

HCR

4

<TARGET><BILL>HCR 4</BILL><SUBJECT>HCR
4</SUBJECT><COMM>HSTA29</COMM></TARGET>

ALASKA STATE LEGISLATURE



SESSION ADDRESS:
Alaska State Capitol
Juneau Alaska 99801
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Rep.Shelley.Hughes@akleg.gov

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Representative Shelley Hughes
House District 11 ~ Greater Palmer

March 5, 2015

Honorable Representative Lynn, Chair
State Affairs Committee
State Capitol Room 108
Juneau, AK 99801

Dear Representative Lynn,

I respectfully request a hearing date for HCR4 Relating to the duties of delegates selected by the legislature to attend a convention of the states called under art. V, Constitution of the United States, to consider a countermand amendment to the Constitution of the United States; establishing as a joint committee of the legislature the Delegate Credential Committee and relating to the duties of the committee; providing for an oath for delegates and alternates to a countermand amendment convention; providing for a chair and assistant chair of the state's countermand amendment delegation; providing for the duties of the chair and assistant chair; providing instructions for the selection of a convention president; and providing specific language for the countermand amendment on which the state's convention delegates are authorized by the legislature to vote to approve, in the House State Affairs Committee at your earliest convenience.

HCR 4 provides for the selection of delegates for the Countermand Amendment Convention, and outlines the duties of delegates selected by the legislature. The countermand amendment, if ratified, will allow the states to rescind any federal law, ruling, or regulation.

I would also like to request, if possible, that HCR 4 and HJR 14 be heard on the same day, as they are two resolutions that work in tandem for the same purpose.

If you have any questions with regard to scheduling the bill, please contact Stuart Krueger at 465-5025.

Sincerely,

A handwritten signature in blue ink that reads "Shelley S. Hughes".

Shelley Hughes
Representative
District 11~Greater Palmer

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House District 11 - Greater Palmer

HCR4 Relating to the duties of delegates selected by the legislature to attend a convention of the states called under art. V, Constitution of the United States, to consider a countermand amendment to the Constitution of the United States; establishing as a joint committee of the legislature the Delegate Credential Committee and relating to the duties of the committee; providing for an oath for delegates and alternates to a countermand amendment convention; providing for a chair and assistant chair of the state's countermand amendment delegation; providing for the duties of the chair and assistant chair; providing instructions for the selection of a convention president; and providing specific language for the countermand amendment on which the state's convention delegates are authorized by the legislature to vote to approve.

Sponsor Statement

February 12, 2015

Recent actions taken by the White House and Department of Interior constitute a new threshold of overreach in Alaska unlike anything in recent history.

HJR14 and HCR 4 seek to restore the balance of power between the states and federal government. The pair would strengthen state sovereignty by providing states with veto (countermand) power over federal decisions not in their best interest through a precise and careful mechanism established by an amendment to the U.S. Constitution. These two resolutions in tandem are intended to start the process of amending the US Constitution via the powers granted in Article V of that same document.

HJR 14 (The Application) provides Alaska's call to Congress for a clearly defined, single-issue Countermand Amendment Convention. The Countermand Amendment to the United States Constitution, when ratified, will allow states to propose Countermand Initiatives, which upon approval by three-fifths of state legislatures, will repeal any federal statute, executive order, judicial decision, or regulatory decision listed in the Initiative.

HCR 4 (The Delegate Resolution) enables the state legislature to institute tight parameters for the convention, to ensure that a "runaway convention" is not possible and provides for a productive, safe and timely process. The Delegate Resolution establishes a Credential Committee for selection of delegates to the convention, and outlines the duties of the delegates. HCR 4 also includes the precise language of the proposed Countermand Amendment to the U.S. Constitution.

Passage of these resolutions is an actionable step the Legislature can take toward restoration of the proper balance of state and federal powers. These two resolutions do not pertain to a conservative versus liberal agenda; this is a state versus federal issue. This is OUR Alaska, and it's time the federal government understands that.

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HCR4

Section Analysis

Section	Action	Comments
Resolve 1 Pg 2 ln 26	Authorizes the legislature to appoint and summon delegates for the amendment convention.	
Resolve 2 Pg 2, ln 29	Gives the legislature authority to decide the qualifications and total number of delegates to send to the convention.	
Resolve 3 Pg 3, ln 1	Gives the legislature the ability to add or remove delegates and	
Resolve 4 Pg. 3, Ln 6	Provides parameters and instructions for state's delegates at the convention.	Prohibits delegates from voting for any other amendments, outside of the countermand amendment, at the convention.
Resolve 5 Pg 3, ln 13	Reserves the countermand amendment as the only amendment for consideration for ratification by the legislatures.	
Resolve 6 Pg 3, ln 15	Upon a call for convention by 34 states, this resolve allows for establishing of the Delegate Credential Committee within the Alaska Legislature, with duties listed in section A.	Speaker of the House shall appoint three members from the House, one being a minority caucus member. The President of the Senate shall appoint three members of the Senate, one being a minority caucus member.
Resolve 7 Pg 3, ln 24	Provides for replacement procedure for members of the Delegate Credential Committee.	
Resolve 8 Pg 3, ln 26	Allows for selection of co-chairs of the Delegate Credential Committee	One co-chair from the House, one from the Senate. Along with staff

		assignments for committee support.
Resolve 9 Pg 3, ln 30	Establishes when Delegate Credential Committee can meet.	
Resolve 10 Pg 4, ln 1	Acknowledges that the Delegate Credential Committee will continue until the first day of the Thirtieth Alaska State Legislature.	
Resolve 11 Pg 4, ln 3	Requests that the Delegate Credential Committee be considered for reestablishment during the Thirtieth Alaska Legislature.	
Resolve 12 Pg 4, ln 6	Provides for removal and replacement procedure for members of the Delegate Credential Committee	Members are removed or replaced by the presiding officer that appointed them.
Resolve 13 Section A. Pg 4, ln 17	Provides the duties of the Delegate Credential Committee.	Majority vote on decisions, official facilitator for the legislature, appointment of delegates, provide a committee report on selected delegates, appointing chair and assistant chair of delegation, properly vet and confirm delegates, issue convention passes to delegates, notify legislature of financial needs at the convention, administer oaths to the delegates, alternates, chair and assistant chair, monitor activities of Alaska's delegation, submit quarterly reports to the legislature on events, progress, and recommendations for the convention, authority to recommend removal of a delegate or alternate for approval by the legislature.
Resolve 13 Section B Pg 6, ln 11	Provides for the duties of the chair of Alaska's state delegation and the president of the convention,	Chair is responsible for communicating with other state delegations to open convention for business; identifying other legislatures that have approved a delegate resolution; build consensus with at least 26 state delegations to require that each state delegation at the convention has only one vote; require a simple majority vote at all roll calls; nominate convention officials; require a quorum of 26 state to conduct business; build a consensus of at least 26 states to support sending the countermand amendment for ratification; work to conclude convention in 21 days, or no longer

		than 180 days; nominate a candidate for convention president from Alaska's delegation, or work to elect a president from a delegate resolution state;
Resolve 13 Section B, J Pg 7, Ln 31	Under duties of the Alaska delegation chair, includes supporting the following duties of the convention president.	Convention president duties include: securing a vote for this delegate resolution to be the rules of order at the convention; focus on the purpose of sending the countermand amendment for ratification by the states; request security measures as needed; oversee installment of officers at the convention; establish convention agenda; provide equal time for floor discussion for all states; to prohibit introduction of any subject other than the countermand amendment; call for a vote for sending countermand amendment to the states; report to 50 state legislatures, and the media on convention progress; provide formal requests, when needed, to states for money that will be needed to carry on business; oppose any effort to delay or modify the countermand amendment vote; oppose any effort by states to offer amendments other than the countermand amendment
Resolve 13 Section C Pg 10, Ln 3	Addresses duties and responsibilities of convention delegates.	Delegate duties include: comply with directives in this resolution; follow instructions of the chair and assistant chair of Alaska's delegation; be present to vote at all roll calls; attend all assigned sessions at the convention; report to the delegation chair the number of states in favor of the countermand amendment; recommend strategies to help join 26 states in favor of the countermand amendment
Resolve 13 Section D Pg 11, Ln 1	Addresses duties and responsibilities of convention delegate alternates.	
Resolve 13 Section E Pg 11, Ln 8	Provides the text for the countermand amendment to the United States Constitution.	

Nancy Manly

From: Nancy Manly
Sent: Tuesday, March 24, 2015 10:29 AM
To: LAA Legal
Subject: Need final CS for three bills - HCR7 / HJR14 / HCR4

3/24/2015

The House State Affairs Committee (HSTA) heard and moved the following bills that will need a final CS:

CS for HCR 7 Version H *Child Abuse Prevention Month.*

CS for HJR 14 Version E *Call for US Countermand Convention*

CS for HCR 4 Version E *Countermand Convention Delegates*

None of these three pieces of legislation had changes to their CS so we will need a final for each.

Thanks.

Nancy Manly, Chief of Staff and
House State Affairs Committee Aide for
Representative Bob Lynn
House District 26
907-465-2794 Fax: 907-465-4316

CS FOR HOUSE CONCURRENT RESOLUTION NO. 4(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES HUGHES, LeDoux, Muñoz, Stutes, Millett, Lynn

A RESOLUTION

1 **Relating to the duties of delegates selected by the legislature to attend a convention of**
2 **the states called under art. V, Constitution of the United States, to consider a**
3 **countermand amendment to the Constitution of the United States; establishing as a joint**
4 **committee of the legislature the Delegate Credential Committee and relating to the**
5 **duties of the committee; providing for an oath for delegates and alternates to a**
6 **countermand amendment convention; providing for a chair and assistant chair of the**
7 **state's countermand amendment delegation; providing for the duties of the chair and**
8 **assistant chair; providing instructions for the selection of a convention president; and**
9 **providing specific language for the countermand amendment on which the state's**
10 **convention delegates are authorized by the legislature to vote to approve.**

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

12 **WHEREAS, under the authority of art. V, Constitution of the United States, the**
13 **legislature has applied to the United States Congress to call a convention of the states to**

1 amend the United States Constitution and adopt a countermand amendment to authorize the
2 states, upon a vote of three-fifths of the state legislatures, to nullify and repeal a federal
3 statute, executive order, judicial decision, regulatory decision by a federal government
4 agency, or government mandate imposed on the states by law that adversely affects the
5 interests of the states, in order to properly exercise the states' constitutional authority to check
6 federal power, preserve state sovereignty, and protect the rights of the states and the people;
7 and

8 **WHEREAS**, to prepare for approval by the United States Congress of a constitutional
9 countermand amendment convention called by two-thirds of the states under art. V,
10 Constitution of the United States, for the limited purpose of amending the Constitution of the
11 United States to include a countermand amendment, the legislature finds it necessary to
12 provide for a selection process for and the duties of delegates and alternates to the convention,
13 to provide for a state convention delegation chair, and to provide the specific language of the
14 countermand amendment on which the legislature authorizes the convention delegates to vote,
15 so that the countermand amendment may be sent to the states for ratification by the
16 legislatures of three-fourths of the several states; and

17 **WHEREAS** the delegates sent by the legislature to the countermand amendment
18 convention are representatives of the legislature and are thus required to fulfill the
19 commission assigned to them in this resolution; delegates appointed under this resolution are
20 not free agents; they are authorized only to complete the terms and conditions defined in this
21 resolution, and any actions by the delegates appointed under this resolution that are not
22 authorized in the resolution, or as amended and authorized by the legislature, are ultra vires
23 and may not be relied on by delegates from other states or by the convention; and

24 **WHEREAS** the legislature hereby defines the duties and limits the authority of its
25 delegates to the convention as specifically provided by this resolution;

26 **BE IT RESOLVED** that the legislature authorizes delegates to be summoned and
27 appointed to participate at the convened convention according to the terms and conditions set
28 out in this resolution; and be it

29 **FURTHER RESOLVED** that the number and qualifications of delegates to be sent to
30 the convened convention will be decided by the legislature after the United States Congress
31 summons delegates to the convention; and be it

1 **FURTHER RESOLVED** that the legislature may add to the number of delegates or
2 replace or remove any delegate or alternate if, in its sole discretion, that action is necessary;
3 alternates do not have an official role at the convention and may attend the convention only if
4 the state delegations at the convention vote to allow their attendance or the legislature
5 appoints an alternate to take the place of a delegate; and be it

6 **FURTHER RESOLVED** that the legislature hereby instructs and authorizes the
7 state's delegates to the convention to vote to send the countermand amendment, as provided in
8 sec. E of this resolution, back to the states for ratification by way of the United States
9 Congress; delegates are prohibited to vote in favor of any alternate amendment or modified
10 version of the countermand amendment that might be introduced at the convention, and they
11 are hereby instructed to do all in their power at the convention to secure a vote that approves
12 sending the countermand amendment back to the states for ratification; and be it

13 **FURTHER RESOLVED** that only the countermand amendment, as provided in sec.
14 E of this resolution, will be considered by the legislature for ratification; and be it

15 **FURTHER RESOLVED** that, upon the enactment of this resolution and after a total
16 of 34 states place a call under art. V, Constitution of the United States, for a countermand
17 convention, the Speaker of the House of Representatives shall appoint three members of the
18 House of Representatives, with one member being from the minority caucus, as provided by
19 Rule 1(e), Uniform Rules of the Alaska State Legislature, and the President of the Senate shall
20 appoint three members of the Senate, with one member being from the minority caucus, as
21 provided by Rule 1(e), Uniform Rules of the Alaska State Legislature, to the Delegate
22 Credential Committee; the committee shall have the responsibility and requisite authority to
23 perform each of its assigned duties described in sec. A of this resolution; and be it

24 **FURTHER RESOLVED** that a vacancy on the Delegate Credential Committee shall
25 be filled in the manner of the original appointment; and be it

26 **FURTHER RESOLVED** that the representatives on the Delegate Credential
27 Committee shall select one co-chair from the representative members, and the senators on the
28 Delegate Credential Committee shall select one co-chair from the senator members; and the
29 co-chairs may assign staff to provide support for the Delegate Credential Committee; and be it

30 **FURTHER RESOLVED** that the Delegate Credential Committee may meet during
31 and between legislative sessions; and be it

1 **FURTHER RESOLVED** that the Delegate Credential Committee shall continue until
2 the first day of the First Regular Session of the Thirtieth Alaska State Legislature; and be it

3 **FURTHER RESOLVED** that the reestablishment of the Delegate Credential
4 Committee shall be evaluated during the First Regular Session of the Thirtieth Alaska State
5 Legislature and subsequent legislatures, and the legislature shall determine whether the
6 Delegate Credential Committee shall continue; and be it

7 **FURTHER RESOLVED** that members of the Delegate Credential Committee can be
8 replaced or removed by the presiding officer appointing them, if, in the sole discretion of the
9 presiding officer, that action is necessary; each member of the committee is required to take
10 the following oath, administered by the presiding officer of the House of Representatives or
11 Senate, and sign a pledge confirming that the following oath has been taken and agreed to: "I
12 pledge to follow the instructions and charges in this resolution and any other directives given
13 to me by the Alaska State Legislature from the date I am appointed to the committee and
14 during the full term of the convention, to the best of my abilities, so help me God."; and be it

15 **FURTHER RESOLVED** that the members of the Delegate Credential Committee
16 shall follow the directives in this resolution and any supplemental instructions from the
17 legislature; the committee shall have the following duties:

18 **SECTION A. DUTIES OF THE DELEGATE CREDENTIAL COMMITTEE.** The
19 committee is charged with the following duties:

20 (1) decide all matters among committee members by a vote of a majority of
21 the full membership of the committee;

22 (2) function as the official facilitator for the legislature as required in this
23 resolution;

24 (3) appoint delegates, subject to approval by the legislature, to the convention
25 and, within 10 business days after appointment, provide a committee report of the
26 appointment to the house chief clerk and senate secretary;

27 (4) appoint one delegate to serve as the chair of Alaska's state delegation and
28 another delegate as the assistant chair;

29 (5) issue to each approved delegate and alternate, including the chair and
30 assistant chair, certification that the delegate has satisfactorily

31 (A) met the requisite qualifications established by the legislature;

1 (B) taken the applicable oath in sec. A(8) of this resolution; and

2 (C) confirmed the delegate's oath by signing a separate pledge
3 document;

4 (6) issue to each certified delegate and alternate, including the chair and
5 assistant chair, a convention pass to the convention;

6 (7) notify the legislature of the financial or other needs of the state delegation
7 at the convention;

8 (8) administer the following oaths to the delegates, alternate candidates, chair,
9 or assistant chair before issuing certifications:

10 DELEGATES' AND DELEGATE ALTERNATES' OATHS

11 "I pledge to follow the instructions in this delegate resolution and any other
12 directive consistent with this delegate resolution given to me by the Delegate
13 Credential Committee or the legislature, whether such directive is given to me
14 directly or indirectly, from the time I am certified by the committee to be a
15 delegate or alternate and during the full term of the countermand amendment
16 convention, to the best of my abilities, so help me God."

17 CHAIR AND ASSISTANT CHAIR OF ALASKA'S STATE DELEGATION
18 OATHS

19 "I pledge to follow the instructions in this delegate resolution and any other
20 directive consistent with this delegate resolution given to me by the Delegate
21 Credential Committee or the legislature, whether given to me directly or
22 indirectly, from the time I am certified by the committee to be the chair or
23 assistant chair of Alaska's state delegation and during the full term of the
24 countermand amendment convention, to the best of my abilities, so help me
25 God."

