

SJR

15

<TARGET><BILL>SJR 15</BILL><SUBJECT>SJR
15</SUBJECT><COMM>SSTA29</COMM></TARGET>

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/13/15

FURTHER: Judiciary

Date of 5-Day Notice: 3/12/2015
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/26/15

State Affairs Committee considered SENATE JOINT RESOLUTION NO. 15

SJR 15 CALL FOR US COUNTERMAND CONVENTION

Making application to the United States Congress to call a convention of the states to propose a countermand amendment to the Constitution of the United States as provided under art. V, Constitution of the United States; and urging the legislatures of the other 49 states to make the same application.

and recommends:

☐ be replaced with CS _____ () ☐ Same Title ☐ New Title

☐ adopt previous CS _____ () ☐ Same Title ☐ New Title

☐ attached amendment(s)

☐ adopt _____ Letter of Intent

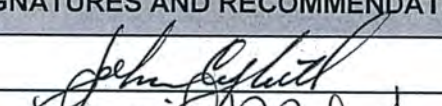
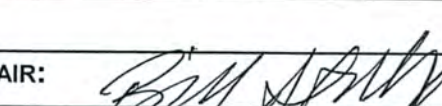
☐ further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
LEG			✓	1

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

☐ APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Coghill	✓			
	McGuire	✓			
	Huggins	✓			
	Wielechowski		✓		
CHAIR: 	Stoltze	✓			

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

Senator Bill Stoltze, Chair
State Capitol, Room 125
Juneau, AK 99801-1182
Phone (907) 465-4958
Fax (907) 465-4928



Official Business

Members:

Sen. John Coghill, Vice Chair
Sen. Charlie Huggins
Sen. Lesil McGuire
Sen. Bill Wielechowski

March 17, 2014
Bill Packet Information

SB 42 PERSONAL USE FISHING PRIORITY

<Previously Heard/Scheduled>

Additional Documents for Second Hearing:

- Resident & Nonresident Commercial Fishing Statistics (ADF&G)
- Personal Use Statewide Regulations (ADF&G)
- Supporting Documents:
 - Emails of Support (62)
 - Letter Chitina Dipnetters Association 3-15-16
- Opposition Documents:
 - Emails & Written Testimony in Opposition (4)
 - Letter Alaska Trollers Association 3-16-15

SJR 15 CALL FOR US COUNTERMAND CONVENTION

- SJR 15 version A
- Letters from other states' legislators:
 - Louisiana Senator A.G. Crowe
 - North Dakota Rep. Alan Fehr
- Supporting Documents:
 - Emails of Support (7)
 - Charles Kacprowicz Commentary
 - Letter - Citizens Initiatives (Charles Kacprowicz)
 - New Hampshire Resolution (2015)
 - New Mexico Resolution (2015)
- Fiscal Notes:
 - LEG-SESS 3-16-15 (Zero)

SCR 4 US COUNTERMAND CONVENTION DELEGATES

- SCR 4 version A
- Fiscal Notes:
 - LEG-SESS 3-16-15 (Zero)

**SENATE
STATE OF LOUISIANA**



SENATOR A.G. CROWE
Senate District 1

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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(985) 643-3600
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ag@agcrowe.com
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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.G. Crowe
State Senator
State of Louisiana



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Alan Fehr

District 36
10641 Highway 10
Dickinson, ND 58601-9567

Business: 701-225-1050
Cell: 701-590-0136
afehr@nd.gov

COMMITTEES:

Agriculture
Human Services

February 20, 2015

To: Mike Coons, National Director, Citizen Initiatives
From: Representative Alan Fehr, ND House of Representatives

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

I am pleased to report that on February 17, 2015, the ND House of Representatives passed House Concurrent Resolution (HCR) 3017 and HCR 3016, relating to the Countermand Amendment. HCR 3017, the application for an amendment convention under Article V of the Constitution, was passed by the ND House by a vote of 55-35. HCR 3016 was passed by the ND House by a vote of 59-32.

These resolutions are now in the ND Senate and will be heard in committee in a couple weeks.

Speaking for myself and the bill co-sponsors, Representative Damschen and Senator Larson, we are very enthusiastic about the potential benefit the Countermand Amendment would bring to restore a proper state of checks-and-balances between our states and the federal government.

We believe that we have experienced an escalation of over-reach by the federal government, especially in recent years, but the states have limited ability for redress. The Countermand Amendment would give the states a tool whereby they could collectively address and rescind valid concerns of federal over-reach that currently exists in congressional action, executive order, and agency rules. This tool, the Countermand Amendment, would provide states a means and process to collectively challenge and potentially rescind the most burdensome federal action. Perhaps more importantly, we believe that the existence of the Countermand Amendment in the US Constitution would have some effect of deterrence, which currently is not available.

We encourage all the states to discuss, debate, and pass the Countermand Amendment resolutions. We believe that this tool will strengthen us as a nation by strengthening the ability of states to collectively address national concerns.

