

My name is Norman R. Hughes of Lapeer County, 10th Congressional, 25th Senate and 82nd House districts in the base of Michigan's thumb. . I Chair Michigan Conservative Union and Michigan Freedom To Work.

In 1972 I managed a successful campaign for Congress in a district that included the southern tiers of cities and township in Oakland and Macomb County. The big issue at the time was cross-district busing. I helped the newly elected congressman to set up his office and staff and served as District Director. John Connally, who was shot in the limo with President John Kennedy, 39th Governor of Texas, Secretary of the Navy under President John F. Kennedy, and Secretary of the Treasury under President Richard M. Nixon, led a major nationwide movement to put into the U.S. Constitution an Amendment prohibiting cross-district busing.

My Congressman (Robert J. Huber) asked the Library of Congress and U.S. Supreme Court if there was any precedent or provision that could restrict to one issue, a convention called under Article V and petitioned by the states. The reply was that in 1796 Secretary of State Thomas Jefferson asked the Supreme Court if such a convention could be limited to one issue dealing with Indian treaties. The Court refused to take up or consider the issue until it became a contest at law. That is, convene the convention and if you do not like where it goes, you can try to sue to limit it. Only then would the Court consider the matter. Jefferson determined the risk was too great and did not proceed.

Please reflect on that. The President of the 1787 Convention called to AMEND the Articles of Confederation was President of the U.S.A., George Washington. Hamilton and Jefferson were in his cabinet. John Adams was Vice President. Madison was in the Senate and Jay on the Court. Most of the founders were still available. In that environment and time, Jefferson feared and ran away from a new convention.

A Balanced budget is needed, but not without tax limitation.

No doubt we need a balanced budget. The debt being placed on the next generations is unconscionable. The Congress could not even keep a temporary 0.5% cut when they lifted the sequestration. Instead they increased the deficit more than \$580 Billion and then increased the limit another \$ 1.1 Trillion. Just yesterday the Republican run U.S. House of representatives passed a bill lifting the budget limit. Only 28 Republicans voted with the Democrats to ram this through over the overwhelming objection to a large majority of the Republican Caucus. The Senate followed through with a bi-partisan vote, again with Republican leadership ignoring its caucus. <http://www.washingtontimes.com/news/2014/feb/11/house-votes-raise-debt-ceiling/>.

The chances of Obama/Reid/Pelosi/Boehner cabal having control over such a convention, and the high risk of a run-away, should give any responsible legislator a high fear of this move. However, IF it should evolve exactly as the most optimistic proponent desires, and passes merely the BBA, HOW will this President and Congress balance the budget? They will balance it with a **40% Federal tax increase followed by profligate spending increases that will automatically increase our taxes by authority of the Amendment.** It is a wet dream for big government proponents who would transpose us into a socialist oligarchy or fascist state.

A Convention cannot be Limited:

Thomas Jefferson wrote to Wilson C. Nicholas (Sept. 7, 1803) “Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction.”

James Madison, author of the Constitution and co-author of the Federalist Papers was horrified to learn in 1788, just months after ratification of the Constitution, that New York and Virginia sought an Article V Convention. Madison wrote G.L. Turberville on November 2, 1788:

If a General Convention were to take place for the avowed and sole purpose of revising the Constitution, it would naturally consider itself as having a greater latitude than the Congress...It would consequently give greater agitation to the public mind; an election into it would be courted by the most violent partisans on both sides... (and) would no doubt contain individuals of insidious views, who, under the mask of seeking alterations popular in some parts ... might have the dangerous opportunity of sapping the very foundations of the fabric.... Having witnessed the difficulties and dangers, which assembled under every propitious circumstance, I should tremble for the result of a second, meeting in the present temper in America.”

Former Chief Justice Warren Burger stated: “I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the Convention would obey. After a Convention is convened, it will be too late to stop the convention if we don't like its agenda...”

As the late Constitutional scholar and Democrat **Sen. Sam Ervin** once told us: “There are no rules to direct what is brought forth during a ConCon. Anything and everything goes!”

It is WAAAY too risky. Can we assemble a better convention today than was possible when Madison, then Jefferson, rejected an Article V Convention? The Constitution needs to be enforced not gutted.

Precedents and lack of precedents to be concerned about:

The 1787 Convention was to AMEND the Articles of Confederation. Three states sent delegates with instructions to not go beyond that. Instead the meeting threw out the Articles of Confederation and substituted a new Constitution. Two of the states' delegates returned home. Two of the three from New York returned home. At the time the Articles required ALL (100%) of the states to ratify. They changed the rules to 75%.