26 (9) monitor the activities of Alaska's state delegation;

27 (10) keep close communications with the chair and assistant chair and provide
28 needed assistance when requested;

29 (11) monitor the activities, deliberations, and all votes by the states at the
30 convention; when possible, inform the chair, assistant chair, and legislature of which states at
31 the convention have enacted a similar resolution for their delegates;

1 (12) make reports, at least quarterly or more frequently if necessary, to the
2 legislature by submitting committee reports to the secretary of the senate and chief clerk of
3 the house of representatives regarding the events at the convention, upcoming events, and
4 progress and prospects for ratification of the countermand amendment by the delegations;
5 make appropriate recommendations to the legislature on actions needed to ensure the
6 favorable vote by the state delegations to send the countermand amendment, as provided in
7 sec. E of this resolution, to the states, by way of the United States Congress, for ratification;

8 (13) the committee may recommend to the legislature removal of a delegate or
9 alternate from all convention activities for a violation of the provisions of this resolution and
10 whether the delegate should have the delegate's credentials invalidated; the committee's
11 recommendation must be approved by the legislature.

12 SECTION B. DUTIES OF CHAIR OF ALASKA'S STATE DELEGATION AND
13 PRESIDENT OF CONVENTION. The chair and assistant chair of Alaska's state delegation
14 are required to follow the directives in this resolution and others that may be issued by the
15 legislature.

16 DUTIES AND RESPONSIBILITIES OF THE CHAIR. The chair is charged with
17 joining with other state delegations to open the convention for business, identifying other state
18 legislatures that have approved a delegate resolution for their delegates, and working with
19 those delegations to find agreement to each of the following:

20 (1) arrange to have at least one delegate from each resolution delegation be the
21 spokesman at every business meeting and roll call at the convention; unless otherwise
22 specified, the chair will be the state delegation's spokesman;

23 (2) distribute to all delegates a pocket-sized copy of the United States
24 Constitution;

25 (3) instruct resolution and non-resolution state delegates of the mandate in art.
26 IV, sec. 4, of the United States Constitution that guarantees to each state a republican form of
27 government, which gives each state equal standing when applying for a convention and when
28 voting at and organizing the convention;

29 (4) work closely with the chairs of all other state delegations to find mutual
30 agreement on the objectives in this resolution;

31 (5) assign to Alaska's delegates the following duties: assign to each delegate a

1 proportionate number of delegates from other state delegations for the purpose of gaining
2 consensus and agreement that the countermand amendment, as herein written, should be sent
3 to the states for ratification;

4 (6) build a consensus between at least 26 state delegations, especially
5 resolution delegations, at the convention to

6 (A) require that each state delegation at the convention has only one
7 vote regardless of the number of delegates in a state delegation or the population of a
8 state as provided by art. IV, sec. 4, of the Constitution of the United States;

9 (B) require a simple majority vote at all roll calls to decide any and all
10 matters brought before the convention, including the question of whether the
11 countermand amendment, as herein written, should be sent to the states for
12 ratification;

13 (C) nominate and install convention officials who come from states
14 that have passed this resolution for their delegates and who agree with sending the
15 countermand amendment, as herein written, to the states for ratification;

16 (D) require a quorum of 26 state delegations before business can be
17 conducted and before a vote can be taken to decide any and all matters that may be
18 presented at the convention;

19 (E) build a consensus of at least 26 state delegations to work together
20 for the mutual goal of sending the countermand amendment, as provided in sec. E of
21 this resolution, back to the states for ratification;

22 (F) work to conclude convention business in 21 days; in no case is the
23 convention to be longer than 180 days, unless the convention votes to extend the
24 termination date by 180 days; no further extensions are to be allowed;

25 (G) if possible, nominate a candidate to be president of the convention
26 who comes from Alaska's delegation;

27 (H) if necessary, call for a vote for a candidate to be president who is
28 like-minded and comes from a state that has enacted this resolution, whether or not the
29 chair nominated the candidate to be president;

30 (I) try to avoid the nomination and election of a president who comes
31 from a state that did not pass this resolution;

1 (J) support establishing the following duties of the president:

2 (i) to secure a vote from state delegations requiring that this
3 resolution be the rules of order at the convention; "Robert's Rules of Order"
4 may be adopted if they do not conflict with this resolution;

5 (ii) to follow the terms, directives, and requirements in this
6 resolution;

7 (iii) to call for a vote requiring each state delegation to appoint
8 one delegate to be the delegation's spokesman;

9 (iv) to stay focused on the primary purpose, which is to have
10 the countermand amendment, as herein written, be sent to the states, by way of
11 the United States Congress, for ratification;

12 (v) to recommend and request security measures as may be
13 needed at the convention;

14 (vi) to officiate at the nomination and installation of all officers
15 at the convention;

16 (vii) to establish the agenda at the convention as defined in this
17 resolution;

18 (viii) to provide equal time in floor discussions for all states,
19 whether for or against sending the countermand amendment to the states for
20 ratification;

21 (ix) to prohibit the introduction at the convention of any subject
22 matter or issue other than matters relating to the countermand amendment, as
23 herein written, and whether it should be sent to the states for ratification;

24 (x) to expedite deliberations by the state delegations and to
25 prevent unnecessary delays;

26 (xi) to authorize appropriate roll calls at the convention;

27 (xii) to settle all disputes between state delegations and
28 delegates, whether or not they are from a resolution state;

29 (xiii) to recommend removal of the convention credentials of
30 any delegate, including convention officials, for causing security problems at
31 the convention;

1 (xiv) to establish procedures for installing and recognizing
2 alternates who are to become delegates;

3 (xv) to call for a vote at the earliest favorable time to approve
4 sending the countermand amendment to the states for ratification;

5 (xvi) to call for a vote to decide which method of ratification
6 the convention recommends to United States Congress, whether by state
7 legislatures or state conventions; recommend to the convention that ratification
8 should be by legislatures; resolution delegations are required to vote for
9 ratification through state legislatures;

10 (xvii) to report to the United States Congress, the 50 state
11 legislatures, and the media the decisions of the convention;

12 (xviii) to recommend formal requests, from time to time, to the
13 state legislatures, through representatives in the 50 state delegations, for money
14 that will be needed to carry on the business of the convention;

15 (xix) if a candidate for president of the convention who does
16 not come from a state that has adopted this resolution wins the presidency, then
17 it is the duty of the chair and the delegates in the legislature's delegation to take
18 reasonable steps to argue for a favorable vote by the convention to send the
19 countermand amendment, as herein written, to the states for ratification;

20 (xx) to follow the procedures in sec. B of this resolution for
21 electing other officers as the convention considers necessary; the president of
22 the convention shall be responsible for defining the duties of each office in
23 accordance with the requirements of this resolution;

24 (xxi) to oppose and vote against any effort by state delegations
25 to delay a vote for the countermand amendment, or modify, alter, or change the
26 text of the countermand amendment, as herein written;

27 (xxii) to oppose and vote against any efforts by state
28 delegations to offer any other amendment to the constitution at the convention
29 other than the countermand amendment, as provided in sec. E of this
30 resolution;

31 (7) make regular reports to the committee regarding all activities at the

1 convention;

2 (8) notify the committee of financial or other needs the Alaska state delegation
3 has at the convention.

4 SECTION C. DUTIES AND RESPONSIBILITIES OF DELEGATES. The delegates
5 will be required to follow the directives in this resolution and others that may, from time to
6 time, be issued by the legislature; each delegate is charged with the following duties:

7 (1) comply with directives made under this resolution;

8 (2) follow the reasonable instructions of the chair and assistant chair of
9 Alaska's state delegation that are consistent with the duties set out in this resolution;

10 (3) be amenable to the advice of the president of the convention when the
11 president is from a resolution state; if the president is from a non-resolution state, work
12 closely with the chair to find resolutions that are consistent with this resolution;

13 (4) work to advance all the requirements and directives in this resolution;

14 (5) be subject to dismissal from the state delegation for violation of this
15 resolution;

16 (6) be bound by this resolution to vote at all state delegation roll calls
17 consistent with directives given to the chair in sec. B of this resolution, which includes
18 sending the countermand amendment, as herein written, to the states for ratification by way of
19 the United States Congress;

20 (7) attend all assigned business sessions at the convention;

21 (8) help the chair to successfully complete the instructions in sec. B of this
22 resolution;

23 (9) attend all meetings scheduled by the chair and

24 (A) report to the chair the results of the delegate's work among other
25 state delegates;

26 (B) assess and report to the chair the number of states that plan to vote
27 in favor of the countermand amendment;

28 (C) assess and report to the chair any problems or opportunities that
29 may have developed or might develop relating to the purposes of this resolution;

30 (D) recommend to the chair other strategies that may help join with at
31 least 26 other states to vote favorably for the countermand amendment at the

1 convention.

2 SECTION D. DUTIES AND RESPONSIBILITIES OF ALTERNATES. The
3 alternates of Alaska's state delegation will be required to follow the directives in this
4 resolution and others that may be issued by the legislature; each alternate is charged with the
5 following duties:

6 (1) be prepared to serve as a delegate if directed to do so by the committee or
7 legislature;

8 (2) fulfill the duties in sec. C of this resolution when appointed as a delegate.

9 SECTION E. TEXT FOR THE COUNTERMAND AMENDMENT. The text for the
10 countermand amendment that is to be sent to the state legislatures, by way of the United
11 States Congress, for ratification shall read as follows:

12 "COUNTERMAND AMENDMENT

13 "ARTICLE 28 (or alternate number to be assigned by the United States
14 Congress)

15 "Section 1. The Article restores State sovereignty in our Constitutional
16 Republic by providing State Legislatures Countermand authority.

17 "Section 2. State Legislatures in the several States shall have the
18 authority to Countermand and rescind any Congressional Statute, Judicial
19 decision, Executive Order, Treaty, government agency's regulatory ruling, or
20 any other government or non-government mandate (including excessive
21 spending and credit) imposed on them when in the opinion of 60 percent of
22 State Legislatures the law or ruling adversely affects their States' interest.
23 When the Countermand threshold has been reached, the law or ruling shall be
24 immediately and automatically nullified and repealed. This Countermand
25 authority shall also apply to existing laws and rulings.

26 "Section 3. From the time the initial Countermand is issued by a State
27 Legislature, the other Legislatures shall have 18 months to complete the
28 Countermand process. If the Countermand process is not completed in 18
29 months, then the law or ruling that is being challenged shall remain
30 enforceable.

31 "Section 4. Each State Legislature shall complete their Countermand

1 affidavit and deliver a certified copy to the Chief Justice of the United States
2 Supreme Court, the Leader of the United States Senate, the Speaker of the
3 House of Representatives, the President of the United States, and when
4 applicable the Government Agency or Body that is being challenged.

5 "Section 5. Congress shall have the power to enforce this Article by
6 appropriate legislation.

7 "Section 6. Individual States shall have authority to prosecute violators
8 of this Article under State laws in the absence of Federal prosecution after 90
9 days from the date of the alleged violation. Multiple prosecutions, by multiple
10 States, for the same alleged crime are prohibited.

11 "Section 7. The Article shall be immediately part of the United States
12 Constitution upon ratification by three quarters of the State Legislatures in the
13 several States.

14 "Section 8. The provisions of this Article are enforceable within the
15 United States, which shall include the Several States, the District of Columbia,
16 the Commonwealth of Puerto Rico, the Commonwealth of the Northern
17 Mariana Islands and the territories and possessions of the United States."; and
18 be it

19 **FURTHER RESOLVED** that a certified copy of this delegate resolution must be
20 agreed to and signed by every delegate sent by the legislature to the countermand amendment
21 convention.

Nancy Manly

From: Mike Coons <mcoons@mtaonline.net>
Sent: Tuesday, March 24, 2015 8:00 AM
To: Nancy Manly
Subject: HJR 4 comment

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

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

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

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

3. He talked about concerns if States can limit to a single amendment.

Article V is about the right of States to propose amendments. That means 1 or more.

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

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

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

Mike Coons
National Director Citizen Initiatives

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29-LS0250\E
Gardner
3/20/15

CS FOR HOUSE CONCURRENT RESOLUTION NO. 4()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HUGHES, LeDoux, Muñoz, Stutes, Millett, Lynn

A RESOLUTION

1 **Relating to the duties of delegates selected by the legislature to attend a convention of**
2 **the states called under art. V, Constitution of the United States, to consider a**
3 **countermand amendment to the Constitution of the United States; establishing as a joint**
4 **committee of the legislature the Delegate Credential Committee and relating to the**
5 **duties of the committee; providing for an oath for delegates and alternates to a**
6 **countermand amendment convention; providing for a chair and assistant chair of the**
7 **state's countermand amendment delegation; providing for the duties of the chair and**
8 **assistant chair; providing instructions for the selection of a convention president; and**
9 **providing specific language for the countermand amendment on which the state's**
10 **convention delegates are authorized by the legislature to vote to approve.**

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

12 **WHEREAS, under the authority of art. V, Constitution of the United States, the**
13 **legislature has applied to the United States Congress to call a convention of the states to**

1 amend the United States Constitution and adopt a countermand amendment to authorize the
2 states, upon a vote of three-fifths of the state legislatures, to nullify and repeal a federal
3 statute, executive order, judicial decision, regulatory decision by a federal government
4 agency, or government mandate imposed on the states by law that adversely affects the
5 interests of the states, in order to properly exercise the states' constitutional authority to check
6 federal power, preserve state sovereignty, and protect the rights of the states and the people;
7 and

8 **WHEREAS**, to prepare for approval by the United States Congress of a constitutional
9 countermand amendment convention called by two-thirds of the states under art. V,
10 Constitution of the United States, for the limited purpose of amending the Constitution of the
11 United States to include a countermand amendment, the legislature finds it necessary to
12 provide for a selection process for and the duties of delegates and alternates to the convention,
13 to provide for a state convention delegation chair, and to provide the specific language of the
14 countermand amendment on which the legislature authorizes the convention delegates to vote,
15 so that the countermand amendment may be sent to the states for ratification by the
16 legislatures of three-fourths of the several states; and

17 **WHEREAS** the delegates sent by the legislature to the countermand amendment
18 convention are representatives of the legislature and are thus required to fulfill the
19 commission assigned to them in this resolution; delegates appointed under this resolution are
20 not free agents; they are authorized only to complete the terms and conditions defined in this
21 resolution, and any actions by the delegates appointed under this resolution that are not
22 authorized in the resolution, or as amended and authorized by the legislature, are ultra vires
23 and may not be relied on by delegates from other states or by the convention; and

24 **WHEREAS** the legislature hereby defines the duties and limits the authority of its
25 delegates to the convention as specifically provided by this resolution;

26 **BE IT RESOLVED** that the legislature authorizes delegates to be summoned and
27 appointed to participate at the convened convention according to the terms and conditions set
28 out in this resolution; and be it

29 **FURTHER RESOLVED** that the number and qualifications of delegates to be sent to
30 the convened convention will be decided by the legislature after the United States Congress
31 summons delegates to the convention; and be it

1 **FURTHER RESOLVED** that the legislature may add to the number of delegates or
2 replace or remove any delegate or alternate if, in its sole discretion, that action is necessary;
3 alternates do not have an official role at the convention and may attend the convention only if
4 the state delegations at the convention vote to allow their attendance or the legislature
5 appoints an alternate to take the place of a delegate; and be it

6 **FURTHER RESOLVED** that the legislature hereby instructs and authorizes the
7 state's delegates to the convention to vote to send the countermand amendment, as provided in
8 sec. E of this resolution, back to the states for ratification by way of the United States
9 Congress; delegates are prohibited to vote in favor of any alternate amendment or modified
10 version of the countermand amendment that might be introduced at the convention, and they
11 are hereby instructed to do all in their power at the convention to secure a vote that approves
12 sending the countermand amendment back to the states for ratification; and be it

13 **FURTHER RESOLVED** that only the countermand amendment, as provided in sec.
14 E of this resolution, will be considered by the legislature for ratification; and be it

15 **FURTHER RESOLVED** that, upon the enactment of this resolution and after a total
16 of 34 states place a call under art. V, Constitution of the United States, for a countermand
17 convention, the Speaker of the House of Representatives shall appoint three members of the
18 House of Representatives, with one member being from the minority caucus, as provided by
19 Rule 1(e), Uniform Rules of the Alaska State Legislature, and the President of the Senate shall
20 appoint three members of the Senate, with one member being from the minority caucus, as
21 provided by Rule 1(e), Uniform Rules of the Alaska State Legislature, to the Delegate
22 Credential Committee; the committee shall have the responsibility and requisite authority to
23 perform each of its assigned duties described in sec. A of this resolution; and be it

24 **FURTHER RESOLVED** that a vacancy on the Delegate Credential Committee shall
25 be filled in the manner of the original appointment; and be it

26 **FURTHER RESOLVED** that the representatives on the Delegate Credential
27 Committee shall select one co-chair from the representative members, and the senators on the
28 Delegate Credential Committee shall select one co-chair from the senator members; and the
29 co-chairs may assign staff to provide support for the Delegate Credential Committee; and be it

30 **FURTHER RESOLVED** that the Delegate Credential Committee may meet during
31 and between legislative sessions; and be it

1 **FURTHER RESOLVED** that the Delegate Credential Committee shall continue until
2 the first day of the First Regular Session of the Thirtieth Alaska State Legislature; and be it

3 **FURTHER RESOLVED** that the reestablishment of the Delegate Credential
4 Committee shall be evaluated during the First Regular Session of the Thirtieth Alaska State
5 Legislature and subsequent legislatures, and the legislature shall determine whether the
6 Delegate Credential Committee shall continue; and be it

7 **FURTHER RESOLVED** that members of the Delegate Credential Committee can be
8 replaced or removed by the presiding officer appointing them, if, in the sole discretion of the
9 presiding officer, that action is necessary; each member of the committee is required to take
10 the following oath, administered by the presiding officer of the House of Representatives or
11 Senate, and sign a pledge confirming that the following oath has been taken and agreed to: "I
12 pledge to follow the instructions and charges in this resolution and any other directives given
13 to me by the Alaska State Legislature from the date I am appointed to the committee and
14 during the full term of the convention, to the best of my abilities, so help me God."; and be it

15 **FURTHER RESOLVED** that the members of the Delegate Credential Committee
16 shall follow the directives in this resolution and any supplemental instructions from the
17 legislature; the committee shall have the following duties:

18 SECTION A. DUTIES OF THE DELEGATE CREDENTIAL COMMITTEE. The
19 committee is charged with the following duties:

20 (1) decide all matters among committee members by a vote of a majority of
21 the full membership of the committee;

22 (2) function as the official facilitator for the legislature as required in this
23 resolution;

24 (3) appoint delegates, subject to approval by the legislature, to the convention
25 and, within 10 business days after appointment, provide a committee report of the
26 appointment to the house chief clerk and senate secretary;

27 (4) appoint one delegate to serve as the chair of Alaska's state delegation and
28 another delegate as the assistant chair;

29 (5) issue to each approved delegate and alternate, including the chair and
30 assistant chair, certification that the delegate has satisfactorily

31 (A) met the requisite qualifications established by the legislature;

1 (B) taken the applicable oath in sec. A(8) of this resolution; and
2 (C) confirmed the delegate's oath by signing a separate pledge
3 document;

4 (6) issue to each certified delegate and alternate, including the chair and
5 assistant chair, a convention pass to the convention;

6 (7) notify the legislature of the financial or other needs of the state delegation
7 at the convention;

8 (8) administer the following oaths to the delegates, alternate candidates, chair,
9 or assistant chair before issuing certifications:

10 DELEGATES' AND DELEGATE ALTERNATES' OATHS

11 "I pledge to follow the instructions in this delegate resolution and any other
12 directive consistent with this delegate resolution given to me by the Delegate
13 Credential Committee or the legislature, whether such directive is given to me
14 directly or indirectly, from the time I am certified by the committee to be a
15 delegate or alternate and during the full term of the countermand amendment
16 convention, to the best of my abilities, so help me God."