From: Barbara Haney <barbarahaney100@gmail.com>
Sent: Monday, March 09, 2015 4:21 PM
Subject: Rep. Shelley Hughes; Sen. Bill Stoltze
Mike Coons
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: <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: Daniel Hamm <daniel_hamm@hotmail.com>
Sent: Monday, March 09, 2015 2:28 PM
Subject: Rep. Shelley Hughes; Sen. Bill Stoltze
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: Carol Carman <carcar@mtaonline.net>
Sent: Tuesday, March 10, 2015 4:17 AM
Subject: Rep. Shelley Hughes; Sen. Bill Stoltze
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
<>< <>< <><

From: Donna Irsik <donnairsik@hotmail.com>
Sent: Wednesday, March 11, 2015 5:16 PM
Subject: Sen. Bill Stoltze
Countermand amendment resolution
Categories: Notable

Thanks for your support in passing the Countermand Amendment resolution. You're the best!

Donna Irsik

Sent from my iPhone

From: mike alexander <alex7@mtaonline.net>
Sent: Tuesday, March 10, 2015 9:28 AM
Subject: Rep. Shelley Hughes; Sen. Bill Stoltze; Sen. Mike Dunleavy; Sen. Charlie Huggins countermand

YES YES YES AND YES to the Countermand Amendment
Mike Alexander
Big Lake



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Daniel George

From: Ric Davidge <pm@cylaska.com>
Sent: Monday, March 09, 2015 2:40 PM
Subject: Sen. Bill Stoltze
support for countermand amendment resolution

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Bill in Committee

Bill,

Just a note so that you know that I am a VERY strong supporter of this resolution.

If you need any help with Rep or Dem Members, just ask.

As you know I know most – well.

Ric Davidge, Chairman

District 20

 *aska Republican Party*

907 229 5328

Author: The Second American Revolution – first 100 days

I salute the Chairman and members of the Senate State Affairs Committee. I am Stuart Thompson of Senator Huggins's district. I am here to testify in support of HJR 14/SJR 15 and its attendant HCR/SCR 4 on behalf of myself. I have the following testimony to give in writing for lack of time to personally testify.

I commend Rep Hughes for sponsoring this bill, and all the Senate and House of Representative co-sponsors of these bills.

The only legitimate objection to calling for a US Countermand Convention is that its essence is already in the Constitution as the 9th and 10th Amendments. But anybody tracing the history of their application will immediately perceive that these constitutional powers were castrated by mismanagement of the slavery issue and the desperation of the Civil War. They were then buried from view by anti-constitutional exaggeration of federal powers through unlimited interpretation of Article II's General Welfare clause and Due and Proper clause. So in essence, holding a constitutional convention and passing the Countermand Amendment restores the proper and original check and balance powers of the states over the federal government.

The most serious problem the US has right now is a lack of political will by the American people to benefit from our full political heritage in seeking life, liberty, & the pursuit of happiness. Most, if not all, of our country's problems today could be reduced or eliminated through diligent application of it—including handling terrorism without suffering bankruptcy from continuous war. This circumstance is directly traceable to encouraging citizen apathy by perverting civics education, and increasingly using the methods of other forms of government to deal with things. Two bills before the Alaska Legislature are attempting to address this—HB 30 and SCR1.

But we need to act now to address the central source of political apathy enforcement in this country. It is making the US into a has-been nation plunging into oblivion. And that source is the overreach and bullying of the federal government arising from anti-constitutional centralization of power—enabled by neglect of duty by the states. That is what the Countermand Convention will inevitably aim at.

The greatest attack on this bill's idea will be that government of, for, and by the People does not work—in handling economic depression and protection of the people from threats (now terrorism). We Americans have been increasingly buying this for most of a century—yet we have increasingly been suffering from the very ills the mutating US Government has promised to protect us from. So let's get going and be real human beings, instead of animals begging for protection.

Here's a further note in view of posterity watching:

As free human beings, we must face that we have to be eternally on guard against the temptation of giving government unsupervised trust. Our founders were very alive to this, and constructed our form of government accordingly. We must defend their creation.

I am sorry to say that no government in history ever really deserved even the trust that was given. Government always has been an imperfect invention of humanity. Cooperation between those in authority and those governed is the only hope we have—no matter how hard it is to do.

Good luck on your deliberations.

Stuart Thompson PO Box 870702, Wasilla AK 99687
1-877-950-7980 lookitover@att.net

Oren Brown

From: Mike Coons <mcoons@mtaonline.net>
Sent: Thursday, March 26, 2015 8:18 AM
To: Oren Brown; Sen. Bill Stoltze; Rep. Shelley Hughes
Subject: State Affairs Testimony, 25 Mar 2015

My name is Mike Coons, National Director, Citizen Initiatives. I would like to read the following from Charles Kacprowicz, our Executive Director (with comments from myself as well) pertaining to the constant attack by anti-Article V groups.

For 30+ years I have watched anti Article V groups (John Birch Society, Eagle Forum, Constitution Party and Libertarians) make a mockery of the Article V process and as a result of their flawed constitutional arguments paralyzed State Legislators keeping them from addressing serious problems America needed to remedy. In 1787 the first 13 State Legislatures created the Federal government to serve the needs of the States. They left for future Legislatures the sovereign authority to modify the conduct of the government when it encroaches on States and citizens rights. Here are just a few of the damages these anti Article V groups have inadvertently caused:

1. A national debt that has now reached \$18 trillion.
2. Unfunded liabilities of \$150 trillion dollars (\$500,000 per citizen).
3. America's energy industry has been crippled due to EPA, BLM, Executive Orders, etc.
4. Alaska and 37 other States energy industries have been severely restricted.
5. 5 million illegal immigrants legalized.
6. Land grabs with up to 50% of State land (west of the Missouri River) being under Federal government control (67% of Alaska, 82% of Nevada, 67% of Utah, 50% of North Dakota, etc).

