

America's Freedom Amendments™

"We may safely rely on the disposition of the state legislatures to erect barriers against the encroachments of the national authority."

Alexander Hamilton

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Summary

Over the last forty years, the federal government has burdened our nation with an unconscionable debt, abused its legislative process, and expanded well beyond the powers granted in the Constitution.

Our Founding Fathers anticipated the national government would try to expand its powers and threaten the freedom of the people. They provided the states a tool to restrain the growth of the federal government. Article V of the Constitution enables state legislatures to call a “convention for proposing amendments.”

Upon passage of the same resolution by 34 state legislatures, Congress must convene a convention for proposing amendments, which is controlled by the states.

Some have suggested a convention for proposing amendments can “get out of control” or run-away resulting in the Bill of Rights being repealed and the Communist Manifesto replacing it. Groups that do not want the amendments to be proposed have conjured up fear among some people causing them to resist a convention.

Such fears are completely unfounded as a convention for proposing amendments is limited in both scope and authority. It is simply a glorified meeting at which amendments to the Constitution are recommended. The assemblage has no authority to change the Constitution and is limited by law to the four subjects in the Application Resolution.

The most recent scholarly research regarding a convention for proposing amendments confirms the following:

- The convention can be limited to one or more amendment subjects.
- State legislatures determine how delegates are chosen.
- Legislatures can give the delegates specific instructions and recall them for misbehavior.
- Voting at the convention is by states.
- Congress has no authority over the convention.

After the convention is assembled, the delegates may elect to propose several amendments, one amendment, or no amendments. Any proposed amendment must be specific to one of the subjects. If it is not, it is invalid.

After an amendment is recommended, it needs to be ratified by 38 states to become part of the Constitution.

In 2011, the same Article V “Application Resolution” will be introduced in legislatures across the country. This will begin the legal process of convening a convention for proposing amendments to discuss and propose four specific amendments to the Constitution.

Legislatures need to approve the same “Application Resolution” to prevent Congress from ignoring the applications for inconsistency.

The Freedom Amendments Resolution provides for a convention that is expressly limited to the following four subjects:

- **Improving the fiscal management of the federal government** by imposing requirements, with any stated exceptions, that federal expenditures during a fixed time period not exceed federal revenues or anticipated revenues during that time period; imposing prohibitions and/or limits on federal debt; and/or imposing limits on expenditures, revenue, and/or taxes.
- **Improving the legislative process** by requiring that all bills, orders, votes, and resolutions introduced in and passed by Congress contain only a single subject and/or by providing a minimum time period before passage for bills, orders, votes and resolutions to be reviewed by members of Congress and members of the general public.
- **Restraining the powers of the federal government** by clarifying that the Constitution does not authorize Congress to employ its spending power to regulate activities otherwise outside its enumerated powers and/or prohibiting mandates or requirements on any state, subdivision of any state, or any official thereof, unless the federal government fully funds the cost of compliance.
- **Empowering the legislatures** of the several states, with stated exceptions, to repeal all or certain acts of Congress and/or administrative regulations.

The subjects chosen provide for the greatest amount of change with the fewest number of possible amendments.

Introduction & the Process

For more than forty years, Congress borrowed money to fund its programs, assuring the re-election of its members. It has looted all its trust funds and amassed a crushing debt, which it has no intention of repaying, leaving the responsibility to current and future generations.

For their entire working lives, little kids who are in kindergarten today, and their kids, will be responsible for the debt created by their grandparent's generation. Never has one generation left the next a nation with less freedom and fewer opportunities.

Congress has hidden from view the content of proposed legislation containing onerous new regulations and massive appropriations, preventing the People, and many of its members, from commenting on legislation which otherwise would never have become law.

The federal government has expanded well beyond the borders of its authority granted in the Constitution, invading our daily lives and through the use of its treasury, usurping the power of state and local governments, mandating upon them duties without sufficient funding, placing a financial burden upon the legislatures which they cannot sustain.

It is for these reasons and many more America's Freedom Amendments need to become, and will become, the law of the land. We will accomplish this task by way of a convention for proposing amendments as provided for in Article V of the Constitution.

When the Founding Fathers wrote the Constitution, they knew it was an "imperfect document written by imperfect Men." They understood over time the "imperfections" in the Constitution would be exposed and there would be a need for amendments.

They also wanted to make it difficult to amend the Constitution but not so difficult it could not be accomplished by reasonable people.

As a nation of states, the ultimate approval of an amendment is entrusted to 3/4ths of the states, the number needed to ratify, or approve an amendment. However, the Constitution requires an initial step in the process - requiring all amendments to be first formally "proposed."

Two methods of proposing amendments are provided giving each, the national government and the state governments, equal opportunity and authority.

Congress may propose amendments by a vote of 2/3rds of its members. It can do this at any time.

The states may propose amendments by way of a convention called by 2/3rds of the state legislatures.

Article V – United States Constitution

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Convention for proposing amendments

A convention for proposing amendments is not a "Constitutional Convention" which is a gathering to write a constitution. It is an assemblage of delegates from the states with the limited purpose of proposing amendments to the Constitution. Its authority to propose amendments is the same authority granted to Congress 365 days of the year.

The Founding Fathers fully anticipated the states would request Article V conventions to restrain the growth of the national government. Frankly, many of the Founding Fathers who feared the growth of the national government "signed on" to the Constitution relying on this provision.

Referring to an Article V Convention, Alexander Hamilton wrote, "We may safely rely on the disposition of the state legislatures to erect barriers against the encroachments of the national authority." (Federalist Papers #85)

Hamilton not only expected the states to convene conventions to propose amendments, he counted on it. He and others realized the Constitution would need to be amended by the states to prevent the national government from consuming individual freedom.

Before the "ink was dry" on the original Constitution, New York and Virginia both applied for a convention for proposing amendments. This spurred the first Congress to propose twelve amendments, ten of which were quickly ratified by the states and are known as the Bill of Rights. This is the last time Congress has proposed an amendment that restrains its powers.

As a result of the significant expansion of the national government and federal court rulings which require an amendment to cure, it is now time for the states to call for an Article V Convention. These are extraordinary times, requiring extraordinary measures.

There are two groups, which oppose the convening of a convention for proposing amendments.

