

**2011 HOUSE CONSTITUTIONAL REVISION**

**HCR 3048**

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Constitutional Revision Committee  
Prairie Room, State Capitol

HCR 3048  
March 23, 2011  
Job #15911

☐ Conference Committee

Committee Clerk Signature

*Mary Mair*

## Explanation or reason for introduction of bill/resolution:

A concurrent resolution urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to avoid a "runaway convention".

## Minutes:

Attachments #1, #2, and #3.

**Chairman Koppelman:** We'll open the hearing on HCR 3048.

**Representative Thoreson:** (See attached handouts #1 and #2.) I have distributed a couple of handouts about the Madison Amendment. This comes from an organization called madisonamendment.org and if you have further questions you can refer to this website. It is a very good resource. (Refer to attachment #2). This amendment would ensure that when two thirds of the states propose an identical amendment, the convention they call for is limited to an up or down vote on that specific amendment. That language is on the bottom of page 1, line 24 through page 2, line 3 of the resolution. This does two things. It will end the risk of a runaway convention and the states would have the power to propose an individual amendment without that risk and it will empower the states and specifically us as legislators and legislatures in their relationship with Washington. I will defer to Representative Koppelman to discuss this further.

**Representative Koppelman,** District 13, West Fargo: I'd like to thank Representative Thoreson for being the prime sponsor of this resolution. I think this is important legislation. There has been a long time fear of a "runaway convention" should a Constitution Convention be called at some point by the states. You may have different opinions as to whether that fear is misplaced or valid. The fear is not ideological; it comes from both the right and left. The fear is based by statements that former Chief Justice Warren Berger made about his fear of a "runaway convention". Someone has cautioned you that you have to remember that he is a member of the court who makes it its prerogative to amend the constitution by reinterpreting it. We are going to be hearing another resolution that's coming to us from the Senate that actually calls for a Constitution Convention of the states for a specific purpose. It has to do with the federal debt and so on. The sponsor of that legislation and I have spoken and he will try to convince you that there is no fear and there should be no fear of a "runaway convention". We spoke to see if our two resolutions are harmonious and they are. His position is that there is no valid fear therefore he was not

sure about this one initially until we talked. My point is the purpose of this amendment, the Madison Amendment, is to insure that the fear of the "runaway convention" is misplaced and to put something in the United States Constitution that assures that if a convention is called and two thirds of the states, 34, could call a Constitutional Convention and could limit it to deliberation on the specific purpose for which it's called. It's because those fears exist that Constitutional Conventions have not been called and what's happened in recent history is when enough states start to build enough momentum on a Constitutional amendment, Congress acts and calls the convention because they don't want a Constitutional Convention. They would rather be in control of that process and that's their prerogative. However, for that reason, there has not been a Constitution Convention. I believe that is a mechanism that our founders gave us in the Constitution that we have not exercised. What the Madison amendment would do is give some authority to the states to know that they have the authority to call a Constitutional Convention and have the authority to do so without any fear of it becoming a "runaway convention". I believe that is really important today and it has no other issue other than to secure the rights of the states to call a Constitutional Convention.

**Representative Meier:** Is this a movement of all the states to move toward something like this?

**Representative Koppelman:** Yes it is. This has been introduced in several states. I can't tell you exactly how many have introduced it or how many have passed it. The gentleman that wrote some of the information that Representative Thoreson passed out and I have some additional information that I will pass out, is spearheading the effort. His name is Roman Buhler and he is a former committee attorney from Washington, DC and has worked with Congress and has a bipartisan piece of legislation that has been introduced in Congress to attach this amendment to the Constitution and submit it to the State for ratification. (See attachment #3).

**Representative Winrich:** It makes sense to me that the amendment would be introduced in Congress because that becomes what Congress approves and gets submitted to the states. The strategy you described of having enough states ratify something like this so that Congress calls a Constitutional Convention seems to me to be fraught with the same difficulty as if the states call a Constitutional Convention.