A new Convention could throw out the constitution and give us a socialist oligarchy or communist dictatorship or whatever. Or, it could add more restrictions and usurp more freedoms. They can also change the rules again to require 2/3rds or 60% or a simple majority just as the Senate did earlier this year with their "nuclear option."

Congress changed the rules twice for the Equal Rights Amendment. They will control, and I believe we cannot rely upon THIS Congress. Congress changed the rules twice in an effort to assist the Equal Rights Amendment. One to extend the time, and the second to disallow states to withdraw a favorable vote. There is no statute of limitations on ratification. Any product of such a Convention could drag on for decades or even centuries, subject to the vagaries of an ever changing Congress.

Through the centuries there have been several attempts to consider an Article V Convention. A similar BBA Amendment call was dropped in the 1990s when the risk was evaluated. It has always been stopped when cooler heads consider the real consequences. There is some research by a Professor Natelson upon which some special interests rely, in which he studied 40 Article V Court decisions. The research is essentially meaningless as none of those decisions said anything about this type of a Convention. We have never had a Convention called pursuant to this clause.

There are lots of misrepresentations spurring this movement.

The mythical "Convention Of States" (COS) does not exist in the Constitution. The active and vivid imaginations of some proponents suppose a wide spectrum of exacting promises as to how such a convention might be called or controlled. They have convinced some activists on the right and left and in both Parties - and some legislators - that the states will call and control a convening of states' representatives and can pre-determine exactly what language might be considered on what topic(s). The Resolutions before this Committee discusses a convention limited to one subject, a balanced budget. There are other proposals for a part time Congress, to strengthen and weaken and eliminate the 1st, 2nd, 4th, 5th, 10th and 17th Amendments. The COS proposal lists several amendments they intend to address. The Mark Levin craze lists eleven proposed Amendments. The vote you consider is opening a can of worms with no predictable outcome.

Consider the importance of just some of the critical rules the Congress will determine regarding an Article V Constitutional Convention:

- When and where will a Convention be held?
- For how long and what purpose(es)?
- Will all states be represented?
- Might Congress appoint a panel of its own like it did for a budget agreement?
- Will it be a commission?
- Will all states be represented?
- How many delegates will each state receive?
- How many votes will each state receive? One vote per state like the original Constitutional Convention or will delegates be apportioned by population, like Congress, giving large states 55 votes and the smallest states 3 votes.

- The 1787 Convention to Amend the Articles of Confederation had each state appoint a Commissioner who was the only one allowed to vote. Must a commissioner vote the will of the other delegates, state legislature, Governor, special interests, ???
- Will the delegates be elected or appointed by Congress, the State Legislature, or political parties?
- Will delegates be elected by the people?
- Will Governors, who will assume they should represent their states, be delegates?
- Will Michigan contrive a plan to selected delegates as it would for the proposed Health Care Exchange, with the Governor getting five and each House one?
- How will the President or Head of the Convention be chosen?
- Under what authority?
- Will members of Congress write themselves into the Convention rules as delegates?
- Would it be wise or possible to hold the Convention in secret like the original convention to minimize the power of the media?

The Article V Convention would be the target of every special interest group, liberal, conservative, socialist, radical or extreme in the country.

There are at least three proposed substitute constitutions I have read, waiting to undue this great experience in self government. A New States Constitution (that's its name) written by a think tank in Santa Barbara, California, in the 1970s which was financed by the Ford and Rockefeller Foundations. It's just waiting in the wings for a ConCon to be called. I have seen a fascist oligarchy constitution and one that makes the USA a subsidiary of a one World government.

Within the ranks of those clamoring for an Article V convention are found numerous extremely radical, progressive, and socialist organizations that otherwise would have little in common with the conservatives fighting on the same side. George Soros — the financier of global fascism — is pumping millions of dollars into the same Article V campaign that is being promoted by Mark Levin, Rush Limbaugh, Sean Hannity, Glenn Beck, and other popular conservative spokesmen. <http://theresistanceunited.com/2014/01/15/socialists-and-soros-fight-for-article-v-convention/>

Why do we think that the Congress that ignores the Constitution, and a President who sees the three branches of government as he, his pen and his phone, would be any more likely to abide by a new amendment to the Constitution?

Article V of the U.S. 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...”

Notice that Congress Calls the Convention and will set the rules...not the States. Article V does not limit a convention to one subject but states, "for proposing Amendments" in the plural. There is no way to limit an Article V Convention.

If the Goal is to send the Federal Government a Message...