17 CHAIR AND ASSISTANT CHAIR OF ALASKA'S STATE DELEGATION
18 OATHS

19 "I pledge to follow the instructions in this delegate resolution and any other
20 directive consistent with this delegate resolution given to me by the Delegate
21 Credential Committee or the legislature, whether given to me directly or
22 indirectly, from the time I am certified by the committee to be the chair or
23 assistant chair of Alaska's state delegation and during the full term of the
24 countermand amendment convention, to the best of my abilities, so help me
25 God."

26 (9) monitor the activities of Alaska's state delegation;

27 (10) keep close communications with the chair and assistant chair and provide
28 needed assistance when requested;

29 (11) monitor the activities, deliberations, and all votes by the states at the
30 convention; when possible, inform the chair, assistant chair, and legislature of which states at
31 the convention have enacted a similar resolution for their delegates;

1 (12) make reports, at least quarterly or more frequently if necessary, to the
2 legislature by submitting committee reports to the secretary of the senate and chief clerk of
3 the house of representatives regarding the events at the convention, upcoming events, and
4 progress and prospects for ratification of the countermand amendment by the delegations;
5 make appropriate recommendations to the legislature on actions needed to ensure the
6 favorable vote by the state delegations to send the countermand amendment, as provided in
7 sec. E of this resolution, to the states, by way of the United States Congress, for ratification;

8 (13) the committee may recommend to the legislature removal of a delegate or
9 alternate from all convention activities for a violation of the provisions of this resolution and
10 whether the delegate should have the delegate's credentials invalidated; the committee's
11 recommendation must be approved by the legislature.

12 SECTION B. DUTIES OF CHAIR OF ALASKA'S STATE DELEGATION AND
13 PRESIDENT OF CONVENTION. The chair and assistant chair of Alaska's state delegation
14 are required to follow the directives in this resolution and others that may be issued by the
15 legislature.

16 DUTIES AND RESPONSIBILITIES OF THE CHAIR. The chair is charged with
17 joining with other state delegations to open the convention for business, identifying other state
18 legislatures that have approved a delegate resolution for their delegates, and working with
19 those delegations to find agreement to each of the following:

20 (1) arrange to have at least one delegate from each resolution delegation be the
21 spokesman at every business meeting and roll call at the convention; unless otherwise
22 specified, the chair will be the state delegation's spokesman;

23 (2) distribute to all delegates a pocket-sized copy of the United States
24 Constitution;

25 (3) instruct resolution and non-resolution state delegates of the mandate in art.
26 IV, sec. 4, of the United States Constitution that guarantees to each state a republican form of
27 government, which gives each state equal standing when applying for a convention and when
28 voting at and organizing the convention;

29 (4) work closely with the chairs of all other state delegations to find mutual
30 agreement on the objectives in this resolution;

31 (5) assign to Alaska's delegates the following duties: assign to each delegate a

1 proportionate number of delegates from other state delegations for the purpose of gaining
2 consensus and agreement that the countermand amendment, as herein written, should be sent
3 to the states for ratification;

4 (6) build a consensus between at least 26 state delegations, especially
5 resolution delegations, at the convention to

6 (A) require that each state delegation at the convention has only one
7 vote regardless of the number of delegates in a state delegation or the population of a
8 state as provided by art. IV, sec. 4, of the Constitution of the United States;

9 (B) require a simple majority vote at all roll calls to decide any and all
10 matters brought before the convention, including the question of whether the
11 countermand amendment, as herein written, should be sent to the states for
12 ratification;

13 (C) nominate and install convention officials who come from states
14 that have passed this resolution for their delegates and who agree with sending the
15 countermand amendment, as herein written, to the states for ratification;

16 (D) require a quorum of 26 state delegations before business can be
17 conducted and before a vote can be taken to decide any and all matters that may be
18 presented at the convention;

19 (E) build a consensus of at least 26 state delegations to work together
20 for the mutual goal of sending the countermand amendment, as provided in sec. E of
21 this resolution, back to the states for ratification;

22 (F) work to conclude convention business in 21 days; in no case is the
23 convention to be longer than 180 days, unless the convention votes to extend the
24 termination date by 180 days; no further extensions are to be allowed;

25 (G) if possible, nominate a candidate to be president of the convention
26 who comes from Alaska's delegation;

27 (H) if necessary, call for a vote for a candidate to be president who is
28 like-minded and comes from a state that has enacted this resolution, whether or not the
29 chair nominated the candidate to be president;

30 (I) try to avoid the nomination and election of a president who comes
31 from a state that did not pass this resolution;

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(J) support establishing the following duties of the president:

(i) to secure a vote from state delegations requiring that this resolution be the rules of order at the convention; "Robert's Rules of Order" may be adopted if they do not conflict with this resolution;

(ii) to follow the terms, directives, and requirements in this resolution;

(iii) to call for a vote requiring each state delegation to appoint one delegate to be the delegation's spokesman;

(iv) to stay focused on the primary purpose, which is to have the countermand amendment, as herein written, be sent to the states, by way of the United States Congress, for ratification;

(v) to recommend and request security measures as may be needed at the convention;

(vi) to officiate at the nomination and installation of all officers at the convention;

(vii) to establish the agenda at the convention as defined in this resolution;

(viii) to provide equal time in floor discussions for all states, whether for or against sending the countermand amendment to the states for ratification;

(ix) to prohibit the introduction at the convention of any subject matter or issue other than matters relating to the countermand amendment, as herein written, and whether it should be sent to the states for ratification;

(x) to expedite deliberations by the state delegations and to prevent unnecessary delays;

(xi) to authorize appropriate roll calls at the convention;

(xii) to settle all disputes between state delegations and delegates, whether or not they are from a resolution state;

(xiii) to recommend removal of the convention credentials of any delegate, including convention officials, for causing security problems at the convention;

1 (xiv) to establish procedures for installing and recognizing
2 alternates who are to become delegates;

3 (xv) to call for a vote at the earliest favorable time to approve
4 sending the countermand amendment to the states for ratification;

5 (xvi) to call for a vote to decide which method of ratification
6 the convention recommends to United States Congress, whether by state
7 legislatures or state conventions; recommend to the convention that ratification
8 should be by legislatures; resolution delegations are required to vote for
9 ratification through state legislatures;

10 (xvii) to report to the United States Congress, the 50 state
11 legislatures, and the media the decisions of the convention;

12 (xviii) to recommend formal requests, from time to time, to the
13 state legislatures, through representatives in the 50 state delegations, for money
14 that will be needed to carry on the business of the convention;

15 (xix) if a candidate for president of the convention who does
16 not come from a state that has adopted this resolution wins the presidency, then
17 it is the duty of the chair and the delegates in the legislature's delegation to take
18 reasonable steps to argue for a favorable vote by the convention to send the
19 countermand amendment, as herein written, to the states for ratification;

20 (xx) to follow the procedures in sec. B of this resolution for
21 electing other officers as the convention considers necessary; the president of
22 the convention shall be responsible for defining the duties of each office in
23 accordance with the requirements of this resolution;

24 (xxi) to oppose and vote against any effort by state delegations
25 to delay a vote for the countermand amendment, or modify, alter, or change the
26 text of the countermand amendment, as herein written;

27 (xxii) to oppose and vote against any efforts by state
28 delegations to offer any other amendment to the constitution at the convention
29 other than the countermand amendment, as provided in sec. E of this
30 resolution;

31 (7) make regular reports to the committee regarding all activities at the

1 convention;

2 (8) notify the committee of financial or other needs the Alaska state delegation
3 has at the convention.

4 SECTION C. DUTIES AND RESPONSIBILITIES OF DELEGATES. The delegates
5 will be required to follow the directives in this resolution and others that may, from time to
6 time, be issued by the legislature; each delegate is charged with the following duties:

7 (1) comply with directives made under this resolution;

8 (2) follow the reasonable instructions of the chair and assistant chair of
9 Alaska's state delegation that are consistent with the duties set out in this resolution;

10 (3) be amenable to the advice of the president of the convention when the
11 president is from a resolution state; if the president is from a non-resolution state, work
12 closely with the chair to find resolutions that are consistent with this resolution;

13 (4) work to advance all the requirements and directives in this resolution;

14 (5) be subject to dismissal from the state delegation for violation of this
15 resolution;

16 (6) be bound by this resolution to vote at all state delegation roll calls
17 consistent with directives given to the chair in sec. B of this resolution, which includes
18 sending the countermand amendment, as herein written, to the states for ratification by way of
19 the United States Congress;

20 (7) attend all assigned business sessions at the convention;

21 (8) help the chair to successfully complete the instructions in sec. B of this
22 resolution;

23 (9) attend all meetings scheduled by the chair and

24 (A) report to the chair the results of the delegate's work among other
25 state delegates;

26 (B) assess and report to the chair the number of states that plan to vote
27 in favor of the countermand amendment;

28 (C) assess and report to the chair any problems or opportunities that
29 may have developed or might develop relating to the purposes of this resolution;

30 (D) recommend to the chair other strategies that may help join with at
31 least 26 other states to vote favorably for the countermand amendment at the

1 convention.

2 SECTION D. DUTIES AND RESPONSIBILITIES OF ALTERNATES. The
3 alternates of Alaska's state delegation will be required to follow the directives in this
4 resolution and others that may be issued by the legislature; each alternate is charged with the
5 following duties:

6 (1) be prepared to serve as a delegate if directed to do so by the committee or
7 legislature;

8 (2) fulfill the duties in sec. C of this resolution when appointed as a delegate.

9 SECTION E. TEXT FOR THE COUNTERMAND AMENDMENT. The text for the
10 countermand amendment that is to be sent to the state legislatures, by way of the United
11 States Congress, for ratification shall read as follows:

12 "COUNTERMAND AMENDMENT

13 "ARTICLE 28 (or alternate number to be assigned by the United States
14 Congress)

15 "**Section 1.** The Article restores State sovereignty in our Constitutional
16 Republic by providing State Legislatures Countermand authority.

17 "**Section 2.** State Legislatures in the several States shall have the
18 authority to Countermand and rescind any Congressional Statute, Judicial
19 decision, Executive Order, Treaty, government agency's regulatory ruling, or
20 any other government or non-government mandate (including excessive
21 spending and credit) imposed on them when in the opinion of 60 percent of
22 State Legislatures the law or ruling adversely affects their States' interest.
23 When the Countermand threshold has been reached, the law or ruling shall be
24 immediately and automatically nullified and repealed. This Countermand
25 authority shall also apply to existing laws and rulings.

26 "**Section 3.** From the time the initial Countermand is issued by a State
27 Legislature, the other Legislatures shall have 18 months to complete the
28 Countermand process. If the Countermand process is not completed in 18
29 months, then the law or ruling that is being challenged shall remain
30 enforceable.

31 "**Section 4.** Each State Legislature shall complete their Countermand

1 affidavit and deliver a certified copy to the Chief Justice of the United States
2 Supreme Court, the Leader of the United States Senate, the Speaker of the
3 House of Representatives, the President of the United States, and when
4 applicable the Government Agency or Body that is being challenged.

5 "Section 5. Congress shall have the power to enforce this Article by
6 appropriate legislation.

7 "Section 6. Individual States shall have authority to prosecute violators
8 of this Article under State laws in the absence of Federal prosecution after 90
9 days from the date of the alleged violation. Multiple prosecutions, by multiple
10 States, for the same alleged crime are prohibited.

11 "Section 7. The Article shall be immediately part of the United States
12 Constitution upon ratification by three quarters of the State Legislatures in the
13 several States.

14 "Section 8. The provisions of this Article are enforceable within the
15 United States, which shall include the Several States, the District of Columbia,
16 the Commonwealth of Puerto Rico, the Commonwealth of the Northern
17 Mariana Islands and the territories and possessions of the United States."; and
18 be it

19 **FURTHER RESOLVED** that a certified copy of this delegate resolution must be
20 agreed to and signed by every delegate sent by the legislature to the countermand amendment
21 convention.

ALASKA STATE LEGISLATURE

SESSION ADDRESS:

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Representative Shelley Hughes
House District 11 ~ Greater Palmer

HCR 4 Relating to the duties of delegates selected by the legislature to attend a convention of the states called under art. V, Constitution of the United States, to consider a countermand amendment to the Constitution of the United States; establishing as a joint committee of the legislature the Delegate Credential Committee and relating to the duties of the committee; providing for an oath for delegates and alternates to a countermand amendment convention; providing for a chair and assistant chair of the state's countermand amendment delegation; providing for the duties of the chair and assistant chair; providing instructions for the selection of a convention president; and providing specific language for the countermand amendment on which the state's convention delegates are authorized by the legislature to vote to approve.

Summary of Changes

HCR 4 ver E

Pg 2, Ln 16: Following "of", delete "two-thirds" and insert "three-fourths"
Technical edit.

Pg 4, Ln 3-5: Amended to read "FURTHER RESOLVED that the reestablishment of the Delegate Credential Committee shall be evaluated during the First Regular Session of the Thirtieth Alaska State Legislature and subsequent legislatures, and the legislature shall determine whether the Delegate whether the Delegate Credential Committee shall continue, and be it"

Change was made to clarify that this resolve requests that future legislatures review the Delegate Credential Committee and decide whether the committee should continue.

HCR 4

3/19/15

Mike Coons Script

L

Whereas the Federal Government passage of the 1968 Gun Control Act has violated this States Individual 2nd Amendment Rights by regulating this enumerated right.

Whereas the history of enforcement of the 1968 Gun Control Act by the US Attorney Generals in conjunction with local and State Law Enforcement has not been enforced consistently.

Be it Resolved that under Article 28, Countermand Amendment, the State of Alaska nullifies and repeals the 1968 Gun Control Act, all changes to the GCA and all rules and regulations related thereof;

Be it further Resolved that other States take up this Resolution to protect their citizens 2nd Amendment Rights and to thus, upon the 30th State Resolution, that the 1968 GCA is hereby repealed.

Be it further Resolved that this Resolution be transmitted to all States for their consideration and actions.

Resolved, That the Clerk forward a copy of this signed Agreement to the leadership in Both Houses of the United States Congress.

SENATE
STATE OF LOUISIANA

Labor & Industrial Relations
Chairman

Louisiana International Gulf
Transfer Terminal
President

Commerce, Consumer Protection
& International Affairs

Environmental Quality, Retirement

Select Committee on Coastal Restoration
Flood Control



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Wayne Labit
Legislative Assistant

TO: Alaska State Legislature State Affairs Committee: Representative Bob Lynn, Senator Bill Stoltze and Alaska Legislature Judiciary Committee: Representative Gabrielle LeDoux and Senator Lesil McGuire

FROM: Senator A.G. Crowe, Louisiana State Legislature

SUBJECT: Application for Countermand Amendment Convention and Delegate Resolution with Countermand Amendment

I am writing to testify for the passage of the two resolutions the Alaska Legislature is entertaining. The first one is the Application to Congress to call for a Countermand Amendment Convention. This is an important first resolution and step to get to the 34 States, of which I am the sponsor for the same bill here in Louisiana, which is to convene a Countermand Amendment Convention.

The second and very important resolution is the Delegate Resolution with the language of the Countermand Amendment tied directly to the resolution. This is important in that it defines the Countermand Amendment Convention as to Article 4, Section 4 which defines a Republican form of a convention (majority vote) and that all votes are one State, one Vote, as per the first "Whereas." It defines and declares the delegates are bound to any State that has this and they must vote for the approved Countermand Amendment. This maintains State Legislative Sovereignty by ensuring the State Legislature is the deliberative body and controls the Delegates from start to end. This resolution further defines the appointment of delegates, a Delegate Credential Committee to oversee the delegates, the convention rules and procedures as well as the duties of the delegates, alternate delegates and oath taken for both primary and alternate delegates. Lastly, it defines the text of the Countermand Amendment to be voted on by all the States at the convention.