**Representative Koppelman:** The fact that it's been introduced in Congress doesn't mean that Congress is going to do anything with it. It can linger and not be acted upon and never see the light of day. The way the states have put pressure on Congress to move on a constitutional amendment is by threatening to call a convention for the consideration of that amendment.

**Representative Winrich:** In your testimony you said that when enough states did this, Congress would call a Constitutional Convention.

**Chairman Koppelman:** What I intended to say was that when enough states put pressure on Congress, they put the proposed amendment before the states for ratification without a convention. Thank you for clarifying that point.

**Representative Meier:** I like this concept although how would you propose that it be placed on the ballot in order for constituents to know what they are voting on.

**Representative Koppelman:** This is not a proposed amendment to the North Dakota Constitution. This is a proposed amendment to the United States Constitution so our voters in North Dakota would not vote on it but it does become the purview of this committee because we consider both amendments to the state and the Federal Constitution here. This amendment would be the declaration of our State to be part of this movement to call a Constitutional Convention more as a threat to propose this amendment so that the states have an opportunity to ratify it and thereby return some of the control of this process to the states as opposed to Congress.

**Vice Chairman Kretschmar:** Would this resolution, if two thirds of the states sent it into Congress, be in any violation of the Federal Constitution by limiting what the proposed convention could do? Is that allowable under the Federal Constitution that we have today?

**Representative Koppelman:** I believe it is and I believe those who propose specific Constitutional Conventions for the consideration of a specific item would say; that the states have the right to craft a convention in any way they see fit and if they decide to put restrictions on what the convention does, that they can do that now. There is so much fear from all over the country that once that convention was convened, it could take on other issues and so on. What this amendment does says is that those conventions can be limited and any delegate that is representing a state is limited to vote on the purpose for which it's been called and if you act in any other way outside of that directive, your credentials are immediately revoked and you have no authority to represent your state and you are withdrawn as a delegate to that convention. That is the mechanism that the Madison Amendment would use to limit conventions.

**Vice Chairman Kretschmar:** Under the current Federal Constitution, if a convention is called and it proposes an amendment, does that amendment have to go to the States to be ratified?

**Chairman Koppelman:** Yes it would.

**Vice Chairman Kretschmar:** And that's three fourths of the states?

**Chairman Koppelman:** That's correct.

**Vice Chairman Kretschmar:** Is there any other testimony in support of 3048? Opposition? We'll close the hearing on 3048.

**Representative Owens:** I move a do pass on 3048.

**Representative Meier:** Second.

**Representative Winrich:** I have some reservations about this. I think the fear of a "runaway convention" is real. If a convention is called, any amendment can be proposed and we're suggesting that here. I find it curious that yesterday we rejected a proposed

amendment for the North Dakota Constitution which was based on the fear of the Governor threatening to veto something and we're dismissing the threat of a "runaway convention".

**Chairman Koppelman:** Actually, I think this does the opposite. This recognizes that there is a fear. It doesn't really speak to whether the fear is valid or not. That fear has paralyzed the states from calling a convention. If states wish to exercise their Constitutional authority, and the fear has prevented them from doing that, let's insure that a "runaway convention" is not a concern. What the Madison Amendment attempts to do is remove the fear by tweaking the United States Constitution to say what James Madison thought they could do which is call a single focus convention, limit the deliberation to that point, and not allow anything outside. Further discussion?

Take the roll on a do pass motion on HCR 30418.

**8 Yes, 2 No, 1 Absent**

**Do Pass**

**Carrier: Representative Owens**

Date: March 23, 2011  
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3048

House Constitutional Revision Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Owens Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Representative Conklin	AB	
Vice Chairman Kretschmar	✓		Representative Holman		✓
Representative Kasper	✓		Representative Winrich		✓
Representative Louser	✓				
Representative Meier	✓				
Representative Owens	✓				
Representative Schatz	✓				
Representative Streyle	✓				

Total (Yes) 8 No 2

Absent 1

Floor Assignment Representative Owens

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HCR 3048: Constitutional Revision Committee (Rep. Koppelman, Chairman)**  
recommends **DO PASS** (8 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING).  
HCR 3048 was placed on the Eleventh order on the calendar.

