Beware of the Conference of the States

by Phyllis Schlafly March 2, 1995

The Conference of the States (COS), which is called "an action plan to restore balance in the federal system," is moving rapidly through State Legislatures. On the surface, this proposal looks like just a plan to support states' rights within our federal system.

However, statements made- by its chief sponsor, Governor Mike Leavitt of Utah, indicate that COS may take us down an uncharted road to a Constitutional Convention and/or basic structural changes in our form of government. The Conference of the States will be incorporated and start to function as soon as 26 states pass legislation authorizing and funding COS.

Identical resolutions introduced in most State Legislatures call for holding the Conference in Independence Hall in Philadelphia in October 1995. Each state would be represented by a bipartisan delegation consisting of the Governor and four or more state legislators.

According to the COS proposal, "The product of the Conference of States is a document, a new instrument in American democracy called a 'States' Petition' [which] constitutes the highest form of communication between the States and Congress." After the States' Petition is passed by COS, it will be carried by the delegates back to their respective state legislatures for approval, after which the States' Petition will be presented to Congress.

The COS proposal proudly proclaims: "Ignoring a constitutional majority of states would signal an arrogance on the part of Congress - an arrogance the States and the American people would find intolerable."

The May 17, 1994 version of Governor Leavitt' s COS position statement outlines the next step: a Constitutional Convention. "If Congress refused to consider or pass the [constitutional] amendments, the states would have the option themselves of calling a Constitutional Convention to consider the amendments. Supporters of this [COS] proposal hope and believe that such dire action as calling a Constitutional Convention would not be necessary. But the threat must exist to motivate Congress to act. "

The December 20, 1994 Concept Paper states that the agenda of the COS Conference will be "basic, structural change" and "fundamental reform." COS literature repeatedly uses such rhetoric as "broad, fundamental, structural, long-term reforms." What "structures" and "fundamentals" of our government would be targeted for change? COS literature does not answer this question , but calling a conference to consider such changes would be prescription for plenty of mischief.

COS literature does call for what it describes as "process amendments," which would allow the states to make constitutional changes. For example, COS wants to make it easier to amend the U.S. Constitution by changing Article V so that three-fourths of state

legislatures could propose an amendment to the Constitution that would become valid unless, within two years, the U.S. Congress rejected the amendment by a two-thirds vote in both Houses.

If Article V were so amended, a new amendment could then quietly move through 38 states before the American people were even aware it was happening - just as legislation authorizing the Conference of

the States is now rapidly moving through State Legislatures without any national publicity.

The proponents of COS and of changes in Article V assert that Article V has proven unworkable because it has never resulted in the calling of a Constitutional Convention. On the contrary, Article V works splendidly. The U.S. Constitution has been amended 27 times. Proposed constitutional amendments failed when they did not enjoy a national consensus.

The reason an Article V Constitutional Convention has never been called is that the American people don't want one called, and have demanded that their state legislators vote NO on resolutions to call a Con Con. The advocates of calling a Constitutional Convention have suffered defeats in state after state, from New Jersey to Montana, for the last 12 years.

The United States Constitution, the most successful constitution ever written, has served us well for more than two centuries. We don't need a new one.

The best constitutional experts in the country have warned that, if a Constitutional Convention were called, it would take on a life of its own and be media-dominated. It could adopt a wide-open agenda that would result in fundamental changes in our form of government.

The Conference of the States should not be confused with the Tenth Amendment movement, which has nothing to do with a Constitutional Convention. The Tenth Amendment resolutions and implementing legislation are a good alternative for those who seek to reassert states' rights.

Colorado State Senator Charles R. Duke, the author of the Tenth Amendment legislation, says: "Our present Constitution gives us all the rights we need for states to reclaim their sovereignty. There is no need for a new Constitution. Calling a Conference of the States is a constitutionally dangerous act to take. A meeting of states, fully sanctioned by state legislatures, has the power to turn such a conference into a Constitutional Convention by resolution. It would mean the death of our present Constitution."