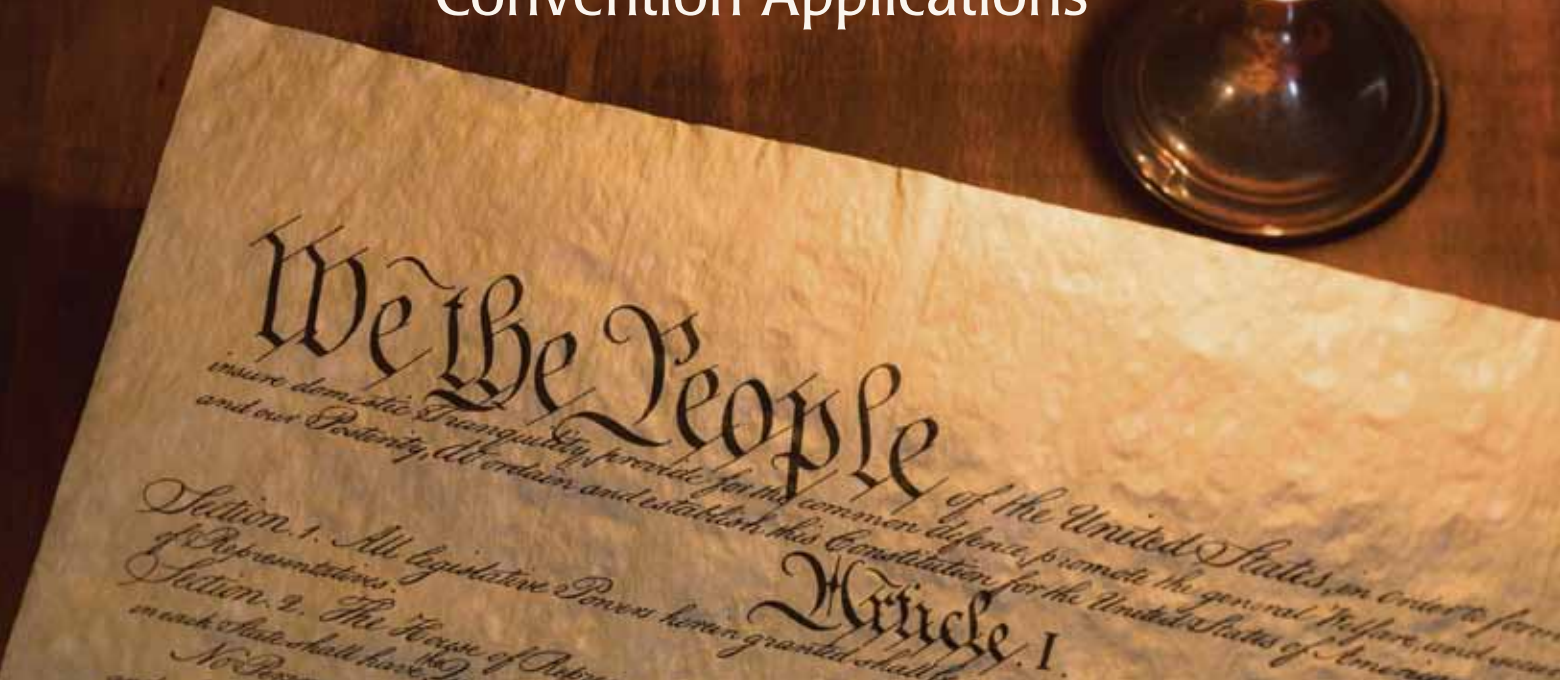


Save the Constitution

by Rescinding Article V Convention Applications



Rescinding Article V convention applications would prevent the calling of a constitutional convention that would have the inherent power to alter or abolish the Constitution.

by Larry Greenley

"The essence of our concern and why Oklahoma defeated the Article V convention this year [was] that this would be a runaway convention."
— Oklahoma State Representative Mike Ritze, May 12, 2015.