The first group is nationalists and trans-nationalists who believe a dominant central government with little authority granted to state or local governments should be the goal. They oppose a convention called by the states as it would empower the states and reduce the authority of the federal government.

Joining the first group are those who profit from the largess of the federal government along with Congress as it enjoys the power it has over the states and the people.

The second group, which opposes a convention for proposing amendments, is a small number of conservative organizations that have the erroneous opinion such a convention has the unilateral power to change the Constitution. They suggest the delegates, once assembled, can do anything they want regarding the Constitution.

This, of course, is not true. A convention has no more power than Congress to propose amendments. The delegates at a convention cannot change anything. They can only recommend changes to the Constitution.

The conjured "fear" is a carryover from an attempt to call a convention in the 1980's.

Thirty-two state legislatures had passed a resolution requesting a convention to propose a balanced budget amendment. However, few of the resolutions were uniform in style and some did not limit the convention to one subject - balanced budget.

As a result, there were "screams of terror" by some, suggesting the convention could last forever, be taken over by socialists, and the delegates would repeal the Bill of Rights and even the entire Constitution.

The effort to call a convention for a balanced budget stalled and some states even rescinded their resolutions over the last several years. By the way, if a balanced budget amendment had been ratified at this time, the national debt would only be about \$1.5 trillion, not \$13 trillion.

Those who warned of the dangers of such a convention cited what happened at the first Constitutional Convention. They claim the delegates were supposed to offer amendments to the Articles of Confederation but instead wrote a new constitution.

In 1787, the nation was functioning under the Articles of Confederation, which was causing disunity in America. The Confederation Congress convened a "Grand Convention." Since known as the "Constitutional Convention" or "Philadelphia Convention," the task before the convention was to revise the Articles of Confederation.

The state legislatures chose delegates to the convention. The delegates were given instructions from their appointing legislatures. The Confederation Congress called the convention for the "sole and express purpose of revising the Articles of Confederation."

From the beginning, as was the intent, the delegates found the Articles of Confederation dysfunctional. The delegates at the Philadelphia Convention recommended creating an entirely new constitution. They wrote our present day Constitution, had a grand signing ceremony, and adjourned.

The delegates then worked to convince the legislatures of the states to ratify, to adopt, the new constitution, which all subsequently did.

The delegates at the Constitutional Convention did not approve the Constitution; they simply wrote and recommended it to the states.

This brings up the first important issue relative to a "run-a-way" convention. The convention for proposing amendments can change nothing - as the Philadelphia Convention changed nothing. All amendments proposed by the convention for proposing amendments need to be ratified by 38 states to have any effect.

The greatest difference between the Philadelphia Convention and a convention for proposing amendments is the purpose of the convention. The Philadelphia Convention was a general, plenary convention without any limits as to what could be discussed.

During the 1700's there were several national conventions. The Philadelphia Convention was the most famous. The balance of the national conventions were "limited subject or purpose" conventions to which the legislatures sent delegates to discuss one or two specific issues. Any proposals made at such conventions outside the scope of the call were simply "recommendations" and had no power of law.

A convention for proposing amendments applied for by the legislatures, which is limited to specific subjects is just that - limited. The application passed by the legislatures is the law that governs the validity of any proposed amendments. Any amendments discussed at the convention outside the scope of the call - the subjects - are only suggestions. They do not have any validity relative to being ratified by the states.

However, many of the fears of those who support the Freedom Amendments but oppose a convention have been taken into consideration. Many safeguards have been incorporated into the Application Resolution and subsequent legislation passed by the legislatures which will "shackle" the convention.

The following are the steps to be taken to add the Freedom Amendments to the Constitution:

1. The legislatures of 34 states vote to pass the same Application Resolution calling for a convention for proposing amendments that is limited to four specific subjects.
2. Congress, pursuant to Article V, dutifully calls the convention. Its authority in this matter is limited to setting a time, a place, and possibly assigning an individual to open the first session.
3. The convention deliberates and votes to recommend for ratification the amendments. (Delegates cannot change the Constitution.)
4. Congress then decides which method should be used to ratify the proposed amendments: 1) state legislatures or 2) state ratifying conventions.
5. By the means determined by Congress, 38 states vote to ratify the amendments.

For a comprehensive discussion regarding the nature of a convention for proposing amendments, please review the following study:

Amending the Constitution by Convention: A Complete View of the Founders' Plan

by Robert G. Natelson, Senior Fellow, Goldwater Institute and Professor of Law at the University of Montana (Ret.).

The study provides a comprehensive examination of the intent of the Founding Fathers regarding a convention for proposing amendments. It can be found at www.10amendments.org.

Amendment Subjects

A convention for proposing amendments can be legally limited to the discussion and proposal of amendments pertaining to specific subjects or topics. The Application Resolution cannot include specific amendment language upon which the delegates must decide “yeah or nay.”

The reason the application includes subjects and not amendments is the convention must be allowed to “deliberate,” to conduct its function as a convention. The Founding Fathers were very cautious about allowing the ratifying body – the states – to directly propose amendments. A buffer, the convention, was provided.

After 34 states pass the Application Resolution, all in our country will know a convention will occur. At that point, a great national discussion or debate will occur regarding the language and the scope of any proposed amendment relative to the topic. Think tanks, pundits, legislators, and most importantly, the average citizens will begin to craft their own language for the amendments. Ideas will abound regarding not only the language but also the need for specific amendments.

Legislators and eventually the delegates will hear this discussion. The convention delegates will have to sift through all the ideas to find those that will solve the problem and be welcome by the American people. Without the support of the people, there is little chance 38 states will ratify any proposed amendment.

This discussion and deliberation is the purpose of the convention. It is quite possible the delegates will decide they cannot reach a consensus on some or any of the topics, thus proposing few or no amendments.

This now raises the question as to why the four topics in the Freedom Amendments Resolution been chosen.

If one would wander the internet, you could find hundreds of amendments one group or another would like to be added to the Constitution. While sincere in their beliefs, most of the ideas suggested by individuals or groups do not have merit or the issue could be solved through the legislative process given a willing Congress or state legislature.

When considering the subjects that would be included in the Freedom Amendments Resolution, the following criteria first used:

1. An amendment to the Constitution should solve a long-term chronic issue or problem, not a short-term policy decision.
2. The principal purpose of a convention for proposing amendments called by the states is to propose amendments which restrain the national government or which Congress refuses to propose in spite of overwhelming support of the people.