Once 26 States or more pass this Delegate Resolution and Countermand Amendment and once the convention is called by Congress and the convention approves the language of the Countermand Amendment, then the convention is over and will have been safe, efficient and very timely. The State of Louisiana will be passing this same legislation and looks forward to working with fellow State Legislatures in Alaska to ensure that this Amendment is passed without delay and thus ratification.

Of added importance is that this same Delegate Resolution should be used for any other proposed Amendments that Alaska or other States approve. This then sets a very favorable precedence of the safety and efficiency of any and all other amendment conventions that may occur at a later date.

Sincerely,

A handwritten signature in cursive script, appearing to read "A.G. Crowe".

A.G. Crowe
State Senator
State of Louisiana

HCR4

Official Public Policy Statement of

Convention of States and Citizens for Self Governance



TOOLS with TEETH
for State Legislatures
Article V Bi-Partisan
"SINGLE ISSUE AMENDMENT
CONVENTIONS"

January 22, 2014 –

The following Article is the official public policy statement of *Convention of States and Citizens for Self Governance*, author Michael Farris. It can be downloaded at <http://action.conventionofstates.com/>. The formatting of *Convention of States'* statement has been altered, but the text has not.

Comments by Charles Kacprowicz, National Director of Citizen Initiatives are inserted in red with the preface "CK's Comment:". Citizen Initiatives is advancing the Article V *Sovereignty and States Rights Amendment Convention* and component *Single Issue Amendment Conventions* separate from *Convention of States, et al*.

Comments also include unrelated topics such as *Interstate Agreements (Compacts)* between the States, Congressional approval for Article V *Applications*, and the need for Delegate Resolutions. See section 40 below.

The purpose of this edited Article is to identify points of agreement between *Convention of States, et al* and Citizen Initiatives and to clarify differences.

1) Convention of States Policy Statement . . .

Why the States Need To Use Their Constitutional Power to Rein in Abuses of Power by Washington DC The Problem

Washington DC loves its own power and will never relinquish its power. In fact, all branches of the government in Washington DC are committed to the escalating growth of a centralized national government. This truth does not fundamentally change regardless of who is elected to the Congress or the White House.

The addiction to power is fueled by a fundamental reliance on growth in spending, increasing regulation of a broadening swath of American life, and a deadly reliance on debt.

If the national debt was calculated by the normal rules of accounting, where accrued debt was included (e.g., vested social security benefits), the national debt would be well over \$100 trillion and may be as high as \$200 trillion.

CK's Comment: Agree.

2) Convention of States Policy Statement . . .

Washington DC buys votes and power with money. It uses its power to extract money from both today and tomorrow. This nation will deny any semblance of freedom to our children and grandchildren. There will be taxes imposed on them for spending they never approved or from which they received any direct benefit. This is taxation without representation in a multi-generational form that can only be described as tyrannical.

CK's Comment: Agree.

3) Convention of States Policy Statement . . .

The Need for a Structural Solution

The most important rule in any organization is the rule about who makes the rules.

We have allowed Washington DC to be the sole possessor of the power of ultimate rulemaking. As a consequence, the states are becoming, on an increasing basis, the mere implementers of federal policy decisions. Any thought that we are following true federalism is a cruel mockery of the values of those who created our Constitutional federal republic.

We must change the structure of power. No one seriously believes that electing the right member to the House or Senate, or the right occupant of the White House, will fix the structural problems or result in the decentralization of the processes of power.

While changes in personnel through elections can serve good and useful purposes, the only path for a meaningful solution is a structural change which reassigns the authority to make policy decisions for this nation.

In the wake of the 2012 elections, there was a good deal of buzz around the ideas of state nullification and even some hinting at secession. While we can appreciate the frustration with Washington DC that prompts such thoughts, we need to recognize them for what they are. These are extra-constitutional solutions that are revolutionary in character. And while we have come to overuse the term "revolutionary" to describe major innovations, these revolutions are of the same sort as the original American Revolution. Ultimate this path leads to war. And no sensible person wants war when there are viable constitutional and peaceable alternatives available.

CK's comment: "Who makes the rules" is the key question. Citizen Initiatives is working to prevent State Legislatures from abdicating their sovereign authority under Article V.

Delegate Resolutions that define the duties of delegates at a Convention and which include a pre-approved text for the Amendment assures that State Legislatures remain defenders of the Constitution and the last arbiters in all Constitutional matters. Under Article V it they could be said that they are the fourth Branch of federal government.

We agree with the warning that “nullification” and “secession” can lead to violence and even Civil War. For a State Legislature to declare its displeasure with Congress regarding a specific Statute and then “request” Congress to change the law in favor of its interest is not nullification. Nullification is by the very term defiance by a State in opposition to the federal government’s mandate.

Nullification can be accomplished, however, without violence through the *Sovereignty and States Rights Amendment* and its *Countermand* provision. When 60% of State Legislatures *Countermand* a law or regulatory ruling decreed by the Federal Government, then it is automatically disallowed and rescinded. It won’t matter what branch of government issued the mandate. State Legislatures will be seen as partners in governance, not subjects to federal power. The Amendment also confirms 10th Amendment authority for the States guaranteed in the Constitution. The States will also be able to prosecute intentional violators of the provisions of the Amendment in the absence of federal prosecution.

4) Convention of States Policy Statement . . .

There is a constitutional process that gives the states the unilateral power to change the structure of American government. It is a process given to us by the Founding Fathers for the very situation we face today. When the national government becomes drunk with abuses of power, the states were given the authority to reorganize the government in a manner that preserves the Republic and preserves liberty.

CK’s comment: The phrase “change the structure of American government” has an ominous tone. Article V does not allow State Legislatures (nor Congress) to usurp the sovereignty of the Constitution. It simply provides a safe method for the Constitution to be preserved while the Legislatures address egregious wrongs suffered by the people at a Convention. When the federal government refuses to respond to petitions by the people, then State Legislatures can remedy these wrongs though Single Amendment Conventions.

5) Convention of States Policy Statement . . .

We respectfully suggest that not only do the states have this authority; they also have the responsibility to save this nation by using their constitutional prerogatives to stop the federal abuses of power.

Article V & State Power

Article V provides:

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....

CK’s Comment: Agree with the following qualifier: the Legislatures do not have the authority to rewrite the Constitution, only to amend it under Article V one grievance at a time. See comment above.

6) Convention of States Policy Statement . . .

There are two groups of elected bodies that have the power to propose constitutional amendments: Congress and the State legislatures. Either group may propose a single amendment, groups of amendments, or an entirely new Constitution. Congress has used its power to propose a group of amendments—these are called the Bill of Rights. Twelve were proposed. Ten were initially ratified. The eleventh was ratified in 1992 and became the 27th Amendment to the Constitution. All other amendments were proposed by Congress as single amendments. While Congress has the power to propose an entirely new Constitution at any time, it has never done so.

CK’s comment: Agree up to “proposing an entirely new Constitution”.

Under Article V Congress cannot propose a new Constitution. Article V only allows for the proposal of Amendments to the present Constitution. Congress is powerless to create a new Constitution. If the State Legislatures wanted to create a new Constitution, they would have to secede from the Union and Call for a Convention for the purpose of creating a new government. Neither Congress nor State Legislatures, under Article V, have the power to abolish the United States Constitution or our present Constitutional Republic. Both members of Congress and State Legislators have taken an oath to defend the United States Constitution from foreign and domestic enemies. To suggest that Article V empowers them to usurp the Constitution’s authority by proposing a new Constitution is a very dangerous idea and if unchecked will lead to flawed assumptions that undermine the stability of our Constitution. If we lose our Constitution we will have nothing with which to peacefully defend our inalienable rights and limited government.

There is indeed a strong precedent for Single Issue Amendments to be proposed by Congress in the future. This historical practice suggests that Legislatures have the same ability. However, under Article V, State Legislatures are sovereign States and how they use this authority for proposing and ratifying Amendments is entirely in their prerogative. The Legislatures do not need historical or legal precedent, nor the permission of Congress, nor the Courts, nor regulatory agencies, nor Article V groups to define their sovereign authority, nor how they should Call for and conduct themselves at a Convention. They alone decide how they will use Article V - providing of course it is limited to proposing Amendments to our present Constitution.

If State Legislatures had to first secure permission from Congress, the Courts, Executive Branch, or regulatory agencies before they Call for a Convention, then the Article V process would be utterly worthless to the States. They would just as well secede from the Union and ratify a new Constitution. The federal government would rule supreme.

See Section 40 below for a discussion of Article I, 10. The Article prohibits Interstate Agreements without Congressional approval. Delegates Resolutions are the only method that allows State Legislatures to safely, predictably and successfully amend the Constitution under Article V without possible violations of prohibitions in Article I, 10.

Conclusion, Article V simply allows the Constitution to be changed one Amendment at a time. Multiple Amendments can be proposed simultaneously through Congress and Conventions. The check on the possible abuse of the Amendment process lies in State Legislatures that must ratify all proposed Amendments.

7) Convention of States Policy Statement . . .

State legislatures also have the power to propose constitutional amendments through the convention process. Whenever two-thirds of the states (i.e. 34/50) apply for a Convention for amendments, Congress has the ministerial (non-discretionary) duty to call such a Convention.

CK's Comment: Agree.

8) Convention of States, et al . . .

There have been over 400 state legislative applications for an Article V convention for the purpose of amendments in the history of the Republic. Yet, a convention for this purpose has never been called. The reason is simple: there has never been a group of applications for the same purpose that reaches the required numerical threshold.

CK's Comment: Agree. In addition, there has never been an oversight group to facilitate the Applications to assure that Congress has Constitutionally fulfilled its mandate to convene

a Convention when two thirds of the States complete their Applications on Congress. Citizen Initiatives intends to facilitate the Amendment process on behalf of State Legislatures to make certain that Congress does convene the bi-partisan *Sovereignty and States Rights Amendment Convention*, or other *Single Issue Amendment Conventions*, when 34 States complete Applications. The Amendment's provisions include:

1. Confirmation of Constitutional, National and State sovereignty.
2. Confirmation of Amendment IV privacy protections in an electronic age.
3. Countermand authority for the States that can disallow and rescind new and existing laws and regulations that are onerous to the States.
4. Enforcement by allowing the States to prosecute intentional violators of the Amendment in the absence of federal prosecution.

For the text of the Amendment go to:

http://citizeninitiatives.org/sovereignty_states_rights_amend.htm

For a copy of the Delegate Resolutions go to:

http://citizeninitiatives.org/Delegate_Resolution_Sovereignty_States_Rights.htm

9) Convention of States, et al . . .

For over 200 years, Congress has followed a single subject rule. Conventions can only be called when 34 states apply for a Convention for the same purpose. This is a powerful legislative precedent that cannot be overstated as to its importance. The meaning of Article V in this regard has been established by the strongest possible precedent—over 200 years of unbroken practice.

CK's comment: The 200 year precedent is not controlling. However, a single subject Convention, as proposed by COS, carries the idea that delegates alone decide what subjects and content they will deliberate on at the Convention. COS' proposed Call includes the following four Subjects:

1. imposing fiscal restraints on the federal government
2. limiting its power
3. restricting its jurisdiction, and
4. mandating term limits for elected or appointed officials

Each one of these 4 subjects for delegates to debate at the Convention can have many undefined sub-Subjects. There could be dozens of sub-Subjects for each Subject. In addition, each of COS' proposed Subjects, in today's political climate, is partisan. Under each Subject there would be dozens of different definitions offered by the delegates to define what the issues are, how define specific problems, what the

solutions are and what the text should be for each Subject and sub-Subject. .

Congress could summon 534 delegates to the COS Convention and the Legislatures could appoint the same number. The first order of business would have to be how the Convention is to be organized. Will the delegates agree that each State Delegation is to have one vote as guaranteed in Article IV, 4. Or will they decide that each delegate has one vote? California would have 50+ delegates with Montana having no more than 4. Will Robert's Rules of Order apply or will they create a new Convention process? In the absence of pre-defined and pre-approved instructions to the delegates by the Legislatures, mayhem will be the result. There are forces in America today that are encouraging the convening of the COS Convention with intentions to disrupt its proceedings and eventually create Amendments that would suit their political and ideological interests. Only State Legislatures through Delegate Resolutions can prevent mayhem at the Convention.

A single Amendment Convention with Delegate Resolutions that include a pre-approved text of the proposed Amendment (*Sovereignty and States Rights Amendment* and component *Amendments such as the Countermand Amendment Convention*) will result in a safe, predictable and successful Convention. Article 1, 10's prohibitions against Interstate Agreements will not be violated because the Delegate Resolution is a contract between State Legislatures and their delegates to the Convention. It is not a compact between the States. 34 States are still required for the Calls and all States will decide if the Delegate Resolution will be approved by their Legislatures. Each Legislature that passes a Delegate Resolution with wording similar to the other States will be giving instructions to their delegates only. In the congregate the Legislatures will be defining the duties of their delegates only at the Convention without violating any prohibition against Interstate Agreements. Under Article V Delegate Resolutions are a State Legislature prerogative and do not require the Governor's signature.

With a pre-approved Delegate Resolution, which includes the text for the *Amendment*, State Legislatures are the sovereign deliberative body, not delegates sent by the Legislatures to a Convention.

The State Legislatures define their sovereign authority, no one else. Delegates sent to a Convention are Ambassadors of their Legislatures, they are not free agents. There are many examples in both private and government where delegates follow the instructions of the body that appointed them to the Convention. An example would be Baptist Conventions where the delegates summoned do not add to or change the agenda at the Convention. Their role is to decide through their vote whether or not a particular pre-approved amendment to their organization's Constitution should be approved or not. They are Ambassadors representing their local Churches. Delegates to an Article V Convention are

similarly under the authority of their Legislatures and thereby required to vote on a pre-approved Amendment text with instructions on how to organize the Convention.

10) Convention of States, et al . . .

We believe that it is the time for the state legislatures to use this Article V power to propose a group of specific amendments to rein in the abuses of power by the federal government.

CK's comment: Agree, but with pre-approved Single Amendment Conventions, not "Subject" Amendments to be defined by delegates at the Convention.

11) Convention of States, et al . . .

Steps in the Process

Here is how it would work:

Thirty-four state legislatures would pass similarly worded resolutions which call for an "Article V convention to propose amendments which limit the authority and jurisdiction of the federal government."

Congress would have a non-discretionary duty to call the convention. The call could only name the time and place for the Convention.

CK's Comment: Agree, with the clarification that the Call should be for a Single Amendment Convention defined in a Delegate Resolution.

Why would State Legislatures want to surrender their sovereign authority to delegates in order to reach a political compromise? The ultimate question in Article V Conventions is will Legislatures abdicate their sovereignty? If they do they will have established a terrible precedent making it virtually impossible to reclaim for future generations.

12) Convention of States, et al . . .

The convention is a convention of the states.

CK's comment: Citizen Initiatives believes the name "Convention of States" is misleading and carries a reliance on flawed applications of precedents, history and State Convention experiences. All Article V Conventions would be better described as *Amendment Conventions*. In fact, Article V was inserted into the Constitution to propose Amendments, not to usurp the authority of the Constitution.

In Citizen Initiatives' case the specific title in the Call on Congress for all States would be *Sovereignty and States*

Rights Amendment Convention and/or component Single Issue Amendments such as *Countermand Amendment Convention*.

Of course, it is possible for the Call for the *Amendment Convention* to go forward in parallel to COS.

13) Convention of States, et al . . .

This necessarily means that each state has its own ability to prescribe whatever means it wishes to choose its own delegates.

CK's Comment: Agree.

14) Convention of States, et al . . .

All voting would be on the one-state, one-vote rule, just as the original constitutional convention. (And which is the only possible rule when the members of the convention are the states and not the delegates).

CK's comment: Agreed that Article IV, 4 must govern the deliberations at the Convention, but with as many as 534 delegates summoned to the Convention this issue must be decided by the Legislatures before convening the Convention through a Delegate Resolution. Otherwise, there will be mayhem at the Convention with politically charged delegates deciding if one vote per State Delegation will rule or one vote per delegate. One vote per State delegation regardless of the States' population or number of delegates sent to the Convention must be decided by State Legislatures before the Convention is convened.

15) Convention of States, et al . . .

Only amendments that are germane under the language of the applications (i.e., they call for limitations on the authority and jurisdiction of the federal government) may be approved.

CK's comment: Problem! How will the Convention decide: 1) which Subjects and sub-Subjects the delegates will address under COS' proposal, 2) what the problems are under each Subject and sub-Subject, 3) what solutions should be offered, 4) what the text of each proposed Amendment should be, and finally, 5) if the Amendment, as proposed, should it be sent to the States for Ratification. This scenario would have to be followed by the delegates for each COS Subject and sub-Subject in their Call for a Convention. It is doubtful that any Amendment in a politically charged Convention would be able to forthrightly address the countries troubles.

COS' "Subjects" are partisan by nature and as such will create divisions at the Convention. The *Sovereignty and States Rights Amendment* and component *Countermand Amendment Convention, et al*, on the other hand, is bi-

partisan. It allows State Legislatures to address the nation's problems through *Countermands* and *State Enforcement*. Political motivations will be minimized. For example, State sovereignty can be defended by all political parties.

16) Convention of States, et al . . .

A simple majority vote (of states) is required to propose amendments.

CK's comment: Agree, but only if the Convention is organized under Article V, 4. This will not be guaranteed with delegates at the Convention deciding the matter. Delegate Resolutions will assure that each State has one vote.

17) Convention of States, et al . . .

Congress would then have the duty to name one of two methods for ratification of the proposed amendments. They could call for state-based ratification conventions, or for ratification by the state legislatures.

CK's Comment: Agree.