State Legislatures are the most powerful and important government bodies in America. They are the final arbiters in all Constitutional matters. The Framers left for future generations of legislators the sovereign authority to protect our Constitution through Article V - not throw it away based on poor Constitutional analysis by anti Article V groups. All of the above has damaged America generally, the States have suffered specifically and even more, We the People have been directly impacted in the loss of our Liberties and Freedoms! Those damages to our National, State and individual Sovereignty could have been remedied through the State Legislatures through a sound and proper use of Article V.

Mike Coons
National Director, Citizen Initiatives

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Using Opera's mail client: <http://www.opera.com/mail/>

Daniel George

From:  COMMANDER of the NORTH <terryrussell55@gmail.com>
Sent: Wednesday, March 18, 2015 12:27 PM
Subject: Sen. Bill Stoltze
NO CON-CON

MAKE THEM FOLLOW THE US CONSTITUTIONAL RULES WE HAVE NOW ! Terry Russell , Fire Chief
Manley Hot Springs AK

(S)State Affairs - Opposition letters received for SJR15 from non-Alaskans, as of 3/18/2015

SJR15 Opposition Document - Email William Nightingale Sr (Virginia) 3-17-15

SJR15 Opposition Document - Email Tom Redfern (Virginia) 3-17-15

SJR15 Opposition Document - Email Sue Long (Virginia) 3-17-15

SJR15 Opposition Document - Email Sue Long (Virginia) 3-16-15

SJR15 Opposition Document - Email Richard Salomon (Virginia) 3-16-15

SJR15 Opposition Document - Email Publius Huldah (Tennessee) 3-16-15

SJR15 Opposition Document - Email Paul Jamerson (Virginia) 3-17-15

SJR15 Opposition Document - Email Patricia Miles (Virginia) 3-18-15

SJR15 Opposition Document - Email Patricia Miles (Virginia) 3-17-15

SJR15 Opposition Document - Email Mary Mann (Virginia) 3-16-15

SJR15 Opposition Document - Email Herb Lux (Virginia) 3-18-15

SJR15 Opposition Document - Email Eric & Ann Robeson (Virginia) 3-16-15

SJR15 Opposition Document - Email Catherine Marshall (Virginia) 3-17-15

SJR15 Opposition Document - Email Brian Evans (Virginia) 3-17-15

SJR15 Opposition Document - Email Bill & Betty Lucas (Virginia) 3-16-15

SJR15 Opposition Document - Email Bill McNally (New Hampshire) 3-16-15

Daniel George

From: William Nightingale Sr. <wnsrbill@gmail.com>
Sent: Tuesday, March 17, 2015 12:35 AM
Subject: Sen. Bill Stoltze; Sen. John Coghill; Sen. Charlie Huggins; Sen. Lesil McGuire; Sen. Bill Wielechowski
Vote No SJR 15
Attachments: The Danger of a.docx
Categories: Bill in Committee

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

William nightingale Sr

Daniel George

From: redferniii9@aol.com
Sent: Tuesday, March 17, 2015 4:17 AM
Subject: Redferniii9@aol.com
OPPOSE SJR15 and All Article V Resolutions/Applications
Categories: Bill in Committee

Dear Senator and *Member of State Affairs Committee*,

Please **OPPOSE SJR15**, and any other 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)

Daniel George

From: suemlong3@va.metrocast.net
Sent: Tuesday, March 17, 2015 3:40 PM
Subject: Sen. Bill Stoltze
Please vote no on SJR 15

Follow Up Flag: Follow up
Flag Status: Completed

Dear Senator Stoltze ,

If your boat has a leak it doesn't help to drill a hole in the bottom.

And, trusting the current crop of politicians to rewrite our Constitution, which would be the result of a constitutional convention aka Convention of States, Balanced Budget Amendment, Article V Convention et al. is not the solution to government overreach.

It is Congress, not the states, that decides who the delegates will be to such, according to Article 1, Section 8, of the Constitution, which could be themselves.

All Article V conventions have the inherent power to be runaway conventions. We have no business convening an unlimited constitutional convention when the outcome is anyone's guess.

Even if something good came out of it, would the legislators who fail to abide by the Constitution we have now, abide by an altered one?

Why take the risk?

Thank you,

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

Daniel George

From: suemlong3@va.metrocast.net
Sent: Monday, March 16, 2015 10:27 PM
Subject: Please vote NO to SJR 15
Categories: Bill in Committee

Dear Senator,

This bill 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?

Why I depend on you to vote NO to this bill calling for a convention.

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

Daniel George

From: Richard Salomon <rsalomon1913@hotmail.com>
Sent: Monday, March 16, 2015 5:54 PM
Subject: FW: Please vote against all Article V legislative initiatives A convention cannot be limited!
Attachments: State Committees to limit the federal budget.docx

Follow Up Flag: Follow up
Flag Status: Completed

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 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 [redacted], 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.