The second issue is whether the first convention for proposing amendments should be limited to a single topic. Over the last 200 years, there have been hundreds of applications passed by legislatures. Most of them have been for single subject conventions such as term limits, balanced budget, or direct election of senators. Others have been for multiple topics such as the Virginia Application in 1788, which led to the Bill of Rights.

The fact no convention under Article V has ever been convened gives testament to the difficulty of convincing 34 legislatures to agree to call a convention. The task is just as great to call a convention for one topic as it is for several topics as the question has always been “whether to have a convention.”

If the convention is limited to one subject, after an arduous effort to convene the convention, the delegates would meet, deliberate, and propose or not propose a single amendment. At that point the delegates, and the nation, would wonder why more issues were not be addressed. Given the time which was required to call the convention and the large number of Constitutional problems we face, it would have seemed logical to discuss other issues. Unfortunately, the convention would adjourn. The whole process would have to be restarted to address other issues of importance.

However, having a large number of topics five, ten, or twenty, creates a circumstance where the “first convention” will be undertaking too much. The public and the legislators would be overwhelmed from discussing so many important topics at a convention that is supposed to be limited. As result, four subjects have been settled upon, being a sufficient number to convene a convention but not so many that the convention would be too comprehensive.

The subjects, which will be discussed later in detail, will restrain the national government, solve several, severe chronic problems such as federal budget deficits and legislative abuse, and create a safeguard against future legislative abuse by Congress. They are the fewest number of subjects, which will solve the greatest number of problems.

Application Resolution

Each legislature will have to pass at least two resolutions with a third being optional.

1. Application Resolution
2. Resolution Expressing the Sentiment of the Legislature (optional but recommended)
3. Resolution Determining the Method of Choosing Delegates and Providing Instruction

It is essential the Article V Application Resolution passed by the legislatures be the same resolution. There have been hundreds of Article V resolutions passed by legislatures over the years, yet Congress has not convened a convention. Simply speaking, Congress has yet to receive the same application from 34 states.

An Application Resolution from one state for a balanced budget amendment is not the same as an application from another state that calls for a balanced budget amendment and an amendment to prevent unfunded mandates. This is interpreted as two different conventions as the scope of the convention is different. This gives further creditability to the argument a convention can be limited to a specific subject(s).

Keep in mind, few in Washington, D.C. desire to have a convention for proposing amendments convened. Therefore, only resistance, not assistance is expected.

Additionally, the Application Resolution needs to be able to withstand expected legal challenges. Those who do not want a convention of any kind - as it will give the states power - will likely litigate to prevent the convention from convening. They will also probably challenge in court any amendments proposed by the delegates.

In preparing the Application Resolution, guidance has been provided by several sources including Robert Natelson, author of *Amending the Constitution by Convention: A Complete View of the Founders' Plan*.

He will soon complete a third study regarding a convention for proposing amendments. This study examines case law that affects the form of an Application Resolution. He has assisted in creating the Freedom Amendments Resolution.

There are several key features of the Application Resolution that must be considered:

- The Application should state the convention is limited to one or more "specific" subjects.
- The language for the subjects in the Application needs to be carefully worded being limited in scope but not so specific the delegates cannot perform their primary function - "to deliberate and to elect to propose or not."
- The Application cannot direct the states as to the method of selecting delegates, as that is the prerogative of each legislature.
- The Application cannot include rules placed upon the convention that might interfere with its deliberation.
- All Applications passed by the states must be the same, as Congress will not aggregate them to reach the 34 states needed for the Convention.
- The application should not include extraneous justifications for its passage such as a series of introductory "Whereas" statements which explain why the state is calling for the convention. This opens the application to litigation.
- The Application Resolution does not require the concurrence of the Governor, as it is clearly a function of the legislature.

The following is the Freedom Amendments Resolution. All language should remain the same in all Applications. The only changes should be the inclusion of the appropriate state or state officer as noted. If a state changes the language in the Application Resolution, it could very well not be counted when Congress aggregates the applications.

Application for a Convention for proposing amendments

A **Concurrent Resolution or Joint Resolution**¹ of the senate and house of representatives of the State **[Commonwealth]** of ___ making application to the Congress of the United States under Article V of the United States Constitution, for the calling of a convention for proposing amendments limited to specified subject areas.

Be it resolved by the legislature of the State **[Commonwealth]** of _____.

SECTION 1. The legislature of the **State [Commonwealth]** of _____ hereby makes application to the Congress, under the provisions of Article V of the Constitution of the United States, for the call of a convention for proposing amendments.

SECTION 2. This application is for a convention limited to considering and proposing amendments on the following subjects:

1. Improving the fiscal management of the federal government by doing all or any combination of the following:

(A) Imposing requirements, with any stated exceptions, that federal expenditures during a fixed time period not exceed federal revenues or anticipated revenues during that time period;

(B) Imposing either or both of the following:

(i) prohibitions on federal debt.

(ii) limits on federal debt.

(C) Imposing limits on expenditures, revenue, and/or taxes or any combination of these.

2. Improving the legislative process by requiring any or both of the following:

(A) That all bills, orders, votes, and resolutions introduced in and passed by Congress contain only a single subject.

(B) A minimum time period before passage for bills, orders, votes and resolutions to be reviewed by members of Congress and members of the general public.

3. Restraining the powers of the federal government by doing any or both of the following:

(A) Clarifying that the Constitution does not authorize Congress to employ its spending power to regulate activities otherwise outside its enumerated powers.

(B) Prohibiting mandates or requirements on any state, subdivision of any state, or any official thereof, unless the federal government fully funds the cost of compliance.

¹ The Constitution is clear that the governor is not a party to this resolution. Choose the type of resolution for your state which does not require the participation of the governor, simply the concurrence of the legislature.

4. Empowering the legislatures of the several states, with stated exceptions, to repeal all or certain parts of the following:

(A) Acts of Congress.

(B) Administrative regulations.

SECTION 3. This application shall be deemed an application for a convention to address each and any of the subjects in Section 2. For purposes of the determining whether two thirds of the states have applied for a convention addressing any subject, this application is to be aggregated with the applications of any other state legislatures limited to one or more of the subjects in Section 2.