After a fierce and drawn-out battle in the Oklahoma state legislature last spring, legislators rejected an application for an Article V convention for proposing a Balanced Budget Amendment (BBA), as well as an application for an Article V convention to impose other restraints on the federal government.

Meanwhile, the Texas legislature was

having its own fierce battle over several Article V convention applications. On May 12, 2015, three Oklahoma state legislators created a video to help persuade Texas legislators to defeat the Article V convention agenda in their state. The Texas legislature did go on to reject all Article V convention applications in its 2015 session.

The quote above by Oklahoma State Representative Mike Ritze is from that video. It is featured in this article to emphasize that *the enduring reason given by state legislators for rejecting Article V convention applications is their concern that such a convention would become a runaway convention.*

The purpose of this article is to dis-

cuss how the reinvigorated BBA Article V convention movement is a threat to the Constitution, to discuss why the Constitution is so valuable, and to propose a reinvigorated movement to rescind state applications for all types of Article V conventions in order to save the Constitution.

What Is an Article V Convention?

Article V of the U.S. Constitution authorizes two methods for amending the Constitution: (1) The congressional method, in which Congress proposes an amendment by a two-thirds vote of each house and sends it to the states for ratification (three-fourths of the states are required); and (2) the convention method, whereby,



During the entire 227 years since the Constitution went into effect, 27 amendments have been added via the congressional method and none by the convention method. The first 10 of those amendments are known as the Bill of Rights. Of the other 17 amendments, several are widely regarded as disasters.

if two-thirds of the state legislatures (34 states) apply to Congress to call a convention for proposing amendments (commonly referred to as an Article V convention, a constitutional convention, a Con-Con, or a convention of states), Congress shall call such a convention. Congress would send any amendments proposed by the convention to the states for ratification (three-fourths of the states are required).

In either of the two methods for proposing amendments, Congress has the option of sending the proposed amendments to either the state legislatures or to special state conventions for ratification.

Drawbacks to Amending the Constitution

During the entire 227 years since the Constitution went into effect, 27 amend-

ments have been added via the congressional method and none by the convention method. The first 10 of those amendments are known as the Bill of Rights. Of the other 17 amendments, several are widely regarded by constitutionalists as disasters. For example, the 16th Amendment (1913), supported by the progressives, enabled the federal government to tax personal incomes directly and has led to the present-day tyrannical IRS. As another example, the 17th Amendment (1913), also supported by progressives, brought about the direct election of senators to Congress in place of the original appointment of senators by state legislatures. Present-day constitutionalists see the 17th Amendment as very damaging to the original constitutional balance of powers between the state and federal governments.

The 16th and 17th Amendments are revealing examples of just how easily the Constitution can be damaged and just how bad the results can be from seemingly benign amendments.

The BBA Con-Con Movement

Although the 17th Amendment was ultimately proposed by Congress, an amendment calling for the direct election of U.S. Senators was also pursued via the convention method. By 1911, 27 states (with progressives leading the way) had applied to Congress for an Article V convention to propose the amendment. However, before two-thirds of the states had applied for a convention, Congress went ahead and proposed the amendment.

Another large-scale Con-Con movement started in the mid-20th century when two states applied to Congress for a convention for proposing a Balanced Budget Amendment (BBA). The BBA Con-Con movement really got going in the late 1970s, and by 1983, 32 of the necessary 34 states had applied to Congress for a BBA Article V convention. Given the momentum of the movement, it appeared that the calling of a BBA constitutional convention was imminent.

The Con-Con Rescission Movement

However, after the BBA Article V convention movement had reached its high-water

Rescinded Con-Con Applications, 1988-2010

Rescinded Con-Con applications:

AL 1988, FL 1988,* LA 1990, OR 1999, ID 1999, UT 2001, ND 2001, AZ 2003, VA 2004, SC 2004, GA 2004, MT, 2007, OK 2009, WY 2009, NH 2010, SD 2010, TN 2010

*Although FL had rescinded its Con-Con applications in 1988, it passed a new BBA Con-Con application in 2010.



