the
5 Congress of the United States to call a convention for the purpose of
6 proposing an amendment to the Constitution of the United States requiring
7 that in the absence of a national emergency, the total of all federal
8 appropriations made by the Congress for any fiscal year may not exceed the
9 total of all estimated federal revenue for that fiscal year, together with
10 any related and appropriate fiscal restraints.

11 2. That this application is to be considered as covering the same
12 subject matter as the currently outstanding balanced budget applications from
13 Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Indiana, Iowa,
14 Kansas, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New
15 Mexico, North Carolina, Pennsylvania and Texas, and shall be aggregated with
16 those applications for the purpose of attaining the two-thirds of the states
17 necessary to require the calling of a convention, but may not be aggregated
18 with any applications on any other subjects.

19 3. That this application constitutes a continuing application in
20 accordance with Article V of the Constitution of the United States until at
21 least two-thirds of the legislatures of the several states have made
22 application on the same subject, and supersedes all previous applications by
23 this Legislature on the same subject.

24 4. That the Secretary of State of the State of Arizona transmit a copy
25 of this Resolution to the President and Secretary of the United States
26 Senate, the Speaker and Clerk of the United States House of Representatives,
27 each Member of Congress from the State of Arizona and the presiding officers
28 of each house of the several state legislatures.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 539 Session of
2013

INTRODUCED BY COHEN, HARKINS, KIRKLAND, KORTZ, MAHONEY, MUNDY,
O'BRIEN, PARKER, ROEBUCK, SCHLOSSBERG AND THOMAS,
NOVEMBER 6, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 6, 2013

A RESOLUTION

1 Petitioning the Congress of the United States, pursuant to
2 Article V of the Constitution of the United States, to call
3 for a Convention of the States to restore free and fair
4 elections in the United States.

5 WHEREAS, George Washington, the first President of the United
6 States, stated that the "basis of our political systems is the
7 right of the people to make and to alter their Constitutions of
8 Government"; and

9 WHEREAS, James Madison noted in Federalist No. 52 that the
10 framers of the Constitution of the United States intended that
11 the Congress of the United States should be "dependent on the
12 people alone"; and

13 WHEREAS, That dependency has evolved from a dependency on the
14 people alone to a dependency on those who spend excessively in
15 elections, through campaigns or third-party groups; and

16 WHEREAS, The United States Supreme Court ruling in *Citizens*
17 *United v. Federal Election Commission*, 130 S.Ct.876 (2010),
18 removed restrictions on amounts of independent political

1 spending; and

2 WHEREAS, This removal of restrictions has resulted in the
3 unjust influence of powerful economic forces supplanting the
4 will of the people by undermining our ability to choose our
5 political leadership, write our own laws and determine the fate
6 of our Commonwealth; and

7 WHEREAS, Article V of the Constitution of the United States
8 requires the Congress of the United States to call a Convention
9 of the States for proposing amendments upon application of two-
10 thirds of the legislatures of the states for the purpose of
11 proposing amendments to the Constitution of the United States;
12 and

13 WHEREAS, The Commonwealth of Pennsylvania sees the need for a
14 convention to propose amendments in order to address concerns
15 such as those raised by the decision of the *United States*
16 *Supreme Court in Citizens United v. Federal Election Commission*
17 and related cases and events, including those occurring long
18 before or after or for a substantially similar purpose, and
19 desires that said convention should be so limited; and

20 WHEREAS, The Commonwealth of Pennsylvania desires that the
21 delegates to the Convention of the States be comprised equally
22 from individuals currently elected to state and local office, or
23 be selected by election in each Congressional district for the
24 purpose of serving as delegates, though all individuals elected
25 or appointed to Federal office, now or in the past, shall be
26 prohibited from serving as delegates to the convention, and
27 intends to retain the ability to restrict or expand the power of
28 its delegates within the limits expressed above; and

29 WHEREAS, The Commonwealth of Pennsylvania intends this
30 resolution to be a continuing application considered together

1 with applications calling for a Convention of the States
2 currently pending in the 188th Massachusetts legislature as
3 S.1727 and H.3190, the 2013-2014 Vermont legislature as SJR 27
4 and the 2013-2014 California legislature as AJR 1, and all other
5 passed, pending and future applications, the aforementioned
6 concerns notwithstanding until such time as two-thirds of the
7 states have applied for a Convention of the States and the
8 convention is convened by Congress; therefore be it

9 RESOLVED, That the House of Representatives of the
10 Commonwealth of Pennsylvania hereby petition Congress, pursuant
11 to Article V of the Constitution of the United States, to call a
12 Convention of the States for the purpose of proposing amendments
13 to the Constitution of the United States as soon as two-thirds
14 of the states have applied for a convention; and be it further

15 RESOLVED, That the Chief Clerk of the House of
16 Representatives of the Commonwealth of Pennsylvania transmit
17 copies of this resolution to the President and Vice President of
18 the United States, the President Pro Tempore of the United
19 States Senate, the Minority Leader of the United States Senate,
20 the Speaker of the United States House of Representatives, the
21 Minority Leader of the United States House of Representatives,
22 the members of Congress from Pennsylvania, the Governor of each
23 state and to the presiding officers of each legislative body of
24 each of the states, requesting the cooperation of the states in
25 issuing an application compelling Congress to call a Convention
26 of the States for proposing amendments pursuant to Article V of
27 the Constitution of the United States.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3696/1
JK:cjs&sac:jm

2013 ASSEMBLY BILL 635

January 21, 2014 - Introduced by Representatives KAPENGA, CRAIG, SCHRAA, KRUG, KNUDSON, SANFELIPPO, KNODL, MURPHY, THIESFELDT, A. OTT, BALLWEG, T. LARSON, SPIROS, SKOWRONSKI, BIES and BERNIER, cosponsored by Senators FARROW and LEIBHAM. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to create* 13.176 of the statutes; **relating to:** appointing delegates for
2 a convention under Article V of the United States Constitution.

Analysis by the Legislative Reference Bureau

Under Article V of the United States Constitution, upon the application of the legislatures of at least two-thirds of the states, Congress must call a convention for the purpose of proposing amendments to the U.S. Constitution. Under this bill, if Congress calls such a convention, the legislature and the governor must appoint five delegates to attend the convention as representatives of this state.

Under the bill, if a delegate votes at the convention to consider or approve an unauthorized amendment, the delegate may be immediately dismissed by the approval of a majority of the other appointed delegates for this state and replaced with a new appointee. The bill defines an "unauthorized amendment" as an amendment that is outside the scope of the application or the call of the convention.

The bill also requires the legislature to create a joint committee of correspondence that is responsible for communications with delegates to the convention. The convention delegates from this state must direct all communications with the legislature to the committee, including the proposed adoption or modification of rules governing the convention. The delegates are to presume that the committee approves the proposed adoption or modification of such

ASSEMBLY BILL 635

rules, if the committee does not render a decision on the proposed adoption or modification of such rules within 48 hours of receiving notice from the delegates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.176 of the statutes is created to read:

2 **13.176 Article V convention. (1)** In this section:

3 (a) "Article V application" means a joint resolution, as authorized under Article
4 V of the U.S. Constitution, adopted by both houses of the legislature applying to
5 Congress for an article V convention for proposing amendments.

6 (b) "Article V convention" means a convention called by Congress upon
7 application of the legislatures of at least two-thirds of the states for the purpose of
8 proposing amendments to the U.S. Constitution, as authorized by article V of the
9 U.S. Constitution.

10 (c) "Delegate" means an individual appointed under sub. (2) to represent the
11 state of Wisconsin at an Article V convention.

12 (d) "Unauthorized amendment" means a proposed amendment to the U.S.
13 Constitution that is outside of the scope of the subject matter of the article V
14 application or the call of the article V convention.

15 **(2)** (a) If, as a result of an article V application, Congress calls an article V
16 convention, the legislature and the governor shall appoint 5 delegates to attend the
17 convention as follows:

18 1. The speaker of the assembly shall appoint 2 members of the assembly.

19 2. The president of the senate shall appoint 2 members of the senate.

20 3. The governor shall appoint 1 member of either the assembly or the senate.

ASSEMBLY BILL 635

1 (b) Any vacancy in the delegation appointed under par. (a) shall be filled in the
2 manner provided under par. (a).

3 (c) The term for each delegate appointed under par. (a) begins with the call of
4 the Article V convention and ends on the day of the final adjournment of the
5 convention.

6 (3) (a) No delegate appointed under sub. (2) may vote at an article V convention
7 to consider or approve an unauthorized amendment.

8 (b) Any delegate voting in violation of par. (a) may be immediately dismissed
9 as a delegate by the approval of a majority of the other delegates appointed under
10 sub. (2). No more than one delegate at a time may be dismissed under this
11 paragraph. If a delegate is dismissed, another delegate may not be dismissed until
12 a new delegate has been appointed to replace the first dismissed delegate.

13 (c) The speaker of the assembly, president of the senate, and governor shall
14 each maintain a list of alternate appointees in case a delegate is dismissed as
15 provided under par. (b).