18) Convention of States, et al . . .

When 38 state legislatures (or state conventions) ratify any or all of the proposed amendments, they become a part of the Constitution of the United States.

CK's Comment: Agree.

19) Convention of States, et al . . .

Answering Common Questions

Can the Convention be limited to a specific subject?

Yes. We have a 200 year legislative precedent that says that the single subject (or purpose) rule has been followed by Congress. The Convention will only be called when 34 states make applications for a single subject or purpose.

CK's comment: Disagree. Precedent will not guarantee that the deliberations at the Convention will be safe, predictable and successful. 26 or more Delegate Resolutions will.

20) Convention of States, et al . . .

Just like Congress, the Convention must also follow the single subject rule. We have a judicial precedent which is important also.

CK's comment: Disagree. There is no parallel between Congress and an Article V Convention. There is no "Single

Subject Rule" that delegates are required to follow. Article V Conventions have a new and different purpose. It is conceivable that under Article V State Legislatures become the 4th Branch of the federal government. In fact, they are the final arbiters in all Constitutional matters. With such authority precedent is not and must not be controlling. These truths reaffirm the importance of Delegate Resolutions.

An Article V Convention through State Legislature bypasses Congress, the Courts, Executive Branch and regulatory agencies. It decides how the federal government is to conduct itself. Delegates at such a powerful Convention must be bound by contract to their State Legislatures.

21) Convention of States, et al . . .

In 1978, Congress passed a resolution which purported to extend the deadline for the ratification of the Equal Rights Amendment by approximately three-and-a-half years. This attempt to change the rules in the middle of the Article V process was challenged in court by state legislatures from Idaho, Washington, and Arizona. The federal district court in *Freeman v. Idaho*, CITE, held that it was unconstitutional for Congress to attempt to change the rules in the midst of the Article V process.

CK's Comment: Agree.

22) Convention of States, et al . . .

It must be remembered that Congress and the Convention possess equivalent power regarding the basic components of the amending process. If Congress cannot change the rules of the process when it has initiated the Article V process, the States (through a convention) are equally prohibited from changing the process once it has been started. The Supreme Court vacated the decision on mootness grounds when 38 states failed to ratify even under the extended deadline. Thus, the precedent is not equivalent to a Supreme Court decision, but it is a reasonable view of the correct outcome in the process of litigation. The author of this paper was counsel for the Washington legislators in that litigation.

CK's comment: Agree.

23) Convention of States, et al . . .

What are the safeguards if a Convention attempts to go beyond the applications from the States?

The ultimate safeguard is this: 34 states applied for the convention for a particular purpose. It would require 38 states to ratify any amendment that would be proposed out of a Convention. It would only take 13 states to vote "no" on any proposed amendment to defeat it. The chances of 38

state legislatures approving a rogue amendment are effectively zero.

Moreover, the *Idaho v. Freeman*, case demonstrates that the courts will review a constitutional challenge brought by state legislators to an abuse of the Article V process. There is every reason to believe that the rule of *Freeman* would be followed: any change in midst of the Article V process is unconstitutional.

CK's comment: Agree. See comments above regarding sovereign authority resting in State Legislatures when proposing and ratifying Amendments through Conventions.

The Supreme Court is the policing authority that can protect the Amendment process. State Legislatures, however, control Article V Conventions and ratifications of Amendments which means they decide what Constitutional mandates the Supreme Court is required to follow. Ultimately, State Legislatures have final authority in all Constitutional matters.

24) Convention of States, et al . . .

Why should we trust this process, after all the original Constitutional Convention was a runaway convention that abused its mandate to amend the Articles of Confederation?

This attack on the integrity of the United States Constitution is based on utterly fallacious history. Here are the relevant facts:

The call for the Constitutional Convention specified that it was "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."

CK's comment: Agree.

25) Convention of States, et al . . .

Thus, the document contemplated was an adequate federal constitution.

CK's comment: Agree.

26) Convention of States, et al . . .

There was no limit on the number of amendments to the Articles which could be proposed.

CK's comment: Agree. However, under Article V the rules have changed. The purpose and methods to amend the

Constitution today were created to protect our Constitutional Republic while addressing problems facing the nation. Article V no longer allows an Open Convention (Constitutional Convention) which the Confederation Congress convened.

27) Convention of States, et al . . .

There was no requirement which prohibited the Convention from proposing amendments as a complete package rather than as a series of amendments. Political reality suggested that it was most likely that a package deal would be forthcoming so that the negotiations and balancing of interests between the states could be achieved.

CK's comment: Agree. However, the State Legislatures, with their ratification, required the new Congress to immediately send Amendments (today's Bill of Rights) back to the Legislatures for ratification that would protect personal liberties and further limit the power of federal government. The Convention did not initiate the Bill of Rights, the new Congress did. In fact, the ratifications of the new Constitution by the Legislatures were conditional upon Congress doing as directed by the States. If Congress refused then the States could have argued that the new Constitution was not properly ratified. They could have returned to governance under the Articles.

28) Convention of States, et al . . .

Some provisions of the Articles of Confederation were carried forward into the Constitution. Thus, while there were substantial changes, it was in fact an amendment to the Articles.

CK's comment: Agree. This is an excellent observation.

We might want to take it one step further and conclude when Rhode Island refused to participate in the deliberations at the Convention they in fact abdicated their authority under the unanimous vote requirement in the Articles. When the other 12 States moved forward with the Amendment process, which included writing the Constitution we have now, they did so determined not to allow one State hold the others hostage. The problems that needed to be addressed by the Founders included inflation, taxes, commerce, supplying the Army and others, were so severe that to ignore them meant the Revolutionary War would have been fought in vain. The nation would have returned to being a Monarchy. This, of course, was exactly what George Washington refused to entertain by rejecting a proposal that he be the first king of the United States.

The most difficult problem for the delegates at the Constitution Convention was how the States would retain their sovereignty. Under the Articles of Confederation amendments required a unanimous vote. The delegates solved this problem by changing the unanimous vote

requirement to three quarters. However, State Legislatures never abdicated their sovereignty with this change and Article V delegates were never given independent sovereign authority from their Legislatures.

29) Convention of States, et al . . .

The Constitution Convention did not send the Constitution to the states to be ratified as is commonly (and falsely) believed.

The Constitution (together with a new proposal for ratification) was sent to Congress. Thus, the very group—Congress—which called the Convention into being is the one which received the work product. If Congress believed that the Convention had abused its authority, it has the complete authority to reject their work. Instead, Congress exercised its power under the amending process of the Articles of Confederation to approve both the new Constitution and the new methodology for ratification. The new methodology for ratification had two changes. First, the number of states required for ratification was changed from 13 to 9. Second, the group asked to do the ratifying was changed from the legislatures to specially-called ratification conventions in each state.

CK's comment: Agree.

30) Convention of States, et al . . .

Congress still did not send the Constitution to the state conventions. It sent the Constitution and the new proposal for ratification to the state legislatures.

CK's comment: Agree.

31) Convention of States, et al . . .

Congress asked the state legislatures to approve the change in the ratification process by calling ratification conventions.

CK's comment: Agree. However, this is not a parallel event to an Article V Convention. In fact, the delegates asked the Confederation Congress to send the proposed Constitution to State Conventions for ratification probably for political reasons.

32) Convention of States, et al . . .

That is exactly what happened. All 13 state legislatures called ratification conventions thus approving the new process.

CK's comment: Agree.

The Constitution was then adopted by 11 state conventions (two more than required). Two states—North Carolina and Rhode Island—rejected the Constitution itself, but both of

these states had approved the new process and eventually ratified the new Constitution. In fact, our Constitution was eventually ratified unanimously by 13 States.

33) Convention of States, et al . . .

Thus, we can see that the original process was not a runaway convention as is often contended by those who argue against the use of Article V power. This argument is based on false history and an inconsistent view of the Constitution.

CK's comment: Agree.

34) Convention of States, et al . . .

Opponents of an Article V convention say that it is dangerous to place our dearly beloved Constitution (which was illegally adopted by a runaway convention) into any danger by calling such a convention. How can the Constitution be dearly loved and illegal at the same time?

CK's comment: Agree.

35) Convention of States, et al . . .

The reality is that the modern originators of this runaway convention idea were liberals who wanted to thwart any limitation on federal power. One of the leading advocates of this theory is former Chief Justice Warren Burger who joined the majority opinion in *Roe v. Wade*. No one can be a constitutionalist and vote for *Roe v. Wade*. Constitutional conservatives should not listen to anti-constitutional liberals like Burger.

CK's comment: Agree.

36) Convention of States, et al . . .

Even if there are safeguards, why should we take any risk by calling an Article V convention?

The reality is this: Congress and the federal government are in fact on a path to destroy this nation. There is no question about whether this will happen, there is only a question as to when our nation will collapse as a result of federal abuses—particularly the abuses of the use of the debt power.

The threat from Congress should be rated as a 100% certainty. The threat from a runaway convention cannot be said to be “zero” but it is very close to “zero” as a matter of both legislative and judicial practice.

CK's comment: Agree. Delegation Resolutions would, however, assure that the delegates at the Convention would

be prohibited from entertaining any plans to overwhelm the Convention with devious ideologies.

37) Convention of States, et al . . .

The threat posed by Congress is far more deadly than any threat posed by an Article V convention. The states must not listen to fear mongers who will destroy this nation by allowing Congress to continue to abuse its power unchecked.

CK's comment: Agree.

38) Convention of States, et al . . .

What Amendments could be proposed to limit federal power?

Require a balanced federal budget with real teeth and enforcement power.

Repeal all tax laws in five years through a “sunsetting provision”.

Require a super-majority vote for replacing these taxes and all new taxes.

Prohibit the federal government from spending money on items that are lawfully funded by states. (Example, if the states can spend money on education, then the federal government cannot do so.)

Prohibit the federal government from regulating businesses, individuals, or property for purposes that states can also regulate. (Example, if the states can regulate wages and hours, then the federal government cannot do so. If the states can regulate health care and health insurance, then the federal government cannot do so.)

Prohibit the use of executive orders or federal regulations as a source of federal law that binds private citizens or private property. All federal laws would be required to be passed by Congress.

Prohibit the treaty power from governing the domestic powers of this nation.

All of these proposals would be germane under this plan, but would require a majority vote of the states to be actually approved and sent out for ratification.

CK's comment: Citizen Initiatives concludes that by trying to address all or more of these “Subjects” at a COS convention will cause Congress to reject the application because it is not Amendment specific. Multiple Single Amendment Conventions such as the *Sovereignty and States Rights Amendment Convention* or other *Single Issue Amendment Conventions* will prevent contention between the Legislatures

and Congress. Specific Amendments can be addressed in pre-approved Delegate Resolutions that bind delegates at the Convention to the instructions by State Legislatures.

Each of these issues should be addressed by the States, but for a safe, predictable and successful Convention the delegates must be bound by Delegates Resolutions. There is no restriction in the Constitution preventing the State Legislatures from Calling (Applications) on Congress for multiple Single Amendment Conventions simultaneously.

39) Convention of States, et al . . .

The states have the power to save the Republic by reining in the abuses by Washington DC. They must do so.

CK's comment: Agree.

CK's final comment: Comparing the Bill of Rights or any of the 27 Amendments to the Constitution is incongruous. Everyone of the Amendments proposed by the Confederation Congress and our present Congress was with pre-approved texts that the States either ratified or rejected. With Article V Conventions only the Legislatures have the authority to pre-approve the text of Amendments, not delegates. Remember, the Legislatures have the authority to amend our Constitution with proposed Amendments which mandates how the Supreme Court will rull, how Congress will legislate, how the Executive Branch will govern, and how Regulatory Agencies behave. That's a powerful amount of Constitutional authority and as long as Conventions are limited by pre-approved Amendments through Delegate Resolutions the deliberations at a Convention will be safe, predictable and successful.

Congressional prerogatives are a different animal. The rules under Article V must be defined by the State Legislatures alone independent of Congress, the Courts, Executive Branch and Regulatory Agencies.

40) INTERSTATE AGREEMENTS (Compacts Between the States) - Prohibitions in Article I, Section 10

Compact for America and *Goldwater Institute* are advancing the idea that the best solution for addressing America's problems is with an Article V 2.0 Turn-Key Approach. Their strategy is to have the State's agree to an *Interstate Agreement (Compact)* that would define the Article V process from pre-Call events, to the Call, to the final ratification of Single Issue Amendment. There focus is on the Balanced Budget Amendment.

The following is Goldwater Institute's policy statement:

"Using an agreement among the states called an "interstate compact," the Compact for America invokes Article V of the United States Constitution to advance one or more specific

constitutional amendments. An interstate compact provides the vehicle to advance constitutional amendments because it **transforms the otherwise cumbersome state-initiated amendment process under Article V into a "turn-key" operation.**

The Compact for America empowers the states to agree in **advance** to all elements of the amendment process that states control under Article V in a single enactment that can be passed in a single session. **The Compact does require congressional consent to work**, but such consent is achieved by simple majority passage of a congressional resolution, which consolidates everything Congress must do in the Article V process in a single enactment and in a single session. Specifically, the Compact and the counterpart congressional resolution include:

- The text of the proposed amendment (specified in the Compact);
- The Article V application to Congress (specified in the Compact);
- An interstate commission that organizes the convention (specified in the Compact);
- The convention call (specified in the congressional resolution); All delegate appointments and instructions (specified in the Compact);
- The convention location and rules (specified in the Compact);
- An agenda limited to the consideration of the proposed amendment (specified in the Compact);
- The ratification referral (specified in the congressional resolution);
- The ultimate ratification of the proposed amendment (specified in the Compact).

In short, the Compact for America consolidates everything Congress and the States do in the Article V process into just two overarching pieces of legislation—one congressional resolution and one interstate compact joined by thirty-eight states. It thereby dramatically **cuts the time and resources needed to achieve a state-originated constitutional amendment.** The Compact transforms the state-originated amendment process, which otherwise requires more than 100 state and congressional enactments across five or more legislative sessions, into something that can get done in a single legislative session for each member state and Congress. Rather than a legislative quest that will take ten to twenty years, the Compact can generate a constitutional amendment in as little as **one year.**"

CK's Comment: There are a few serious oversights with this approach even though it does protect the text of the Balanced Budget Amendment which would be included in their Compact between the States.

1. The Compact process assumes that every element in the Article V process can be satisfactorily addressed

in one Compact by the States and that the triggers in the process to automatically start the next event will occur.

2. They want to secure 38 States to pass their Compact, not 34 to start the process with a Call. This makes the task of Compact agreement by the States more difficult. The initial Call requires 34 Legislatures.
3. The Goldwater Institute makes the following statement:

"The Compact is like a ballot measure directed to state legislators, governors and Congress."

Article V does not require the governors or Congress to have any say in the sovereign authority that rests in State Legislatures alone. The Compact causes the Legislatures to abdicate their sovereignty by attempting to define an amendment process to include branches of government that have no authority under Article V.

4. The Goldwater Institute makes the following statement that Citizen Initiatives is trying to prevent:

"The Compact does require congressional consent to work, but such consent is achieved by simple majority passage of a congressional resolution, which consolidates everything Congress must do in the Article V process in a single enactment and in a single session."

Article V provides State Legislatures with sovereign authority independent of Congress, the Courts, Executive Branch, Regulatory Agencies, Governors and all other State governing bodies. The Compact for America forces the Legislatures to secure permission from Congress before their Amendment process can succeed. It also opens the door to a myriad of law suits as to the legal and Constitutional process under Article V. Lastly, there is no assurance that the process will move forward as they are projecting. There will be many political, legal and Constitutional obstacles to overcome in the 50 States and Congress.

5. A very serious problem with the Compact for America approach is it is likely to violate the prohibitions in Article 1, 10 (paragraph 3) against Interstate Agreements (Compacts):

"No State shall, without the Consent of Congress, . . . enter into any Agreement or Compact with another State, or with a foreign Power, . . .":

Even if this prohibition can be overcome under Article V legally and Constitutionally, the most difficult problem will be the political one. Adversaries in Congress will have a field day attacking the proposed Amendment due to its political ramifications starting with is the *Interstate*

Agreement acceptable in the Article V process.

Remember, when the Legislatures Call on Congress to convene a Single Amendment Convention for proposing an Amendment Congress has no discretion when 34 States complete the same Call. With Compact with America their entire process would be seen as inconsistent with Article V which will be very problematic for the States and Congress.

6. Finally, because in Goldwater's own words:

"The Compact does require congressional consent to work,"

the proposal must be rejected if State Legislatures are to retain their Sovereign Authority in Article V. State Legislatures must not abdicate their Article V sovereignty if America has any chance to reclaim its Constitutional heritage and values.

Charles Kacprowicz

Citizen initiatives

Single Amendment Conventions

P.O. Box 523

Spruce Pine, NC 28777-0523

director@federalamendments.us

<http://citizeninitiatives.org>

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LIST OF SUPPORTERS FOR "SINGLE ISSUE" AND SINGLE AMENDMENT CONVENTIONS

MADISON AMENDMENT STRATEGY

The following proposed text originated in the 80's under President Ronald Reagan's Presidency: *

"ARTICLE _____. The Congress, on Application of the Legislatures of two thirds of the several States, which all contain an identical Amendment, shall call a Convention solely to decide whether to propose that specific Amendment to the States, which, if proposed shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V."

<http://madisonamendment.org>

WHAT JAMES MADISON SAID:

James Madison writing in Federalist 43: "It (the Constitution) equally enables the general and the State governments to originate the amendment of errors, as they may be pointed out by the experience on one side or the other"

The Madison Amendment restores the original meaning of the Constitution, it gives States the ability to use the power that the authors of the Constitution intended them to have.