BBA Con-Con Status December 2015

-  27 states currently have a "live" BBA Con-Con application (34 states required to force Congress to call a Con-Con)
-  23 states currently don't have a "live" BBA Con-Con application
-  13 states targeted by BBA Con-Con advocates



mark of 32 states in 1983, the opponents of holding a constitutional convention were able to prevent any more states from applying until Ohio and Michigan applied for a BBA Con-Con in 2013 and 2014, respectively.

Although Ohio and Michigan were the 33rd and 34th states to apply for a BBA Con-Con, the opponents of an Article V convention had succeeded in bringing about the passage of Con-Con rescission (cancellation) resolutions in 17 states during the years 1988 to 2010 (see "Rescinded Con-Con Applications, 1988-2010" map on page 2). By 2010, the number of states with "live" (not rescinded) BBA Con-Con applications was 16 (Florida's rescission in 1988 was overridden by a BBA Con-Con re-application in 2010), not 32 as in 1983. Therefore, the Ohio and Michigan applications did not trigger a convention call. For a detailed listing of all states that have applied for a BBA Con-Con (1955-2015), all rescissions, and all re-applications, see "State Applications for a Balanced Budget Amendment Article V Convention" shown on page 5 and available at <http://www.jbs.org/issues/pages/no-con-con>.

What's So Special About the Constitution?

Our form of government is based on the Declaration of Independence and the Constitution. The Declaration (1776) asserts that (1) rights are God-given, (2) governments are instituted to secure those rights, and (3) whenever a government fails to secure those rights, it is the right of the people to alter or to abolish that form of government and institute a new government. The Constitution was created in 1787 in conformity with the Declaration to institute a government that would secure our rights.

The Constitution was wildly successful and produced the freest and most prosperous nation in history. However, over the last century our elected officials have been departing more and more from the Constitution, which has led to the phenomenon popularly referred to as our "out-of-control" federal government. A better term would be our "out-of-compliance-with-the-Constitution" federal government.

Since most of our nation's problems stem from a lack of adherence to the Constitution, the best solution is to bring about a large-scale, grassroots constitutional education campaign to inform voters sufficiently so that they hold elected officials

accountable to the Constitution. As Thomas Jefferson famously said, "If a nation expects to be ignorant and free ... it expects what never was and never will be."

Solutions such as the Article V convention movement, which depend on changing the Constitution rather than on creating an informed electorate, cannot restore our constitutional republic.

Not only would changing the Constitution without informing the electorate not work, but subjecting the Constitution to revision in a convention of the sovereign people, such as an Article V convention, would be to expose the Constitution to revision by a body with the right to alter or abolish our form of government and to institute new government. During such a process the entire Constitution and Bill of Rights, as well as the ratification procedure, would be subject to revision. See "The Solution Is the Constitution, Not Article V" in the March 9, 2015 issue of *THE NEW AMERICAN* posted at TheNewAmerican.com for more information.

Although a "convention for proposing amendments," as provided for in Article V, is absolutely constitutionally sanctioned, and the right of the people to alter or abolish their government is sanctioned by the

Declaration of Independence, *it is unwise*, given the current lack of understanding of and support for constitutional principles by our leaders and voters, *to work toward holding such a convention*. The solution is to create an informed electorate, not to change the Constitution.

The New BBA Con-Con Threat to the Constitution

After 30 years had elapsed with no new BBA Con-Con applications approved, and with 16 states rescinding their Con-Con applications during that time, the momentum changed back in favor of applying for a BBA Con-Con in 2013 when Ohio applied for one. Over the next three years, some states that had rescinded their BBA Con-Con applications reapplied. See the map of “BBA Con-Con Status December 2015” on page 3 to see which states now have “live” (not rescinded) BBA Con-Con applications. There are currently 27 states with “live” applications, which means that only seven more states are needed to apply to reach 34. As the map on page 3 shows, proponents of a BBA Con-Con have targeted 13 states in their efforts to gain seven more applications.