16 (4) The secretary of state shall certify in writing to the article V convention the
17 identity of the delegates appointed under sub. (2) or dismissed under sub. (3) (b) and
18 the filling of any delegation vacancy.

19 (5) After Congress calls for an Article V convention, the legislature shall create
20 a joint committee of correspondence responsible for communications with the
21 delegates to the convention. The delegates shall direct all communications with the
22 legislature to the joint committee of correspondence, including the proposed
23 adoption or modification of rules governing the convention, the language of any
24 proposed amendment under discussion, administrative matters, or anything else
25 requiring legislative guidance. If the joint committee of correspondence does not

ASSEMBLY BILL 635

SECTION 1

1 render a decision on the proposed adoption or modification of rules governing the
2 convention within 48 hours of receiving notification from the delegates, the delegates
3 shall presume that the committee approves the proposed adoption or modification
4 of such rules.

5 (END)

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House Memorial

A memorial to the Congress of the United States, applying to Congress to call a convention for the sole purpose of proposing amendments to the Constitution of the United States which impose fiscal restraints on the Federal Government, limit the power and jurisdiction of the Federal Government, and limit the terms of office for federal officials and members of Congress.

WHEREAS, the Founders of the United States of America provided in the Constitution of the United States for a limited Federal Government of express enumerated powers, and

WHEREAS, the Tenth Amendment to the Constitution specifically provides that all powers not delegated to the Federal Government nor prohibited by the Constitution to the states are reserved to the states, respectively, or to the people, and

WHEREAS, for many decades, this balance of power was generally respected and followed by those occupying positions of authority in the Federal Government, and

WHEREAS, as federal power has expanded over the past decades, federal spending has exponentially increased to the extent that it is now decidedly out of balance in relation to actual revenues or when comparing the ratio of accumulated

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26 public debt to the nation's gross domestic product, and
 27 WHEREAS, in 2013, the Federal Government's accumulated
 28 public debt exceeded \$17 trillion, which is more than double
 29 that in 2006, and

30 WHEREAS, projections of federal deficit spending in the
 31 coming decades demonstrate that this power shift and its fiscal
 32 impacts are continuing and pose serious threats to the freedom
 33 and financial security of the American people and future
 34 generations, and

35 WHEREAS, the Founders of the United States of America
 36 provided a procedure in Article V of the Constitution to amend
 37 the Constitution on application of two-thirds of the several
 38 states, calling a convention for proposing amendments that will
 39 be valid to all intents and purposes if ratified by the
 40 legislatures of three-fourths of the several states, or by
 41 conventions in three-fourths thereof, as one or the other mode
 42 of ratification may be proposed by Congress, and

43 WHEREAS, it is a fundamental duty of state legislatures to
 44 support, protect, and defend the liberty of the American people,
 45 including generations yet to come, by asserting their solemn
 46 duty and responsibility under the Constitution to call for a
 47 convention under Article V for proposing amendments to the
 48 Constitution to reverse and correct the ominous path that the
 49 country is now on and to restrain future expansions and abuses
 50 of federal power, NOW, THEREFORE,

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Be It Resolved by the Legislature of the State of Florida:

(1) That the Legislature of the State of Florida does hereby make application to Congress pursuant to Article V of the Constitution of the United States to call an Article V convention for the sole purpose of proposing amendments to the Constitution of the United States which:

(a) Impose fiscal restraints on the Federal Government.

(b) Limit the power and jurisdiction of the Federal Government.

(c) Limit the terms of office for federal officials and members of Congress.

(2) That these three proposed amendment categories are severable from one another and may be counted individually toward the required two-thirds number of applications made by the state legislatures for the calling of an Article V convention.

(3) That this memorial is revoked and withdrawn, nullified, and superseded to the same effect as if it had never been passed, and retroactive to the date of passage, if it is used for the purpose of calling a convention or used in support of conducting a convention to amend the Constitution of the United States for any purpose other than imposing fiscal restraints on the Federal Government, limiting the power and

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76 jurisdiction of the Federal Government, or limiting the terms of
 77 office for federal officials and members of Congress.

78 (4) That this application constitutes a continuing
 79 application in accordance with Article V of the Constitution of
 80 the United States until the legislatures of at least two-thirds
 81 of the several states have made applications on one or more of
 82 the three proposed amendment categories listed above.

83 BE IT FURTHER RESOLVED that copies of this memorial be
 84 dispatched to the President of the United States, to the
 85 President of the United States Senate, to the Speaker of the
 86 United States House of Representatives, and to each member of
 87 the Florida delegation to the United States Congress.

By Senator Hays

11-00350A-14

2014476

Senate Memorial

1
2 A memorial to the Congress of the United States,
3 applying to Congress to call a convention for the sole
4 purpose of proposing amendments to the Constitution of
5 the United States which impose fiscal restraints on
6 the Federal Government, limit the power and
7 jurisdiction of the Federal Government, and limit the
8 terms of office for federal officials and members of
9 Congress.

10
11 WHEREAS, the Founders of the United States of America
12 provided in the Constitution of the United States for a limited
13 Federal Government of express enumerated powers, and

14 WHEREAS, the Tenth Amendment to the Constitution
15 specifically provides that all powers not delegated to the
16 Federal Government nor prohibited by the Constitution to the
17 states are reserved to the states, respectively, or to the
18 people, and

19 WHEREAS, for many decades, this balance of power was
20 generally respected and followed by those occupying positions of
21 authority in the Federal Government, and

22 WHEREAS, as federal power has expanded over the past
23 decades, federal spending has exponentially increased to the
24 extent that it is now decidedly out of balance in relation to
25 actual revenues or when comparing the ratio of accumulated
26 public debt to the nation's gross domestic product, and

27 WHEREAS, in 2013, the Federal Government's accumulated
28 public debt exceeded \$17 trillion, which is more than double
29 that in 2006, and

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30 WHEREAS, projections of federal deficit spending in the
31 coming decades demonstrate that this power shift and its fiscal
32 impacts are continuing and pose serious threats to the freedom
33 and financial security of the American people and future
34 generations, and

35 WHEREAS, the Founders of the United States of America
36 provided a procedure in Article V of the Constitution to amend
37 the Constitution on application of two-thirds of the several
38 states, calling a convention for proposing amendments that will
39 be valid to all intents and purposes if ratified by the
40 legislatures of three-fourths of the several states, or by
41 conventions in three-fourths thereof, as one or the other mode
42 of ratification may be proposed by Congress, and

43 WHEREAS, it is a fundamental duty of state legislatures to
44 support, protect, and defend the liberty of the American people,
45 including generations yet to come, by asserting their solemn
46 duty and responsibility under the Constitution to call for a
47 convention under Article V for proposing amendments to the
48 Constitution to reverse and correct the ominous path that the
49 country is now on and to restrain future expansions and abuses
50 of federal power, NOW, THEREFORE,

51
52 Be It Resolved by the Legislature of the State of Florida:

53
54 (1) That the Legislature of the State of Florida does
55 hereby make application to Congress pursuant to Article V of the
56 Constitution of the United States to call an Article V
57 convention for the sole purpose of proposing amendments to the
58 Constitution of the United States which:

11-00350A-14

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59 (a) Impose fiscal restraints on the Federal Government.

60 (b) Limit the power and jurisdiction of the Federal
61 Government.

62 (c) Limit the terms of office for federal officials and
63 members of Congress.

64 (2) That these three proposed amendment categories are
65 severable from one another and may be counted individually
66 toward the required two-thirds number of applications made by
67 the state legislatures for the calling of an Article V
68 convention.

69 (3) That this memorial is revoked and withdrawn, nullified,
70 and superseded to the same effect as if it had never been
71 passed, and retroactive to the date of passage, if it is used
72 for the purpose of calling a convention or used in support of
73 conducting a convention to amend the Constitution of the United
74 States for any purpose other than imposing fiscal restraints on
75 the Federal Government, limiting the power and jurisdiction of
76 the Federal Government, or limiting the terms of office for
77 federal officials and members of Congress.

78 (4) That this application constitutes a continuing
79 application in accordance with Article V of the Constitution of
80 the United States until the legislatures of at least two-thirds
81 of the several states have made applications on one or more of
82 the three proposed amendment categories listed above.

83 BE IT FURTHER RESOLVED that copies of this memorial be
84 dispatched to the President of the United States, to the
85 President of the United States Senate, to the Speaker of the
86 United States House of Representatives, and to each member of
87 the Florida delegation to the United States Congress.

Senate Resolution 736

By: Senators Staton of the 18th, Shafer of the 48th, Chance of the 16th, Miller of the 49th,
Hill of the 32nd and others

A RESOLUTION

1 Applying for a convention of the states under Article V of the United States Constitution; and
2 for other purposes.

3 WHEREAS, the founders of the Constitution of the United States empowered state
4 legislators to be guardians of liberty against future abuses of power by the federal
5 government; and

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

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

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

13 WHEREAS, it is the solemn duty of the states to protect the liberty of our people,
14 particularly for the generations to come, by proposing amendments to the Constitution of the
15 United States through a convention of the states under Article V of the United States
16 Constitution to place clear restraints on these and related abuses of power.