*Based on an idea originally proposed by Ed Meese when he was Reagan's Attorney General, this strategy was created in consultation with a legal team led by David Rivkin, outside counsel to the 26 states suing to overturn Obamacare. It involves passage of state laws in as few as 26 states, or the passage of a state constitutional amendment in just 13 states to end the risk of a runaway convention and to give 34 states the power to force Congress to propose a specific Amendment states want without holding a convention at all.

The idea of giving the states the same power as Congress (a right the States inherently have in Article V, but not recognized by many *) to propose an individual Amendment has a broad range of conservative support including Americans for Tax Reform President Grover Norquist, American Conservative Union Chair Al Cardenas and Past Chair David Keene. Endorsers also include Parental Rights.Org President Michael Farris, McCain 2008 Chair Charlie Black, and National Taxpayers Union Board Member David Keating. It has been endorsed by ALEC, Goldwater Institute and NTU.

If state legislators in 34 states had the power to safely force Congress to propose an Amendment to the U.S. Constitution, the balance of state and federal power would shift significantly in the states' favor. It could be possible for states, for example, to force Congress to propose a balanced budget amendment to the U.S. Constitution.

http://madisonamendment.org/State_Leaders_Support.html

Supported by State Leaders In a unanimous vote on Thursday August 5, 2010 the ALEC International Affairs and Federalism Task Force recommended that ALEC ([The American Legislative Exchange](http://www.alec.org)

[Council](http://www.alec.org)) endorse the proposed Madison Amendment to the U.S. Constitution.

Five former presidents of state legislators' organizations are now supporting the Madison Amendment to restore a balance of state and federal power.

Kim Koppelman, past Chairman of the Council of State Governments from North Dakota.

Dolores Mertz, former Chairman of ALEC and a Democratic State Representative from Iowa.

Bill Raggio, former Chairman of ALEC and State Senate Minority Floor Leader from Nevada.

Steve Rauschenberger, former President of NCSL and a former State Senator from Illinois who is running for re-election this year.

Jeff Wentworth, past Chairman of CSG South and a State Senator from Texas.

Abbreviations:

NCSL-National Conference of State Legislators

ALEC-American Legislative Exchange Council

CSG-Council of State Governments

MADISON AMENDMENT ENDORSEMENTS AND STRATEGY

The "Madison Amendment" would empower states to limit an Article V convention. Delegates would have authority to call an up or down vote on a single amendment. (For example a balanced budget amendment).

ENDORSEMENTS:

Conservative Leaders

Grover Norquist, President, Americans for Tax Reform

Al Cardenas, Chair, American Conservative Union

David Keene, Chair Emeritus, American Conservative Union

Ted Cruz, Former Solicitor General of Texas

David McIntosh, Co-Founder of the Federalist Society

Colin Hanna, President Let Freedom Ring

Lew Uhler President, National Tax Limitation Committee

Charlie Black, Chair of the McCain 2008 Campaign

Michael Farris, President Parental

David Keating Board Member, National Taxpayers Union

Bob Williams President, Evergreen Freedom Foundation

Paul Jacob, President, Citizens Back in Charge

Chuck Muth, President, Citizen Outreach, NV

Curt Levy, Executive Director, Committee for Justice)

Current and Former RNC Leaders

David Norcross, Past General Counsel of the RNC

Bruce Ash, Chair RNC Rules Committee

John Ryder, Chair, RNC Redistricting Committee

Florida GOP Ntl Committeeman Paul Senft

Ron Nehring, Past Chair, CA Republican Party

Saul Anuzis, Past Chair, Current National Committeeman Michigan

Republican Party Organizations

ALEC (The American Legislative Exchange Council)

The National Taxpayers Union

The Conservative Party of N.Y.

Congress:

Rep. John Culberson (R, TX)

Rep. Henry Cuellar (D, TX)

Rep. Rob Bishop (R, UT)

Rep. Cynthia Lummis (R, WY)
Rep. Tom McClintock (R, CA)
Rep. Louie Gohmert (R, TX)
Former Rep. Walt Minnick (D, ID)
Former Rep. Bob Livingston (R, LA)

Past Chairs/Presidents of Associations of State Leaders:

Steve Rauschenberger (R, IL) NCSL (National Conference of State Legislators)
KIm Koppelman (R, ND) CSG

(Council of State Governments)

Dolores Mertz (D, IA) ALEC
Steve Faris (D, AR) ALEC
Bill Raggio (R, NV) ALEC
Noble Ellington (R, LA) ALEC
Jeff Wentworth (R, TX) CSG-South
Trey Grayson (R, KY) NASS
(National Association of Secretaries of State)

Legal Experts:

David Rivkin, Outside Counsel to 26 States suing to overturn "The Affordable Health Care Law known as "Obamacare"
Chuck Bell, Past Chair Republican National Lawyers Assn
Don Ayer, Former Deputy Attorney General of the U.S.
Bruce Fein former DOJ Deputy Associate Attorney General
Mike Carvin, Constitutional Litigator
Ron Rotunda, Chapman University
Phil Kiko Former Chief Counsel,
House Judiciary Committee
Former Counsel to the U.S. House of Representatives Michael Stern
State Leaders
Jim Geringer Former Gov WY
Ed Schafer Governor Former Gov ND
Former Lt Gov Andre Bauer (SC)
House Speaker Jim Tucker (LA)
House Speaker Becky Lockhart (UT)
Senate President Michael Waddoups (UT)

Speaker

House Speaker Bobby Harrell (SC)

State Legislators:

Nh Sen Fenton Groen, Rep Roger Berube
Ct Rep John Piscopo
Md Rep Michael Hough
Pa Rep Gordon Denlinger, Rep. Garth Everett
Va Rep Jim LeMunyon, Brenda Pogge,
Nc Rep. Fred Steen, Sen David Rouzer
Sc Rep Liston Barfield, Rep. Richard Chalk
Al Rep Jack Williams
La Rep Noble Ellington
Ark Sen Bill Lamoureaux
Tn Sen Stacey Campfield, Rep. Matthew Hill5
Mi Sen. Tonya Schuitmaker
In Sen Jim Buck
Il Sen Chris Lauzen
Mn Reps Steve Drazkowski/Glenn Groenhagen
Nd Rep Kim Koppelman, Rep Blair Thorsen
Sd Rep. Lora Hubbell
Ks Sen Jean Schodorf
Tx Rep Jerry Madden, Sen Jeff Wentworth
Nm Rep David Chavez, Rep. Yvette Herrell,
Co Sen Kevin Lundberg, Sen Kent Lambert

Id Sen Curt McKenzie
Wy Rep Sue Wallis
Ut House Maj. Leader Brad Dee, Rep. Ken Ivory, Rep. Brad Daw, Rep. Paul Ray
Az Sen Frank Antenori
John Overington, Senior Delegate - State of West Virginia "Senior Delegate over 30 Yrs"
Glen Bradley, Representative - North Carolina "House of Representatives"
Josh McKoon, Senator – State of Georgia
Bruce Tutvedt, Senator – State of Montana "Senate President Pro Tem"
Peggy Mast, Representative – State of Kansas
Art Wittich, Senator – State of Montana
Alan Hale, Representative – State of Montana
Josh Brecheen, Senator – State of Oklahoma
Phil Frye, Representative - State of North Carolina
A great many other State Legislators in the following States Support Citizen Initiatives' "Single Amendments"

Alabama, Alaska, Arkansas, Arizona, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Montana, Wyoming

Other Leaders

David M. Walker, Former Comptroller General of the United States
Former Ark Rep. Dan Greenberg
Former Mo Rep. Ed Emory
Former Ohio Sen. Kevin Coughlin
Richard Vedder, University of Ohio
Barry Poulson, University of Colorado
Partial list. Titles for identification purposes only.

SURVEY RESULTS*

75 percent of American voters think "a check on Washington is what we need now in order to restore the balance of power between the federal government and state governments."
80 percent believe the relationship between the federal and state governments should be more like a "partnership with equal footing and influence".
72 percent say that states and federal government are not sharing power today.
57 percent of Democrats, 82 percent of independents and 95 percent of Republicans agree with we need "a check on Washington"

*These are the results of a national poll done by Kellyanne Conway for the State Policy Network.

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State of New Mexico
House of Representatives
Santa Fé

YVETTE HERRELL

R - Otero
District 51

Box 4338
Alamogordo, NM 88311
(575) 430-2113
yherrell@yahoo.com

COMMITTEES:
Business & Industry
Health & Government Affairs
Enrolling & Engrossing - B

INTERIM COMMITTEES:
Economic & Rural Development
New Mexico Finance Authority Oversight

TO: Representative Shelley Hughes and Senator Bill Stoltze

FROM: Representative Yvette Herrell

SUBJECT: Application for Countermand Amendment Convention and
Delegate Resolution with Countermand Amendment

I am writing to testify for the passage of the two resolutions that the Alaska Legislature is proposing. The first is the Application to Congress to call for a Countermand Amendment Convention. This is an important first resolution and step to get to the 34 states, of which I am the sponsor in New Mexico to convene a Countermand Amendment Convention.

The second and very crucial resolution is the Delegate Resolution with the language of the Countermand Amendment tied directly to the resolution. The resolution defines the Countermand Amendment Convention as to Article 4, Section 4 which defines a Republican form of a convention (majority vote) and that all votes are one state, one vote, please see the first whereas. Also, important is that, it defines and declares that delegates are bound to any state that has this, and they must vote for the approved Countermand Amendment. This maintains State Legislative Sovereignty by ensuring the State Legislature is the deliberative body and controls the delegates from beginning to end. This resolution further defines the appointment of delegates, a Delegate Credential Committee to oversee the delegates, the convention rules and procedures as well as the duties of the delegates, alternate delegates and oath taken for both primary and alternate delegates. Lastly, it defines the text of the Countermand Amendment to be voted on by all the States at the convention.

Once 26 States or more pass this Delegate Resolution and Countermand Amendment then the convention is called by Congress and the convention approves the language of the Countermand Amendment. The convention is then safe, efficient and very timely. The state of Louisiana will be passing this same legislation and looks forward to working with fellow State Legislatures in Alaska to ensure that this amendment is passed without delay and thus ratified.

Of added importance is that this same Delegate Resolution should be used for any other proposed amendments that Alaska or other states approve. This sets a very favorable precedence for the safety and efficiency of any and all other amendment conventions that may occur at a later date.

HCR4, HJR14 Support Document - emails

From: <knikhusky@1791.com>

Date: March 7, 2015 at 1:48:18 PM AKST

To: <rep.shelley.hughes@akleg.gov>

Subject: Countermand Amendment Convention & Delegate Resolution

To: Representative Shelley Hughes

SUBJECT: Application for Countermand Amendment Convention and Delegate Resolution with Countermand Amendment

I am writing to testify for the passage of the two resolutions that the Alaska Legislature is entertaining. The first being the Application to Congress to call for a Countermand Amendment Convention. This is an important first resolution and step to get to the 34 States to convene an Countermand Amendment Convention. The second and very important resolution is the Delegate Resolution with the language of the Countermand Amendment tied directly to the resolution.

This is important in that it defines the Countermand Amendment Convention as to Article 4, Section 4 which defines a Republican form of a convention (majority vote) and that all votes are one State, one Vote, (see the first Whereas). Just as important is it defines and declares the delegates are bound to any State that has this and they must vote for the approved Countermand Amendment. This maintains State Legislative Sovereignty by ensuring the State Legislature is the deliberative body and controls the Delegates from start to end. This resolution further defines the appointment of delegates, a Delegate Credential Committee to oversee the delegates, the convention rules and procedures as well as the duties of the delegates, alternate delegates and oath taken for both primary and alternate delegates. Lastly it defines the text of the Countermand Amendment to be voted on by all the States at the convention.

Once 26 States or more, pass this Delegate Resolution and Countermand Amendment and once the convention is called by Congress and the convention approves the language of the Countermand Amendment, then the convention is over and will have been safe, efficient and very timely. Of added importance is that this same Delegate Resolution should be used for any other proposed Amendments that Alaska or other States approve. This then sets a very favorable precedence of the safety and efficiency of any and all other amendment conventions that may occur at a later date.

Sincerely,

Sandi Williams

Wasilla, Alaska

From: Barbara Haney [<mailto:barbarahaney100@gmail.com>]

Sent: Monday, March 09, 2015 4:21 PM

To: Rep. Shelley Hughes; Sen. Bill Stoltze

Cc: Mike Coons
Subject: Countermand Amendment

Dear Rep. Hughes and Stoltze

I am writing in support of the countermand amendment. I am not ordinarily in favor of legislation that calls for a convention of the states, but I believe the language in SJR 15 and HJR 14 is sufficient to restrict the conventions consideration to this one item.

If there was a mechanism in the constitution that allowed the states recourse, particularly when there are individuals running the U.S. Senate such as Harry Reid and officials such as Sandy Jewell and Arne Duncan and reduce the ability of Washington, D.C. to engage in activities that the vast majority of Americans do not support. An amendment that allows, actions by the states as stated below would circumvent many actions.

"a vote of three-fifths of the state legislatures, to nullify and repeal a federal 9 statute, executive order, judicial decision, regulatory decision by a federal government agency, or government mandate imposed on the states by law that adversely affects the interests of the states, in order to properly exercise the states' constitutional authority to check federal power, preserve state sovereignty, and protect the rights of the states and the people"

There are a vast array of policy measures over the past few years where I believe legislation the countermand would have already overturned--among them Obama Care, Common Core and other egregious issues regarding the implementation of the Elementary and Secondary Education Act, bans on ammunition and issues regarding PM2.5 and the disposition of federal lands are among the many issues that countermand could be used to address.

The countermand has the potential to be a vital tool for states to defend the blessings of liberty. It is my hope that you support passage of the amendment.

Sincerely,

Barbara Haney,
North Pole, Alaska

From: Daniel Hamm [mailto:daniel_hamm@hotmail.com]

Sent: Monday, March 09, 2015 2:28 PM

To: Rep. Shelley Hughes; Sen. Bill Stoltze

Subject: US Countermand Convention Resolution

Representative Hughes & Senator Stoltze,

I wish to express my support for HJR 14/SJR 15- "A Call for a US Countermand Resolution." I believe this resolution could have a strong effect towards maintaining states' rights.

Sincerely,

Daniel Hamm
Palmer, Alaska

From: Ric Davidge [mailto:pm@cylaska.com]
Sent: Monday, March 09, 2015 2:38 PM
To: Rep. Shelley Hughes
Subject: support for countermand amendment resolution

Shelley,

Just to confirm with you that I am a VERY strong supporter of this effort as we discussed when I was in Juneau.

If you need anything from me on the Republican or Dem side, just ask.

Ric Davidge, author

'The Second American Revolution – first 100 days'

From: Carol Carman [mailto:carcar@mtaonline.net]
Sent: Tuesday, March 10, 2015 4:17 AM
To: Rep. Shelley Hughes; Sen. Bill Stoltze
Subject: Countermand Amendment

I fully support the Countermand Amendment.
I see that it may save our country from our current slide into tyranny.
Thank you for sponsoring it!

Carol Carman
<< << <<

Opposing emails to HJR14 and HCR4

Received by Representative Lynn's Office – but these emails were sent to all committee members too.

Oppose HCR4 and HJR14

Marshall, Catherine

Miles, Patricia

Redfern, Tom

Jamerson, Paul and Long, Sue

Nightingale Sr, William

Long, Sue

Mann, Mary Weaver

Lucas, Betty and Bill

Salomon, Richard

Huldah, Publius

Sanders, Robert

McCoy, Sean

Nancy Manly

From: Catherine Marshall <catherineannmarshall@hotmail.com>
Sent: Tuesday, March 17, 2015 7:50 AM
To: Rep. Bob Lynn
Subject: PLEASE OPPOSE HJR 14 (A5) and HCR 4 (Delegate Instructions)

Measures seeking to penalize wayward delegates to an Article V Convention admit such dangers are real. However, Congress calls the Convention according to Article V. Entities which call conventions make the rules. Further, how can a delegate be penalized after his last vote on the last day of Convention?

PLEASE DO NOT BELIEVE THE RHETORIC THAT A CONVENTION CAN BE 'LIMITED'. THERE IS ONLY ONE CONVENTION MENTIONED IN THE CONSTITUTION. Black's law dictionary defines a constitutional convention as "A duly constituted assembly of delegates or representatives of the people of a state or nation for the purpose of framing, revising, or amending its constitution."

Arthur Goldberg , Associate Justice of the U.S. Supreme Court: "As we look forward to celebrate the bicentennial of the constitution, a few people have asked, why not another constitutional convention. I would respond that one of the most serious problems Article 5 poses is a runaway convention. There is no enforceable mechanism to prevent a convention from reporting wholesale changes to our constitution and Bill of Rights. Moreover, the absence of any mechanism to ensure representative selection of delegates could put a runaway convention in the hands of single issue groups whose self-interest may be contrary to our national well- being."

Former Chief Justice of the Supreme Court Warren Burger: "I have also repeatedly given my opinion that there is no way to limit or muzzle the actions of a constitutional convention. The convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or one issue, but there is no way to assure that the convention would obey. After a Convention begins it will be too late to stop the convention if we do not like its agenda."

"Whatever gain might be hoped for from a new constitutional convention could not be worth the risk involved. A new convention could plunge our nation into constitutional confusion and confrontation at every turn with no focus on the subject needing attention. I have discouraged the idea of a Constitutional convention. And I am glad to see states rescinding their previous resolutions requesting a convention. In these bicentennial years we should be celebrating its long life, not challenging its very existence."

Rex E. Lee , former Law School Professor, later President of Brigham Young University:

"In short, if the question is whether a runaway convention is assured, the answer is no, but if the question is whether it is a real and serious possibility, the answer is yes. In our history we have only one experience with a constitutional convention, and while the end result was good, the convention itself was a definite runaway."