SECTION 4. This is a continuing application and remains in effect until rescission by any sitting session of the legislature of this state. This application does not constitute a recognition that any particular activity or activities currently undertaken by the federal government is or are authorized by the Constitution.

SECTION 5. The **secretary of state**² is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate, the Speaker and Clerk of the House of Representatives of the United States Congress, the Archivist of the United States, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative chambers in the several States, requesting their cooperation.

² Choose the officer in your state charged with the responsibility of communicating official acts of the legislature.

Resolution Expressing the Sentiment of the Legislature

The Resolution Expressing the Sentiment of the Legislature is not required but is recommended. Its purpose is to provide justification for the call for a convention for proposing amendments and to place Congress on notice as to its duties regarding the convention.

This Resolution also provides recommendations on how to plan the convention for proposing amendments.

At minimum, the Resolution should state Congress must convene the Convention without discretion, providing only a date, initial meeting place, and possibly a designated individual to open the convention.

A legislature can include any language it desires in this resolution. However, Sections 1-5 should be included in all resolutions.

The “committees” will meet informally, as creating “formal” committees is not allowed. However, by assigning these tasks to groups with quasi-authority, Congress will be discouraged from attempting to perform the activities assigned to the committees.

Resolution Expressing the Sentiment of the Legislature

STATES MAY INCLUDE ANY SENTIMENT THEY DESIRE IN THIS RESOLUTION REGARDING THE REASONS FOR THE APPLICATION.

THIS MODEL RESOLUTION IS STILL IN DEVELOPMENT

WHEREAS, recent experience has shown that the safeguards in the United States Constitution, as currently interpreted by the judiciary, are insufficient to require the federal government to comply with such basic rules of fiscal responsibility as balancing its own budget, abuse of its legislative process, and mandating upon state government duties within adequate funding; and

WHEREAS, those who framed and adopted the Constitution included a provision by which state legislatures may require Congress to call a convention for proposing amendments as a way to respond to disagreements in constitutional interpretation or abuses by the federal officials; and

WHEREAS, the legislature of the State of _____ accordingly has made application to Congress for the calling of a convention for proposing an amendment to the United States Constitution imposing certain rules of fiscal discipline, providing for legislative transparency, and preventing unfunded mandates on the federal government,

BE IT THEREFORE RESOLVED:

Section 1. That the legislature of the State of ____ affirms that under the practices and customs of federal conventions implicitly embedded in the Constitution, the convention call of Congress shall be limited to specifying the subject matter prescribed by the applications and; the delegates from each state shall be selected in the manner determined by that state’s law and subject to instructions from the legislature thereof or the legislature's designee; the convention shall adopt its own rules, including its own voting

rules; until and unless the convention adopts a different rule, each state delegation shall have one vote; and the call and the agenda of the convention is limited to considering and proposing amendments addressing the subject-matter specified in the application.

Section 2. The legislature of the State of ____ recommends that Congress call the convention for a time not earlier than three months or later than six months after Congress receives applications on this general subject matter from two thirds of the state legislatures.

Section 3. The legislature of the State of ____ further recommends that, to provide for the advanced planning of a convention for proposing amendments, informal committees be established by those states which have approved the same application as offered by this legislature. The recommendations by the committees shall be advisory. Any events held prior to the convening of the convention for proposing amendments shall not be considered a function of the convention.

A. A Rules Committee will prepare rules for the convention, which will be presented to the convention once it convenes.

B. A Language and Style Committee will study and prepare suggested amendment language for each of the subjects in the application, which will be submitted to the delegates for consideration.

C. A Planning Committee will plan an opening ceremony, create a management plan, make recommendations on the location, and secure funding for the convention.

Section 4. The legislature of the State of ____ further recommends that each state send not more than seven delegates to the convention with the understanding the convention might limit the number of delegates from each state on the floor at any time.

Section 5 The secretary of state [or other officer, depending on the state] is hereby directed to transmit copies of this Resolution, attached to the previously approved Application for a convention for proposing amendments, to the President and Secretary of the United States Senate, the Speaker and Clerk of the House of Representatives of the United States Congress, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative chambers in the several States, requesting their cooperation.

Resolution Determining the Method of Choosing Delegates and Providing Instruction

Prior to the convention, each state will have to pass a resolution that determines how each state will choose its delegates, what guidance will be given to the delegates, and a means to recall or discipline a delegate.

In theory, subject to each state's Constitution, the legislature may select the delegates in any manner it desires. Additionally, state law should be reviewed to determine if the concurrence of the Governor is required for this resolution. This matter is being researched.

Kept in mind, this is not a Constitutional Convention to which a state sends its brightest minds to contemplate a mass of issues, which would result in major changes to the Constitution. There is no provision in our Constitution for such an assemblage.

This is a convention of the state legislatures for the purpose of proposing four specific amendments to the Constitution. It is similar to a session of Congress, where the issue is discussed and then voted upon.

The key to controlling the convention, to arrest any question as to whether a convention for proposing amendments can "run-a-way," is the ability of the appointing authority to recall a delegate. The ability of an appointing authority to control delegates is a common-law right for national conventions. To assure the convention limits itself to the four subjects, the delegates need to be controlled by the legislature. It is therefore recommended the delegates be appointed.

The following is a sample resolution. This model resolution is still in development but provides a basis for discussion.

Joint House – Senate Resolution Providing for the Appointment of Convention Delegates

THIS MODEL RESOLUTION IS STILL IN DEVELOPMENT

Whereas, the _____ legislature passed “Joint House – Senate Resolution Applying for a Convention for proposing amendments” on _____ which applied to the Congress of the United States to convene a convention to consider proposing amendments for ratification to the Constitution, and

Whereas, when Congress convenes a convention after receiving similar applications from the legislatures of 33 additional states, it is the desire of the legislature of the state of _____ to have an orderly convention and to have the will of this legislature fulfilled by its delegates,

Therefore, be it resolved:

Section 1: The delegates to the convention from the state of _____ shall consider themselves an extension of the legislature. The delegates shall be determined in the following manner: (Each state may determine how it selects its delegates. The following is just a suggestion.)