17 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
18 GEORGIA that the General Assembly of the State of Georgia hereby applies to Congress,
19 under the provisions of Article V of the Constitution of the United States, for the calling of
20 a convention of the states limited to proposing amendments to the United States Constitution
21 that impose fiscal restraints on the federal government, limit the power and jurisdiction of
22 the federal government, and limit the terms of office for its officials and for members of
23 Congress.

24 BE IT FURTHER RESOLVED that the Secretary of the Senate is hereby directed to transmit
25 copies of this application to the President and Secretary of the United States Senate and to
26 the Speaker and Clerk of the United States House of Representatives, to transmit copies to
27 the members of the United States Senate and United States House of Representatives from
28 this state, and to transmit copies hereof to the presiding officers of each of the legislative
29 houses in the several states, requesting their cooperation.

30 BE IT FURTHER RESOLVED that this application constitutes a continuing application in
31 accordance with Article V of the Constitution of the United States until the legislatures of
32 at least two-thirds of the several states have made applications on the same subject.

Senate Concurrent Resolution No. 1613

By Senator Pilcher-Cook

3-25

1 A CONCURRENT RESOLUTION making application to the congress of
2 the United States to call a convention for the purpose of proposing an
3 amendment to the constitution of the United States with respect to
4 states' rights.

5
6 *Be it resolved by the Senate of the State of Kansas, the House of*
7 *Representatives concurring therein:* That pursuant to article V of the
8 constitution of the United States, the legislature of the state of Kansas
9 hereby makes application to the congress of the United States for the
10 calling of a constitutional convention for the sole purpose of proposing
11 the following article as an amendment to the constitution of the United
12 States:

13 "ARTICLE _____

14 "Section 1. The states and the citizens thereof have the sole and
15 exclusive authority to regulate directly, and to regulate indirectly through
16 taxes, the following subjects: Education; the time, place and manner of
17 elections; marriage and law relating to the family; firearms, ammunition
18 and their use; land use; the management of wildlife, game and fisheries;
19 health care; and all forms of insurance.

20 "Sec. 2. Section 1 is not an exclusive list of subjects that the states
21 may regulate. With respect to all other subjects, other than those
22 enumerated in sections 9 and 10 of article I, the states may regulate those
23 subjects. Congress may not exercise its enumerated powers to impliedly
24 preempt or otherwise impliedly displace state laws. The preemption or
25 displacement of such state laws may only occur if an act of congress
26 expressly and unmistakably states its intention to preempt or displace
27 state law."; and

28 *Be it further resolved:* That this application constitutes a continuing
29 application in accordance with article V of the constitution of the United
30 States until at least two-thirds of the several states shall have made
31 similar applications to the congress of the United States; and

32 *Be it further resolved:* That the secretary of state is hereby directed to
33 transmit copies of this resolution to the President of the United States, the
34 Secretary of the Senate of the United States, the Clerk of the House of
35 Representatives of the United States, each member of the Kansas
36 delegation in the United States Congress and to the legislatures of all

SCR 1613

2

- 1 other states of the United States.



CONVENTION OF STATES
 A PROJECT OF CITIZENS FOR SELF-GOVERNANCE

A Solution As BIG As The Problem!

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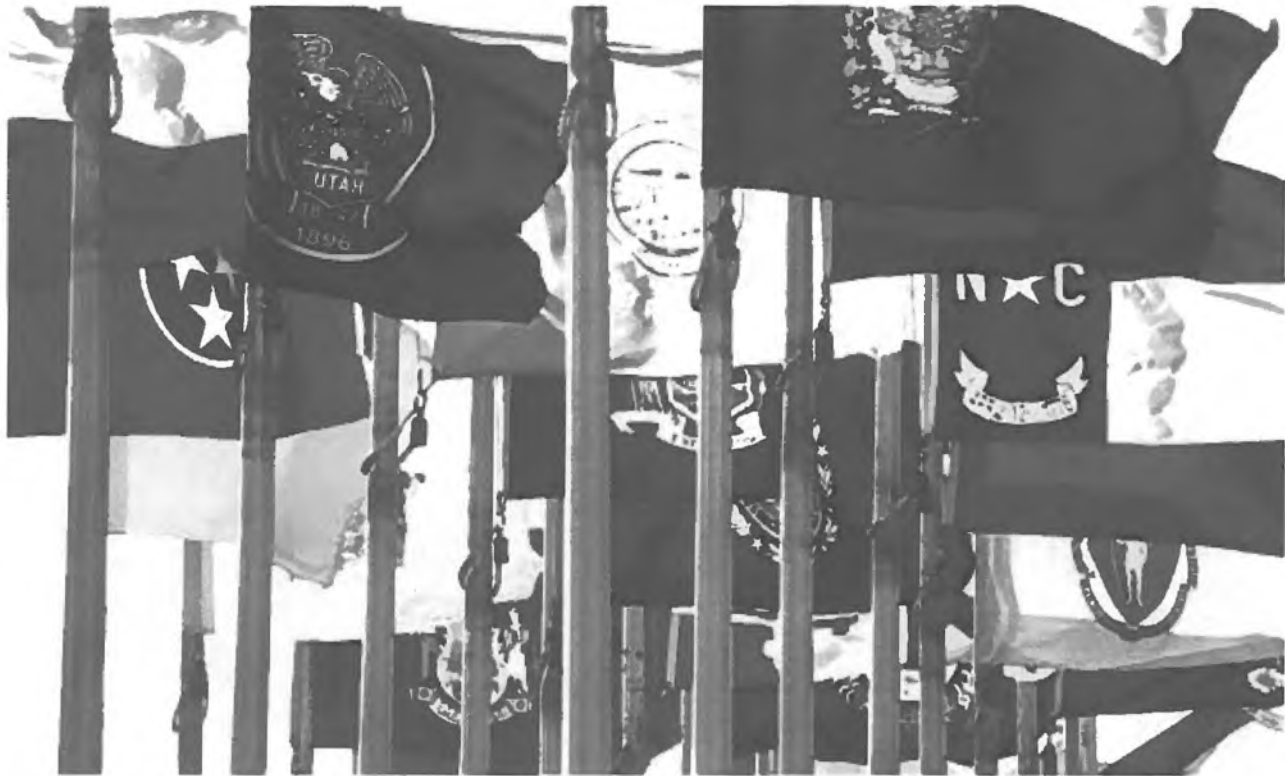
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Introduction

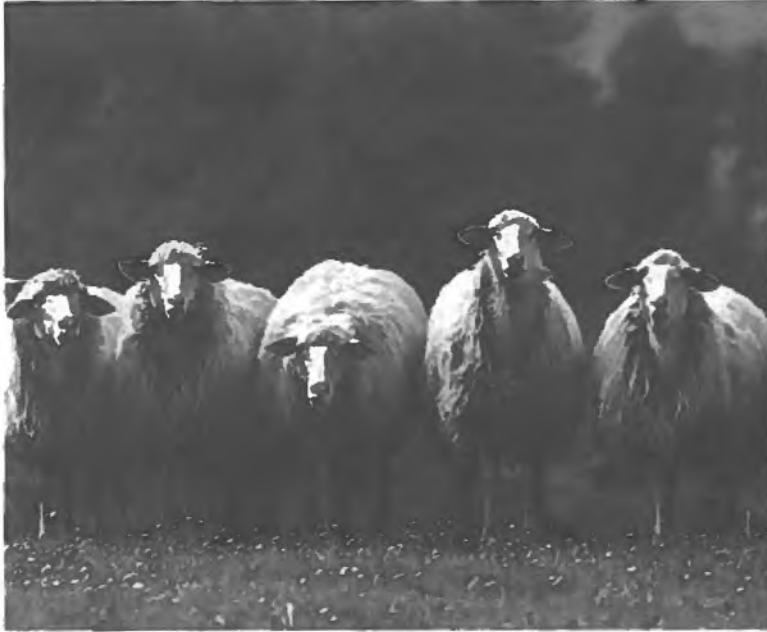


The public widely believes our nation is headed in the wrong direction. They believe that future prospects are troubling, not only for this generation but for generations to come.

The public is correct.

What is not widely known is that the Constitution itself provides a real, effective solution. Mark Levin's bestselling book, *The Liberty Amendments*, has opened the eyes of millions of Americans to the possibility of stopping the federal abuses of power through a Convention of States. Although we began the COS Project independently, our plan is a near-perfect match with Levin's ideas.

The plan we propose does not commit us to any particular amendments. That will be up to the states when they convene. But it does commit us to a particular subject—a convention must be held to limit the power and jurisdiction of the federal government.



If we do nothing to halt these abuses, we run the risk of becoming, as Alexis de Tocqueville warned, nothing more than "a flock of timid and industrious animals, of which the government is the shepherd."

Washington, D.C., is Out of Control and Will Not Relinquish Power

We see four major abuses of the federal government.

