

The Convention Process... how it works.

This is one in a series of tips for those of us who spend our time in The Arena (The Chat Portal). We answer hundreds of questions from visitors of every description, from all across the country and even out of the country. Some of those questions are unique and will require a well-thought out response, but many, if not most, are routine.

Unless you are a touch-typist and can type as fast as you can think, you may want to build a file of handy replies so that you can jump to it, copy the response, then paste it into the chat window. Here's an example:

How do we get a resolution in our legislature?

Each state must have at least one legislator who is willing to be a sponsor of the COS resolution. That sponsor must introduce the resolution, or file it, in their chamber... either the senate or the house / assembly. The resolution will then be assigned to committee, usually a Government or Federalism committee, where it will be debated and voted upon. Committee hearings are usually where the public is allowed to appear and make statements, for or against. If the resolutions passes out of committee, and if it doesn't get assigned to a second committee, it will then move to the floor of the chamber where all members will debate and vote yea or nay, only without public comment. If it passes the floor vote, the resolution then moves to the other chamber, either the senate of the house / assembly, where it will go through the same process again – committee hearings first, then a full floor vote. If the resolution clears these hurdles in both chambers, it is then sent directly to Congress as an Application for a Convention of States... it does not need the signature or approval of the governor.

Who are the delegates / commissioners? How will they be selected?

1) To my knowledge, each of the eight states that has passed the Application Resolution sponsored by the Citizens for Self-Governance Convention of States Project to date has either already passed sister legislation that clearly determines delegate selection, or is in the process of doing so.

2) Given that the sole purpose of this amendments convention, and the only reason that the states are signing on to the movement, is to reduce the size, scope and jurisdiction of the federal government, we feel that it's safe to conclude that the 34 states needed to convene the assembly will do their best to ensure that good, strong, constitutional conservatives, well-versed in Originalism, either duly-elected or democratically appointed, will make up the vast majority of delegate / commissioners in attendance. It's up to each individual state to determine how the delegate / commissioners are selected... either by the legislature, or by popular vote of the electorate.

3) According to the bills that I have seen discussed in several of the current applicant states, each delegate or commissioner will attend under the exclusive authority and strict limitations of a specifically directed sworn mandate from their state legislature. Additionally, they will be closely monitored throughout the entire proceeding, remaining subject to immediate recall, replacement and imposition of heavy legal penalties for failure to perform.

What goes on in the Convention? Is it One-state, one-vote?

Commissioners from each state propose, discuss, and vote on amendments to the Constitution. Any amendments that the convention passes by a simple majority vote of the states at the convention will be sent back to the several state legislatures for ratification. Each state has one vote at the Convention. For example, if North Carolina sends seven commissioners and Nebraska sends nine, each state must caucus before each vote. North Carolina's one vote would be cast when at least four of its commissioners agreed. Nebraska's vote would be cast by the agreement of at least five of its commissioners.

Can a Convention of States change the Constitution?

No. After the convention has done its duty and adjourned, it will have done nothing more than PROPOSED amendments to the Constitution. It will not have changed a thing, and here, Article V speaks very clearly: The Constitution requires that 38 states must ratify any amendments proposed by the convention. Once ratified, the amendments become part of the Constitution. Normally, Congress designates the state legislatures as the ratifying body, but Article V gives Congress a choice... it may choose to have the states call for ratifying conventions. If so, an election by the people would be held in each state to choose delegates to the ratifying conventions.

What's this I heard about a Simulated Convention? Which amendments were proposed?

In late September of 2016, the Convention of States Project hosted the first ever simulation of an Article V Convention of the States to Propose Amendments to the Constitution. Since the procedure hadn't been used since the last state-led Article V amendments convention, which was held in 1861 (The Washington Peace Conference), it was both wise and prudent for advocates of such an event to invite actual, duly-elected state representatives from each of the 50 states to participate in this very authentic, if truncated, practice run, much like one would test drive a car before buying, or spend a hour or so in the batting cage before a big game. It was like debate prep on a national scale.

But even though it was a dry run, what was very real was that it put on clear display for everyone to see that the system still works! Even when there were those who stood up in the simulation to fight AGAINST the primary objectives of reducing the size, scope and jurisdiction of the federal government, as would be expected in the real deal, they were unable to "hijack" the process, as has been the fear most loudly voiced by naysayers, by elitist defenders of the status quo, by the uninformed, and by misled opponents of Article V's Option 2.

The unmitigated success of this event puts to rest once and for all the groundless fears of a "runaway convention," an impossible scenario where all of our liberties are repealed and replaced with some fear-monger's Draconian nightmare. The Founders were right... the fear-mongers are wrong. Just as the Second Amendment secures the right of the individual to defend himself against an intruder, so does Article V secure the right of society to defend itself against an intrusive government.

Again, this was a procedural dry run, and the resulting "proposals" were merely examples of what could be produced at the real event. The focus was not so much on the results, but on the process.

LIVE-STREAM VIDEO - https://www.youtube.com/watch?time_continue=4895&v=vqqOVV4oRqI

Simulation Proposals - http://www.foavc.org/reference/COS_Proposals.pdf

COS Simulation Page - <http://www.conventionofstates.com/cossim>