2011 SENATE JUDICIARY

HCR 3048



# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Judiciary Committee**  
Fort Lincoln Room, State Capitol

HCR 3048  
4/11/11  
Job #16482

☐ Conference Committee

Committee Clerk Signature



## **Explanation or reason for introduction of bill/resolution:**

Resolution urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the US to avoid a "runaway convention".

**Minutes:**

## **Senator Nething – Chairman**

**Representative Koppelman** – Introduces the bill, and says it is commonly known as the Madison amendment because it does what President Madison who was known as the Father of the Constitution, believed that Article 5 of the US Constitution allowed 2/3 of the States to call a Constitutional Convention and limit it to the subject for which it is called. He says there is a fear in Congress that there could be a "runaway convention". He provides a handout on the Madison Amendment. He said he thinks this helps return the constitutionally intended authority to the States and return the proper balance of power between State government and the Federal government. He believes this will clarify whether a convention can be called by the States and limited to the point of which it was called.

**Senator Nething** – Asks if we are asking Congress to call a Constitutional Convention.

**Rep. Koppelman** – Replies yes that is the way it is worded.

**Senator Olafson** – Asks why there is a sunset clause.

**Rep. Koppelman** – Responds this language came from other states.

**Senator Olafson** – Asks if he has worked with others to assure the language is similar to what is being introduced in other States and has it passed in any other States.

**Rep. Koppelman** - Replies he has and he is not sure of how many States have passed this.

**Senator Nelson** – Asked if the people involved that he has listed have passed these resolutions.

**Rep. Koppelman** – Said he is unsure if this is endorsed by any organization or if that is their procedure to do that.

**Senator Nelson** – Asks if the people listed on page one if this is their personal opinion.

**Rep. Koppelman** – Replies that is correct.

**Senator Sitte** – Asks how the delegates would be selected.

**Rep. Koppelman** – Said he is unsure but suspects they would be selected by the legislature.

**Senator Sorvaag** – Asks if this convention could become a runaway convention.

**Rep. Koppelman** – Says the way this is structured it would limit it to a single topic.

**Senator Sorvaag** – Wonders if it is something different when Congress calls it than when the States call it.

**Rep. Koppelman** - Said he thinks if this is adopted by most States then Congress will propose an amendment to adopt it.

**Rep. Thoreson** – Said he has been convinced this is needed.

Opposition – 0

Neutral - 0

Close the hearing on 3048

**Senator Olafson** moves a do pass

**Senator Lyson** seconded

Roll call vote – yes, 4 no, 2

**Senator Olafson** will carry

Date: 4-11-11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3048

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Olafson Seconded By Senator Lyson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	<input checked="" type="checkbox"/>		Carolyn Nelson		<input checked="" type="checkbox"/>
Curtis Olafson - V. Chairman	<input checked="" type="checkbox"/>				
Stanley Lyson	<input checked="" type="checkbox"/>				
Margaret Sitte		<input checked="" type="checkbox"/>			
Ronald Sorvaag	<input checked="" type="checkbox"/>				

Total (Yes) 4 No 2

Absent \_\_\_\_\_

Floor Assignment Senator Olafson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HCR 3048: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS**  
(4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3048 was placed on the  
Fourteenth order on the calendar.

2011 TESTIMONY

HCR 3048

Attachment #1

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## Why the Madison Amendment?

**The Madison Amendment gives States the same power as Congress to propose an individual Amendment to the U.S. Constitution:**

"ARTICLE \_\_\_\_ The Congress, on Application of the Legislatures of two thirds of the several States, which all contain an identical Amendment, shall call a Convention solely to decide whether to propose that specific Amendment to the States, which, if proposed shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V."