- The Spending and Debt Crisis
- The Regulatory Crisis
- Congressional Attacks on State Sovereignty
- Federal Takeover of Decision Making

These abuses are not mere instances of bad policy. They are driving us towards an age of "soft tyranny" in which the government "softens, bends, and guides" men's wills. If we do nothing to halt these abuses, we run the risk of becoming, as Alexis de Tocqueville warned in 1840, nothing more than "a flock of timid and industrious animals, of which the government is the shepherd." (Alexis de Tocqueville, *Democracy in America*, 1840)

1. The Spending and Debt Crisis

The \$17 trillion national debt is staggering, but it only tells a part of the story. If we apply the normal rules of business accounting, the federal government owes at least \$50 trillion more in vested Social Security benefits and other programs. This is why the government cannot tax its way out of debt. Even if they confiscated everything owned by private citizens and companies, it would not cover the debt.

2. The Regulatory Crisis

The federal bureaucracy has placed a regulatory burden upon businesses that is complex, conflicted, and crushing. Little accountability exists when executive agencies—rather than Congress—enact the real substance of the law. Research from the American Enterprise Institute, shows that since 1949 federal regulations have lowered

the real GDP growth by 2% and made America 72% poorer.

3. Congressional Attacks on State Sovereignty

For years, Congress has been using federal grants to keep the states under its control. By attaching mandates to federal grants, Congress has turned state legislatures into their regional agencies rather than truly independent republican governments.

A radical social agenda and an erosion of the rights of the people accompany all of this. While substantial efforts have been made to combat the social engineering and protect peoples' rights, we have missed one of the most important principles of the American founding. State legislatures need to be free to implement the will of the voters in their own states, not the will of Congress.

4. Federal Takeover of the Decision-Making Process

The Founders believed the structures of a limited government would provide the greatest protection of liberty. There were to be checks and balances at the federal level. And everything not specifically granted to Congress for legislative control was to be left to the states and the people.

Collusion among decision-makers in Washington, D.C., has overrun these checks and balances. The federal judiciary supports Congress and the White House in their ever-escalating attack upon the jurisdiction of the fifty states. This is more than an attack on the independence of the states. This robs the people of their most fundamental liberty—the right of self-governance.

We need to realize that the structure of decision-making matters. Who decides what the law shall be is even more important than what is decided. The

protection of liberty requires a strict adherence to the principle that power is limited and delegated.

Washington, D.C., does not believe this principle, as evidenced by an unbroken practice of expanding the boundaries of federal power. In a remarkably frank admission, the Supreme Court rebuffed a constitutional challenge to the federal spending power by acknowledging their approval of programs that violate the will of the Founders:

This framework has been sufficiently flexible over the past two centuries to allow for enormous changes in the nature of government. The Federal Government undertakes activities today that would have been unimaginable to the Framers in two senses; first, because the Framers would not have conceived that any government would conduct such activities; and second, because the Framers would not have believed that the Federal Government, rather

than the States, would assume such responsibilities. Yet the powers conferred upon the Federal Government by the Constitution were phrased in language broad enough to allow for the expansion of the Federal Government's role.

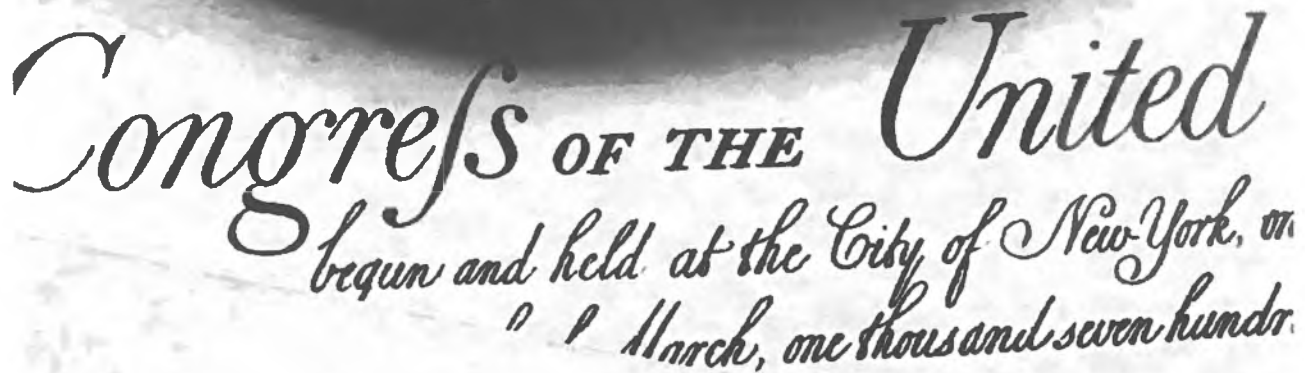
New York v. United States, 505 U.S. 144, 157 (1992).

This is not a partisan issue. Washington, D.C., will never voluntarily relinquish meaningful power—no matter who is elected. The only rational conclusion is this: unless some political force outside of Washington, D.C., intervenes, the federal government will continue to bankrupt this nation, embezzle the legitimate authority of the states, and destroy the liberty of the people. Rather than securing the blessings of liberty for future generations, Washington, D.C., is on a path that will enslave our children and grandchildren to the debts of the past.



"This is not a partisan issue. Washington, D.C., will never voluntarily relinquish meaningful power — no matter who is elected."

"We need to realize that the structure of decision-making matters. Who decides what the law shall be is even more important than what is decided."



Congress OF THE *United*
began and held at the City of New York, on
17th March, one thousand seven hundred

“By calling a convention of states, we can stop the federal spending and debt spree, the power grabs of the federal courts, and other misuses of federal power.”

The Founders Gave Us a Solution: A Convention of States

Many people don't know that there are two methods to propose amendments to the Constitution.

1. Two-thirds of each house of Congress agrees to propose a particular amendment.
2. Two-thirds of the state legislatures pass applications for a convention for the purpose of proposing amendments on the same subject.

The Founders knew the federal government might one day become drunk with the abuses of power. The most important check to this power is Article V. Article V gives states the power to call a convention *for the*

purpose of proposing amendments to the Constitution.

By calling a convention of states, we can stop the federal spending and debt spree, the power grabs of the federal courts, and other misuses of federal power. The current situation is precisely what the Founders feared, and they gave us a solution we have a duty to use.

After the states propose, debate, and vote upon the proposed amendments, they will be sent to the 50 state legislatures for ratification. Congress *must* choose one of two “modes of ratification.” They can either submit the amendments to state conventions

elected for that purpose or to the state legislatures. Three-quarters of the states must agree for any of the proposed amendments to be ratified.

Congress has no authority to stop such a process. The Founders made sure of that.

We are approaching a crossroads. One path leads to the escalating power of an irresponsible centralized government, ultimately resulting in the financial ruin of generations of Americans. The other path leads to the restoration of liberty and an American renaissance.

Which will you choose?

Article V, U.S. Constitution

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 its equal suffrage in the Senate.



A story from the Convention of 1787:
 “On September 15, as the Convention was reviewing the revisions made by the Committee of Style, George Mason expressed opposition to the provisions limiting the power to propose amendments to Congress. According to the Convention records, Mason thought that “no amendments of the proper kind would ever be obtained by the people, if the Government should become oppressive, as he verily believed would be the case.” In response, Gouverneur Morris and Elbridge Gerry made a motion to amend the article to reintroduce language requiring that a convention be called when two-thirds of the States applied for an amendment.

30 *Harvard Journal of Law and Public Policy* 1005, 1007 (2007).

How Our Proposal Differs from Other Article V Plans

We believe our strategy gives us an almost-certain chance of success.

Two goals separate our plan from all other Article V efforts:

1. We want to call a convention for a particular *subject* rather than a particular *amendment*. Instead of calling a convention for a balanced budget amendment (though we are entirely supportive of such an amendment), we want to call a convention for the purpose of limiting the power and jurisdiction of the federal government.
2. We believe the grassroots is the key to calling a successful convention. The goal is to build a political operation in a minimum of 40 states, getting 100 people to volunteer in at least 75% of the state legislative district (that's 3,000 districts). We believe this is very realistic. Through the support of the American people this project will succeed.

Our Solution is Big Enough to Solve the Problem

Rather than calling a convention for a specific amendment, Citizens for Self-Governance (CSG) has launched the Convention of States Project to urge state legislatures to properly use Article V to call a convention for a particular subject—reducing the power of Washington, D.C. It is important to note that a convention for an individual amendment (e.g. a Balanced Budget Amendment) would be limited to that single idea. Requiring a balanced budget is a great idea that CSG fully supports. Congress, however, could

comply with a Balanced Budget Amendment by simply raising taxes. We need spending restraints as well. We need restraints on taxation. We need prohibitions against improper federal regulation. We need to stop unfunded mandates.

No current Article V proposal has been able to reach the 34 state applications needed to call a Convention of States. There is not enough momentum behind any one amendment. Ideally, the Convention of States Project allows all these Article V efforts to combine, giving them the collective force necessary to call a convention.

Once called, the delegates will be able to debate and impose a complete package of restraints on the misuse of power by all branches of the federal government. This is what our plan will do. It would allow ALL amendments germane to “reducing the power of the federal government” to be considered.

What Sort of Amendments Could be Passed?

