



SJR 9—Resolution for Article V Convention of States

(Rep. Merrill Nelson)

OVERVIEW:

The purpose of SJR 9 is to join other states in applying to Congress, under Article V of the Constitution, to call a convention of states to consider possible amendments to the Constitution to limit the spending, jurisdiction, and terms of office of the federal government. The purpose of such amendments is to restore “the constitutional equilibrium between the national and state governments,” thereby making the federal government more effective and responsive, strengthening state sovereignty, and preserving the liberties of the people.

BACKGROUND:

Our Constitution established a “compound republic,” dividing power between the national and state governments and separating power among the different branches of government, with checks and balances between each level and branch of government, to prevent concentration and abuse of power and protect individual liberty. Over time, the checks and balances have been weakened and breached, shifting power from the states to the federal government and from Congress to the Executive and the Courts. Congress has exceeded its delegated powers, amassing a national debt of \$22 trillion. The Executive branch, through executive orders and administrative regulations, exercises legislative power that reaches into nearly every aspect of our lives. Judicial challenges result in matters of public policy being decided by federal courts.

ARTICLE V REMEDY:

The Founders recognized that the federal government could, over time, become too powerful, and that Congress may fail or refuse to check that power. In Article V, they wisely provided a remedy for the states to convene and propose amendments to check federal power and thereby preserve state sovereignty and individual liberty. When 34 states apply, Congress must call a convention of states to discuss possible amendments.

FIVE LEVELS OF PROTECTION IN THE CONVENTION PROCESS:

- 1) State resolutions limit the scope of possible amendments.
- 2) State statutes limit the authority of delegates in proposing amendments.
- 3) Convention rules limit proposed amendments to the scope of the state resolutions.
- 4) Proposed amendments must be approved by a majority of states in convention.
- 5) Approved amendments must be ratified by 38 states.

RESPONSE TO OBJECTIONS:

Recent scholarship disproves outdated notions: 1) The constitutional convention was not a “runaway” convention. That convention was called by the states, which authorized their delegates to “render the federal government adequate for the exigencies of the union.” 2) This resolution does not call for a “constitutional convention”; the Constitution will not be replaced or weakened. 3) The purpose of a convention of states is not to “fix” the Constitution, but rather to propose amendments to the Constitution to limit the federal government, restore equal state sovereignty, and protect individual liberties.