
Opinion of the Justices

*"There is no effective way to limit or muzzle the actions of a Constitutional Convention....
After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda."*
– Supreme Court Chief Justice Warren Burger

"There is no enforceable way to prevent wholesale changes to the Constitution and Bill of Rights."
– Supreme Court Justice Arthur Goldberg

U.S. Constitution Authorizes, but does not restrict, a Con Con, AVC, or COS

Article V

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.... And that no State without its consent, shall be deprived of its equal suffrage in the Senate."
– *The Constitution of the United States*

The belief that a Constitutional Convention (Con Con) or Article V Convention (AVC) or convention of the states (COS) can be restricted to one issue, is *not* based on the constitution or law or court decisions or judicial rulings, but on dicta, *i.e.* opinions. Regardless of debate or opinion, no one can guarantee what will be introduced or passed once a convention begins.

- Nothing restricts its purpose, procedure, agenda, duration, results or conduct of delegates.
- There is no proof a balanced budget amendment would be introduced or passed.
- There is no indication that delegates would be sworn to uphold the U.S. Constitution.
- Delegates could throw out the existing Constitution and pass a plan to "remake America."
- There is no requirement for a convention to have a House and Senate, as Congress does.
- Big-population states could be in control, rendering less-populated states irrelevant.
- Congress needs a 2/3rds vote in both House and Senate to change the Constitution, but a super majority is not required in a convention.
- There is no assurance that delegates would obey restrictions recommended by states.
- International activists and special interest groups could insist on inserting global policies.

The first and only Con Con was called under the Articles of Confederation, the governing document of the original thirteen states. However, the delegates cast aside the Articles of Confederation and adopted *The Constitution of the U.S.* Soon the ten amendments comprising the Bill of Rights were added. Since then, 16 other additions have been made, meaning this: The U.S. Constitution has been safely amended 26 times *without* a Con Con, AVC, or COS.

ACTION – Oppose S.R. 736 introduced January 13th by Senator Staton. Call Senate Rules Committee members. Senators Mullis, Ch., 404 656-0057; Tolleson, V. Ch., 656-0081; Jackson, Sec., 651-7738; Butler, 656-0075; Chance, 463-1366 Ex Officio; Gooch, 656-9221 Ex Officio; Henson, 656-0085; Hill, Jack, 656-5038; Hill, Judson, 636-0150; Millar, Fran; 463-2260; Miller, Butch, 656-6578 Ex Officio; Murphy, 656-7127; Shafer, 656-0048 Ex Officio; Staton, 656-5039 Ex Officio; Tate, 463-8053; Unterman, 463-1368. **[Page two expands on the dangers of a Con Con, AVC or COS.]**

Dangerous: Call for a Con Con

S.R. 736, introduced January 13th by Senator Staton, calls for a three-pronged COS agenda to (a) impose fiscal restraints on federal government, (b) limit federal power and jurisdiction, and (c) limit terms of office for federal officials and members of Congress. Those are great goals, but a constitutional convention is far too dangerous in the current political climate.

ACTION – Oppose S.R. 736. It joins a dangerous movement that puts the U.S. Constitution at extreme risk.

Call Senate Rules Committee members. Senators Mullis, Ch., 404 656-0057; Tolleson, V. Ch., 656-0081; Jackson, Sec., 651-7738; Butler, 656-0075; Chance, 463-1366 Ex Officio; Gooch, 656-9221 Ex Officio; Henson, 656-0085; Hill, Jack, 656-5038; Hill, Judson, 636-0150; Millar, Fran; 463-2260; Miller, Butch, 656-6578 Ex Officio; Murphy, 656-7127; Shafer, 656-0048 Ex Officio; Staton, 656-5039 Ex Officio; Tate, 463-8053; Unterman, 463-1368.