The following are examples of amendment topics that could be proposed at a convention of states:

- A balanced budget amendment
- Reducing federal spending power (fixing the General Welfare Clause)
- Reducing federal regulatory power (fixing the Commerce Clause)

- A prohibition of using international treaties and law to govern the domestic law of the United States
- A limitation on using Executive Orders and federal regulations to enact laws (since the Congress is supposed to be the exclusive agency to enact laws)
- Imposing real checks and balances on the Supreme Court (such as term limits)
- Placing a limit on federal taxation

Of course, these are merely examples of what could be up for discussion. So long as a proposed amendment relates to limiting the power of the federal government, the Convention of States itself would determine which ideas deserve serious consideration, and it will take a majority of votes from the states to formally propose any amendments.

American citizens have become so frustrated with runaway federal power that they have begun discussing ideas like nullification and even secession. Such ideas are not only impractical; they could ultimately lead to a violent conflict. We need not turn to such dangerous alternatives. The Founders gave us a legitimate path to save our liberty by using our state governments to impose binding restraints on the federal government. We must use the power granted to the states in the Constitution.

“A convention of States needs to be called to ensure that we are able to debate and impose a complete package of restraints on the misuse of power by all branches of the federal government.”

Our Political Plan to Call a Convention of States

The Grassroots

The leadership of the COS Project believes the success of a Convention of States depends directly on the American citizens. Our plan is not only simple, it is *realistic*:

- We will build viable political operation that is active in at least 40 states.
- These 40 states have approximately 4000 state house districts. Our goal is to have a viable political operation in at least 3000 of these districts.
- We will have 3000 district captains who will organize at least 100 people in each district to contact their state legislators to support a convention of states, and turn out at least 25 people per district at legislative hearings.

Legislators must know that our grassroots team will have their backs if they support a Convention of States. A widespread grassroots organization has

been missing from the Article V movement. CSG's President, Mark Meckler, was the co-founder of the Tea Party Patriots—one of the largest tea party groups in the country. Michael Farris is the founder of the Home School Legal Defense Association. As such, he brings with him over 30 years of grassroots leadership and activism in all 50 states. Eric O'Keefe was the lead organizer for the term limits movement that resulted in 23 states passing ballot initiatives to that effect. We are rapidly building not only a staff for this project, but networking with like-minded coalition members across America.

The strategic advantage of a fresh start on the application process is that we will be building current grassroots operations in all of the states needed to ratify any proposed amendments, and have them all addressed at one convention. If one of the existing proposals (such as the Balanced Budget applications) achieved 34 valid

applications, CSG certainly would support it as well.

Unfortunately, the BBA plan relies on applications that were enacted ten, twenty, and thirty years ago. The grassroots organizations that achieved those victories are long gone. Starting fresh insures that we have current political operations in all the states necessary to actually ratify our proposed amendments.

Starting fresh also allows us to avoid any legal difficulties that may arise during the "aggregation" process. Applications must deal with the same issue in order for them to be counted towards the necessary 34 (or, in order for them to be "aggregated"). Many of the BBA applications, for example, are sufficiently different that they may be subject to legal challenge when the time comes to determine which states are included in the count. It is unlikely all BBA applications currently pending will be successfully aggregated. We will be proceeding with a unified application using the same operative language in all states.

Thus, there is both a legal advantage (clear aggregation) and a political advantage (current grassroots networking) to a fresh start on the application process. Moreover, we will have a greater ability to protect our liberty by addressing the full scope of the problems of Washington, D.C., in a Convention of States.

This unique strategy combined with strong grassroots support will guarantee the success of this project.

Only one question remains. Will you help?



The success of a Convention of States depends directly on the American citizens.

Why a Convention of States is the Safest Alternative to Preserve Our Liberty

The most common objection to an Article V convention envisions a doomsday scenario in which delegates disregard the purpose of the convention, rewrite the Constitution, and change the entire American system of government. This has been called the “runaway convention” theory, and it is based on fear and misinformation.

Here are the facts:

1. **There is a clear, strong single-subject precedent that would almost certainly be declared binding in the event of a court challenge.** There have been over 400 applications from state legislatures for an Article V convention in the history of the Republic. No such convention has ever been called because there has never been an application from two-thirds of the states for a single subject. In addition to this, there is a huge amount of historical precedent that limits interstate conventions to a particular subject. (See Professor Robert G. Natelson’s handbook here: www.alec.org/publications/article-v-handbook/). Also see his essay on page 21.
2. **Ratification of any proposed amendment requires the approval of 38 states.** It only takes 13 states to vote “No” to defeat any proposed amendment. The chances of 38 state legislatures approving a rogue amendment are effectively zero.
3. **Improper changes to the process can be legally challenged by state legislators.** The Supreme Court has held that Congress acted unconstitutionally when it changed the rules of the process in midstream. See, *Idaho v. Freeman*, 529 F.Supp. 1107 (D.C. Idaho 1981) (vacated on the ground of mootness.) CSG’s Senior Fellow for Constitutional Studies, Michael Farris, was lead counsel for Washington state legislators in that litigation.
4. **There is absolutely no historical precedent for a runaway convention.** Many opponents of a Convention of States make the historically false allegation that our Constitution was adopted as the result of an illegal runaway convention. Such an argument was invented by the enemies of the Constitution and is unsupported by historical fact. The truth is that the new process for adopting the Constitution was unanimously approved by both the Congress and all thirteen states as required by the Articles of Confederation. (See “Was the Constitution Illegally Adopted?” by Michael Farris on page 17).

Thus, there are multiple lines of defense against an amendment that departs from the original subject: (1) A majority of states at the Convention would almost certainly vote such a proposal to be out of order; (2) If such an amendment was proposed, a proper legal challenge would certainly be filed and has a good likelihood of success; (3) It is highly probable that at least 13 states would defeat any such proposed amendment; (4) It is a historical fallacy to argue that we have an

established precedent of Conventions changing the rules illegally. (See Appendix, “A Response to the Runaway Scenario” for a detailed argument.)

American citizens must evaluate the relative safety of two choices. Should we allow our runaway federal government to continue to abuse the Constitution and the rights of the people, with the vague hope that someday Washington, D.C., will see the light and relinquish power? Or should we call a Convention of States, trusting one of the many lines of defense will stop any misuse of power?

At the end of the day, we must trust either Congress or the states. Recent history makes that an easy choice. Washington, D.C., is clearly the greatest danger to our liberty.

We believe the choice is clear. A Convention of States is the safest path to preserve self-government and liberty.

“At the end of the day, we must trust either Congress or the States. Recent history makes that an easy choice. Washington, D.C., is clearly the greatest danger to our liberty.”



“The convention for proposing amendments is called to propose solutions to discrete, pre-assigned problems.” “When two-thirds of the states apply on a given subject, Congress must call the convention.”

We Know How a Convention of States Would Operate

There are some who claim we know nothing about how a Convention of States would function. They say that no precedent exists for such a convention, and it should be avoided due to all the unknowns. The historical record requires us to disagree with these assertions. It tells us how a Convention of States would operate. Interstate conventions were common during the Founding era, and the rules and procedures for such conventions were widely accepted. (For more on this historical precedent see Natelson’s article on page 21.) According to Professor Rob Natelson, leading expert on the Article V process, we know that:

- The “convention for proposing amendments” was consciously modeled on federal conventions held during the century leading up to the Constitutional Convention, when states or colonies met together on average about every 40 months.
- These were meetings of separate governments, and their protocols were based on international practice. Those protocols were well established and are inherent in Article V.
- Each federal convention has been called to address one or more discrete, prescribed problems. A convention “call” cannot determine how many delegates (“commissioners”) each state sends or how they are chosen. That is a matter for each state legislature to decide.
- A convention for proposing amendments is a meeting of sovereign governments, and each state has one vote. Each state commissioner is empowered and instructed by his or her state legislature.
- As was true of earlier interstate gatherings, the convention for proposing amendments is called to propose solutions to discrete, pre-assigned problems. There is no record of any federal convention significantly exceeding its pre-assigned mandate—not even the Constitutional Convention, despite anti-historical claims to the contrary.
- The state legislatures’ applications fix the subject-matter for a convention for proposing amendments. When two-thirds of the states apply on a given subject, Congress must call the convention. However, the congressional power is limited to setting the time and place of meeting.

The language in Article V does not specify any procedural rules because the Founders knew them so well. It would have seemed unnecessary to specify exactly how an interstate convention would operate. These rules are well-established and would be upheld by the courts today.



“The best plan is for state legislatures to adopt applications with operative language that is identical or as close to identical as possible.”



Action Steps for Legislators

To call a Convention of States, 34 state legislatures must pass applications on the same subject matter. Governors play no official role in this process. A simple majority rule applies unless the state legislature has adopted prior rules requiring a different number.

“Aggregation” is the most important issue for legislators to consider. Will

one state’s application be counted toward the required 34-vote majority, or will it be considered distinct from those of other states? The great variety of applications for a proposed Balanced Budget Amendment demonstrates the problem. Most legal scholars believe that a handful of the existing applications will be considered sufficiently distinct to deny aggregation status in a final count.