Thus, the Constitution is imperiled again by the possibility of a constitutional convention. This constitutes the new BBA Con-Con threat to the Constitution. See “The New BBA Con-Con Threat,” THE NEW AMERICAN, October 5, 2015, and posted at TheNewAmerican.com, for more information about this and about how a BBA would tend to legitimize the longstanding usurpations of powers by federal officials, and how the BBA Con-Con movement has never been about restoring adherence to the Constitution’s enumerated powers anyway.

As a measure of just how extensive the pro Con-Con movement as a whole has become in recent years, in 2015 one or more Con-Con applications were introduced in at least 43 states. Although applications were approved in only six of these states last year, the proponents of a Con-Con are still working hard to bring one about. In recent years there’s even been an increasing degree of cooperation between conservative and liberal Con-Con proponents. (See “Working Together to Rewrite the Constitution,” THE NEW AMERICAN, June 9, 2014, posted at TheNewAmerican.com.)



In a May 12, 2015 video, Oklahoma State Representative Mike Ritze explains how Oklahoma’s legislature rejected an application for an Article V convention for proposing a Balanced Budget Amendment (BBA) due to concerns that such a convention would be a runaway convention. Rep. Ritze and two other Oklahoma legislators created the video to help persuade Texas legislators to defeat the Article V convention applications pending in their state.

Needed: A New Con-Con Rescission Movement

Those organizations and individuals who understand the value of the Constitution and the threat to it represented by the Con-Con movement must push back with a reinvigorated Con-Con rescission movement. See the updated “Model State Con-Con Rescission Resolution” on page 6 for a tool to use in working with state legislators to get a rescission resolution introduced in your state. This model resolution is based on some of the rescission resolutions that were approved during the period 1988-2010. However, some of the “whereas” sections have been updated with new talking points and the directions for where state legislatures should send their approved resolutions have been updated to reflect the new policy for how Congress will officially record Article V convention applications. Of course, the state legislator sponsors in each state will come up with the exact wording that suits their situation.

The highest priority states for getting rescission resolutions adopted are revealed in the “BBA Con-Con Status December 2015” map on page 3. All 27 states that have “live” BBA Con-Con applications are high priority for rescission movements. For every one of the 27 states that rescinds,

the BBA Con-Con proponents would have to find a new state to get an application approved just to stay even. If you start or join a Con-Con rescission movement in your state, make sure that your rescission resolution rescinds *all* Article V applications ever approved by your state legislature.

One of the advantages of starting a rescission movement in your state is that it creates more fronts in the Con-Con battle for proponents to defend. This will take resources away from the 13 targeted states.

Those of you living in the following states are off the hook as far as working on a Con-Con rescission resolution: Arizona, Idaho, Oklahoma, Oregon, South Carolina, Virginia, and Wyoming. These seven states have Con-Con rescission resolutions that are still in effect and not overridden by later reapplications for a BBA Article V convention.

Call to Action

We urge those of you who understand that preserving and restoring our Constitution is essential for securing our rights and freedoms to read the above to see if your state is a high priority for a rescission effort. If it is, please work with others to get an Article V convention rescission resolution introduced and passed by your state legislature. ■