- A. ____ delegate(s) chosen by the House of Representatives.
- B. ____ delegate(s) chosen by the Senate.
- C. ____ delegate(s) chosen by the Governor.
- D. ____ delegate(s) chosen jointly by the House of Representatives, the Senate, and the Governor.
- E. The leadership of the appointing authority may fill any vacancy.

Section 2: No delegate from the state of _____ shall participate in discussing or voting upon any amendments other than those specific to the four subjects included in the Application for a convention for proposing amendments.

Section 3: Should a delegate from the state of _____ perform in a manner inconsistent with the will of this legislature or the rules of the convention or violate Section 2, the delegate may be recalled by the leadership of the appointing authority.

Section 4: The state shall pay the general expenses of the delegates for attending the convention and associated events. The delegates may accept no other compensation for serving as a delegate except that provided by the convention.

The Amendments

The Application Resolution limits the convention to four amendment subjects. From the subject language, the delegates will write the amendment language.

Prior to and during the convention, there will be a great national debate. Each amendment subject will be scrutinized, evaluated, condemned, and praised.

It will be truly one of the most important debates this nation has had in 200 years. Very, very important issues will be discussed. Not being debated are personalities or individuals who are running for office who might vote one way or another.

The convention will have the power to recommend amendments. If it does, and there is no assurance it will, then a second debate will occur in each state. This will occur when the question of whether the proposed amendment will actually become part of the Constitution. This is the process of “ratification.”

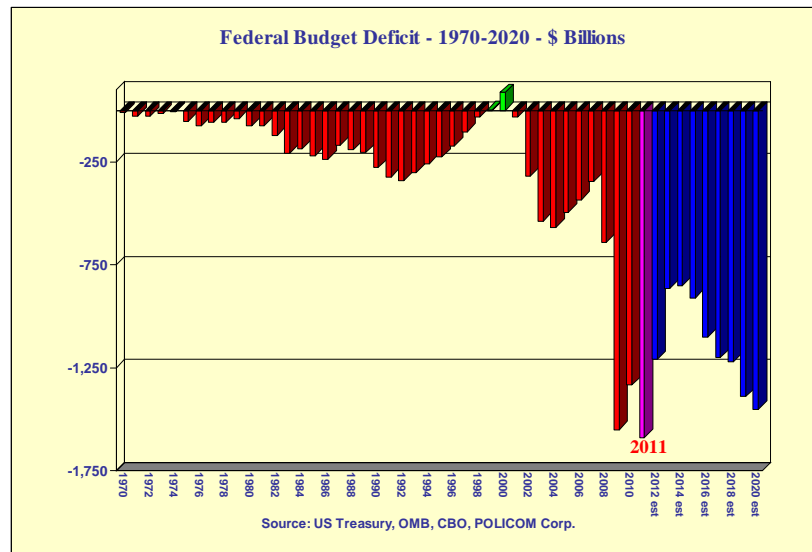
The following is a brief discussion regarding each of the amendment subjects.

Fiscal Management of the Federal Government

Improving the fiscal management of the federal government by imposing requirements, with any stated exceptions, that federal expenditures during a fixed time period not exceed federal revenues or anticipated revenues during that time period; imposing prohibitions and/or limits on federal debt; and/or imposing limits on expenditures, revenue, and/or taxes.

For 38 of the last 40 years (1971 – 2010), Congress borrowed money to fund the general operations of the government. During this time, it had an average annual increase in revenue of 6.5%, but, on average, spent 28% more each year than it took in. It accumulated 97% of our total national debt. In 1970, the Gross Federal Debt was \$381 billion. By the end of the 2010 fiscal year, it had grown to \$13.6 trillion.

In 2007 the federal deficit was \$342 billion. Interest paid that year was \$430 billion. That year we borrowed the money to pay the interest on the money we previously borrowed. Without the debt, the government would have had a surplus. In 2009 and 2010, for every dollar of general revenue the federal government took in it borrowed and spent another dollar.



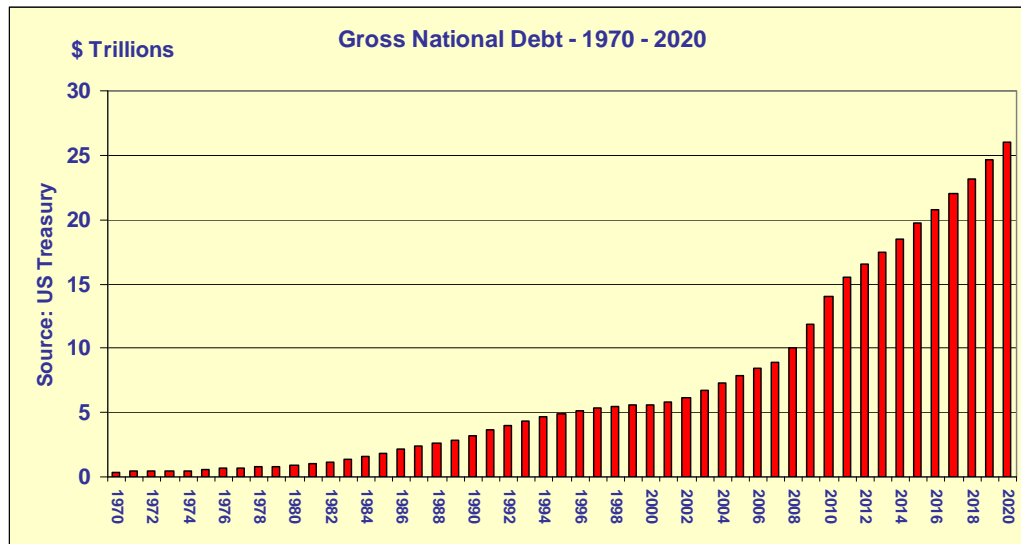
The Department of Treasury estimates the Gross Federal Debt to be \$19.7 trillion by 2015. A brief 10 years from now, in 2020 the debt will reach \$26 trillion.

In 2008, interest paid on the Public Debt (owed to the private sector) was the third largest budget item and was greater than the cost of eight government departments. Interest is projected to be the second largest budget line item by 2013 and the single largest expenditure by 2016, more than national defense.

Under the current tax structure, by 2016, for every \$100 of income tax money sent to Washington, about \$35 will be spent for interest on the Public Debt.

