The Conference of the States Is Failing

by Phyllis Schlafly *May 4, 1995*

The so-called Conference of the States (COS), which was originally planned to sail through state legislatures without controversy and even without hearings, and culminate in a media event in Philadelphia in October, is failing to get its resolutions passed. Just as many states are defeating the COS resolution as are passing it.

COS sponsors are baffled at the unexpected resistance from grassroots Americans.

If COS advocates would just read their own materials, the reasons for the resistance would be obvious.

COS spokesmen harp on "unfunded mandates" as the reason why we need a Conference of the States, but doing anything about unfunded mandates is not on the planned agenda for the Conference if and when it convenes. That makes COS smell like a bait-and-switch ploy.

What is on the agenda, according to COS materials, are three so-called "process amendments" : (1) to enable three-fourths of the states to amend the U.S. Constitution without any input from Congress unless Congress by a two-thirds vote in both Houses vetoes the amendment within two years; (2) to permit two-thirds of the states to "sunset" any federal laws except national defense and foreign policy (what about civil rights and income tax laws?); and (3) to add a sentence to the Tenth Amendment empowering the courts to adjudicate the boundaries between federal and state authority (which, of course, they already have, but presumably this sentence would encourage the courts to be more activist).

These changes are downright radical. They attack the premise that America is to be one federal nation instead of a confederation of sovereign states.

We the People decided most of those questions with the ratification of the United States Constitution in 1789, and we decided the rest of those issues with the War Between the States. Why are these questions being brought up against in 1995?

COS advocates are less than truthful when they talk about "restoring the balance" between the federal government and the states. COS advocates are really pushing a plan for an entirely new type of government. That's why all their resolutions and position papers contain such rhetoric as "fundamental, structural, long-term reforms" and "basic structural change."

While some opposition to the COS resolutions has focused on this radical agenda, other opposition has arisen because COS sponsors talk out of both sides of their mouths about whether COS could be or would evolve into a new Constitutional Convention. Chief sponsor Governor Michael Leavitt of Utah now denies that this could happen, but his May 17, 1994

position statement threatened that, if Congress does not obey the COS' s demands (labeled the States' Petition), the states will call a Constitutional Convention.

On April 18, Brigham Young University political science professor Bud Scruggs, who is a good friend of Governor Leavitt and says he has consulted with COS officials, made a frank admission to Salt Lake City's (BF)Deseret News(end BF). He said, "When somebody says this meeting could mutate into a Constitutional Convention, no matter what length you go to ensure it won't happen, you have a hard time saying it wouldn't. There's simply no track record to say it wouldn't. [11]

While denying that COS would itself be a Constitutional Convention, Ray Schepach, executive director of the National Governors' Association (one of COS' s sponsoring organizations), admitted to the (BF)Wall Street Journal(end BF) that "it could lead to a Constitutional Convention if the results of the Conference are ignored." When the Council of State Governments endorsed COS in 1994, journalist David Broder, who prides himself on having inside information, called COS a "first cousin to a Constitutional Convention. "

The COS resolution introduced into the Texas Legislature demonstrates that some COS advocates are aggressively planning COS as a stepping stone to a Constitutional Convention. The Texas COS Resolution included this language resolving that the COS agenda extend also to common language calling for a [11]constitutional amendment convention under Article V of the United States Constitution. [11] Fortunately, Texas rejected the entire COS resolution.

The effort to mutate the Conference of the States into a Constitutional Convention was greatly enhanced by Senator Hank Brown's introduction of U.S. Senate resolution, S. Res. 82, on which hearings have already been held. His resolution petitions the states to convene a Conference of the States and then "consider whether it is necessary for the States to convene a Constitutional Convention pursuant to Article V of the Constitution of the United States."

If the Governors and state legislators are really sincere in their opposition to federal mandates, they can easily start by refusing to accept federal funds from Goals 2000, as Montana has already done. Rejecting federal supervision over public school curriculum would be the best way to start to assert the kind of state sovereignty our present Constitution intended. We don't need any Constitutional Convention or COS chicanery.