Daniel George

From: ThePubliusHuldah . <publiusuldah@gmail.com>
Sent: Monday, March 16, 2015 8:39 AM
Subject: Sen. Bill Stoltze; Sen. John Coghill; Sen. Charlie Huggins; Sen. Lesil McGuire; Sen. Bill Wielechowski
Vote no on SJR 15 and all other resolutions applying for a convention
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Senator:

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://publiusuldah.wordpress.com/>

Daniel George

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

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 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 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

Daniel George

From: Patricia Miles <triciamiles68@gmail.com>
Sent: Wednesday, March 18, 2015 7:52 AM
Subject: Sen. Bill Stoltze; Sen. John Coghill; Sen. Charlie Huggins; Sen. Lesil McGuire; Sen. Bill Wielechowski
Please Vote NO on SJR 15

Dear Honorable Members of the Alaska Senate State Affairs Committee:

Please oppose the above-referenced bill. 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!

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 this dangerous bill.

Respectfully,

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

Daniel George

From: Patricia Miles <triciamiles68@gmail.com>
Sent: Tuesday, March 17, 2015 6:07 AM
Subject: Sen. Bill Stoltz; Sen. John Coghill; Sen. Charlie Huggins; Sen. Lesil McGuire; Sen. Bill Wielechowski
Please Vote NO on SJR 15
Categories: Bill in Committee

Dear Honorable Members of the Alaska Senate State Affairs Committee:

Please oppose the above-referenced bill. 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 a Balanced Budget Amendment (BBA), please consider that a BBA isn't necessary since *The Constitution* already spells out what Congress can legally spend money on in the enumerated powers. If Congress obeyed *The Constitution* as it stands, there would be no budget deficit in the first place. A BBA, if passed and ratified, would rubber stamp even more spending run amok. The only limit on what Congress could legally spend money on would be the amount of money available, and if there weren't enough, it would just raise taxes, borrow more, or print more. Sound familiar? What would such an amendment solve? Absolutely nothing! The solutions are already in *The Constitution* as it stands, and we cannot risk it being changed or scrapped. The states must assert their authority over the federal and call them on the illegal actions they take and their failure to honor their oaths to obey, protect, and defend *The Constitution*.

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 this dangerous bill.

Respectfully,

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

Daniel George

From: Mary W. Mann <mary.w.mann@gmail.com>
Sent: Monday, March 16, 2015 7:48 PM
Subject: Please DON'T open a can of worms! Vote no on SJR 15

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Bill in Committee

Dear Senator,

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-Ir.pdf

There are so many reasons not to!

SEVENTY 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 SJR 15

!

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

--

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

Daniel George

From: hlux@americanpatriotscommittee.com
Sent: Wednesday, March 18, 2015 7:15 AM
Subject: Rep. Bob Lynn; Sen. Bill Stoltze
Con Con

Dear Legislators,

Please stand strong in the face of adversity. That's what Statesman does.

A vote for Con Con puts our very freedoms at stake.

If there are the votes throughout the Country to amend the Constitution that supports the principles of our Country as defined in the three main principles of the Declaration of Independence then make the amendment through congress where we don't risk destroying our Constitution completely.

The fact is unless an amendment to the Constitution supports the three main principles as defined in the Declaration it is unjust and improper and would undermine our rights with which we are endowed.

The three principles we must recognize if we are to protect our liberty and freedoms:

1. "We are endowed by our Creator...." We are born with our rights. Men do not give them to us.
2. "To secure these rights governments are instituted among men"...

... "deriving their just powers from the consent of the governed" Knowing that you can only delegate to another the authority you possess and nothing more or your asking your representative to become a tyrant. The reasons our government was to always be limited that we may remain free.

Please protect our liberty and freedom. Vote no to all requests for a Con Con.

Sincerely,
Herb Lux
President

www.AmericanPatriotsCommittee.com
540-846-8212

Daniel George

From: Ann <raggedyann62@verizon.net>
Sent: Monday, March 16, 2015 12:59 PM
Cc: Sen. Bill Stoltze; Sen. John Coghill; Sen. Charlie Huggins; Sen. Lesil McGuire; Sen. Bill Wielechowski
Subject: Eric Robeson
SJR 15

Dear Senators,
We respectfully request that you vote NO to SJR 15. We are not in your state, but this is very important to our entire country. Thank You.

Sincerely We Are,

Eric and Ann Robeson
Yorktown, Virginia
757-886-2052



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

Daniel George

From: Catherine Marshall <catherineannmarshall@hotmail.com>
Sent: Tuesday, March 17, 2015 7:43 AM
Subject: Sen. Bill Stoltze
Please oppose SJR 15, Article V Legislation!
Categories: Bill in Committee

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 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:

arren 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

erson 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



Daniel George

From: Brian (Conservolist) <brian@conservolist.com>
Sent: Tuesday, March 17, 2015 11:01 AM
Subject: Brian (Conservolist)
Please vote "NO" on SJR 15 or any other call for a Constitutional Convention

Senator,

Thank you for your service. I'm writing to urge you to vote "No" on HJR 15 or any other similar legislation calling for an Article V Convention. As for Alaska to submit an application to a federal constitutional convention would mean that we all have an invested interest in Alaska. If you oppose a Constitutional Convention, thank you. I'm sure you're getting plenty of emails urging you to support this. If you do support it, please reconsider your position.