Questions without Answers

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| 1. Who presides over a Con Con? | 11. How long would it last? |
| 2. Must every state be invited? | 12. Who pays for it? |
| 3. How many states must attend? | 13. Are delegates paid? |
| 4. How many delegates may attend? | 14. What qualifies one to be a delegate? |
| 5. Must delegates be U.S. citizens? | 15. Will there be ex officio members? |
| 6. Where will it be held? | 16. Are state Con Con rescissions valid? |
| 7. Will it be open to the public? | 17. Could the Constitution be replaced? |
| 8. What rules of order will be followed? | 18. Could it replace U.S. government? |
| 9. Will delegates make the rules? | 19. Will it convene/meet in the U. S. or |
| 10. How many issues could be handled? | 20. on Jekyll Island for a “duck hunt?” |

Supreme Court Justices Warren Burger and Arthur Goldberg have stated that there is *no enforceable way to stop wholesale changes* to the Constitution and Bill of Rights. Example: The Philadelphia Convention was called “for the sole and express purpose of revising the Articles of Confederation,” that governed the original thirteen states. But delegates exceeded their power by replacing the Articles of Confederation with the *Constitution of the United States*. The result in Philadelphia proved the sky’s the limit after a convention is convened.

By 2010, the following 12 states had rescinded their calls.

Alabama	Utah	South Carolina
Florida	N. Dakota	Georgia
Louisiana	Arizona	Wyoming
Idaho	Virginia	Oklahoma

Rescissions of Con Con “Calls” in Georgia

Georgia has a long history for calling a constitutional convention, but constitutionally sensitive legislators in 2004 passed H.B. 1343 to rescind all of Georgia’s previous calls, which are :

1952 Resolution Act 53, Treaty Powers	1965 Resolution Act 89, Independence of State Schools
1952 Resolution Act 61, Limiting Taxation	
1955 Resolution Act 2, Independence of State Schools	1967 Resolution Act 96, Refunding Federal Taxes to States
1959 Resolution Act 45, Independence of State Schools	1976 Resolution Act 93, Federal Balanced Budget
1961 Senate Resolution 39, Supreme Court Authority	1991 House Resolution 105, Disrespecting U.S. Flags and State Flags

However, in 2011 Alabama, Louisiana and N. Dakota passed another call, as did New Hampshire in 2012.

More Legislative Action

S.B. 284 Petition of Unemancipated Minors Seeking Abortion; Parental Notification

As introduced January 14th by Senator Josh McKoon, this bill amends current law with four words, “clear and convincing evidence,” to require rulings that unemancipated minors are mature enough and well informed enough to decide, on their own, to have an abortion.

Few people know that sexually active minors in Georgia are considered emancipated and no longer subject to parental authority in sexual matters. Female minors in Georgia are authorized to make reproductive-related surgical decisions and Georgia officials will not notify a parent or guardian. So Georgia provides contraception, abortions and, perhaps, sterilization to minors.

ACTION – Support. Contact Health & Human Services Senators Unterman, Ch., 404 463-1368; Balfour, V-Ch., 656-0095; Millar, Sec., 463-2260; Burke, 656-0040; Butler, 656-0075; Carter, Buddy, 656-5109; Henson, 656-0085; Hill, Judson, 656-0150 Ex Officio; Hufstetler, 656-0034; Jackson, Lester, 463-5261; Ligon, 656-0045; Orrock, 463-8054; and Shafer, 656-0048.

S.R. 734 Proposed Constitutional Amendment to Provide Four-Year Terms for Senators

As introduced January 14th by Senator Mike Dugan, this bill would double the length of Senate terms in the Georgia General Assembly, effective after the November 2016 election. Senators elected in the November 2014 general election would serve the customary two-year terms, since voters could not decide this issue in time to affect the terms of senators elected in 2014.

If this bill gets a two-thirds vote in both House and Senate, beginning with the members elected in the November 2016 general election, members of the Senate would be limited to three full terms of office or 14 years in the Senate. The additional two years would allow an additional 12 years for senators who serve two-year terms immediately before this change is implemented.

If S.R. 734 passes the House and Senate, the question on the November 2014 ballot would be:

Shall the Constitution of Georgia be amended so as to provide that members of the Senate shall serve four-year terms of office and that members of the Senate shall be limited to the greater of three full terms of office or 14 years.

ACTION – Oppose. Contact Ethics Committee Senators Jeffares, Ch., 404 651-7738; Crosby, V-Ch., 463-5258; Butler, Sec., 656-0075; Davis, 656-0340; Jackson, Bill, 651-7738; Ligon, 656-0045; McKoon, 463-3931; Miller, Butch, 656-6578; Stone, 463-1314; and Thompson, Curt, 463-1318.

