

**Statement for the Record
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**Michigan House of Representatives
Committee on Financial Liability Reform
Hearing on an Application for an Article V Constitutional
Convention (Convention of the States) HJR CC
February 13, 2014**

The Center for Military Readiness is an independent, non-partisan, public policy organization that specializes in military/social issues. This statement, in opposition to the referenced Application for an Article V Constitutional Convention, represents my views as a concerned individual and a resident of Livonia, Michigan.

I would like to address the political dynamics surrounding this issue, which has been largely fueled by *The Liberty Amendments*, a book written by my friend Mark Levin. I have read *The Liberty Amendments* and most of Mr. Levin's previous books about the U.S. Constitution and worsening violations of its principles. Mr. Levin is very effective and impressive in his discussions of constitutional history, and is one of the best in highlighting obvious problems today.

Still, Mr. Levin's expectations for a constitutional convention of the states, which I will refer to with the shorthand "Con-Con," are simply not realistic in the real world. The book says little about current political realities, media power, well-funded perception managers, legislative processes, and the dynamics of conventions. These factors should not be disregarded in voting for an application for an Article V Convention of the States.

Mr. Levin is a scholar, but he and many of his fellow Con-Con advocates have little or no experience with the dynamics conventions, and this is reason for concern. Many Con-Con advocates are relying on the good faith of state legislatures that are far more liberal than our own. This strategy does not inspire confidence, since many state legislatures have surrendered state freedoms in exchange for highly-regulated federal funds.

Even in legislatures where conservatives dominate, liberals would be part of the Con-Con process and probably the only ones to gain. The problem here is not the U.S. Constitution – It is the failure to insist that constitutional principles be followed. A return to those principles will not be easy, but an Article V convention call is not the answer.

Once started, Con-Con events nationwide could become a Fantasia-like process in which conservatives would be more like the sorcerer's apprentice than equals of America's Founding Fathers.

President Obama is abusing his power in many ways. Severe damage has been done to our economy, our health and education systems, the IRS, the Departments of State, Defense, and our military – every institution in American life. The soaring debt that Mr.

Levin writes about has gotten worse, imposing enormous burdens and limitations on the freedom and prosperity of future generations.

Future presidential candidates and every member of Congress and the Senate should be held accountable or assessed as potential candidates based on what they will do to repair the damage. Executive orders can be reversed by the next president, and Obamacare repealed by the next Congress, if there is will and the votes to do so. Making that happen should be our goal, and there is a lot of work to be done between now and 2016.

Diverting attention, time, and resources toward calls for an Article V convention would not help to solve the problem, especially since the campaign for a Con-Con is largely being led by well-meaning people with little or no experience with the complicated realities of political conventions.

Show me a movement that could not defeat Obamacare, and I will show you a movement that could not begin to control the outcome of an Article V convention.

Mark Levin's discussions of history, the federalists, and the Founding Fathers are compelling. Chapter 9 of his book, however, includes proposals and statements that are inconsistent with his own declaration: *"No level of government is perfect. This would seem obvious. Then why concentrate so much authority in the hands of so few imperfect individuals?"*

That's a good question. Why should we bet our Constitution on an Article V Constitutional Convention, attended by a few good people but also powerful factions representing the same irresponsible forces and leaders who are misusing their power today?

Even if conservative small-government citizens comply with state-established rules, that does not guarantee that big-government forces would play by the same rules. Nor would it mean that a Con-Con could be "limited" by promises, resolutions, and high hopes.

Once started, the Con-Con initiative has no back-up plan if well-meaning convention callers comply with the rules but other factions do not. Mr. Levin is very influential, but not powerful enough to make things play out as he expects, especially since he and many of his followers have no personal experience or understanding of how politically perilous conventions can be.

Nor is there a backup plan to resolve legal disputes and constitutional crises that the Article V effort would create when political steamrollers crush dissent and log-rollers strike bargains that address designated subjects, but retain the status quo or worse.

I have participated in or attended every Republican National Convention since 1980, save one, and was a voting delegate in 1984. Conventions can be productive, helpful, and motivating. I was there when the pro-life plank was written in Detroit in 1980 and language of interest to my organization has been in every National Platform since 2000.

Attending a convention is not the same as being involved in its decisions at state or national levels. Sometimes a state or national convention is difficult and disappointing, especially when laws and rules are broken in pursuit of political objectives.

For example, in 1988 the Michigan State Republican Party was seriously divided, and there was a legal dispute over the election of delegates to the National Convention in New Orleans. A lower court ruling approved of irregular procedures, but a higher court overruled months later, after the national convention was over. I mention this because the same dynamics would likely occur in proceedings leading up to and during an Article V Constitutional Convention. Once set in motion, there will be no going back.

The process evolving in several states, such as Virginia, suggest many ways that a determined minority could control the outcome in unexpected ways. Courts are unlikely to intervene and even if they did, it would be too late to undo political decisions that will have been made.

The outcome of contested conventions, particularly at the local and state levels, depends on who shows up. No one should forget that the IRS scandal and pending restrictive regulations are designed to keep good people from "showing up" in the political arena.

Even if small-government conservatives attend Article V conventions in force, high-handed gavels can and probably will be used to ram decisions down. This can happen even at uncontested conventions – witness the 2012 National Convention in Tampa.

A controversial rule change was rammed through under questionable circumstances, over the vocal objections of many experienced delegates. Now imagine a national convention of the states in which delegates come from both major and minority parties.

This generation has a huge responsibility to repair the damage done to our economy by escalating taxes, regulations, and runaway spending that Congress has failed to limit. Calling an Article V Convention would not help the situation; in fact, it would divert attention and resources from the difficult task of undoing the damage done since 2008.

It is not appropriate to hold the U.S. Constitution hostage in order to pass a Balanced Budget Amendment, or to achieve any other well-meaning goal. The Founding Fathers wrote Article V, but I doubt that they intended it to be a cudgel brandished as a threat.

Getting sidetracked with Con-Con resolutions and concomitant political divisions at the local and state levels would divert precious time and limited resources from the goal of getting federal government taxes and spending under control.

The situation seems impossibly difficult, but instead of betting the Constitution on unpredictable outcomes, responsible citizens need to work even harder to reclaim legitimate power. We need to unite in focusing on the issues and electing national leaders who will use their power wisely in order to repair years of damage that are not over yet.

Thank you for considering this statement as you prepare to vote on the HJR CC Resolution.