### **We need to restore accountability and balance in Washington**

Many Americans believe that the growth of federal power and especially of federal debt is out of control. Congress continues to impose unfunded mandates on states. Many Americans believe that new Constitutional checks and balances or at least the possibility of them may be necessary to improve accountability and fiscal discipline in Congress.

### **Congress should not have a monopoly on the power to propose a specific amendment to the Constitution**

Today, only Congress can propose a specific Amendment to the Constitution. Article V allows Congress to do so by a 2/3 vote or 2/3 of the states can demand that Congress call a Convention to propose Amendments.

But states have feared that a Convention they call for to propose an Amendment might do something unexpected, so there has never been such a Convention.

The Madison Amendment would end that risk. It would clearly give states the right Madison argued in the **Federalist Papers** they already have, to limit a Convention they call for to just the Amendment they propose.

### **How the Madison Amendment would improve American Government :**

1. Because States would have power to propose a Constitutional Amendment to ban them, unfunded mandates would probably end.
2. State leaders would gain influence on federal laws and spending that impact their state.
3. Congress would no longer have the power to block Amendments just because they limited its power or forced it to make tough fiscal choices.
4. There would be no more risk of an accidental runaway Constitutional

## Bipartisan Group

Rep. Walt Minnick (D, ID)  
Rep. John Culberson (R, TX)  
Rep. Rob Bishop (R, UT)  
Rep. Henry Cuellar (D, TX)

## latest updates

### **Friday July 30, 2010**

The proposed "**Madison Amendment**" to the U.S. Constitution to restore a balance of federal and state power was introduced in The U.S. House of Representatives by a bipartisan coalition.

[MORE](#)

### **August 5, 2010**

State leaders support the Madison Amendment to the U.S. Constitution.

[MORE](#)

3/23/2011

Madison Amendment: Restoring the bal...

Convention because states would have the clear power to limit a  
Convention they call for.

5. With the new power to propose Amendments, states would be more  
effective partners working together with the Federal government to solve  
America's problems.

6. The people could make Congress more accountable, working with  
state leaders for change if Congress refused to listen to the people's  
views.

For more information contact: [Info@MadisonAmendment.org](mailto:Info@MadisonAmendment.org)

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#1, pg 2

Attachment #2

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## Introduced July 30th 2010

### BIPARTISAN COALITION INTRODUCES THE MADISON AMENDMENT IN CONGRESS

On Friday July 30 the proposed "Madison Amendment" to the U.S. Constitution to restore a balance of federal and state power was introduced in The U.S. House of Representatives by:

Rep. Walt Minnick (D, ID)  
Rep. John Culberson (R, TX)  
Rep. Rob Bishop (R, UT)  
Rep. Henry Cuellar (D, TX)

Here is the Dear Colleague they signed in support of the Amendment:

We write to request your co-sponsorship of the "Madison Amendment" to help restore a healthy balance of State and federal power in our Constitutional system of government,

We believe that America's problems can best be addressed if there is a spirit of partnership, cooperation and respect between State legislatures and Congress. Without making any change to the structure of our Constitution, or the checks and balances intended by its authors, the Madison Amendment helps give States the "seat at the table" they need to create that partnership.

By ensuring that Article V of our Constitution is interpreted as its authors intended, the Madison Amendment guarantees that States have the power to limit the scope of an Article V Convention to a single amendment. The Amendment eliminates forever the risk of an accidental "runaway Constitutional Convention" and ensures that States have, as the Constitution's authors intended, the same power as Congress to propose a single Amendment to our Constitution.

The Madison Amendment moves power out of Washington and back to the States and the people. We believe it merits your support.

Thank you for your consideration.

