

A Grassroots Effort to Amend the Constitution

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A group of activists are building a network with the goal of amending the Constitution by calling a convention of the states.

Ever since Rick Santelli's [rant heard round the world](#) millions of Americans have searched for a way to limit the federal government and restrain its spending habits. First came mass rallies across the country. Then came the organizations dedicated to winning elections and influencing policies.

Despite significant electoral victories, many question whether any practical progress has been made. With many of the first wave Tea Party groups now focused on raising money and [little else](#), one of the first Tea Party leaders is moving on to a campaign he believes could deliver the real world results which have remained elusive.

Following Santelli's famous outburst Mark Meckler helped organize one of the first Tea Party protests on Feb. 27, 2009, in Sacramento, Calif. By March of that year Meckler and a group of other activists founded the Tea Party Patriots. The group quickly became one of the most prominent in the new movement and remains among the most influential Tea Party groups still active today.

Meckler left the Tea Party Patriots in early 2012, and in April of that year he formed Citizens for Self-Governance. Today Meckler and Citizens for Self-Governance are undertaking a grassroots campaign to force Congress to call a convention of states and amend the constitution.

"I think it's self evident that Congress will never propose anything that restrains its own power or actually restrains the federal government in any way," Meckler said. "Today 66 percent of Americans say that the federal government is too big so that's not even partisan. Ask people on the left. Ask people on the right. They think D.C.'s out of control."

"The question that's always asked is, 'What are we going to do about it?'"

Meckler believes a convention of states is the answer. Article 5 of the Constitution allows for the states to call for a constitutional convention to discuss new amendments.

"The reality is the founders put this gem in Article 5 and it was aimed straight at state legislators. It was like a message in a bottle across the hundreds of years," Meckler said. "That message says 'someday the federal government will get out of control and we've given you a mechanism whereby you actually have full authority over the federal government.'"

"We're proposing, specifically, restrictions on the scope, power, and jurisdiction of the federal government, fiscal restrictions on the federal government, and term limits on the federal government."

Amending the Constitution through a convention of states isn't easy. Thirty-four states must approve of the convention by passing bills called "applications" and agree on the subjects to be debated at it. Then, if a proposal makes it out of the convention, 38 states must ratify it for it to become law.

The Constitution has never been successfully amended through a convention of states, nor has a convention of states ever been called.

Meckler said he used to think the idea was a pipe dream until Mike Ferris explained how it could be done.

Mike Ferris is the Chancellor of Patrick Henry College and Chairman of the Home School Legal Defense Association. He has argued cases in over a dozen states, eight federal circuit courts, and even before the Supreme Court. He played a leading role in legalizing home schooling throughout much of the country.

He not only believes calling a convention of states is possible, he has a concrete plan to get it done.

"Politics always goes to a majority of those who participate," Ferris said. "If we were trying to get electoral activity on this then we would have to convert about 35 percent of the American public to be activists in our cause because when you take the number of people who are registered to vote and then you take the number of registered voters who actually show up to vote about 35 percent of the public can carry pretty much any election you want."

"But this is lobbying. There are no elections involved. ... So, the premise is, if we can get 100 people to call their state legislator on this issue, and we can get our message delivered to 75 percent of the legislators in 40 states, we can win."

According to Ferris the numbers work out to be relatively manageable.

"There are 4,000 state legislators in the 40 states most likely to take this up," he said. "So, 75 percent of that number is 3,000. 100 times 3,000 is 300,000 people, 1/10th of 1 percent of the American public."

"And so, the question is 'can we organize a movement of 1/10th of 1 percent of the American Public who believes in limited government?' I completely believe that is possible."

Ferris said his successful home schooling movement required more supporters.

"We were told in the beginning of the home schooling movement that we could never overcome the National Education Association, which was the biggest lobbying group in every state. Well, in state after state after state we beat them. We out hustled them. We out worked them. We were right on the issues and we believed that God blessed."

"We think the same combination of things are possible here."

Not everybody believes a convention of states is possible or a good idea. Matthew Spalding, the Associate Vice President and Dean of Educational Programs for Hillsdale College who previously served as the Vice President of American Studies at the Heritage Foundation, has testified alongside Ferris in front of several state committees on the issue. He said he is skeptical of the group's ability to call a convention, its ability to successfully pass a coherent amendment, and the wisdom of trying to do so.

"I think the idea of a runaway convention is probably a straw man argument. What I'm more concerned about is not a crazy amendment. What I'm more worried about is the array of amendments that Ferris' group wants. Their amendment ideas are pretty broad."

"Controlling the federal government? Well, there can be a lot of disagreement on how you control the federal government." He pointed to the debate surrounding the balanced budget amendment, which has long been championed by some groups on the right.

"It's very difficult to write constitutional amendments. The dilemma the Article 5 movement has is either you bend over backwards trying to control the convention as much as possible, which tends to limit its authority, or you have to keep it open." Spalding fears an open convention could lead to confusing and vague amendments that would have to be litigated through the courts and could be interpreted in a number of ways.

"That makes me a little nervous." Skeptical.

"What I worry about is what kind of amendments do come out of this and whether they're good or not." "There's nothing that's being proposed that can't be done right now without a constitutional amendment."

Spalding said he prefers what he calls the "Madisonian" approach, which focuses on changing our politics to deal with policy problems, and not on amending the Constitution. "When we have a policy problem you don't turn around and change the Constitution," he said. "You don't need to amend the Constitution to get a balanced budget."

Even still, Spalding said he isn't necessarily opposed to a convention of states. Instead, he's merely skeptical of it. "These are my allies," Spalding said of Ferris and Meckler. "We're all trying to do the same thing here."

"I just don't think, especially right now, we've done enough of our homework."

Meckler and Ferris have also seen opposition from legislators. Virginia's legislature, which is controlled by Republicans, has already voted not to join a convention. State Sen. Richard Black (R.) led opposition to the effort because he believes a runaway convention is a real possibility.

"The odds of winning the game are pretty good, but the consequences of being [wrong] are profound," Sen. Black [told the Washington Times](#). "It is remarkable that people who claim to be so [dedicated] to the Constitution are willing to roll the dice and create a totally unknown form of government and basically do away with the Constitution."

Ferris doesn't believe a convention could produce anything dangerous because the ratification process requires approval from 38 states. "Seventy-six legislative bodies have to vote yes," he said. "So if 13 individual states vote no, which means one house within a state voting no. Thirteen states refusing to act is a form of voting no."

"So the idea that something could get through that process in an unprincipled or runaway manner is politically unrealistic in the extreme."

Meckler is convinced a Convention of States is the best solution to the problems facing the country.

"I'm a Tea Party guy," he said. "One of the calls I heard over and over is what do we do? What do we actually do?"

"For a while it was 'well, we work to elect good people.' We did that, right? 2010 was the largest swap in congressional history. And then we saw the same. More of the exact same stuff."

With a small group of paid regional directors and volunteers already in every state, the campaign is gaining attention. It has received endorsements from big name conservative talk show hosts such as Mark Levin and Sean Hannity as well as prominent Republican office holders such as Bobby Jindal and Tom Coburn.

Currently three states have passed their application bills and 26 states are considering them. Meckler said he plans to have the convention of states grassroots organization fully built out, with a volunteer district captain in each targeted district, by the end of the year.

"I'm trying to be realistic and I think we can get it done in 2016," Meckler said. "I think 2016 would be a great year for a convention. It would be awesome to have a convention going during a presidential race."

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