What to call it? It is difficult to pin a name to this debate because the verbiage continues to change. To say it is a Convention of States would imply that state legislatures or the people of the states maintained control. A federal Con-Con implies that it would stay within the realm of the U.S. Constitution, so to call it anything other than a federal Constitutional Convention is inappropriate.

It is a federal function of Special Interest. A federal Constitutional Convention is a federal function and representation is through individuals of the state, not the legislatures. Once this convention begins, it will move to a smorgasbord of special interest groups at the expense of the American taxpayer. Special interest groups seek to expand government and place control of these certain trades under federal control.

Upon submitting this application to the federal government, the U.S. Congress will "call" the convention. We will then see what happens to our U.S. Constitution as representatives of "We the People" will conduct the convention. State legislatures, could be entirely removed from the remaining part of the process, even, ratification process. In the past, the federal government has used tactics to bypass state legislatures such as the 21st Amendment (Repeal of Prohibition). They used state conventions to bypass state legislatures.

Thank you again for your service,

Brian Evans

Newport News, Virginia

Daniel George

From: Betty Lucas <efi@bettyandbill.com>
Sent: Monday, March 16, 2015 6:16 PM
Subject: Betty Lucas
Urgent: Oppose SJR15, and All Other Article V Resolutions

Follow Up Flag: Follow up
Flag Status: Completed

Honorable Senator:

With all due respect, this is NOT the only way! Oppose SJR15, 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.



Daniel George

From: Bill McNally <mcnallyusa@msn.com>
Sent: Monday, March 16, 2015 10:52 PM
Subject: A Second Constitutional Convention? An Unbalanced Idea.
Attachments: Barbara McNally Con-Con Paper.pdf
Categories: Bill in Committee

Dear Senator,

An interesting article written by an Indiana University student in 1988.

Yours for America's future,

Bill McNally



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.

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.

1) 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 through 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.

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*.

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 rule, how Congress will legislate, how the Executive Branch will govern, and how Regulatory Agencies will 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. Their 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 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.

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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](#)

[Council](#)) 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
Don 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
Wb 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.



P.O. Box 523
Spruce Pine, NC 28777-0523
(828) 783 0599 cell / (828) 374 0009
<http://countermands.us>
director@countermands.us

'Single Issue' Article V Countermand Amendment Convention

August 30, 2014

The Honorable State Legislator
Senator

Subject: Bi-partisan – Article V Countermand Amendment Convention – Making the States partners in government, not subjects to Federal mandates.

The Honorable State Senator:

What State Legislatures must retain is their Constitutional sovereign authority under Article V. If this nation has any hope of restoring our Republic, then State Legislatures must not allow Congress, the Courts, Executive Branch, delegates sent a Convention, or State Governors define their Article V sovereignty for them. Presently Article V groups are proposing convening a Convention for the Balanced Budget Amendment, the Convention of States, Compact for America, Term Limits, etc. They are all bent on finding political solutions with the Federal government. Citizen Initiatives is opposed to these compromises. We see the battle for our Constitutional Republic as a matter of State Legislative sovereignty under Article V. Sovereignty trumps political and legal precedence. When the Legislatures amend the Constitution through the Convention process, all branches of the government are subject to the Amendment's provisions. To argue that the State Legislatures can exercise their Article V authority only if the Federal government approves their *Applications* and deliberations at a *Convention* is absurd. In such a case the Article V process would be meaningless to the States. As long as the *Application* on Congress is for a Single Issue Amendment Convention, Congress will have no justification for refusing to convene the Convention.

In all the confusion and debate about Article V Conventions over the last several months, it will be easy for legislators to confuse the authority they have to make an *Application* directing Congress to convene a Convention, with the authority they have to control the deliberations at a Convention. **This is not a subtle point.** If the Legislatures allow delegates they send to a Convention to function as free agents and not Ambassadors, then they will have surrendered at least part of their sovereign authority to delegates and the Convention process will be forever mired in politics. For the first time since the Constitutional Convention, States have an opportunity to be respected partners in government, not subjects to Federal mandates. When Legislatures adopt the *Single Issue Amendment* process, the Convention will be safe, quick (maybe only one week) and successful. Legislatures alone have authority to control the *Amendment* process through to *Ratification*. Their sovereignty has been passed down to them from the Articles of Confederation through Article V in the United States Constitution. **It must not be abdicated.** State Legislatures are the final arbiters in all Constitutional matters.