S.B. 283 School Systems and Traditional Winter Celebrations

It’s only one page, but very powerful. It adds a new Code section to Georgia law as follows:

A local school system may educate students about the history of traditional winter celebrations and allow students and school system staff to offer traditional greetings ... including:

“Merry Christmas,” “Happy Hanukkah,” and “Happy holidays”

...A local school system may display on school property scenes or symbols associated with traditional winter celebrations, including a menorah or a Christmas image, such as a nativity scene or Christmas tree, if the display includes a scene or symbol of: more than one religion; or one religion and at least one secular scene or symbol and does not include a message that encourages adherence to a particular religious belief.

ACTION – Support. Contact Education & Youth Committee Senators Tippins, Ch., 404 657-0406; Wilkinson, V-Ch., 463-5257; Sims, Sec., 463-5259; Burke, 656-0040; Fort, 656-5091; Hufstetler, 656-0034; James, 463-1379; Millar, Fran, 463-2260; Miller, Butch, 656-6578; Stone, 463-1314; and Tate, 463-8053.

More Legislative Action

S.B. 289 Local School Boards to Adopt Policies for Student Inspirational Messages

On January 15th Senator Josh McKoon introduced S.B. 289, authorizing local boards of education to adopt policies allowing for an inspirational message by students at student assemblies and to repeal conflicting laws. The policy would provide for the following:

Students having responsibility for organizing any student led portion of a student assembly would have sole discretion in determining whether an inspirational message would be delivered. The students would choose student volunteers to deliver an inspirational message and would be solely responsible for the preparation and content of the inspirational message.

Local school system personnel could not participate in, or otherwise influence, the determination of whether an inspirational message is to be delivered or the selection of the student volunteers who will deliver the inspirational message. Also, local school system personnel could not monitor or otherwise review the content of a student volunteer's inspirational message.

ACTION – Support. Contact Education & Youth Committee Senators Tippins, Ch., 404 657-0406; Wilkinson, V-Ch., 463-5257; Sims, Sec., 463-5259; Burke, 656-0040; Fort, 656-5091; Hufstetler, 656-0034; James, 463-1379; Millar, Fran, 463-2260; Miller, Butch, 656-6578; Stone, 463-1314; and Tate, 463-8053.

H.B. 732 Federal Laws Governing Firearms Made in Georgia will Not be Enforced

On January 15th, Representative Tom Kirby introduced H.B. 732 to nullify any federal law which attempts to govern firearms manufactured within this state. His bill states:

No public servant or dealer selling any firearm in this state shall enforce or attempt to enforce any federal act, law, statute, rule, or regulation relating to a firearm, firearm accessory, or ammunition that is sold, owned, or manufactured commercially or privately in Georgia and that remains exclusively within the borders of this state.

The Attorney General may defend a citizen of this state in a federal prosecution for violation of a federal law relating to the manufacture, sale, transfer, or possession of a firearm, firearm accessory, or ammunition owned or manufactured and retained exclusively within the borders of this state.

Also unenforceable within Georgia are bans and restrictions on ownership of a firearm, including, but not limited to, a semiautomatic firearm or any magazine of a firearm; or any requirement to register in any manner any firearm, magazine, or other firearm accessory.

All laws and parts of laws in conflict with these provisions would be repealed. If passed, these provisions would become effective July 1st or upon the governor's signature.

ACTION – Support. Contact House Judiciary Committee Representatives Willard, Ch., 404 656-5124; Fleming, V-Ch., 656-0152; Allison, Sec., 656-0188; Bruce, 656-0314; Caldwell, 656-0325; Evans, 656-6372; Golick, 656-5943; Jacobs, 656-5116; Jones, 656-7859; Kelley, 656-0287; Lindsey, 656-5024; Mabra, 656-7859; Oliver, 656-0265; O'Neal, 656-5052; Powell, 656-7855; Rutledge, 656-0109; Stephenson, 656-0126; Welch, 656-0109; Weldon, 656-0213; and Wilkinson, 463-8143.

H.B. 707 Nullify Affordable Care Act (Obamacare)

H.B. 707 prefiled December 16 and by Representative Jason Spencer and introduced January 14th, prohibits implementation of Obamacare in Georgia by any person, agency, business or entity. Violators may be sued by the attorney general and penalized by the General Assembly.

ACTION – Support. Contact House Judiciary Committee Representatives listed under H.B. 732 above.

Georgia Insight is a conservative publication financed entirely by its recipients.