State Applications for a Balanced Budget Amendment Article V Convention

1. ***Oklahoma – 1955, 1978, 1979 (Rescission 2009)***
2. Indiana – 1957, 1976, 1979
3. ***Wyoming – 1961, 1979 (Rescissions 2001 and 2009)***
4. ***Virginia – 1975, 1976, 1979 (Rescissions 2004 and 2014)***
5. Arkansas – 1975, 1979
6. Mississippi – 1975, 1979
7. Louisiana – 1975, 1979 (Rescissions 1991 and 1992), reapplied in 2014
8. Alabama – 1975, 1979 (Rescissions 1989 and 1990), reapplied in 2011
9. Florida – 1975/76, 1979 (Rescissions 1988, 1989, and 1990), reapplied in 2010 and 2014
10. Georgia – 1976, 1979 (Rescission 2010), reapplied in 2014
11. ***South Carolina – 1976, 1978, 1979 (Rescissions 2004 and 2014)***
12. Delaware – 1976, 1979
13. Maryland – 1977, 1979
14. Tennessee – 1977, 1978, 1979 (Rescission 2010, HJR 0030), reapplied in 2014 (HJR 548)
15. ***Arizona – 1977, 1979 (Rescission 2003)***
16. New Hampshire – 1977, 1979, 2012
17. Kansas – 1978, 1979
18. Texas – 1979
19. Colorado – 1979, 1992
20. Nebraska – 1979
21. New Mexico – 1979
22. Nevada – 1979 (SJR 22), 1980 (SJR 8) (1989 Rescission of SJR 8)
23. North Dakota – 1979 (Rescission 2011), reapplied in 2015 (HCR 3015)
24. ***Oregon – 1979 (Rescissions 1999 and 2000)***
25. Pennsylvania – 1979
26. ***Idaho – 1979 (Rescission 2000)***
27. South Dakota – 1979 (Rescission 2010, HB 1135), reapplied in 2015 (HJR 1001)
28. North Carolina – 1979
29. Utah – 1979 (Rescission 2001), reapplied in 2015 (HJR 007)
30. Iowa – 1979
31. Alaska – 1982
32. Missouri – 1983
33. Ohio – 2013
34. Michigan – 2014

Twenty-Seven states have outstanding applications to Congress for an Article V convention (aka constitutional convention or Con-Con) to propose a Balanced Budget Amendment (BBA); these 27 states are listed above in standard font. **Seven states have active rescissions** for their past Con-Con applications for a BBA; these states (listed above in both ***bold & italics***) include: Arizona, Idaho, Oklahoma, Oregon, South Carolina, Virginia, and Wyoming.

(The above “State Applications...” document is available as a PDF by clicking on “State Applications for a Balanced Budget Amendment Article V Convention” at <http://www.jbs.org/issues-pages/no-con-con>.)

Model Resolution for a State Legislature to Rescind All Constitutional Convention Applications

Be sure to fill in all blanks with the appropriate information and have professional help in drafting the resolution to fit the format of your state.

LEGISLATURE OF THE STATE OF _____

____[(SENATE OR HOUSE)]__ CONCURRENT RESOLUTION NO. _____

BY _____

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE; RESCINDING, REPEALING, CANCELING, VOIDING AND SUPERSEDING ANY AND ALL EXTANT APPLICATIONS BY THE LEGISLATURE OF THE STATE OF _____ HERETOFORE MADE DURING ANY SESSION THEREOF TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONVENTION PURSUANT TO THE TERMS OF ARTICLE V OF THE UNITED STATES CONSTITUTION FOR PROPOSING ONE OR MORE AMENDMENTS TO THAT CONSTITUTION; URGING THE LEGISLATURES OF OTHER STATES TO DO THE SAME; DIRECTING THAT COPIES OF THIS RESOLUTION BE SENT TO SPECIFIED PERSONS.

Be it Resolved by the Legislature of the State of _____:

WHEREAS, the Legislature of the State of _____, acting with the best of intentions, has, at various times, and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either one or more amendments regarding one or more specific subjects or purposes, or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and,

WHEREAS, the Declaration of Independence proclaims that “it is the Right of the People to alter or to abolish” their form of government whenever it fails to secure their rights, which implies that a convention of representatives of the sovereign people in an Article V “convention for proposing amendments” would have the inherent power to propose sweeping changes to the Constitution (also known as a “runaway” convention), any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government as defined by our present Constitution; and,

WHEREAS, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to an Article V constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and,

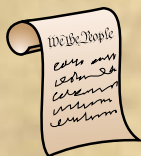
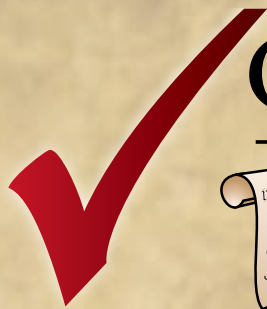
WHEREAS, there is no need for, rather, there is great danger in, subjecting our form of government, which is based on the Declaration of Independence and the Constitution, to sweeping changes that would undermine its philosophical foundation of instituting government based on the principle of securing God-given rights; and,