The best plan is for state legislatures to adopt applications with operative language that is identical or as close to identical as possible. CSG’s draft application is contained in the Appendix. This Model Application was drafted in consultation with a wide range of constitutional scholars, legislators, and citizen activists.

Action Steps for Citizens

Ultimately, the success of a Convention of States depends on the citizens of the United States. The grassroots will be the engine that drives this project. If Americans are willing to sacrifice their time and energy, there is still a chance to halt the tyrannical abuses of the federal government.

In each state, we will appoint three state-wide volunteer leaders: the State Director, Legislative Liaison, and Coalitions Director. These individuals will organize the movement across the state, coordinating volunteers, connecting with state legislators, and building the grassroots network.

In each state legislative district, a District Captain will be appointed to coordinate and mobilize volunteers in their district.

There are a number of ways volunteers will be able to be involved in helping move the project forward:

- Recruiting friends, family, neighbors and co-workers to join the effort.
- Writing letters, making calls, and/or visiting state legislator's offices to encourage them to support a Convention of States.
- Attending legislative hearings to show support for a Convention of States.

- Working on campaigns to elect candidates who support the cause.
- Organizing and speaking at events in your area as a representative for COS.

For more information about leadership job descriptions and volunteer opportunities visit www.conventionofstates.com.

The Founders gave us the tools to curb the federal abuse of power. It's time we stand up and use them to preserve liberty—not only for ourselves but for posterity.



“The grassroots will be the engine that drives this project.”

Leadership of the Convention of States Project



Mark Meckler
Citizens for Self-Governance,
President

BA in English Literature, San Diego State University-California State University

J.D. from UOP McGeorge School of Law (with Honors)

Mark Meckler is the founder and President of Citizens for Self-Governance (CSG), an organization created to support grassroots activism in taking power from Washington, D.C., and returning it to its rightful owners, the citizens of the states. Meckler is widely regarded as one of the most effective and well-networked grassroots organizers in the nation and is regularly called on for political commentary in all forms of media.

Meckler is the co-founder and former National Coordinator for the Tea Party Patriots, the largest tea party organization in the nation. He left the organization in February 2009 and founded CSG to work more broadly on expanding the self-governance movement beyond the partisan divide.

As the President of CSG, Meckler makes sure that all projects, including Convention of States, are fully and appropriately funded, staffed and managed, with a focus on strict stewardship of donor dollars for maximum leverage and effect. Meckler is also personally involved in all media and public relations efforts.

Meckler and his wife Patty live in Northern California with their teenage children, where they share a love of outdoor recreation and equestrian activities.



Eric O'Keefe
Citizens for Self-Governance
Board of Directors

Eric O'Keefe has a twenty-five year history as an active strategist, board member and donor with organizations working to advance individual liberty, promote citizen

engagement and restore constitutional governance. O'Keefe helped found U.S. Term Limits in 1991 and, and in recent years, co-founded the Campaign for Primary Accountability, the Health Care Compact Alliance, and Citizens for Self-Governance. O'Keefe is also a founding board member of the Center for Competitive Politics and Citizens in Charge Foundation.

O'Keefe's book on the corruption of Congress, "Who Rules America," won praise from the late freedom advocate Milton Friedman.

O'Keefe also serves on the board of directors of the Wisconsin Club for Growth, which has been active defending Gov. Walker's agenda during legislative campaigns, recall campaigns, and legislative races.

When he is not engaged in political activities, O'Keefe is a private investor based in rural Wisconsin, where he and his wife raised three children.



Michael P. Farris
Citizens for Self-Governance —
Senior Fellow for Constitutional
Studies, head of Convention of
States Project

B.A. in Political Science, magna cum laude, Western Washington University (formerly Western Washington State College)

J.D., honors graduate, Gonzaga University School of Law
LL.M. with Merit in Public International Law,
University of London

Michael Farris is the Chancellor of Patrick Henry College and Chairman of the Home School Legal Defense Association. He was the founding president of each organization.

Farris is a constitutional appellate litigator who has served as lead counsel in the United States Supreme Court, eight federal circuit courts, and the appellate courts of thirteen states.

He has been a leader on Capitol Hill for over thirty years and is widely known for his leadership on homeschooling, religious freedom, and the preservation of American sovereignty.

A prolific author, Farris has been recognized with a number of awards including the Salvatori Prize for American Citizenship by the Heritage Foundation and as one of the "Top 100 Faces in Education for the 20th Century" by *Education Week* magazine.

Farris and his wife Vickie have 10 children and 17 grandchildren.

Appendix



We want you to have all of the information you need to get involved.

Please see the materials we've gathered for you to be the most informed person in your community.

It'll take hard work, but it's time to spread the word!

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“Was the Constitution Illegally Adopted?” by Michael Farris..... 17

“Founding-Era Conventions and the Meaning of the Constitution’s Convention for Proposing Amendments” Excerpts by Professor Robert G. Natelson..... 21

Application for a Convention of the States Under Article V of the U.S. Constitution

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 Constitution of the United States through a Convention of the States under Article V to place clear restraints on these and related abuses of power,

Be it therefore resolved by the legislature of the State of _____:

Section 1. The legislature of the State of _____ hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, 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 for Members of Congress.

Section 2. The secretary of state is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several States, requesting their cooperation.

Section 3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject.

The Convention of States
is a project of



CITIZENS FOR
SELF-GOVERNANCE

Was the Constitution Illegally Adopted?

Michael Farris, JD, LLM

Chancellor, Patrick Henry College

Senior Fellow for Constitutional Studies, Citizens for Self-Governance



We can't walk boldly into our future, without first understanding our history.

From the time the Constitutional Convention concluded until today, there has been a contentious allegation that it was a runaway convention and that the Constitution was illegally adopted. For example, historian Joseph Ellis, in his recent bestseller *Founding Brothers*, repeats the following charges against the Constitutional Convention:

Over the subsequent two centuries critics of the Constitutional Convention have called attention to several of its more unseemly features: the convention was extralegal, since its explicit mandate was to revise the Articles of Confederation, not replace them; ...the machinery for ratification did not require the unanimous consent dictated by the Articles themselves. There is truth in each of these allegations.'

These two charges are serious because they suggest that under the law existing at the time, the Constitution was actually illegally adopted. These two allegations can be summarized as follows: (1) a new document was proposed rather than mere changes to the Articles of Confederation as

specified in the call of the convention; and (2) the new Constitution allowed for ratification by only nine states whereas the Articles of Confederation required all thirteen states to approve any changes before they became effective.

On the surface, these two accusations are plausible. Indeed, the essentially unanimous view of historians is that the second of these charges is true. It should be noted, however, that most of these same historians believe that the end of saving the Republic justified the means of violating the Articles' rules concerning the amendment process.

However, a fresh look at historical documents and clearly established legal principles shows that both of these attacks on the integrity of the Constitution are in error.

How we got the Constitution:

A procedural review

At the request of Virginia, the Annapolis Convention convened with only five states in attendance. The convention had been called solely for

the purpose of considering changes to the Articles of Confederation relative to the regulation of commerce. The delegates quickly concluded that a second convention needed to be called with broader authority and with more states in attendance. On September 11, 1786, the delegates adopted this resolution:

Under this impression, Your Commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may essentially tend to advance the interests of the [U]nion, if the States, by whom they have been respectively delegated, would themselves concur, and use their endeavours to procure the concurrence of the other States, in the appointment of Commissioners, to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the

Continued to page 18

Was the Constitution Illegally Adopted? *Continued from page 17*

exigencies of the Union; and to report such an Act for that purpose to the United States in Congress assembled, as when agreed to, by them, and afterwards confirmed by the Legislatures of every State, will effectually provide for the same.

On February 21, 1787, Congress responded by voting to authorize a convention in Philadelphia under these terms:

Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union.

The authorization for the convention was for the “sole and express purpose of revising the Articles of Confederation.” But, as is obvious, the Constitutional Convention recommended an entirely new document—or was it?

No one would suggest that the Constitutional Convention had violated the scope of its authority if it had recommended two or three modest changes in the text of the Articles but also added a recommendation that the name of the document be changed to “The Constitution of the United States.”

Thus, the mere fact there was a name change does not make the work of the convention illegal.

In fact, it is normal legislative practice to change the names of existing laws. Moreover, it is a recognized legal principle that the title of a law is no part of the body of the law. Thus, changing the name is of no legal consequence.

There were no limits placed on the authority of the convention to make amendments. It could recommend one change or a thousand.

Additionally, some matters of substance did not change from the Articles of Confederation to the Constitution.

- Article I of the Articles of Confederation named the nation the United States of America. This did not change in the Constitution.
- Article II asserted that the states retained all power not specifically delegated. This was not changed, as was made evident by numerous declarations to this effect by the various state ratification documents. Moreover, the Tenth Amendment was later added to make this clear.
- Article III said that the states formed a mutual defense compact. The operation of the military changed under the Constitution, but the duty of defense of the whole nation did not change.
- Article IV had a provision that people moving from state to state had to be treated as citizens in the new states when they arrived—a provision that appears in Article IV, Section 2, of the Constitution with only modest changes in wording. This is sufficient to demonstrate that indeed the Constitution was a series

of recommended amendments to the Articles of Confederation. Many additional phrases and concepts, including the General Welfare Clause, were carried over from the Articles to the Constitution. So it is simply not true to assert that its content was “an entirely new document.”