Sincerely

Walt Minnick  
John Culberson  
Rob Bishop  
Henry Cuellar

## Bipartisan Group

Rep. Walt Minnick (D, ID)  
Rep. John Culberson (R, TX)  
Rep. Rob Bishop (R, UT)  
Rep. Henry Cuellar (D, TX)

## latest updates

### Friday July 30, 2010

The proposed "**Madison Amendment**" to the U.S. Constitution to restore a balance of federal and state power was introduced in The U.S. House of Representatives by a bipartisan coalition.

[MORE](#)

### August 5, 2010

State leaders support the Madison Amendment to the U.S. Constitution.

[MORE](#)



Koppelman, Kim A.

Attachment #3

From: buhler.roman@earthlink.net  
To: Tuesday, March 22, 2011 8:02 PM  
Cc: Koppelman, Kim A.  
Subject: Draft Testimony on HCR 3048...let me know if you have any comments

THE MADISON AMENDMENT COALITION  
Restoring A Balance  
of State and Federal Power  
www.Madison Amendment.Org

March 23, 2011

Dear Mr Chairman and Members of the Committee:

On behalf of the Madison Amendment Coalition we thank you for giving us this opportunity to submit testimony in support of HCR 3048, to promote the Madison Amendment to the U.S. Constitution.

The Madison Amendment is designed to restore a balance of state and federal power intended by those who wrote our Constitution.

The Madison Amendment is unique among many proposed Constitutional Amendments because its purpose is not to change, but to restore the original meaning of the Constitution as intended by its authors.

Article V of the U.S. Constitution says in part "The Congress... on the Application of the Legislatures of two-thirds of the several states shall call a Convention for proposing Amendments.

Scholars have argued for years about whether the states who call for a Convention under Article V have the power to limit the scope of that Convention, and therefore have the same power as Congress to propose an individual Amendment to the Constitution.

Here is what Madison and Hamilton, two of the principle architects of our Constitution had to say about the power of states to propose an individual amendment.

Madison in Federalist 43 said:

"It (the Constitution) equally enables the general and the State governments to originate the amendment of errors, as they may be pointed out by the experience on one side or the other"

Hamilton in Federalist 85 said:

"But every amendment to the Constitution, once established, would be a single proposition and might be brought forth singly."

And consequently if nine, or rather 10 states were united in the desire of a particular amendment, that amendment must infallibly take place."

These words demonstrate that Madison and Hamilton believed that states had the same power as Congress to propose an individual Amendment to our Constitution without the risk of a Convention they called for proposing an unanticipated Amendment.

#3 Pg 2

They relied on the numerous precedents of state legislatures calling for conventions for a limited purpose.

no matter how strong the legal evidence, we should not have to rely on predictions of how the court will rule to protect our Constitution from the risk of a runaway convention.

That is the purpose of the Madison Amendment.

In 58 words, the Madison Amendment simply ensures that when two-thirds of the states propose an identical amendment, the convention they call for is limited to an up or down vote on that specific amendment.

“ARTICLE \_\_\_\_ . The Congress, on Application of the Legislatures of two thirds of the several States, which all contain an identical Amendment, shall call a Convention solely to decide whether to propose that specific Amendment to the States, which, if proposed shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V.”

The Madison Amendment restores the original meaning of the Constitution and guarantees that states have the power to safely propose an individual amendment.

Clarifying and restoring the original meaning of the Constitution in this way will have three profound benefits.

FIRST, the Madison Amendment will end the risk of a runaway convention. States will clearly have the power to propose an individual amendment without that risk.

SECOND, the Madison Amendment will empower the states and especially state legislators in their relationship with Washington.

Congress seeks to further usurp state authority, or impose unfunded mandates, that two-thirds of the states oppose, Congress could be faced with a proposed Amendment, for example, to Constitutionally permanently ban unfunded mandates.

Members of Congress will wake up every morning concerned about what state legislators might propose in the same way many state legislators today are concerned about what Congress might propose.

The result will be a far more equal partnership between states and Washington. Solutions to America's many challenges will more often take the form of cooperation and collaboration between Washington and states, not simply orders from Washington for states to obey.

