

Art Wittich

EXHIBIT NO. 1/20/2011
SJ 4:1 SJ 5

From: director@citizeninitiatives.org
Sent: Tuesday, January 18, 2011 1:18 PM
To: THE HONORABLE STATE LEGISLATOR
Subject: IMPORTANT: Answers to Opponents of Citizen Initiatives' Single Issue Balanced Federal Amendment Convention

The Honorable State Legislator:

The following answers to opponents' objections to a "Single Issue" Federal Convention have been requested by and distributed to many leaders in the States who want to Balance our Federal Budget. We are asking you to seriously consider Citizen Initiatives' Call for a Balanced Federal Budget Amendment Convention under the authority State Legislatures have in Article V and Article IV, 4 of the United States Constitution. Your State's Legislative Call is needed to secure a CONSTITUTIONALLY SAFE "Single Issue" Balanced Federal Budget Amendment Convention.

Subject: Citizen Initiatives' Constitutional answers to objections by opponents of the "Single Issue Federal Convention" strategy.

"The States alone determine the purpose, agenda and terms of a Federal Convention, not Congress, nor the Courts, nor any Governmental Agency. Even the Convention itself does not have final authority to control the deliberations at the Convention. When the Calling States" (34 in total) enter into a binding contract through their Legislative Calls on Congress, the parameters of the deliberations at the Convention are predetermined. This Constitutional authority, which rests in State Legislatures and given to the States by our Founders, is the States most powerful vehicle for *RECLAIMING AMERICA through "SINGLE ISSUE" Federal Conventions*. The States are, in fact, the final arbitrator of selected Constitutional issues. I pray that the States will not be deceived by flawed legal and Constitutional reasoning and continue to ignore the authority they have in Article V and Article IV, Section 4 of the United States Constitution." CK

Those that oppose Single Issue Federal Conventions start out by making wrong assumptions. They assume the Delegates who are sent by the State Legislatures to a Convention are free "independent" agents who can introduce any matter or subject they desire at the Convention. This is an erroneous argument and has paralyzed Conservatives for over 40 years. In fact, Delegates who are sent to a Convention are emissaries (ambassadors) of their State Legislatures and when they are commissioned to obey the directives in a well defined Legislative Call on Congress, their authority at the Convention is restricted to one issue - Should the Balanced Federal Budget Amendment, as defined in their State's 13 page Legislative Call, be sent back to the States for ratification. That's it! No other business is authorized by the States at the Convention. The Delegates will not be allowed to introduce any other matter at the Convention. The 34 Calling States control all aspects of the Delegates' activities at the Convention, similar to the way private organizations control Delegates that attend their annual conventions (The SBC, for example, does not allow Delegates to introduce initiatives that would overturn the SBC Constitution at their annual Convention. The SBC defines in advance what the Delegates can discuss and decide at the Convention.) The 34 Calling States control all pre-Convention planning, all Convention deliberations and post Convention activities (the ratification process). The 17 or less non-Calling States cannot derail the Convention because they simply do not have the numbers or the authority to do so. See the Official Legislative Calls at: <http://citizeninitiatives.org/prod05.htm>. (Go to the bottom of the page and click the link for your State. Open the Word document for a copy of your State's Legislative Call. You are encouraged to make copies to pass out to others.)

The Open Convention crowd also make serious mistakes when analyzing historical events that brought about the transition from the Articles of Confederation to the new Constitution. The transition was not a usurpation of power by the Delegates at the Convention, but in fact an orderly progression through the Confederation Congress

under the Articles of Confederation that reflected the will of the States and the Confederation Congress itself. The Delegates at the Convention actually represented the directives given to them by their State Legislatures which is the main reason why it took a year to complete the new Constitution. They were not independent agents. In fact, we have our Bill of Rights today because the "State Legislatures" instructed the first Congress under the new Constitution to send back to the States, as its first order of business, Amendments that would guarantee States Rights and Civil Liberties for their citizenry. Congress did, in fact, do this and 10 of the 12 Amendments were quickly ratified by the States. If the first Congress did not send these Amendments to the States for ratification, the States could have rescinded their conditional ratifications of the Constitution and either remained under the Articles of Confederation or organized themselves as independent nations. The Bill of Rights became a reality because of the AUTHORITY THAT RESTS IN THE STATES, NOT CONGRESS OR THE COURTS. This authority was very different from the authority they had under the Articles of Confederation, which did not allow States to force Congress to convene a Convention.