Citizen Initiatives has been the leading authority on Article V *Amendments* through Congress and Conventions for 40 years. We are presently partnering with legislators in many State Legislatures to secure a Call for the *Single Issue Countermand Amendment Convention*. At this time there are 5 States with one or more sponsors directing Congress to convene the Article V Single Issue Countermand Amendment Convention. At least another 7 States are reviewing with interest the "Application". Individual Countermand Initiatives by the States could be starting by mid 2016. The *Amendment* restores sovereignty in the States by empowering Legislatures to *Countermand* any law or regulatory ruling that is burdensome to the States, their citizens, businesses or Industries. When 30 States exercise their *Countermands*, the law or ruling is rescinded. The Federal government will then have to decide if it wants to rewrite the law in a way more amenable to the States, or abandon it. The government will also have to consider that any rewrite can also be Countermanded. Most important is the empowerment clause in Section 5, 6. The States can prosecute intentional violators of the *Amendment* in the absence of Federal prosecution. Key sections of the *Countermand Amendment* follow:

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

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

Section 5. Any elected or non-elected government official, or any non-government individual or organization, who intentionally obstructs or prevents the implementation of any provision in this Article shall have committed a criminal offense and shall be subject to impeachment (when applicable) and criminal prosecution and upon conviction serve up to five years in prison.

Section 6. Individual States shall have authority to prosecute violators of this Article under State laws in the absence of Federal prosecution after 90 days from the date of the alleged violation. . .

We are asking you to sponsor the *Application* directing Congress to convene the *Countermand Amendment Convention* in your Legislature. Also, we are requesting that you sponsor the Delegate Resolution and text for the Countermand Amendment which is included in the Delegate Resolution.

When 34 Legislatures complete their *Applications* it automatically becomes a mandate on Congress to convene the Convention. Because the States making *Applications* for the *Single Issue Countermand Amendment Convention* will use the same *Application* on Congress with the same title and instructions, Congress will be required to convene the Convention. If Congress delays then the States, having met their obligations under Article V, will be Constitutionally authorized to convene the Convention on their own. After all, it was the State Legislatures who authorized the delegates at the Constitutional Convention to include the Article V process for proposing Amendments. Their primary concern was protecting the sovereignty of State Legislatures.

Comments made at the time the Constitution was adopted indicate that it was understood when the Constitution was drafted that Congress would have no discretion.

In *The Federalist*, Alexander Hamilton stated that when the proper number of applications had been received, Congress was "obliged" to call a convention and that "nothing is left to the discretion of Congress. James Madison also affirmed Hamilton's contention that Congress was obligated to call a convention when the requisite number of states requested it. In the North Carolina debates about ratifying the Constitution, James Iredell, who subsequently became one of the founding members of the Supreme Court, stated that when two-thirds of states have applied to Congress for a convention, Congress is "under the necessity of convening one" and that they have "no option." (Source: <http://en.wikipedia.org/>)

The purpose of Article V is to empower the Legislatures to address egregious wrongs suffered by the States and their citizens in the absence of Federal remedies. That sovereign authority is retained by our Legislatures today in Article V. In 1787 the Legislatures wanted a perpetual Constitution, but recognized the need future Legislatures would have to amend it. Under the Articles of Confederation a unanimous vote was needed to amend the Articles which meant that one State could hold the other 12 hostage. This almost cost us the Revolutionary War. The Founders found the solution to both States sovereignty and the legitimate role of the Federal government in Article V by requiring three quarters of the State Legislatures to ratify amendments to the new Constitution.

The Countermand Amendment will enable States to define their un-enumerated Rights in the 9th and 10th Amendment. In fact, the Amendment will allow the States to define issues that they would otherwise want to nullify without the risk of violence. Once a law or ruling is Countermanded it is automatically rescinded. Individual States, however, would still be able to employ nullifications on issues important to them independent of the Amendment.

There is a *Delegate Resolution* associated with the *Application* and it needs to pass as a separate Resolution in your Legislature. It should not to be sent to Congress with your *Application*. The *Delegate Resolution* is a contract between your Legislature and the delegates you send to the Convention. The *Delegate Resolution* instructs delegates on how to: 1) open the Convention; 2) organize the Convention; 3) require Article IV, 4 guarantees giving each State Delegation one vote at the Convention; 4) require a simple majority vote on all roll calls; 5) vote on the pre-approved *Amendment* text at the Convention; and more. When 26 or more State Legislatures pass the same or similar *Delegate Resolution* a successful outcome at the Convention is assured. Because it is not an Interstate Agreement, it won't violate prohibitions in Article I, Section 10 that require Congressional approval before States can enter into Interstate Compacts. To assure that the Legislatures' pre-approved text for the *Countermand Amendment* will be approved by the State Delegations, the *Delegate Resolution* is imperative.

State Legislatures are the sovereign deliberative body to decide these matters, not the delegates sent to an Article V Convention. There can be multiple *Single Issue Amendment Convention Applications* for different grievances advancing at the same time. Each one will have its own Convention requiring an *Application*, pre-approved *Amendment* and *Delegate Resolution*. It is not necessary to secure the Governor's signature for approval of the *Application* or *Delegate Resolution* because he has no Constitutional authority under Article V:

1. COUNTERMAND AMENDMENT <https://www.countermands.us/countermand-amendment.html>;
2. APPLICATION <https://www.countermands.us/countermand-application-on-congress.html>;
3. DELEGATE RESOLUTION <https://www.countermands.us/countermand-delegate-resolution.html>.