To be sure, the proposed amendments were presented as a package deal to be voted up or down, rather than as a series of individual amendments. But there was nothing in the document that created the Philadelphia Convention that prevented the convention from recommending the proposed amendments be approved en masse. In fact, no credible politician would have ever thought it wise to propose twenty or thirty amendments to be considered by Congress on a one-by-one basis. Any recommended changes would necessarily require a series of political compromises to reach a balance. It simply made common political sense that the amendments would be submitted as a single package deal. And there is nothing at all in the call of the convention that would suggest such an approach was improper.

Remember the resolution from Congress gave the Constitutional Convention the charge to make recommendations to the Articles and then to submit its recommendations to Congress and then the states.

After the convention completed its work, on September 17, 1787, the delegates officially transmitted the proposed Constitution to Congress, which was then meeting in New York. At this point, the Constitution was nothing more than a mere recommendation. Until Congress and the state legislatures acted, no ratification action was possible.



History tells the story.

The Constitution was legally adopted.

Now, let's move on to getting our nation back to the greatness the Founders originally envisioned.

On September 28, 1787, eleven days after receiving the recommendation from the Philadelphia Convention, Congress voted to approve the submitted recommendation. The official language read as follows:

Resolved Unanimously that the said Report with the resolutions and letter accompanying the same be transmitted to the several legislatures in Order to be submitted to a convention of Delegates chosen in each state by the people thereof in conformity to the resolves of the Convention made and provided in that case.

Note that Congress was the agency that had said the convention was called “for the sole and express purpose of revising the Articles of Confederation.” And this same Congress *unanimously* approved the proposed Constitution and sent it on to the states. If the convention had indeed exceeded its authority, then Congress was the body with the legal authority and the clear opportunity to say, “We reject this proposal because this document violated your authority.”

Thus, by examining the content of the document as well as the unanimous

approval of Congress, it is clear the Constitution was an appropriate, albeit substantial, amendment to the Articles of Confederation.

This brings us to the second charge levied by critics to prove the Constitution was illegally adopted: the fact that the Constitution was to be ratified by just nine states instead of the unanimous vote of thirteen states required by the Articles of Confederation.

It is misleading to focus on the number of states required for ratification, because there was actually a more important change in the process. Under the Articles of Confederation, proposed amendments were to be sent to the state legislatures. Under the Constitution, they were to be ratified by state conventions. Therefore, before we can even consider the switch from thirteen states to nine, we have to ask: how was the switch made from ratification by legislatures to ratification by conventions?

If things were going to be done properly under the Articles of Confederation, then all thirteen states would have to approve of this *change in process* before the Constitution

could be legally adopted by this new method. Remember the new method had two components: (1) ratification by conventions, and (2) ratification by nine states only.

Let us once again look at the language from Congress that approved the work of the Constitutional Convention.

Resolved Unanimously that the said Report with the resolutions and letter accompanying the same be transmitted to the several legislatures in Order to be submitted to a convention of Delegates chosen in each state by the people thereof in conformity to the resolves of the Convention made and provided in that case.

Congress did not send the Constitution to the state conventions. The report was “transmitted to the several legislatures” (emphasis mine). The legislatures had to act, if they agreed, to authorize the election of delegates “in conformity to the resolves of the Convention.” This last clause meant the states were being asked to approve this new process that authorized the election of delegates to a ratification convention and nine ratifications would be sufficient. Both matters were clearly specified in the “resolves of the Convention.”

Thus, before any state could submit the proposed Constitution to a ratification convention, its state legislature had to approve this new process. If all thirteen state legislatures in fact approved this change in process, then the Articles of Confederation would be fully satisfied.

This analysis looks at ratification as a two-step process:

1. The state legislatures approved the new process.

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Was the Constitution Illegally Adopted? *Continued from page 19*

2. The state ratification conventions approved the new Constitution.

As long as all thirteen state legislatures approved the change in process, then it would be perfectly legal under the Articles for nine state conventions to ratify the Constitution. However, it is very important to note that without the approval for the change in process by the legislatures, it would not be legal to submit the Constitution to state conventions no matter how many ratifications were required for approval.

Eleven states held ratification conventions and approved the Constitution between December 17, 1787, and July 26, 1788. The government under the Constitution went into effect on March 4, 1789. It is self-evident that the legislatures of each of these states voted to approve the new process, since these conventions required prior legislative approval.

However, we must also consider North Carolina and Rhode Island, which did not ratify the Constitution before it was put in operation. If North Carolina and Rhode Island had failed to approve or had rejected this *change in process*, then the critics would be right—the Constitution would have been adopted contrary to the rules of the Articles of Confederation requiring unanimity among the states.

But the North Carolina *legislature* clearly approved this change in process. The legislature authorized the election of delegates for this express purpose. On August 2, 1788, the North Carolina convention tabled any further consideration of the Constitution by a vote of 183 to 83. The convention delegates attached a number of recommended amendments they

wanted to see adopted by a second general convention before ratification. This was a tacit rejection of the Constitution as written. But this rejection by the *convention* has no bearing on the action of the *legislature* that had previously approved the change in the process.

An unconventional convention

This leaves Rhode Island. It is generally thought Rhode Island simply ignored the entire process until after the new government under the Constitution had already begun operation. And if this were true, then the second charge against the Constitution (that it did not properly follow the amendment process under the Articles of Confederation) would be true.

However, in February 1788, the legislature of Rhode Island adopted a resolution submitting the Constitution of the United States to a vote of all the people of the state.² In effect, this act appointed all the people of the entire state as delegates to the ratification convention. The people were to assemble on the fourth Monday of March in “conventions” in each town. These Rhode Island ratification conventions were different from those in any other state, but nothing in the text of the transmittal from Congress prohibited Rhode Island from adopting this format for a ratification convention. These town conventions were held on March 24, 1789, and the Constitution was overwhelmingly rejected (2,708 to 237). The defeat was more lopsided than it might have been, since most federalists boycotted the meetings.

But this rejection by the Rhode Island *convention* does not detract from the

fact that the Rhode Island *legislature* approved the process that had been suggested by the Philadelphia Convention and had been officially approved by Congress. Without this approval by the legislature, the town conventions could have never been held.

Therefore, the Articles of Confederation were fully satisfied. Before the Constitution was agreed to, Congress and all thirteen state legislatures approved a new process for changing the Articles of Confederation. By the unanimous action of thirteen state legislatures, ratification conventions were convened—an explicit approval of the new process that included the transfer of decision making from legislatures to conventions and changed the required number of approvals from thirteen to nine. Both of these accusations against the Constitution are disproved by a careful examination of the multiple steps in the process. The Constitutional Convention did not exceed its authority by incorporating all of its proposed amendments into a single document with a new name—as is proven by the unanimous acceptance of the report by the very agency that called the convention into session. Moreover, Congress and all thirteen state legislatures approved the new ratification process as required by the Articles.

The Constitution of the United States was legally adopted.

Endnotes

¹ Joseph J. Ellis, *Founding Brothers: The Revolutionary Generation* (New York: Alfred A. Knopf, 2000), 8.

² The resolution adopted by the Rhode Island legislature is printed in the March 8, 1788, edition of the *Providence Gazette and Country Journal*, no. 1262, p. 2, col. 2–3.

[The following is an excerpt from Professor Robert G. Natelson's *Florida Law Review* article titled below. For brevity all cites have been removed. It can be downloaded in full at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2044296. With his permission we have highlighted his historical precedent for a Convention of States.]

Founding-Era Conventions and the Meaning of the Constitution's "Convention For Proposing Amendments"

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Overview Of Prior American Experience With Conventions [...]

A. Conventions Before the Constitution

The Founders understood a political "convention" to be an assembly, other than a legislature, designed to undertake prescribed governmental functions. The convention was a familiar and approved device: several generations of Englishmen and Americans had resorted to them. In

1660 a "convention Parliament" had recalled the Stuart line, in the person of Charles II, to the throne of England. A 1689 convention Parliament had adopted the English Bill of Rights, declared the throne vacant, and invited William and Mary to fill it. Also in 1689, Americans resorted to at least four conventions in three different colonies as mechanisms to replace unpopular colonial governments, and in 1719 they held yet another.

During the run-up to Independence,

conventions within particular colonies issued protests, operated as legislatures when the de jure legislature had been dissolved, and removed British officials and governed in their absence. After Independence, conventions wrote several state constitutions.

Those state constitutions also resorted to conventions as elements of their amendment procedures. The Pennsylvania Constitution of 1776 and

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The Founders understood a political "convention" to be an assembly, other than a legislature, designed to undertake prescribed governmental functions.

What does that mean for a modern Convention of States?