AND FINALLY, the Madison Amendment will empower the States to propose more fundamental reform to rein in Washington and restore fiscal responsibility to our Federal government.

Polls show that over 70 percent of the public favors a balanced budget amendment or some constitutional restraint on the ability of Congress to borrow our nation into bankruptcy.

The Madison Amendment would allow a bipartisan coalition of 34 the states, if it could be formed, to impose on Washington or at least threaten the fiscal discipline that Washington so far seems unwilling to impose on itself.

Would the Madison Amendment make it too easy to amend the Constitution?  
Absolutely not.

The Madison Amendment process for proposing an Amendment is far more difficult and demanding than simply getting 2/3 of Congress to propose an Amendment.

Thousands of legislators in 34 states must agree on the precise text of an individual Amendment and act in their legislatures to propose it.

Convention must still be held, unless 2/3 of Congress persuades states not to call for one proposing the Amendment itself.

And if Congress, under pressure from states or a Convention called by Congress, does propose the Amendment, it must still be ratified by 38 states.

Mere inaction in only 13 state legislative chambers in 13 states out of the 99 total legislative chambers in the U.S. could block any Amendment.

With these safeguards in place, only a very broad bipartisan coalition could propose and ratify an Amendment to our Constitution.

The Madison Amendment process does not make the Amendment process easier. The Madison Amendment process may in fact be harder. But that process would be permanently safe from the risk of a runaway convention. And it would end the monopoly Congress has held on the power to clearly and safely propose an individual Amendment to the Constitution.

With the support of 34 states including North Dakota, this Madison Amendment itself, can be proposed and ratified safely without any risk of a runaway convention.

Congress would by far prefer to propose the Madison Amendment than to call a Convention, even a limited Convention.

Historically Congress has always proposed a reasonable Amendment states want rather than be forced by states to call an Article V Convention.

Therefore, if 34 or nearly 34 states propose the Madison Amendment for ratification, Congress will almost certainly propose the Madison Amendment rather than be forced to call a Convention.

If Congress votes to propose the Amendment there would be no Convention, and the states could ratify the Madison Amendment as proposed by Congress.

But even if a Convention were somehow called by Congress, states have their own power to prevent a runaway convention.

They can by law limit the authority of any delegates they send to a convention to just an up or down vote on that single amendment. They have the power to automatically and immediately replace any delegate who attempted to exceed that limit. A runaway convention could be stopped by states before it even began.

But states should not have to rely on the Court, Congress, or "no runaway convention" laws to guarantee their power to safely propose a specific amendment.

The Madison Amendment will put that power clearly and permanently in the Constitution.

The Madison Amendment ends the argument about the risk of a runaway convention and empowers the states.

The Madison Amendment will restore Constitutional balance of state and federal power that the authors of our constitution intended.

The Madison Amendment will make Congress and the Federal Government more accountable to states and the people.

The Madison Amendment will strengthen and protect our Constitution for the future. It deserves your support.

Thank you.

Roman Buhler  
Director,  
The Madison Amendment Coalition

Sent via BlackBerry by AT&T

## **The Madison Amendment**

### **A STATE-INITIATED EFFORT COULD CURB WASHINGTON'S POWER**

The most important effort in 2011 to limit the irresponsible growth of federal power and debt may come from states, not Washington D.C. It is called the Madison Amendment.

Based on a concept originally proposed by a former US Attorney General, the Madison Amendment would give states the clear power to safely propose an Individual Amendment to the U.S. Constitution without the risk of a runaway convention.

Drafted by a renowned legal team, the Madison Amendment would clearly reaffirm the power President James Madison, the father of the US Constitution, believed the states had to strictly limit the scope of a convention they called to an up or down vote on the text of a single Amendment.

### **SUPPORT FROM LEGISLATIVE LEADERS**

The bipartisan list of state legislators who have endorsed the Madison Amendment, includes several incoming and past Chairs of state organizations including the American Legislative Exchange Council (ALEC), the Council of State Governments (CSG) and the National Conference of State Legislators (NCSL).