"This is in response to your letter of December 12 in which you asked for my opinion concerning whether under Article 5 of the U.S. Constitution, a constitutional convention called to consider a particular issue could be limited either by congressional directive or otherwise to that single issue. The only safe statement that could be

made on this issue is that no one knows, but the only relative precedent would indicate that the convention could not be so limited. Anyone who purports to express a definitive view on this subject is either deluded or deluding.”

Charles Allen Wright: Professor of Law at the University of Texas at Austin:

“I feel quite certain that even opening the door to the possibility of a constitutional convention would be a tragedy for the country.”

Christopher Brown, Professor of Law, at the University of Maryland School of Law:

“In my view, the plurality of ‘amendments’ opens the door to constitutional change far beyond merely requiring a balanced federal budget.”

Gerald Guenther – Professor of Law at Stanford University:

“There is no denying the fact, that if the present balanced budget campaign succeeds in eliciting the necessary applications from 34 state legislatures, the convention call will be triggered by inadequately considered state applications for the vast preponderance of the legislative applications rest on an entire absence of consideration of the risk of a convention route. In my view that constitutes a palpable misuse of the Article 5 convention process. The convention route, as I have said, is legitimate when it is deliberately and knowingly invoked. The ongoing campaign, by contrast, has produced a situation whereby inattentive, ignorant, at times cynically manipulated state legislative action threatens to trigger a congressional convention call. I cannot support so irresponsible an invocation of constitutional processes.”

“The fear that a constitutional convention could become a runaway convention and propose wholesale changes in our constitution is by no means unfounded. Rather this broad view of authority of a convention reflects the consensus of most constitutional scholars who have commented on the issue.”

“A convention once called would be in the same position of the only other convention we have had in our history - the 1787 constitutional convention that proposed the constitution that we live under today and whose bicentennial we celebrated so recently. The Philadelphia Convention too was in effect a runaway convention.”

Richard B. Morris, Author, :

“The delegates at the convention were sober realists. They knew the greatest battles lay ahead. The Convention had overstepped its instructions. It had scrapped the articles instead of amending them. Having defied Congress the convention decided to pursue what amounted to a revolutionary course by declaring the ratification by nine states sufficient ‘for the ratification of the constitution between the states so ratifying the same.’ In other words the constitution was being submitted directly to the people through ratifying conventions. Not even Congress, which had summoned the convention, would be asked to approve its work. Still, Congress, after acrimonious debate, and without endorsement or disavowal, did submit the constitution to the state

legislatures, to be submitted in turn to conventions in accordance with Article 7 of the constitution, providing that once 9 states had ratified the constitution, it would go into effect between the affirming states.

SC Justice Antonin Scalia:

“I certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?”

Some Legal Scholars who agree no one can mandate a limited issue Convention under Article V:

Warren E. Burger, Chief Justice of the US Supreme Court

Arthur J. Goldberg, Associate Justice of the U.S. Supreme Court

Bruce Van Sickle, U.S. District Judge, North Dakota

Robert Bork, Judge, United States Court of Appeal, Washington DC, SC Justice nominee

Alexander Alienkoff, University of Michigan Law School

Florian Bartosic, University of California at Davis

Charles L. Black, Yale Law School

C. Christopher Brown, University of Maryland Law School

Neil Cogan, Southern Methodist University Law School

Walter E. Dellinger, Duke University Law School

Thomas Emerson, Yale Law School

Jefferson B. Fordham, University of Utah Law School

Gerald Gunther, Stanford University Law School

Rex E. Lee, Brigham Young University Law School, President of Brigham Young University

Betsy Levin (Dean), University of Colorado Law School

Forrest McDonald, Scholar, National Endowment for the Humanities

Arval A. Morris, University of Washington Law School

Charles E. Rice, Notre Dame Law School

Terrance Sandalow, (Dean) University of Michigan Law School

Robert L. Schwartz, University of New Mexico Law School

Lawrence H. Tribe, Harvard Law School

Charles Alan Wright, University of Texas at Austin Law School

Nancy Manly

From: Patricia Miles <triciamiles68@gmail.com>
Sent: Tuesday, March 17, 2015 6:13 AM
To: Rep. Bob Lynn; Rep. Wes Keller; Rep. David Talerico; Rep. Liz Vazquez; Rep. Louise Stutes; Rep. Max Gruenberg; Rep. Jonathan Kreiss-Tomkins
Subject: Please Vote NO on HJR 14 (A5) and HCR 4 (Delegate Instructions)

Dear Honorable Members of the Alaska House State Affairs Committee:

Please oppose the above-referenced bills. Contrary to many claims, once called, the states will not have any control over an Article V Convention. It may not even be one state-one vote. In all likelihood, representation to the convention will be based on the number of electoral college votes a state has, and the states may not even have the ability to choose their delegates to the convention. Congress could appoint them! According to the Congressional Research Service (CRS), the authoritative source that Congress uses for accurate information, Congress will make all the rules for an Article V Convention. Also, the precedent for changing the rules on the fly was set with the convention that was called to amend the *Articles of Confederation*. *The Articles*, instead of being amended, were scrapped altogether, giving us *The Constitution* we have today. However, back then, we had statesmen like George Washington, George Madison, Benjamin Franklin, Thomas Jefferson, etc. Who do we have now? Certainly not the same caliber of people!

As for delegate instructions, how can a delegate be penalized for ignoring instructions on last vote of last day of convention? Further, Congress "calls" the convention under Article V and will therefore set convention rules.

Although I don't reside in your state, if such a convention is called, the whole country will be affected. I pray you will vote against these dangerous bills.

Respectfully,

Patricia H. Miles
P. O. Box 424
Port Haywood, VA 23138

Nancy Manly

From: redferniii9@aol.com
Sent: Tuesday, March 17, 2015 4:31 AM
To: Redferniii9@aol.com
Subject: OPPOSE HJR14 and HCR4 and All Article V Resolutions/Applications

Dear Legislator and and Member of State Affairs Committee,

Please **OPPOSE HJR14 and HCR4**, and any other related Article V Convention resolutions/applications.

The Constitution is not the problem, it's that those sworn to support and defend it don't, and the citizens don't hold them accountable. Do we really think that they will start obeying new amendments?

It's only been in recent decades that many applications have tried to dictate what the convention will and can do, citing various and sundry topics. For the bulk of our history, it was understood that the applications were for a general convention that would, in fact, "propose amendments."

Beyond that, we run the risk that our last experience in looking at our government document through a Convention resulted in a brand new document (1787).

Politically, this is a toxic event. The so-called "conservative" side is split on it. Those who support enforcement of the Constitution cite that Congress will "make all laws" regarding a convention per the "necessary and proper clause". States apply and Congress "shall call a convention for proposing amendments." In the 70's and 80's many applications were filed in the states, and, in preparation, the Congress introduced 41 bills as to how they'd set up a potential convention. These bills generally included quite specific standards for delegate apportionment formulas and delegate qualifications, and that apportionment of convention delegates among the states was generally set at the formula provided for the electoral college.

The Convention of States (COS) people are selling it that Congress can be "bypassed", and, among other things, Congress can "only set the date, time, and location" for a convention, that it would be a one-state, one-vote convention, and, furthermore, that only "good" amendments could possibly be ratified by the requisite 38 states. A century ago, the 16th (Income Tax) and the 17th Amendments (no longer would the states put the people in the U.S Senate) were properly ratified; were these "good" amendments? Remember, according to the COS people, that can't happen today. Really??

The Balanced Budget Amendment people are selling it on people believing that Congress will magically reduce spending, when they are spending now on many unconstitutional programs. A balanced budget amendment (convention or no) will, in effect, legitimize unconstitutional spending, and give legislators the excuse that we have to raise taxes, because the Constitution made me do it!

On the "liberal" side, there are many organizations in support of an Article V convention

States are using the Tenth Amendment to stand up to federal overreach, and these efforts increase across the land. State legislators need to stand up to unconstitutional federal government edicts.

In 2004, another state (Virginia) overwhelmingly passed a resolution (HJR 194) to withdraw all previous state applications for a convention. The wording was "..... **the operations of a convention are unknown and the apportionment and selection of delegates, method of voting in convention, and other essential procedural details are not specified in Article Vthe prudent course requires the General Assembly to rescind and withdraw all past applications for a convention to amend the Constitution of the United States.....**"

The Constitution is not the problem, it's that those sworn to support and defend it don't, and the citizens don't hold them accountable. Do we really think that they will start obeying new amendments, or a new constitution?

Tom Redfern

Citizens to Save our Constitution (SOC)

Nancy Manly

From: Dorothy and Paul <pjamer7227@aol.com>
Sent: Tuesday, March 17, 2015 2:45 AM
To: Rep. Bob Lynn; Rep. Wes Keller; Rep. David Talerico; Rep. Liz Vazquez; Rep. Louise Stutes; Rep. Max Gruenberg; Rep. Jonathan Kreiss-Tomkins; Sen. Bill Stoltze; Sen. John Coghill; Sen. Charlie Huggins; Sen. Lesil McGuire; Sen. Bill Wielechowski
Subject: Oppose SJR 15, HJR 14, HCR 4 and any other creative legislation that may have holding a constitutional convention added as a rider.

Honorable Legislators All,

Subject: A constitutional convention and any Balanced Budget Amendment

I am asking you to Oppose SJR15, HRJ 14, HCR 4 and any U.S. Constitution application for a convention of the states .

And any other creative legislation that may have holding a constitutional convention added as a rider.

Do not be an accessory to the special interest parties' drive to opening our *U.S. Constitution* to be amended, altered or destroyed by unknown delegates with unlimited powers over U.S. citizens!

Below is an article by Sue Long That explains why you need to vote no.

Sincerely
Paul Jamerson

A constitutional convention and a Balanced Budget Amendment

There are those who support a Balanced Budget Amendment (BBA) who are quite thoughtful and sincere and we applaud their concern about out-of-control spending. However, there are aspects that need to be considered.

If a BBA were in effect, and spending could not be agreed upon, then it would be mandatory to raise revenue – either by raising taxes or printing more money. In VA we have a BBA, but we also have greater spending and higher taxes. (*Please note the possible loopholes by John F. McManus listed below.)

There is no guarantee that a large number of states calling for a convention for a BBA would result in Congress being coerced into passing a balanced budget or a BBA. That is a risk not worth taking.

A BBA could increase the power of the federal government as most of the amendments do, other than the first ten. As it is now, spending by Congress is restricted by the Constitution to fund only the enumerated powers. With a BBA the only restriction would be the cost. Criminals don't obey the laws on the books – so should we change the laws to make them legal?

The same is the case with a balanced budget amendment. Congress doesn't obey the Constitution when they authorize money for things not listed as authorized by the Constitution. The Balanced Budget Amendment would limit spending not by what the Constitution authorizes but only by the amount of the cost- thus legalizing what is now unconstitutional.

There is no guarantee that ratification would be required by 3/4ths of the states. The 1787 convention reduced the number of states needed for ratification required by the Articles of

Confederation and a present day one could do so as well. The number could be reduced to half the states or even none.

The solution? State nullification and an informed electorate** that will vote into office, local and state legislators that will not take federal grants and at the federal level, legislators that will abide by their oath of office and abide by the Constitution which would then result in a balanced budget.

- Some BBAs include a provision that allows 60 percent in Congress to override it. When it comes to protecting favored spending measures, obtaining the support of 60 percent should not be too difficult. Most deficit spending bills are already passed by more than 60 percent majorities.

- Some BBAs call for increases in taxes if the budget isn't balanced, even steering the taxing power to the Executive Branch where it has never been and should never be.
- Some say that the budget doesn't have to be balanced if the nation is at war (even an undeclared war). Would there be some in Congress who would favor a war or a "limited military response" non-war rather than cut their favorite federal expenditures? Sadly, there likely are more than a few.

- Some BBAs claim that a national security threat (real or imagined) would be reason enough not to have a balanced budget. Would some in Congress point to a small or large conflagration in some portion of the globe, and say the disturbance threatens our nation? Some BBAs say that once it is added to the Constitution, its provisions would not take effect for five years. Therefore, there would be five more years of trillion dollar deficits that would speed the nation toward collapse.

- Some say the way to get around all of the deficits and the bloated budgets is to declare some expenditures "off budget."

**

In 1820, Thomas Jefferson stated in a letter to William Charles Jarvis:

"I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion by education.

This is the true corrective of the abuses of constitutional power."

By Sue Long

The Committee for Constitutional Government
Post Office Box 972
Gloucester, VA 23061
4theconstitution@va.metrocast.net

Nancy Manly

From: William Nightingale Sr. <wnsrbill@gmail.com>
Sent: Tuesday, March 17, 2015 12:37 AM
To: Rep. Bob Lynn; Rep. Wes Keller; Rep. David Talerico; Rep. Liz Vazquez; Rep. Louise Stutes; Rep. Max Gruenberg; Rep. Jonathan Kreiss-Tomkins
Subject: Vote No HJR and HCR 4
Attachments: The Danger of a.docx

We have had 17 amendments to the Constitution without a convention. please consider the attached before you vote

William nightingale Sr

The Danger of a Constitutional Convention

The Constitutional convention is a conspiracy to destroy our republic: nothing more and nothing less.

The real question about Constitutional Convention is this:

Do we need to give the power to write a new constitution to the very people who have been ignoring, usurping, and trying to destroy the constitution that we have now?

The video below is made specifically for state legislators, by a state legislator.

Constitutional Convention is explained.

Beware Article V

http://www.youtube.com/watch?v=za8_pdJ1dPo&feature=channel_page

Beware Article V (part 1 of 4)

http://youtube.com:80/watch?v=za8_pdJ1dPo

Beware Article V (part 2 of 4)

<http://www.youtube.com/watch?v=fIHJrcdfbBg&feature=related>

Beware Article V (part 3 of 4)

<http://www.youtube.com/watch?v=ly1Lh3bqtYM&feature=related>

Beware Article V (part 4 of 4)

<http://www.youtube.com/watch?v=Z5jKAlgvCgg&feature=related>

A Constitutional Convention is not a procedure for making a small change.

A Constitutional Convention is not a procedure for enforcing an existing law.

A Constitutional Convention is a procedure for giving us an ENTIRELY NEW Constitution.

THERE IS NO WAY TO "LIMIT" a Constitutional Convention TO ONE ISSUE.

If you want one amendment, then you present an amendment.

You do not put the ENTIRE Constitution at risk for one amendment.

The only reason that Constitutional Convention is being promoted as the solution TO JUST ONE problem, is that the hidden agenda would be considered to be outrageous.

Unbelievably, one outlandish argument for writing a new constitution, is the fact that government has ignored the constitution that we have. We are supposed to assume that the government could not possibly ignore any newly written constitution.

If government ignores the constitution, and usurps power now, what would the government do if we let them write a new constitution?

Maybe then the government would stop ignoring the constitution, and usurping power, because then they would have a new constitution that they do not need to ignore. That would be because that new constitution says that the government has all the power that there is.

A Constitutional Convention is not a procedure for enforcing existing law. If the problem is the ignoring of the constitution then ignoring of the constitution is what needs to be fixed.

What would you do if a physician suggested a heart transplant because you have an **upset stomach?**

What would you do if a mechanic said to replace the motor when your car is simply out of gas?

These arguments are so stupid that we have to wonder if this is something more sinister than mere stupidity.

THERE IS NO SUCH THING as a Constitutional Convention "for a balanced budget".

THERE IS NO SUCH THING as a Constitutional Convention "to return power to the states."

THERE IS NO SUCH THING as a Constitutional Convention "to stop illegal aliens."

THERE IS NO SUCH THING as a Constitutional Convention "to restore the right to keep and bear arms".

THERE IS NO SUCH THING as a Constitutional Convention "to limit terms".

THERE IS only one kind of Constitutional Convention.

THE only kind of Constitutional Convention; that can be convened is a Constitutional Convention to write a new Constitution.

A Constitutional Convention is a legislative body; which operates ABOVE the limitations of the Constitution.

This makes it more powerful, and MORE DANGEROUS, than any other legislative body.

This is not an opinion, but it is a fact of law.

A Constitutional Convention is a means of DESTROYING the American Republic. A Constitutional Convention is opening a "Pandora's box" for RADICAL change. Once the "genie is out of the bottle" no one can control it.

The last time that we had a Constitutional Convention was in 1787, when we got the Constitution that we now have.

That Constitutional Convention was convened to make some small changes in the Articles of Confederation. Instead we got a new Constitution.

We were LUCKY that time.

Those who were at that Constitutional Convention were the leaders of a freedom movement; which had just defeated a tyranny.

There is a claim that we would be safe because *our current constitution* says that ratification would be required by three fourths of the states. What if the new constitution does not say that?

The last time that we had a constitutional convention one of the first things that they did was change the rules for ratification that were in place under the Articles of Confederation. That is why ratification now requires three fourths of the states.

So here is the only precedent that we have for a constitutional convention:

They initially met to make a few limited changes in the Articles of Confederation.

Then they threw out the Articles of Confederation and started over. They included changing the rules for ratification.

Now we are being told that the only thing that has ever happened previously, is what cannot happen!

Go down to your State House and talk with your current elected officials. Can you consistently pass legislation that protects you from unconstitutional usurpation now? What is to stop them from again throwing the whole thing out, and again changing the rules for ratification?

Our problem has NOTHING to do with the constitution.

Our problem has to do with the IGNORING OF THE constitution.

Those who ignore the constitution would like nothing better than to make their usurpation legal, by throwing out the constitution, at a Constitutional Convention.

It was ILLEGAL usurpation that has enabled an "elite" class to hijack our nation.

It is that "elite" class; who want to con foolish people into destroying the constitution.

The constitution is the best document for the protection of freedom, that has ever been written.

We only need to adhere to it.