Founding-Era Conventions and the Meaning of the Constitution's "Convention For Proposing Amendments" *Continued from page 21*

the Vermont Constitution of 1786 both authorized amendments conventions limited as to subjects by a "council of censors." The Massachusetts Constitution of 1780 provided for amendment by convention. The Georgia Constitution of 1777 required the legislature to call a convention to draft constitutional amendments whose gist had been prescribed by a majority of counties.

Conventions within individual colonies or states represented the people, towns, or counties. Another sort of "convention" was a gathering of three or more American governments under protocols modeled on international diplomatic practice. These multi-government conventions were comprised of delegations from each participating government, including, on some occasions, Indian tribes. Before Independence, such gatherings often were called "congresses," because "congress" was an established term for a gathering of sovereignties. After Independence, they were more often called "conventions," presumably to avoid confusion with the Continental and Confederation Congresses. But both before and after Independence the terms could be employed interchangeably.

Multi-government congresses or conventions were particularly common in the Northeast, perhaps because governments in that region had a history of working together. In 1643 the four colonies of Massachusetts, Plymouth Colony, Connecticut, and New Haven formed the United Colonies of New England. Essentially a joint standing committee of colonial legislatures, this association was not always active, but

endured at least formally until 1684. In 1695, the Crown created the Dominion of New England, a unified government imposed on New England, New York, and New Jersey. The Dominion proved unpopular, and in 1689 colonial conventions swept it away; nevertheless, northeastern governments continued to confer together. Many of these meetings were conclaves of colonial governors, usually conferring on issues of defense against French Canada and her allied Indian tribes, rather than conventions of diplomatic delegations. An example from outside the Northeast was the meeting of five governors held at Alexandria, Virginia in 1755. Many others, however, were full-dress conventions among commissioners appointed from three or more colonies. These meetings were usually, but not always, held under the sanction of royal authorities.

To be specific: Three colonies met at Boston in 1689 to discuss defense issues. The following year, the acting New York lieutenant governor called, without royal sanction, a defense convention of most of the continental colonies to meet in New York City. The meeting was held on May 1, 1690, with New York, Massachusetts Bay, Connecticut, and Plymouth colonies in attendance. A similar gathering occurred in 1693 in New York, this time under Crown auspices. Other defense conventions were held in New York City in 1704, Boston in 1711, Albany in 1744 and 1745, and New York City in 1747. The New England colonies held yet another in 1757.

In addition to defense conventions, there were conventions serving as diplomatic meetings among colonies

and sovereign Indian tribes, particularly the Iroquois. There were at least ten such conclaves between 1677 and 1768 involving three or more colonies. Those ten included gatherings in 1677, 1689, 1694, and 1722 at Albany, New York; in 1744 at Lancaster, Pennsylvania; in 1745, 1746, 1751, and 1754 at Albany; and in 1768 at Fort Stanwix (Rome), New York.

The assembly at Lancaster became one of the more noted. Participants included Pennsylvania, Maryland, Virginia, and several Indian tribes. The proceedings lasted from June 22 to July 4, 1744, and produced the Treaty of Lancaster. Even more important, however, was the seven-colony Albany Congress of 1754, whose proceedings are discussed in Part IV.A.

The most famous inter-colonial conventions were the Stamp Act Congress of 1765 and the First Continental Congress of 1774, discussed in Parts IV.B and IV.C. As for the Second Continental Congress (1775-81), participants might initially have thought of it as a convention, but it is not so classified here because it really served as a continuing legislature.

After the colonies had declared themselves independent states, they continued to gather in conventions. All of these meetings were called to address specific issues of common concern. Northeastern states convened twice in Providence, Rhode Island—in December, 1776 and January, 1777, and again in 1781. Other conventions of northeastern states met in Springfield, Massachusetts (1777); New Haven, Connecticut (1778);

Hartford, Connecticut (1779 and 1780); and Boston, Massachusetts (1780). Conventions that included states outside the Northeast included those at York Town, Pennsylvania (1777), Philadelphia, Pennsylvania (1780 and, of course, 1787), and Annapolis, Maryland (1786). There also were abortive calls for multi-state conventions in Fredericksburg, Virginia, Charleston, South Carolina, and elsewhere.

Thus, the Constitutional Convention of 1787—far from being the unique event it is often assumed to be—was but one in a long line of similar gatherings.

Conclusion: What Prior Conventions Tell Us About The Convention For Proposing Amendments

As noted above, Founding-Era customs assist us in understanding the attributes and procedures inherent in a “convention for proposing amendments,” and the powers and prerogatives of the actors in the process. This Conclusion draws on the historical material collected

above, together with the brief constitutional text, to outline those attributes and procedures.

The previous record of American conventions made it clear that a convention for proposing amendments was to be, like its immediate predecessors, an inter-governmental diplomatic gathering—a “convention of the states” or “convention of committees.” It was to be a forum in which state delegations could meet on the basis of sovereign equality. Its purpose is to put the “states in convention assembled” on equal footing with Congress in proposing amendments.

Founding-Era practice informs us that Article V applications and calls may ask for either a plenipotentiary convention or one limited to pre-defined subjects. Most American multi-government gatherings had been limited to one or more subjects, and the ratification-era record shows affirmatively that the Founders expected that most conventions for proposing amendments would be similarly limited. Founding-Era practice informs us also that commissioners at an amendments

convention were to operate under agency law and remain within the limits of their commissions. Neither the record of Founding Era conventions nor the ratification debates offer significant support for the modern claim that a convention cannot be limited.

The only Founding Era efforts to insert in a convention call prescriptions other than time, place, and subject-matter were abortive. When Massachusetts presumed to set the voting rules while calling a third Hartford convention, two of the four states invited refused to participate. In the few instances in which convention calls suggested how sovereign governments should select their commissioners, some of those governments disregarded the suggestions, but their commissioners were seated anyway. This record therefore suggests that a convention call, as the Constitution uses the term, may not include legally-binding terms other than time, place, and subject. However, the occasional Founding-Era practice of making calls and applications conditional and of rescinding them suggests that

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History and the constitutional text inform us that a convention for proposing amendments is, like its direct predecessors, a multi-government proposing convention.

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Article V applications and calls also may be made conditional or rescinded. In accordance with Founding-Era practice, states are free to honor or reject calls, as they choose.

Universal pre-constitutional practice tells us that states may select, commission, instruct, and pay their delegates as they wish, and may alter their instructions and recall them. Although the states may define the subject and instruct their commissioners to vote in a certain way, the convention as a whole makes its own rules, elects its own officers, establishes and staffs its own committees, and sets its own time of adjournment.

All Founding-Era conventions were deliberative bodies. This was true to a certain extent even of conventions whose formal power was limited to an up-or-down vote. When Rhode Island lawmakers submitted the Constitution to a statewide referendum in town meetings rather than to a ratifying convention, a principal criticism was that the referendum lacked the deliberative qualities of the convention. Critics contended that a ratifying convention, unlike a referendum, provided a central forum for a full hearing and debate and exchange of information among people from different locales. They further contended that the convention offered a way to supplement the affirmative or negative vote with non-binding recommendations for amendments.

Before and during the Founding Era, American multi-government conventions enjoyed even more deliberative freedom than ratifying

conventions—as, indeed, befits the dignity of a diplomatic gathering of sovereignties. No multi-government convention was limited to an up-or-down vote. Each was assigned discrete problems to work on, but within that sphere each enjoyed freedom to deliberate, advise, consult, confer, recommend, and propose. Multi-government conventions also could refuse to propose. Essentially, they served as task forces where delegates from different states could share information, debate, compare notes, and try to hammer out creative solutions to the problems posed to them.

History and the constitutional text inform us that a convention for proposing amendments is, like its direct predecessors, a multi-government proposing convention. This suggests that an amendments convention is deliberative in much the same way its predecessors were. This suggests further that when a legislature attempts in its application to compel the convention to merely vote up-or-down on prescribed language, it is not utilizing the application power in a valid way.

Prevailing convention practice during the Founding Era permitted a few procedural variations, and it is precisely in these areas that the text of Article V prescribes procedure. Specifically:

- During the Founding Era, multi-state conventions could be authorized merely to *propose* solutions for state approval, or, less commonly, to *resolve* issues; in the latter case each state “pledged its faith” to comply with the outcome. Article V clarifies

that an amendments convention only may propose. At the Constitutional Convention, the Framers rejected proffered language to create an amendments convention that could resolve.

- During the Founding Era, a proposing convention could be plenipotentiary or limited. Article V clarifies that neither the states nor Congress may call plenipotentiary conventions under Article V, because that Article authorizes only amendments to “this Constitution,” and, further, it proscribes certain amendments.
- During the Founding Era, an “application” for a multi-government convention could refer either to (1) a request from a state to Congress to call, or (2) the call itself. Article V clarifies that an application has only the former meaning.
- During the Founding Era a call could come from one or more states, from Congress, or from another convention. Article V prescribes that the call for an amendments convention comes only from Congress, but is mandatory when two thirds of the states have submitted similar applications.
- During the Founding Era, one proposing convention (that of 1787) had attempted to specify how the states were to review its recommendations. Article V clarifies that an amendments convention does not have this power.

Thus do text and history fit together to guide us in the use of Article V.

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