The government has borrowed money from various sources. Almost half of the Public Debt (private sector) has been borrowed from foreign entities. As a result, we have become politically

and economically dependent upon foreign governments as they now influence our trade and foreign policy, as they are our bankers.



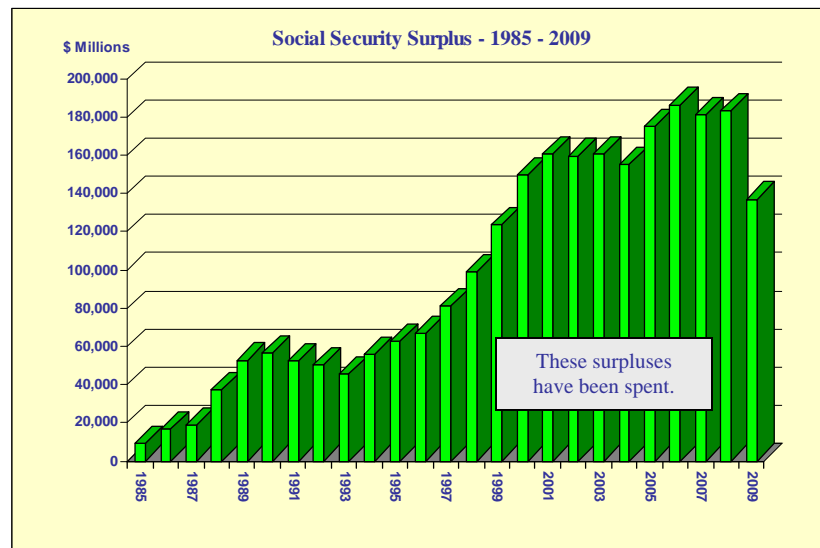
Hundreds of “trust funds” have been established by Congress over the years. A trust fund is essentially a dedicated savings account within the government. A trust fund typically also has a dedicated source of funding and expenditures are legally limited to the purpose of the trust fund.

As an example, the “Nuclear Waste Trust Fund” garners revenue from fees and taxes levied upon private users of nuclear energy such as utility companies. Expenditures from this fund are legally limited to nuclear research, the costs of regulating the industry, and nuclear waste disposal. There is supposed to be \$47 billion in this fund.

However, Congress has spent all the money in all of its trust funds on programs not related to the fund by “borrowing” the money, even though the money is supposed to be restricted.

The largest is the Social Security Trust Fund. In 1989, revenue to the Social Security Trust Fund was falling short of disbursements to retired recipients. That year Congress effectively doubled the social security payroll tax.

Congress told the people the huge tax increase would save the social security program until 2040. They explained that the tax would create huge surpluses in the fund, which would be used when expenditures exceeded revenues when the baby boom generation retired. The surplus money would be deposited into “the bank” and saved until needed.



Unfortunately, Congress was not honest with the people. It did not intend to create a “bank.” Every penny, which was supposed to be placed into the bank from the surpluses has been spent on other programs. Technically, the trust fund “loaned” Congress the money, but Congress has no means to pay it back.

In 2000 during the Presidential election, Vice President Al Gore offered the idea of placing all the Social Security surpluses in a “lock box” and not available to Congress to spend. The Washington establishment - democrats and republicans - ridiculed him. Had his idea gone into effect in 2001, there would be \$1.5 trillion in the account. Today there is supposed to be at least \$2.5 trillion in the fund. There is nothing. Had Congress not looted the social security fund, there would not be a need to raise the social security payroll tax until at least 2030 and possibly 2040.

Among other trust funds, as of September 1, 2010, we the people owe the Federal Civil Service Retirement Fund \$740 billion, the Military Retirement Fund \$284 billion, and the Medicare Fund \$280 billion. This money will have to be repaid by little kids who are in kindergarten today, because their grandfather’s generation in Congress spent the money on other things.

Congress has placed the American people in an unconscionable position of being responsible for a debt it did not have to create. Never before in the history of this country has one generation left the next a nation in such a precarious fiscal situation. Since the federal government has a long history of borrowing money to finance its new spending programs, only a constitutional amendment will prevent them from doing so in the future. Frankly, the institution can no longer be trusted.

The subject in the Application will provide the delegates with several options regarding the federal budget including preventing additional debt, limits on spending and taxes, and requiring the repayment of the existing debt.

Single Subject Legislation

Improving the legislative process by requiring that all bills, orders, votes, and resolutions introduced in and passed by Congress contain only a single subject and/or by providing a minimum time period before passage for bills, orders, votes and resolutions to be reviewed by members of Congress and members of the general public.

Throughout the history of humankind, there have always been individuals who desire to control government. One means to gain power is by manipulating the government's process.

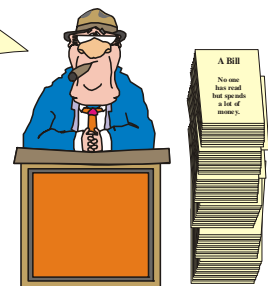
Since Washington D.C. is a great distance from most of the people, it is difficult for us to monitor the actions of Congress. We have trusted our representatives to protect our freedom and to be honest in their deliberations.

There has always been political "wheeling and dealing." The "I'll vote for your bill if you vote for mine" technique has been used since the first Congress met in 1789. Even with this type of "horse trading," everyone knew what was being voted on and who was voting for or against it.

However, an extremely deceitful and willfully deceptive practice in the Congress has become commonplace in Washington. This is the deliberate insertion and concealment of new taxes, administrative regulations, tax exceptions, subsidies, special interest appropriations, and entire sections of new law in bills for which the principal subject has no relationship.

A vast majority of the time the general public and quite often many members of Congress have no notice these provisions are included in bills upon which they are to vote. Oftentimes they are included "at the last minute" so no one is aware it is occurring.

If we do not pass this bill within fifteen minutes the world will blow up.



With thousands of bills being introduced each year in Congress, keeping track of the general subjects of the legislation is a daunting task. However, when unrelated provisions are tucked deeply inside "popular" pieces of legislation, it is virtually impossible. Congress knows this.

The following are examples of this practice, which have been discovered by randomly looking at bills that have passed Congress.

On August 17, 2006, H.R. 4, *The Pension Protection Act of 2006*, became law. This bill was a lengthy document containing 393 pages that dealt extensively with private sector pension programs. However, when you reach page 331 there are 62 pages of law regarding changing the import tariffs on several hundred products entering our country including metal chain, chemicals, non-knit gloves, music boxes, clock radios, and telescopes. This is not a subject you would expect to find in a bill regulating private pensions.