The act of calling for a Constitutional Convention will be presented as permission of the people. This is not a theory about their plans. It comes from their actual statements:

Here is what they have to say:

"The framers of the U.S. constitution have simply been too shrewd for us. They have outwitted us. They designed separate institutions that cannot be unified by mechanical linkages, frail bridges, tinkering. If we are to 'turn the Founders upside down' — we must directly confront the constitutional structure they erected." (a quote from "The Power to Lead," by James McGregor Burns, 1984, one of many promoting one world government.)

Reforming American Government: The Bicentennial Papers of the Committee on the Constitutional System (Paperback) ~ Donald Robinson

<http://americanistbookstore.com/books/reforming-american-government/>

In this book, those who want to destroy that American constitution train their followers. But we can read it too.

YES, The Founding Fathers saw a possibility of a situation, where a need might arise for COMPLETELY SCRAPING THE CONSTITUTION.

That is not what has happened TODAY.

The only thing that has happened is that there is now a cabal of *would be tyrants*;

who are getting tired of OCCASIONALLY having to adhere to the constitution.

These *would be tyrants* would like to con enough ignorant people into letting them DESTROY THE CONSTITUTION,

so that they can usher in totalitarianism.

Having a Constitutional Convention would be like letting your worst enemy give you a heart and lung transplant, and a castration, as a cure for hiccups.

Having a Constitutional Convention would be like burning the house down as a means of accomplishing pest control.

Article V of The Constitution lays out the only two ways to change The Constitution:

1. The Amendment process: A specific, and clearly defined, change that is limited to what is written in the amendment.

2. The Constitutional Convention: A process to scrap the entire constitution and replace it with something else. ANY type of amendment can be considered.

The Constitution of the United States of America:

<http://americanistbookstore.com/books/constitution-of-the-united-states-of-america/>

Nancy Manly

From: suemlong3@va.metrocast.net
Sent: Monday, March 16, 2015 10:31 PM
To: ;
Subject: Please vote NO to on HJR 14 and HCR 4.

Dear Legislator,

These bills would result in petitioning Congress to call a constitutional convention aka an Article V Convention, Convention of States etc.

Some things you should know.

Once convened by Congress (not the states by the way) it is anyone's guess as to what would happen.

At the only constitutional convention that has been held, and that was in 1787, although called for the express purpose of amending the then constitution, the Articles of Confederation, they totally scrapped the Articles. The same could happen today. Our Constitution could be totally replaced .

And, the convention could reduce the number of states needed for ratification to half or none.

Term limits? We already have that. It's called an election. But if the constituents want a certain type to represent them, they will just vote for another such person. No change will come of it.

Balanced Budget? These amendments are not based on limiting spending to the authorized powers listed in the Constitution. To do so is to legitimize the unconstitutional spending.

And, even if something good did come out of a convention, why think that the same people who totally disregard the Constitution as it stands today, would abide by an altered one?

May I depend on you to vote NO to these bills calling for a convention.

Thank you,
Sue Long
"Abide By The Constitution, Not Change It!"

Nancy Manly

From: Mary W. Mann <mary.w.mann@gmail.com>
Sent: Monday, March 16, 2015 7:50 PM
Subject: Don't open a can of worms! Please vote no on HJR 14 and HCR 4!

Dear Legislator,

While I certainly agree that DC is out of control in their spending, I do NOT believe that a COS is the right answer.

In 1967, Senator Sam Ervin was so intrigued by Article V that he thoroughly researched the subject and came to the conclusion:

[A]s We the People are the true de jure sovereign of these states, We the People cannot be held by anyone to any single issue once we convene our convention. If we so choose, the entire Constitution could be rewritten.
—Los Angeles Times, 1-15-92

http://www.freedomfirstsociety.org/home/images/Con-Con_Special_Action_Report-Final-lr.pdf

There are so many reasons not to!

TWENTY QUESTIONS ABOUT A CONSTITUTIONAL CONVENTION

1. How would Delegates be selected or elected to a Constitutional Convention?
2. What authority would be responsible for determining the number of Delegates from each state?
3. What authority would be responsible for electing the Delegates to the convention?
4. Would Delegates be selected based on Population, number of Registered Voters, or along Party lines?
5. Would Delegates be selected based on race, ethnicity or gender?
6. What authority would be responsible for organizing the convention, such as committee selection, committee chairs and members, etc.?
- 7. How would the number of Delegates serving on any committee be selected and limited?
(how would the race, ethnicity, age, religion, etc. of delegates be decided?
I don't think we will get any more the equal in education and God-fearing to our Founding Fathers!)**
8. How would the Chair of the Convention be selected or elected?
9. What authority will establish the Rules of the Convention, such as setting a quorum, how to proceed if a state wishes to withdraw its delegation, etc?
10. What authority would be responsible for selecting the venue for the Convention?
11. Would proposed amendments require a two-thirds majority vote for passage?
12. How would the number of votes required to pass a Constitutional Amendment be determined?
13. What would happen if the Con Con decided to write its own rules so that 2/3 of the states need not be present to get amendments passed?
14. Could a state delegation be recalled by its legislature and its call for a convention be rescinded during the convention?
15. Would non-Delegates be permitted inside the convention hall?
16. Will demonstrators be allowed and/or controlled outside the convention hall?

17. Would congress decide to submit Con Con amendments for ratification to the state legislatures or to a state constitutional convention as permitted under Article V of the constitution?

18. Where would the Convention be held?

19. Who will fund this Convention?

-this is a big one!

20. If these questions cannot be answered (and they CANNOT!), then why would any state legislator even consider voting for such an uncertain event as an Article V Constitutional Convention?

VOTE NO ON ANY BILLS TO CALL A CON CON AND VOTE TO RESCIND ANY PREVIOUS CALL(S).

VOTE NO

on HJR 14 and HCR 4.

<http://www.eagleforum.org/topics/concon/>

Sincerely,
Mary

--
Mary Weaver Mann



"God doesn't require us to succeed, he only requires that we try."

"Not all of us can do great things, but we all can do small things with great love."

~Blessed Teresa of Calcutta

Nancy Manly

From: Betty Lucas <efi@bettyandbill.com>
Sent: Monday, March 16, 2015 6:21 PM
To: Betty Lucas
Subject: Urgent: Oppose HJR14, HCR4, and All Other Article V Resolutions

Honorable Representative:

With all due respect, this is NOT the only way! Oppose HJR14, HCR4, and All other Article V resolutions.

The U.S. Constitution is NOT broken...our legislators are. Those who vote for *unconstitutional acts* must be replaced.

In 2004, Virginia Delegate Lingamfelter said, after Virginia *rescinded* all Article V constitutional convention resolutions, “...*the operations of a convention are unknown and the apportionment and selection of delegates, method of voting in convention, and other essential procedural details are not specified in Article V...the prudent course requires the General Assembly to rescind and withdraw all past applications for a convention to amend the Constitution...*”

They understood the dangers of opening up our *U.S. Constitution* “to unelected, special interest, self-serving individuals”.

Article V, also, provides for a method of amending the United States Constitution, whereby 2/3rds vote of both houses of the US Congress propose amendments, which are then

ratified by 3/4ths of the State Legislatures. This method has *safely* served our Nation for over 200 years. You need to adhere to this *safe* method to add amendments.

*Please, watch this 36min video to a gain a clear understanding of the serious danger our U.S. Constitution will face if it is opened up to enemies within and outside America...<http://www.jbs.org/videos/mediaitem/406-beware-of-article-v> [Video] You will gain an understand of *why many citizens are OPPOSED* to the Article V constitutional convention method of solving our nation’s many problems.*

Respectfully,

Betty and Bill Lucas

Mechanicsville, VA

804-212-1165



This email is free from viruses and malware because avast! Antivirus protection is active.

Nancy Manly

From: Richard Salomon <rsalomon1913@hotmail.com>
Sent: Monday, March 16, 2015 6:00 PM
Subject: Please vote against all Article V legislative initiatives A convention cannot be limited!
Attachments: State Committees to limit the federal budget.docx

As a resident of Virginia I realize how closely connected Virginia is with the heart and sole of the entire Nation. During our legislative session we were able to have the Article V legislation and Balanced Budget Amendment (BBA) attempts withdrawn as the Senate and Houses of Delegates, after learning of the pitfalls associated with any Convention to Consider Amendments.

If I were to have the opportunity to speak with one directly I would implore you to consider the unintended consequences that are laying in wait during a convention to consider AMENDMENTS to the Constitution. Remember, the convention to be called is to consider Amendments; that means that all those that are there can offer their amendment for consideration!

With regard to the Article V the most significant points seem to be:

1. The congress and executive branch are not listening to the people; they are out of control and exceeding their authority as enumerated in the Constitution. WE HAVE TO DO SOMETHING!
2. Article V is a State remedy and the Feds will have nothing to do with it! The States are in control.

To be exasperated is understandable but to risk all that is good is irrational.

a. It makes no sense to believe that those that are "out of control" Supreme Court? Congress? and Executive Branch will respond to a new set of words that limit their actions! The are outside their enumerated powers in their current actions why will a new amendment (s) make them limit their actions. SO WHY DO WE THINK THAT NEW AMENDMENTS OR A NEW CONSTITUTION WILL BE FOLLOWED AS WRITTEN!

b. The Necessary and Proper clause of the Constitution gives the Congress broad power to promulgate regulations and rules for everything that relates to government. It is not rational to believe that the Congress will not exert their right to set the rules for an Article V convention. [Note: Article V simply gives the States to make the call and tells the Congress to take action to Call the Convention to Consider Amendments when a certain number of legitimate calls are received. Mason was not happy with the Article V language as he knew that the Feds would never limit their own power; that is why he backed away from the Constitution after spending so much of his life to bring it about.

c. Key to this argument seems to be; Intent of the Founders? Well we are 250 years down the road from the founders and their intent has been usurped by the Supreme Court. The body of law interpretation that now gives us the intent of the Constitution. Judge Roberts is a prime example of this with his decision on Obama Care! Sonia Sotomayor, Stephen G. Breyer, Elena Kagan and Ruth Bader Ginsburg with Kennedy close behind have clearly stated and acted in a manner that demonstrates that they are empowered to re-write the Constitution when they think it is appropriate! Kennedy, Alito, Roberts seem to be committed to doing this on occasion with only Scalia and Thomas traditionally seeking to interpret the Constitution in a constructionist manner. **Do you**

think that such a court will choose to interpret the Article V problems that are brought to them in a manner that will likely result in a reduction of their power?

BTW- the Senate weighed in on this when they Bork (ed) Judge Bork. The Senate Judiciary Committee, lead by Biden, clearly rejected the notion that the Constitution means what it says (constructionist) so they will certainly push to have the Congress in control of any Convention so they can control the Amendments themselves and the outcome of the convention!

The State Committee document; attached, is an outline of what States can do! The States have the power to push back against the Feds; as they have done with the Affordable Care Act suit. The court's ruling on that suit may well demonstrate that States Rights are completely dead! WE will see.

VA House of Delegates' Committee to Reign in the Spending of the Federal Government; A Committee to identify Federally funded Programs that usurp the responsibilities and sovereignty of the States.

1. After reviewing the on version of the proposed VA resolution for VA to formally create a perpetual call, on behalf of VA, for a Constitutional Amendment that requires a balanced budget the folly of that endeavor was readily apparent. The amendment does not provide direction, limits, limitations or guidelines on either the revenue generation or spending sides. If adopted such an amendment would create havoc on taxpayers; certainly creating the potential for a scenario where in the legislature might consider increasing taxes to a point that the revenues equal expenditures, rather than limiting expenditures. .

2. The proposed fix, a balanced budget amendment, is a distraction for public consumption. Such an amendment will not address the problem; the Congress of the United States only spends money in response to the desires of the electorate and the States that receive federal funds. In other words they only spend money that the recipients ask for. Therefore a real solution to the Federal Government's spending of money is to have the recipients refuse the money.

In this regard the State Legislatures have the ability to act.

- a. Determine specific Federal Funds that they refuse to take.
- b. Furnish Leadership to other States to limit their demands for monies from the Federal Treasury. The concept here is to have enough states refuse federal monies so that the Congress will be forced to remove the funds from the budget because they have the votes to do so.
- c. Develop a federalist mindset within our State. Money raised in VA is done to address the needs and desires of Virginians. This practice is more efficient as it is closer to the people and eliminates an entire bureaucracy.

3. RECOMMENDATION

In order to take advantage of the public sentiment; Things are out of control- WE have to do something! The VA House of Delegates should pass a resolution to create a formal **Committee** charged with the responsibility to:

- a. Conduct formal contacts with other State Houses to develop specific language for each of the Amendments that the several states would seek to frame the issues for an Article V Convention to Propose Amendments to the Constitution. (There are different points of view as to the role of the States and the framing of the Amendments; do the People have the power to directly elect representatives to such a Convention or is it the States that set the Amendments and then send delegates to vote as they were directed.) The proposed Committee of Correspondence will be actively framing the

issues on behalf of and in support of the peoples of the State of VA and then communicating this to other states.

- b. **Ascertain the specific elements within the State of VA's Federal Revenue stream that the State will refuse to take. The Committee will then work with other States' committees to develop a consensus on these elements so that a significant number of States can all refuse the same "elements".**
- c. Sponsor communications to the citizens of VA to inform them of the purpose and goal of this effort, to reduce the Federal Government's runaway spending and borrowing through Federalism. (Virginia being directly responsible to its citizens as it relates to things that the State can provide. Local taxes being levied for local issues and beneficiaries)

When there are a sufficient number of States that had determined that they will not accept Federal Programs, with or without funding, because they are rightfully under the purview of the States each of these States will impress upon their Federal Representatives that such programs should no longer be funded in the Federal Budget.

Or in other words, the people of VA pay for the "program" through State monies and they are not willing to support the continuation of the Federal Program (s) being supported by Federal Tax Revenues. The simple logic behind this approach is clear: One size fits all programs that meet the needs of New York, Los Angeles, Chicago, etc. may not be applicable to VA's cities or the other communities around the Nation. Federal solutions to providing health care to the poor in these large urban areas are not necessarily applicable to VA's cities. (States could choose to enact tort reform, use voluntary clinic services of medical professionals, the solutions relative to health care are only limited by the imagination of those working the problem.)

Nancy Manly

From: ThePubliusHuldah . <publiushuldah@gmail.com>
Sent: Monday, March 16, 2015 8:43 AM
To: Rep. Bob Lynn; Rep. Wes Keller; Rep. David Talerico; Rep. Liz Vazquez; Rep. Louise Stutes; Rep. Max Gruenberg; Rep. Jonathan Kreiss-Tomkins
Subject: Vote no on HJR 14 and HCR 4 and any other Resolutions applying for a convention

Dear Representative:

James Madison, Father of our Constitution, "trembled" at the prospect of an Article V convention because he understood that if there were a convention, "the most violent partizans" and "individuals of insidious views" would have "a dangerous opportunity of sapping the very foundations of the fabric" of our Country.

If you will read this linked paper, you will see the terrible danger explained (with links to original source documents): <http://www.renewamerica.com/columns/huldah/150119>

I beg you - do not be taken in by the celebrities who are pushing for a convention. This is the most dangerous period of our history - because if there is a convention, we will get a new Constitution. As shown in the linked Article, new Constitutions are already prepared - all they need is a convention to impose them.

A terrible deception is being played on us and many have been deceived - please do not *you* be one of the deceived. We will all pay dearly for it.

Very truly yours,
Publius Huldah

<http://publiushuldah.wordpress.com/>

Nancy Manly

From: Convention Of States Action <info@mail132-22.atl131.mandrillapp.com> on behalf of
Convention Of States Action <info@cosaction.com>
Sent: Wednesday, March 11, 2015 7:04 AM
To: Rep. Bob Lynn
Subject: Convention of States Call-To-Action

Follow Up Flag: Follow up
Flag Status: Completed



Dear Representative Lynn,

Almost everyone knows that our federal government is on a dangerous course. The unsustainable debt combined with crushing regulations on states and businesses is a recipe for disaster.

I am proud that my state legislature has done its part to implement the process our Founders gave us in Article V of the U.S. Constitution to allow the states to act as a final check on Washington, D.C., by proposing needed amendments to the Constitution. I support the approach led by Citizens For Self-Governance's Convention or States Project, of calling an Article V Convention to propose only amendments that would impose fiscal restraints on the federal government, limit its power and jurisdiction, and impose term limits on its officials.

If you were one of the legislators who helped to pass this resolution in our state, thank you. If not, please visit <http://conventionofstates.com> to learn more about Article V and the Convention of States Project.

Going forward, I ask that you continue to study the momentous problems we face as a nation and that you begin to consider and explore various amendments that our state might propose at an Article V Convention. I also ask for your support at the ratification stage of the process when you may have the opportunity to vote on amendments that will restore meaningful limitations on the federal government.

Thank you for your service to the people of our district.

Respectfully,

Robert Sanders
11661 Rockridge Dr, Anchorage, AK, 99516-2456

Nancy Manly

From: Convention Of States Action <info@mail11.wdc04.mandrillapp.com> on behalf of
Convention Of States Action <info@cosaction.com>
Sent: Friday, March 06, 2015 8:02 AM
To: Rep. Bob Lynn
Subject: Convention of States Call-To-Action

Follow Up Flag: Follow up
Flag Status: Completed



Dear Representative Lynn,

Almost everyone knows that our federal government is on a dangerous course. The unsustainable debt combined with crushing regulations on states and businesses is a recipe for disaster.

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Thank you for your service to the people of our district.

Respectfully,

sean mccoey
usahockeylife@yahoo.com
907-744-4406
9499 Brayton Dr, Anchorage, AK, 99507-4000

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State Initiation of Constitutional Amendments: A Guide for Lawyers and Legislative Drafters

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