The Michigan State Government gets \$17,849,942 (2012 figures) from the Federal Government. That is 33.74% of the budget. Some states get at high as 45% of their budget from the Federal Government. Do you really think a "states convention" if such a thing were real, would act to cut their cash cow with a real balanced budget amendment and tax limitation? <http://www.statebudgetsolutions.org/publications/detail/print/new-data-reveals-amount-of-federal-aid-to-states-in-2012>

Michigan's Constitution requires a balanced budget but we set here with billions of dollars on unfunded obligations. If Michigan really wants the federal government to balance the federal budget then Michigan should fund its obligations in full, and send back all federal money coming into Michigan. Are you as a Legislator willing to refuse the federal money and mandates? If not, I submit it is disingenuous to vote for a Convention to order the federal government to balance its budget.

What is the alternative? Lincoln stated the way to change public policy is to change public opinion. That is our task. We must convince our family, friends, co-workers, neighbors and legislators to seek less government. As Reagan used to say it, "It is simple as protecting your virtue – you just have to say no."

Congressman Justin Amash has a proposal to consider, H.J.Res.73. We should concentrate efforts on getting Congress to pass that, instead of a constitutional convention.

<http://amash.house.gov/sites/amash.house.gov/files/BCBBA%20-%20legislative%20and%20plain%20text.pdf>

Congressmen Kerry Bentivolio [R-MI11] introduced a bill on February 5, 2014 that could help: H.R. 3993: To provide for a 15% reduction in the rates of pay of Members of Congress for pay periods occurring during a year if a Federal budget deficit existed during the most recent fiscal year.

Con Con was defeated Monday (2/10/14) in the South Dakota House with 42 no votes and 28 yes votes. This was tried several times in my experience including one in the 1990s. We must stop it again!

A constitutional convention is a colossally BAD risk. Jefferson and Madison were both alarmed when the prospects of a convention came up just years after the new Constitution, in two separate incidents. We should be equally concerned. I plead with you for our children and their children, please do not open our Constitution to a convention that might destroy it.

Thank you for hearing me, and God bless.

Business Cycle Balanced Budget Amendment, H.J.Res.73

Rep. Justin Amash

Resolution Text	Plain English
SECTION 1. Total outlays for a year shall not exceed the average annual revenue collected in the three prior years, adjusted in proportion to changes in population and inflation. Total outlays shall include all outlays of the United States except those for payment of debt, and revenue shall include all revenue of the United States except that derived from borrowing.	<p>Spending = average of prior year revenues (average revenue of previous three, adjusted for population changes and inflation)</p> <p>“Outlays” includes everything but debt reduction. “Revenue” does not include borrowing.</p>
SECTION 2. Three-fourths of the whole number of each House of Congress may by roll call vote declare an emergency and provide by law for specific outlays in excess of the limit in section 1. The declaration shall specify reasons for the emergency designation and shall limit the period in which outlays may exceed the limit in section 1 to no longer than one year.	<p>Emergency outlays beyond the spending limit</p> <ol style="list-style-type: none"> 1) Require three-fourths support 2) Require detailed emergency declaration 3) Only lasts one year at a time
SECTION 3. All revenue in excess of outlays shall reduce the debt of the United States. Upon the retirement of such debt, revenue in excess of outlays shall be held by the Treasury to be used as specified in section 2.	<p>Surpluses pay off the debt.</p> <p>When the debt is gone, surpluses go into a “rainy day” fund for emergencies.</p>
SECTION 4. The Congress shall have power to enforce and implement this article by appropriate legislation.	<p>Reasonable implementing legislation is authorized.</p>
SECTION 5. This article shall take effect in the first year beginning at least 90 days following ratification, except that outlays shall not surpass the sum of the limit described in section 1 and the following portion of the prior year’s outlays exceeding that limit (excepting emergency outlays as provided for in section 2): nine-tenths in the first year, eight-ninths in the second, seven-eighths in the third, six-sevenths in the fourth, five-sixths in the fifth, four-fifths in the sixth, three-fourths in the seventh, two-thirds in the eighth, one-half in the ninth, and the limit shall bind in the tenth year and thereafter.	<p>Gradual ten-year transition.</p> <p>Begins the year (fiscal or calendar) starting 90 days after ratification: provides time for implementing legislation drafting & deliberation on policy changes.</p> <p>Initial gap between ratification year spending and limit reduced at least 1/10th each year. Faster convergence allowed; progress locked in.</p> <p>Emergency spending doesn’t affect baseline.</p>

Staff contact: Kurt Couchman (LA), 5-3831, kurt.couchman@mail.house.gov