Resolutions addressing any issues relating to an Article V Convention fall under the authority of State Legislatures alone. Retaining that sovereign authority in State Legislatures is critical. Separate legislation ad-

addressing criminal penalties for violators of the provisions of the *Countermand Amendment* would, of course, need your Governor's signature.

The *Countermand Amendment* is advancing in State Legislatures and is expected to receive 34 or more *Applications* by the middle of 2015. Because the Convention is for a Single Amendment with a pre-approved Amendment text in the *Delegate Resolution*, it is anticipated that 38 ratifications could be secured by early 2016.

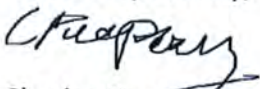
Citizen Initiatives is serving as the Facilitator for State Legislatures and will be working hard to achieve ratification as soon as possible. If you would have interest in joining our *Single Issue Amendment Planning Committee*, please advise. The purpose of this Committee is to evaluate and approve Single Issue Amendments and Countermand Initiatives that should be advanced in the States.

Please support this bi-partisan *Amendment*. Use the links above for copies of each document. Once the *Amendment* is ratified the **States will be recognized as partners in government, not subjects**. Citizen Initiatives will be monitoring each step in the Article V process and reporting back to you the results in the States and in Congress. This is truly a joint initiative for both the States and their citizens. **The Countermand Amendment is simply too important to the States to be ignored. Let's work together and amend the U.S. Constitution with the Countermand Amendment as quickly as possible.**

Finally, Citizen Initiatives produces a weekly national radio program called "**State Legislators Round Table**". The program allows State legislators to discuss issues of importance to them and their constituents. Each State Legislature is assigned an evening that centers around issues important to their State. This is not a gotcha format. We require civility and mutual respect by members of the Round Table and listeners who call in. During a recent broadcast we had over 50,000 listeners on our network, plus 55 affiliated radio stations around the country rebroadcasting the program live into their local markets. We would be honored if you would be our Special Guest during one of these Round Table broadcasts. For the dates assigned to each of the 50 States go to

[http://citizeninitiatives.org/Broadcast Schedule/Legislator Broadcast Dates.pdf](http://citizeninitiatives.org/Broadcast%20Schedule/Legislator%20Broadcast%20Dates.pdf). We included suggested topics for each date, although, legislators are free to present and discuss other subjects of importance to them. Each weekly broadcast is on a Tuesday night. The first hour starts at 8:00 PM EST, the second at 9:00 PM EST and the third hour at 10:00 PM EST. You can confirm your State's date by calling me at (828) 783 0599 cell or by confirming your acceptance in an email to: director@countermands.us.

Yours respectfully,



Charles Kacprowicz,
National Executive Director

Countermand Amendment video for State Legislators: <http://youtu.be/4lqtADyUs14>
Sovereignty Amendment: <https://www.countermands.us/sovereignty-amendment.html> (To be announced soon.)

HCR 5 - AS INTRODUCED

2015 SESSION

15-0799
05/04

HOUSE CONCURRENT RESOLUTION **5**

A RESOLUTION calling for an article V convention for the purpose of considering a
countermand amendment to the United States Constitution.

SPONSORS: Rep. Ulery, Hills 37

COMMITTEE: Legislative Administration

ANALYSIS

This resolution calls for an article V convention for the purpose of considering a countermand
amendment to the United States Constitution.

.....

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

A RESOLUTION calling for an article V convention for the purpose of considering a countermand amendment to the United States Constitution.

1 Whereas, all governing power under the United States Constitution originates from the people
2 and the states; and

3 Whereas, the United States Constitution delegates certain limited powers to the legislative,
4 executive, and judicial branches of the federal government; and

5 Whereas, the tenth amendment to the United States Constitution reserves all non-delegated
6 powers to the states and the people; and

7 Whereas, the United States Congress has, at times, exceeded its delegated powers and otherwise
8 passed laws injurious to the states and the people; and

9 Whereas, the President of the United States has, at times, exceeded the executive's
10 constitutional authority and taken actions injurious to the states and the people by issuing certain
11 executive orders, failing or refusing to enforce certain laws duly passed by Congress, issuing waivers
12 from compliance with federal statutes, and directing federal administrative agencies to impose rules
13 and regulations contrary to federal statutes; and

14 Whereas, federal courts have, at times, exceeded their authority by issuing decisions not
15 grounded in the United States Constitution, by issuing decisions on public policy matters reserved to
16 the states in violation of principles of federalism and separation of powers, and otherwise issuing
17 decisions injurious to the states and the people; and

18 Whereas, federal administrative agencies have, at times, issued rules and regulations beyond
19 their statutory authority and have otherwise issued rules and regulations or taken other actions
20 injurious to the states and the people; and

21 Whereas, article V of the United States Constitution states: "The Congress, whenever two thirds
22 of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the
23 application of the legislatures of two thirds of the several states, shall call a convention for proposing
24 amendments, which, in either case, shall be valid to all intents and purposes, as part of this
25 Constitution, when ratified by the legislatures of three fourths of the several states; and

26 Whereas, article V of the United States Constitution reserves to the states and the people a final
27 check on the usurpation, misuse, or abuse of federal power; and

28 Whereas, the states have the sole authority to define and limit the agenda of a convention of the
29 states and may limit the agenda to adoption of a single proposed amendment to the United States
30 Constitution; and

