

STATES' SOVEREIGNTY UNDER ARTICLE V

Sovereignty and States Rights Amendment Convention

Letter to State Legislators:

Article V prohibits convening Constitutional (Open) Conventions. Only Conventions convened for the propose of proposing Amendments to the Constitution are authorized. There are two methods by which the United States Constitution can be Amended:

- 1) through a proposal to State Legislatures by 2/3's of the members of both Houses of Congress which then requires ratification by ¾'s of the State Legislatures; and
- 2) through "Applications" by State Legislatures directing Congress to convene a *Single Amendment Convention*.

When 34 "Applications" are completed, Congress is mandated to convene a Single Amendment Convention.

The question of how to transfer the Sovereignty each State had under the *Articles of Confederation* was the underlying issue that the Founders had to grapple with at the Convention. Under the Articles, a unanimous vote was required by the States before Amendments could be ratified. Even questions of commerce, taxation, pay for the military, etc. required a unanimous vote. For these very reasons, we almost lost the Revolutionary War. When the Founders' were writing the Constitution, they knew they had to solve this sticky problem. The answer for them was Article V where the unanimous vote requirement was changed to ¾'s of the Legislatures in order to ratify an Amendment.

This same sovereignty that rests in State Legislatures alone will allow the deliberations at the *Sovereignty and States Rights Amendment Convention* to be safe, predictable and successful. The Legislatures accomplish this through *Delegate Resolutions*. Because multiple *Single Amendment Conventions* can be *Called* for simultaneously by the Legislatures, a separate *Delegate Resolution* is needed for each Convention. *Delegate Resolutions* assure that the Convention will be successful without violating prohibitions against *Interstate Agreements* between the States in Article 1, Section 10.

Our Founder and National Director has been America's leading authority on Article V Amendments through Congress and Conventions for 40 years. Citizen Initiatives is currently working to secure 34 Calls for the *Sovereignty and States Rights Amendment Convention* in 2014. We are also working to secure *Delegate Resolutions* from 26 or more Legislatures for the Amendment. When 26 Legislatures pass *Delegate Resolutions* for their delegates, the Convention can be successful in approving the *Sovereignty and States Rights Amendment*.

We often refer to our work as the 34/26/38 strategy. 34 *Calls* (Applications) are needed from State Legislatures directing Congress to convene the *Sovereignty and States Rights Amendment Convention*, 26 *Delegate Resolutions* (includes pre-approved text for the Amendment) are needed to define the duties and obligations of delegates sent to the Convention and 38 Legislatures are needed to ratify the Amendment. In addition, we need only 51% of State Legislators in each Legislature to vote for the *Calls* on Congress, *Delegate Resolutions* and *Ratifications*. We don't need super majorities. We can win this bi-partisan battle for *State Sovereignty*. (For a copy of the Step by Step Instructions for State Legislators go to: <http://citizeninitiatives.org/legislatorsstepbystep.pdf>.)

Encroachment by the Federal Government has been prohibiting States from exercising their 10th Amendment rights. The *Sovereignty and States Rights Amendment* will restore States Rights by:

- 1) restoring and protecting the Sovereignty of the United States Constitution;
- 2) restoring and protecting the Sovereignty of State Legislatures and State Constitutions;
- 3) prohibiting the encroachment by the Federal Government through *Countermand Rights*
 - A. *Countermand Rights* disallow laws that are onerous to the States [current and retroactive] when 60% of the States concur – Countermand Video: http://youtu.be/MC6dg_8XxEg
 - B. *Countermand Rights* will force Congress, the Courts and Executive Branch to be more amenable to State Interests before enacting laws and deciding Court decisions;
- 4) providing *Enforcement Powers* under State Laws when the Federal Government refuses to prosecute violators of the provisions of the Amendment; and
- 5) assuring that the Federal Government does not violate Citizens' rights to be secure in their persons when the Government uses electronic or other methods of surveillance.

State Legislatures must not abdicate their sovereign authority under Article V by allowing Congress, the Courts, Executive Branch, Regulatory Agencies or Article V groups advocating conventions to define them. The Legislatures alone must define and protect their Rights. If they abdicate, they will not get them back. State Legislatures are our last arbiters in all Constitutional matters.

Delegates sent to the Convention are Ambassadors for their Legislatures, they are not free agents.

The governor does not sign the *Call* or *Delegate Resolution*. Article V empowers only State Legislature to approve these documents.

A bi-partisan team of State Legislators are coordinating with the Legislatures from the 50 States the final draft for the *Sovereignty and States Rights Amendment*. You can download a copy of the initial draft by clicking the link below. If you are a sitting State Legislator and wish to participate on the State Legislators Amendment Committee contact Charles Kacprowicz or Sandy Toth.

Citizen Initiatives is serving State Legislatures as their facilitator. We will be monitoring the Calls, Delegate Resolutions and Ratifications in both the States and Congress and reporting to you the progress being made. Our objective is to assure that the counts are accurately recorded.

Your inquiries and comments are welcome.

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P.S. Important associated documents can be downloaded by clicking the following links:

Countermand Video:

http://youtu.be/MC6dg_8XxEg

http://citizeninitiatives.org/Countermand_Video.wmv

Step by Step Instructions:

<http://citizeninitiatives.org/legislatorsstepbystep.pdf>

Sample "Call on Congress":

http://citizeninitiatives.org/calls_on_congress.htm

Sovereignty and States Rights Amendment:

http://citizeninitiatives.org/sovereignty_states_rights_amend.htm

Delegate Resolution for Sovereignty and States Rights Amendment:

http://citizeninitiatives.org/Delegate_Resolution_Sovereignty_States_Rights.htm

(.pdf copies can be downloaded from the webpage.)
