

AVC and Congress, the Continuing Saga

By Bill Walker

There are many mysteries surrounding many historic events. For example, who fired the first shot at Lexington? Presumably with a field full of people facing each other, the smoke from a single fired rifle would be clearly obvious. Instead no one knows who actually started the American Revolution.

Perplexing mysteries should not be part of the decision of whether Congress obeys the Constitution or renounces it. The decision by Congress is being made now thanks to [the letter of request](#) by Dan Marks sent last year. The American people deserve to know the basis of the decision. If the convention is called it will open a new era of government for this nation. If it is not called, it may trigger disaster for this nation.

Make no mistake about this. This is the stark choice facing Congress. In some recent polls the popularity and support for that body has reach 3 percent with an accuracy figure of plus or minus 3 percent meaning support for Congress could actually be zero. The figures for government support worldwide are no less encouraging. In a recent poll less than half the people around the world support government. This is a disturbing trend and unless something is done quickly, an irreversible one. The only reasonable course for Congress is to use the convention, not to control it for their own short-sighted political purposes, but to allow the people to come together and work to form a new form of government through the amendment process. This new form of government, which is formed every time the Constitution is amended, would naturally address the issues of this nation, something Congress is loath to do. Such loathing can no longer be tolerated by the people—something must be done, now. The convention offers a solution and Congress must be forced to call so the people can get about solving our problems.

So what is Congress doing about this issue? Using a historic comparison, the Congress is having cocktails in the lounge of the Titanic after it rams an iceberg. Congress appears in no hurry to obey the Constitution and I hazard a guess eager to find a way not to if it can.

Many critics say an Article V Convention will bring total destruction to this nation. Of course their main argument is that the “other” political side will control the convention. Of course, they say, this will end life on the earth as we know it. The fact such a fate has not yet befallen us, these rodents of fear claim, is pure luck. So, they claim let us save the Constitution and obey it as is—by urging Congress disobey the Constitution and NOT call a convention! Now there’s a solution—destroy a thing in order to preserve it. Because if the Constitution is not obeyed, what good is it? So much for these rodents and their proposition; even logic can’t save them.

So what is the present state of affairs in Congress? If you have been reading this column you will know it has been some time since Dan Marks submitted his letter of request to Congress asking for an official response as to the number of states on record that have asked for a convention call. At first [it was asserted](#) no body was empowered in Congress to “count” the applications so this meant Congress didn’t have to count. False. The Constitution specifies Congress shall call a convention. As the Constitution specifies Congress shall call and if that body fails to designate a

person to count the applications, then the duty to count still remains with Congress as a collective group. At the request of Congress, Mr. Marks consented several months ago to allow his letter of request to be submitted to the House Judiciary Committee “for consideration.” Currently the letter resides in a subcommittee of the Judiciary Committee and a single staff member; Zachary Somers. Mr. Somers is charged with making recommendations for the committee. The fact Congress feels comfortable having a single staff member of a subcommittee judge whether the Constitution should be obeyed or not should bring chills to all—it may be an AVC today; it can just as easily be any other right tomorrow.

Thus the fate of our form of government rests with a single, unelected individual. Mr. Marks requested I contact Mr. Somers which I did last week. He appears intelligent and thoughtful. Following our discussion I sent Mr. Somers an email for his consideration. When I spoke to him he was reviewing previous legislative proposals aimed at “regulating” a convention. Here some links to various proposals of the past: [Link 1](#), [Link 2](#), [Link 3](#), and [Link 4](#). Dictatorial control better describes the intent of this prior legislation. For example, notice in the 1999 proposal of Congressman Bliley, two-thirds of the Congress in each house must vote *against* automatic legislation prohibiting any amendment submitted by the states from being submitted for ratification. All of these legislative proposals share the same theme—render the convention no more than a subcommittee of Congress, totally controlled by Congress.

Fortunately the courts long since ruled out such control by Congress by removing their authority to enact such legislation. This fact and other issues, such as the proper method to “count” applications were addressed in my [letter to Mr. Somers](#). I pointed out to Mr. Somers that the 43 applications submitted by Mr. Marks with his letter of request already satisfied the Constitution and therefore mandated a convention call. In short, the only “report” required is the Dan Marks letter and no actual “count” is required beyond this fact. What Congress will do with the 712 applications from the states will of course have to be addressed once Congress gets used to the idea they have to call every time a set of 34 applications from 34 states is submitted or has been submitted.

For now it is enough Mr. Somers become informed of how the count of applications is conducted by Congress and how simple it is to do—along with the fact Congress cannot regulate the convention as it has proposed to do in the past. Simply because another constitutional body has the authority to propose amendments, especially amendments intended to regulate Congress and the rest of government, doesn’t mean such authority is a threat to the nation. Perhaps it is to Congress but who knows—if Congress actually begins to obey the Constitution and proves this by calling a convention—maybe their poll numbers will begin to rise. And after all, isn’t that what Congress is all about—poll numbers?