Signed into law on April 16, 2003 was the 53 page *Emergency Wartime Supplemental Appropriations Act* (H.R. 1559). Billions of dollars were approved to fund various military and security agencies in order to fight the War on Terror. Among other things, Congress found it necessary to include, on Page 31, a provision that allows “wild seafood” to be labeled as an “organic food.”

H.R. 6, the *Energy Independence and Security Act of 2007*, became law on December 19, 2007. This is not a short document - containing 310 pages. The short title is straightforward, as almost all of the bill deals with energy, from covering fuel standards to energy saving appliances to research for new sources of energy. Be sure to read the entire bill or you will miss the six pages of regulation, which require all public swimming pools to have a new, specially designed safety drain installed in the bottom of the pool within one year.

While unrelated issues many times are tucked inside large bills, trying to go unnoticed, sometimes the opposite occurs. The *Former Vice President Protection Act* (H.R. 5938) became law in September of 2008. The bill contains six pages. Only the first 23 lines of the bill deal with the short title, providing Secret Service protection for former Vice Presidents. The balance of the bill detailed the *Identify Theft Enforcement and Restitution Act*.

On May 27, 2007, H.R. 2206 *U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act* was approved by both Houses and signed by the president on May 25, 2007.

The principal purpose of this bill was to fund the wars in Iraq and Afghanistan while the title alone included four subjects. Even these were not adhered to.

Billions of dollars were appropriated for drought relief, avian flu research, wild fire management, Capitol Hill Power Plant, low-income migrant farm workers, dairy farmers, small business incentives, and medical assistance for low-income children. Two pages of the 107-page bill mandated an increase in the federal minimum wage.

Now comes the *Troubled Assets Relief Program* (TARP).

On October 3, 2008, Congress rushed through the *Emergency Economic Stabilization Act of 2008* (TARP) after the Secretary of the Treasury and the President advised Congress that if the bill was not passed immediately, the financial system in the United States could collapse.

During the rush to pass the legislation, Congress remembered its tradition of including many different laws in one piece of legislation when it passed the TARP bill. Of the 169 pages, only the first 39 pages dealt with the *Troubled Asset Relief Program* (bank bailout).

Included in the bill were three other major pieces of legislation. These included the *Energy Improvement and Extension Act of 2008*, the *Tax Extenders and Alternative Minimum Tax Relief Act of 2008*, and the *Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008*.

Following these in the bill were 40 pages of special stuff such as additional hurricane relief, rural loan programs, special interest tax credits, Federal Land Management programs, and much more.

None of the new laws or appropriations that followed the first 39 pages had anything to do with the financial emergency that justified the hasty passage of the bill. The cost of this legislation exceeded \$700 billion. It was passed within 54 hours of being introduced.

Some of the examples provided might seem inconsequential or even humorous. They were discovered by simply randomly looking at bills. It has become common practice to include unrelated provisions in bills that are destined for passage.

Over the last fifteen years, billions of dollars have been appropriated for special purposes (earmarks), hundreds of regulations promulgated, new taxes and fees created, and entire sections of new law created without the people, and many of the members of Congress, knowing it was happening.

A vast, vast majority of the “insertions” would never have become law or the appropriations authorized if they had to stand on their own merit.

That is the problem... and it has become chronic. Congress is intentionally causing unpopular legislation to become law by hiding it inside popular legislation. This is a significant betrayal of the trust we have placed in that body.

Virtually every state, county, and city government is restricted by law to passing resolutions and ordinances limited to a single subject. Most have fixed periods from the time of the last change to the day it can be voted upon to enable review by the public. Congress has none of the limitations.

The amendment subject the convention delegates will consider is very simple. It will limit all bills passed by Congress to a single subject and can require a period to elapse for public review prior to the final vote.

This simple amendment will force Congress to be honest with the people.

Restraining the Federal Government

Restraining the powers of the federal government by clarifying that the Constitution does not authorize Congress to employ its spending power to regulate activities otherwise outside its enumerated powers and/or prohibiting mandates or requirements on any state, subdivision of any state, or any official thereof, unless the federal government fully funds the cost of compliance.

It is the nature of government to continuously attempt to grow and expand. The Founding Fathers feared the federal government would grow to dominate state and local governments, taking from the people much of their freedom. As a result, they placed limits on the power of the federal government in the 10th amendment to the Constitution.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

However, the federal government, with its enormous treasury, has purchased power from state and local governments, convincing them to give authority to the federal government in trade for grants and funding.

As a result, it has gained significant control over the actions of local governments and the nation's school systems, placed onerous restrictions on the private sector, and levied expensive, unfunded mandates upon state and local governments.



The federal government has the legal authority to levy almost unlimited taxes upon the people. Suppose the federal government levied a tax upon you for 100% of what you earn.

It then offers to give you back most of your money if you work where the government wants you to work, travel only where the government allows you to go, and only purchase products on the approved government list.

Complying with these restrictions is the only way you can get any money from the government, which has all of your money. So you agree, even though the government has no Constitutional authority to mandate these activities upon you, only to tax you.

This scenario seems outlandish but unfortunately is present day reality for state and local governments and the public school system. The federal government has gained significant control, above its Constitutional authority, using its treasury and with the assistance of the Supreme Court.

In 1984 Congress passed the *National Minimum Drinking Age Act*, which forced states to set the minimum legal age for consuming alcoholic beverages to 21 years of age. At that time, states had a variety of drinking ages, ranging from as young as 18 years old to 21 years old. It was also

fully understood the sale and use of alcohol within a state was the Constitutional province of the state and that the national government could not order the states to change the drinking age.

However, the *National Minimum Drinking Age Act* withheld 10% of federal highway funds generated from the federal tax on gasoline going to any state that did not comply with the act. Needing the highway funding the states complied.

The State of South Dakota challenged the federal government's authority to enforce the law using the loss of highway funds as a penalty. In *South Dakota v. Dole*, the Supreme Court ruled that it was an allowable action by Congress. Essentially, the court ruled "if you accept federal money, you must also accept federal control" even if the control is outside the authority of the federal government.