Steve Rauschenberger (IL), Past Chair of NCSL

Noble Ellington (LA) Incoming 2011 Chair of ALEC

Dolores Mertz (IA) Past Chair of ALEC

Steve Faris (AR) Past Chair of ALEC

Bill Raggio (NV) Past Chair of ALEC

Kim Koppelman (ND), Past Chair of CSG

Jeff Wentworth (TX), Past Chair of CSG South.

Trey Grayson (KY) Past Chair of NASS and Secretary of State of KY.

Among our other public supporters are:

Former Comptroller General of the United States David M. Walker, a leader in the bipartisan "No Labels" movement.

Incoming Utah Speaker of the House Becky Lockhart and Utah Senate President Michael Waddoups.

Louisiana House Speaker Jim Tucker.

Former Wyoming Governor Jim Gerlinger

Former North Dakota Governor Ed Schafer

#### TEXT OF THE MADISON AMENDMENT:

As proposed in U.S. House Joint Resolution 95 co-sponsored by House Republican Study Committee 10th Amendment Task Force leaders Reps. Rob Bishop, John Culberson, and Cynthia Lummis.

"ARTICLE \_\_\_\_ The Congress, on Application of the Legislatures of two thirds of the several States, which all contain an Identical Amendment, shall call a Convention solely to decide whether to propose that specific Amendment to the States, which, if proposed shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V."

#### THE FEDERALIST PAPERS

Madison Federalist 43

"It (the Constitution) equally enables the general and the State governments to originate the amendment of errors, as they may be pointed out by the experience on one side or the other"

Hamilton Federalist 85

But every amendment to the Constitution, once established, would be a single proposition and might be brought forth singly.

And consequently If nine, or rather 10 states were united in the desire of a particular amendment, that amendment must infallibly take place.

#### MORE INFORMATION ABOUT THE MADISON AMENDMENT

The Madison Amendment helps to restore the balance of state and federal power intended by the authors of the Constitution.

Congress will be as concerned about what state legislators are thinking, as state legislators are today about Congress.

Congress will think twice about imposing unfunded mandates and rigid spending rules that could bankrupt states, when 34 states have the power to safely propose an Amendment to the Constitution.

The Madison Amendment gives every state legislator, regardless of party, more of a voice in Washington.

The Madison Amendment opens the door to more fundamental constitutional reform, for example to limit the irresponsible growth of federal debt with a balanced budget amendment.

The Madison Amendment ends the risk of a runaway constitutional convention.

The Madison Amendment makes Congress more accountable.

The Madison Amendment moves power out of Washington back to the states and the people where it belongs.

The Madison Amendment simply restores the meaning of the Constitution intended by its original authors by clearly re-affirming the power of states to limit the scope of a convention they call to an up or down vote on a single amendment.

Chuck Cooper, a leading constitutional lawyer in Washington D.C. who is not involved in the campaign told us that the Madison Amendment "is the single most potent constitutional antidote I know of to the growth of big government.

If 34 states force Congress to choose between proposing the Madison Amendment and being forced to call a Convention, Congress is virtually certain to propose the Amendment.

These 34 states can ensure that the Convention they threaten cannot become a runaway convention by passing a "no runaway convention" law that limits the authority of delegates from that state to an up or down vote on the amendment and immediately replaces any delegate who violates that law. The states and allies in Congress can provide other safeguards as well.

We are working on ensuring that Madison Amendment Resolutions and companion "no runaway convention" legislation are introduced in at least 40 states in early 2011.

For more information you can visit [www.MadisonAmendment.org](http://www.MadisonAmendment.org) or contact us at 202 255 5000 or [Info@MadisonA.org](mailto:Info@MadisonA.org)

Thanks for your interest.

Roman Buhler.  
Director  
The Madison Amendment Coalition