31 Whereas, under authority of article V of the United States Constitution, the several states should
32 apply to Congress to call a convention of the states for the sole purpose of proposing and adopting a

1 countermand amendment to the United States Constitution; and

2 Whereas, a countermand amendment to the United States Constitution would authorize the
3 states, upon a vote by three-fifths of the state legislatures to override and invalidate a congressional
4 statute, executive order, federal court decision, or administrative agency rule, regulation, or other
5 action deemed injurious to the states and the people; and

6 Whereas, the states, by adopting a countermand amendment, properly exercise their
7 constitutional authority to check federal power, preserve state sovereignty, and protect the rights of
8 the states and the people; and

9 Whereas, delegates to a convention of the states called for the sole purpose of considering and
10 adopting a countermand amendment to the United States Constitution would be prohibited from
11 considering any other amendment or change to the Constitution; now, therefore be it

12 Resolved by the House of Representatives, the Senate concurring:

13 That the New Hampshire general court, under the authority of article V of the United States
14 Constitution, hereby applies to Congress to call a convention of the states for the sole purpose of
15 considering and adopting a countermand amendment to the United States Constitution, with the
16 delegates to such convention prohibited from considering any other amendment or change to the
17 Constitution; and

18 That the general court strongly urges the other state legislatures each to pass a similar
19 resolution applying to Congress to call a convention of the states for the sole purpose of considering
20 and adopting a countermand amendment to the United States Constitution; and

21 That the general court directs that Congress call a convention of the states, for the sole purpose
22 of considering and adopting a countermand amendment, within 60 days after receiving the 34th
23 state application for such convention; and

24 That the house clerk send a copy of this resolution to the leader of each legislative house in each
25 of the other states, the Majority Leader of the United States Senate, the Speaker of the
26 United States House of Representatives, the President of the United States, the Chief Justice of the
27 United States Supreme Court, and the members of New Hampshire's congressional delegation.

underscored material = new
[bracketed material] = delete

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HOUSE JOINT RESOLUTION 13
52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY
Yvette Herrell

A JOINT RESOLUTION
CALLING FOR A FEDERAL CONSTITUTIONAL CONVENTION TO PROPOSE A
COUNTERMAND AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

WHEREAS, the United States congress has, at times,
exceeded its delegated powers, the president of the United
States has, at times, exceeded the constitutional authority of
the office of the president of the United States, and the
federal courts have, at times, exceeded their authority by
issuing decisions on public policy matters reserved to the
states in violation of the principles of federalism and
separation of powers, all of which have adversely affected the
state of New Mexico and its people; and

WHEREAS, under the authority of Article V of the United
States constitution, the several states should apply to the
United States congress to call a convention of the states to

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

11 WHEREAS, the states have the authority to define and limit
12 the agenda of a convention to a single-issue countermand
13 amendment as provided pursuant to Article V of the United
14 States constitution; and

15 WHEREAS, the delegates sent by the states to a
16 constitutional convention shall have the limited authority to
17 deliberate on and decide whether the countermand amendment, as
18 pre-approved by state legislatures, should be sent back to the
19 state legislatures for ratification;

20 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
21 STATE OF NEW MEXICO that the United States congress be
22 requested, pursuant to the provisions of Article V of the
23 United States constitution, to call a single-issue convention
24 of the states limited to proposing a countermand amendment to
25 the United States constitution; and

1 BE IT FURTHER RESOLVED that the New Mexico legislature
2 request the United States congress to convene the requested
3 constitutional convention within sixty days after the date it
4 receives the thirty-fourth call for that convention from state
5 legislatures; and

6 BE IT FURTHER RESOLVED that the New Mexico legislature
7 urge the legislatures of the other forty-nine states to apply
8 to the United States congress to call a constitutional
9 convention of the states to consider a countermand amendment to
10 the United States constitution pursuant to Article V of the
11 United States constitution; and

12 BE IT FURTHER RESOLVED that the New Mexico secretary of
13 state be directed to transmit copies of this application to the
14 president and secretary of the United States senate and to the
15 speaker and clerk of the United States house of
16 representatives, to the New Mexico congressional delegation and
17 copies to the presiding officers of each of the legislative
18 houses in the several states, requesting their cooperation; and

19 BE IT FURTHER RESOLVED that this application constitutes a
20 continuing application in accordance with Article V of the
21 United States constitution until the legislatures of at least
22 two-thirds of the several states have made applications on the
23 same subject.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SJR 15

Fiscal Note Number: _____

() Publish Date: _____

Identifier: SJR15-LEG-SESS-03-16-15

Title: CALL FOR US COUNTERMAND CONVENTION

Sponsor: STOLTZE

Requester: Senate State Affairs

Department: _____

Appropriation: _____

Allocation: _____

OMB Component Number: 0

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES							
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

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

Why this fiscal note differs from previous version:

Initial Version. One Page, Zero Note.

Prepared By: Jessica Geary, Finance Manager
Division: Legislative Affairs Agency
Approved By: Pam Varni, Executive Director
Agency: Legislative Affairs Agency

Phone: (907)465-6626
Date: 03/16/2015 11:01 AM
Date: 03/16/2015