The Open Convention crowd also miss the historical significance of the proper Constitutional Steps that were taken in the transition from the Articles of Confederation to the new Constitution. Under the Articles of Confederation the Confederation Congress had the sole authority to authorize a Convention, not the States. The transition began as follows:

A proposal was offered by James Madison, Jr. and John Tyler in the Virginia Assembly asking that the Confederation Congress be given regulatory powers in matters of commerce. The Virginia Assembly devised a plan to invite the Several States to attend a Convention at Annapolis, MD, in September 1786, to discuss commerce problems. James Madison and Alexander Hamilton issued a report on the meeting in Annapolis, calling upon the Confederation Congress (created under the Articles of Confederation) to summon Delegates from all the States to meet for the purpose of revising the Articles of Confederation. All the States could do was request such a Convention. Congress could have said no or restricted the Convention to a Single Issue. Congress also could have by-passed the request and sent a proposed Amendment to the States on its own to regulate commerce. The fact is the Confederation Congress wanted an Open Convention because it knew the new nation was in deep economic trouble and anarchy seemed imminent. The Delegates at the Convention knew that Congress was allowing them to explore other options including proposing a new Constitution. In the final analyses, the States and the Confederation Congress retained the authority to control what came out of the Convention, not the Delegates.

Another scare tactic used by the Open Convention crowd is that other political opponents can use the same method to advance their progressive, liberal, Marxist, etc. agendas. In fact, America still has the greater majority of States holding to Christian and Conservative values. Except for a handful of contrary States on mostly the two coasts, the more conservative States control the Constitutional future of America. In fact, because we are guaranteed in Article IV, 4 a Republican form of government, every State is guaranteed the same authority in deciding Amendments. The State with a population of 500,000 has the same voting authority at a Convention as a State with a population of 30,000,000 people. It is critical to understand how each State retains equally authority with all the others and how the more conservative States control the Constitutional future of America. If a liberal group, for example, tried to secure Calls from 34 States for a same sex marriage amendment, it would take only 17 States to defeat them. We have more than enough States to defeat the misuse of the Single Issue Convention option.

A full discussion of these issues can be found in my book **RECLAIMING AMERICA through Single Issue Federal Conventions** which can be purchased at <http://Amazon.com>, or at http://citizeninitiatives.org/reclaiming_america.htm, or through local book stores. We want to get a hard copy of this book to 12,000 State Legislators (For those who would like to sponsor books to Legislators - \$25 a copy which includes shipping - go to http://citizeninitiatives.org/reclaiming_america.htm.) We are also providing you with a free ebook copy - go to http://citizeninitiatives.org/book_ra.pdf to download a **free copy** in Word. Please keep in mind that when hard copies are sold through Citizen Initiatives it greatly helps us with our expenses, especially when conducting Legislative Seminars at State Capitals. I hope to visit at least 34 State Capitals in 2011. For those 32 States that have already made a Call for a Balanced Budget Amendment, but left the wording up to the Convention Delegates, we will be directing them to quickly approve our 13 page Legislative Call thereby having them agree with 33 other States to limit the Convention to the "Single Issue" Balanced Federal Budget Amendment Convention. Remember, the State Legislatures alone determine the terms, conditions and agenda at the Convention. Once 34 States pre-determine the purposes of the Convention the deliberations at the Convention will

be limited to only one question - Should the Balanced Federal Budget Amendment, as written in their Legislative Calls, be sent to the States for ratification. I will send you a copy of our schedule soon. For the other 18 States that have not made a Call on Congress, we will be working with their Legislators as well to secure a Call for the Balanced Federal Budget Amendment Convention.

Obviously, we would welcome your support in these matters. Remember that the timing of these Calls is critical, especially from the 32 States that have already completed their Calls but have not yet signed on to the terms and conditions in our Legislative Call to limit the Convention. 8 of these States have already rescinded their Calls fearing an Open Convention. We believe, once they understand how to limit a Convention to a Single Issue, they will approve our Balanced Federal Budget Amendment Convention Call quickly. I am already working with several States to do exactly that.

Thank you for your interest and future help in advancing America's most urgent work at this hour.

Charles Kacprowicz
National Director
Citizen Initiatives
P.O. Box 523
Spruce Pine, NC 28777-0523
(828) 467 2599
ckacprowicz@citizeninitiatives.org
<http://citizeninitiatives.org>

P.S. You are free to forward this response to others in your contact list. For those who would like to order or sponsor hard copies I am providing the following information:

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SJ4 & SJ5

Article V: U.S. Constitution

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; ...

The Federalist Papers #51- James Madison

... Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself....

... In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other; at the same time that each will be controlled by itself.