WHEREAS, the best solution for reining in the federal government is an informed electorate which will hold public officials accountable to our existing Constitution with its principles of limited government, rather than risking a runaway Article V convention:

NOW, THEREFORE, BE IT RESOLVED by the members of the _____ Session of the _____ Legislature, the Senate [or House of Representatives, i.e. the house where the resolution is first introduced] and the House of Representatives [or Senate, i.e. the second house after passage in the house of origin] concurring, that the Legislature does hereby rescind, repeal, cancel, nullify, and supersede to the same effect as if they had never been passed, any and all extant applications by the Legislature of the State of _____ to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V thereof, regardless of when or by which session or sessions of the _____ Legislature such applications were made and regardless of whether such applications were for a limited convention to propose one or more amendments regarding one or more specific subjects or purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects.

BE IT FURTHER RESOLVED, that the Legislature of the State of _____ urges the legislatures of each and every state which has applied to Congress to call a convention for either a general or a limited constitutional convention, to repeal, and withdraw such applications.

AND BE IT FURTHER RESOLVED, that the Secretary of the Senate be, and is hereby authorized and directed to send copies of this Resolution to the Secretary of State, to the presiding officers of both houses of the legislatures of each state in the Union, to the president of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the Chairman of the Judiciary Committee of the United States House of Representatives, and to the members of Congress of the United States representing the State and people of _____.



Choose Freedom

STOP A CON-CON Constitutional Convention



The Article V Convention: What Are They Not Telling You?

This excellent presentation is recommended for providing an up-to-date analysis of the Article V convention issue for anti-Con-Con activists and for educating state legislators on the reasons to oppose all Article V convention applications. Includes four parts: (1) 4 Conflicting Approaches; (2) What Article V Really Says; (3) The 1787 Precedent — 3 Indisputable Facts; and (4) Conclusion. (2015, 59min, 1/\$1.00; 11-20/\$0.90ea; 21-49/\$0.80ea; 50-99/\$0.75ea; 100-999/\$0.70ea; 1,000+/\$0.64ea) DVDAVC

STOP A Con-Con Pamphlets:

(2014, four-color, trifold pamphlets) 1/\$0.20; 100/\$0.15ea; 500/\$0.13ea; 1,000/\$0.10ea)

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The Constitution Is the Solution!

This 6-DVD Constitution lecture set is recommended for use as part of a wide-spread, grassroots educational campaign to inform voters about basic constitutional principles. This 6-DVD set comes with: (1) a CD that includes an instruction manual and lecture guides with talking points; and (2) a Lecture Materials Packet. (\$45.00) DVDSCSCMP

The New BBA Con-Con Threat

A Balanced Budget Amendment Article V convention would be a threat to the Constitution because of its inherent power to be a runaway convention and the tendency of a BBA to move our nation from a republic to a democracy. (Reprint) (2015, 8pp, 1/\$0.50; 25/\$10.00; 100/\$35.00; 1,000/\$300.00) RPNBBA

Save The Constitution by Rescinding Article V Convention Applications

This new educational tool is designed to inform state legislators and constitutionalist activists about how to save the Constitution by rescinding Article V convention applications. Such a constitutional convention would have the inherent power to alter or abolish the Constitution. (Reprint) (2016, 8pp, 1/\$0.50; 25/\$10.00; 100/\$35.00; 1,000/\$300.00) RPSTC



STOP A Con-Con Packet

Educate your grassroots activists and state legislators to save the Constitution by opposing the approval of all Con-Con applications, including the BBA variety, and supporting rescission of all previously approved Con-Con applications using these four TNA reprints and one DVD as shown. (2016, 1-9/\$3.95ea; 10-24/\$3.25ea; 25+/\$3.00ea;) PASC

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