This court decision, enabling the federal government to expand its Constitutional authority using its treasury and taxing authority, sent the nation down the slippery slope of federal expansion faster than an Olympic skier could travel. Using grants, entitlements, and loans, the federal government aggressively crept into our daily lives and has gained significant control over state and local government.

There is no better example of the expansion of the national government into areas where it has no authority than in our public schools.

The United States Department of Education states in its publications: "The responsibility of K-12 education rests with the states under the Constitution ... the federal government provides assistance to the states and schools in an effort to supplement, not supplant, state support."

Yet, if you speak to any school board member in this country, they will tell you that virtually every decision regarding the local school system must take into consideration federal rules and regulations.

Over the years, states and local school systems were quite willing to accept federal money to fund specific programs. As with cities and counties, there were strings attached to the money. Local school districts gradually fell "under the thumb" of the federal government.

The U.S. House of Representatives Committee on Education and Workforce identified 2,483 pages of law that Congress has enacted, which affects public education in America.

These laws enable federal agencies to promulgate regulations with which states and school districts must comply. The costs of complying with federal rules are significant. The monies granted by the federal government are far short of the cost of compliance.

One of the most controlling programs initiated by the federal government over the public school system is the *No Child Left Behind Act of 2001*. Promoted by President George W. Bush and Senator Edward Kennedy (D-MA) as a means to improve the overall quality of the public schools, the main emphasis was to have all students "tested" to measure their improvement in basic subjects.

However, the 670 page law (table of contents is 15 pages) delves into just about every phase of the public school operation and presently dictates virtually all the actions of the school district.

Funding for the *No Child Left Behind* program provided by the federal government is far short of the overall cost to the schools. Essentially, it is an “unfunded mandate.” Severe penalties to the schools for noncompliance or failure to perform are included in the law. After the programs are initiated, future federal funding could likely expire, leaving the schools with the entire cost of compliance.

Similar control has been levied upon state, city and county governments. By accepting federal money, they fall under federal control

Some will argue states, cities, counties, or the schools did not have to accept federal funding. Keep in mind, the federal government, like using a vacuum cleaner, sucked enormous amounts of tax money from the people living in these communities. When offering the people’s money back to the people, it required the people to agree to allow the federal government to expand its power.

Some say they made a deal with the “devil,” trading control over their local governments for federal money. That is the problem. The federal government is not supposed to be the devil.

If the growth of the federal government is not restrained, we will lose total control of our local governments and school systems, and much of our private sector economy, and consequently, a great deal of our freedom. Since the federal courts have supported the federal government in its expansion of power, a constitutional amendment is necessary.

The subject in the Application enables the delegates at the convention to construct an amendment that will restore control of state and local government to the people even though they have accepted federal funding. It will also prevent the federal government from mandating upon state and local government tasks, which are within its Constitutional authority without providing adequate funding.

Correcting the Actions of Congress by the States

Empowering the legislatures of the several states, with stated exceptions, to repeal all or certain acts of Congress and/or administrative regulations.

In 1776, we declared independence from Great Britain. Soon after, the Articles of Confederation were adopted. The Articles vested almost all governing authority to the states. By 1787, most determined the Articles of Confederation were dysfunctional, as a national government needed more authority.

The debate at the Philadelphia Convention where our present day Constitution was written centered on the issue of how much authority should the national or federal government have. Some said “very, very little.” Others said “some.” Still others said “some more.” Very few said “a great deal.”

The result was a national government with limited, specific powers with most of the authority residing with the states and the people. Additionally, the people would enjoy two levels of government, the state and federal, both of which were to “check” the other.

All at the convention were aware of the natural tendency for government to grow, spawned from the desire for power. To restrain the growth of the federal government, states were given two tools.

The first was the direct appointment of Senators. Article I – Section 3 of the Constitution states: *The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislatures thereof for six Years; and each Senator shall have one Vote.*

The second means for the states to correct the federal government is the convention for proposing amendments provided for in Article V.

From 1789 to 1913, Senators were appointed and owed their allegiance to the appointing authority, the legislatures. During this time, some legislatures allowed referendum on choosing the Senator. Due to severe cronyism and corruption among appointed Senators and a desire by the people to vote on Senators, a national movement began to hold a convention for proposing amendments called by the states to provide for the direct election of Senators.

Sensing 34 states would pass an Application Resolution for a limited convention to propose this amendment, and fearing any type of convention, Congress proposed the amendment in 1912. It was ratified by the states in 1913. Since 1913, we have elected Senators to Congress.

Since the direct election of Senators amendment was ratified, Senators have since looked upon themselves as agents for the national government. As a result, the federal government has grown and expanded over the years. There has been little resistance by the states. This is because the only major tool the states have to restrain the national government is to convene an Article V convention for proposing amendments to propose and subsequently ratify Constitutional amendments.

Amending the Constitution is difficult and should be undertaken only as a last resort to prevent the loss of our liberty or to prevent chronic abuse by the national government.

The states need a second tool to monitor and check the federal government if it, or its agencies, expands beyond the will of the people or their Constitutional limits.

The subject in the Application Resolution enables the delegates to craft an amendment, which will allow the state legislatures to repeal in whole or in part an act of Congress or regulation created by a federal government agency.

Exceptions will likely be included such as a Declaration of War. It is anticipated 2/3rds of the states will have to agree to the same repeal resolution. A provision to allow Congress, perhaps by a super majority, to override the repeal, might also be included.

It will not be an easy matter to get 2/3rds of the states to agree to pass a repeal resolution. This tool will therefore likely be used only for the most egregious or abusive laws and regulations that are overwhelmingly unpopular with the people.

Virginia House of Delegates Speaker William Howell noted, “This amendment reflects confidence in the collective wisdom of the men and women from diverse backgrounds, and elected by diverse constituencies, who comprise the modern legislatures of two-thirds of the states. Put another way, it allows thousands of democratically elected representatives outside the Beltway to check the will of 535 elected representatives in Washington, D.C.”

Having this tool available will provide a constant reminder to Congress that the states have the power to overturn its actions. It will make Congress more responsible to the people. This method of restraining Congress is preferable to amending the Constitution when Congress acts against the will of the people.



10 Amendments for Freedom, Inc.

America's Freedom Amendments is being coordinated by
10 Amendments for Freedom, Inc.,
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