

CITIZEN INITIATIVES ENDORSES  
THE MADISON AMENDMENT STRATEGY

BALANCED BUDGET AMENDMENT TASK FORCE & MADISON  
AMENDMENT ENDORSES CITIZEN INITIATIVES “SINGLE  
ISSUE” AMENDMENT STRATEGY

Citizen Initiatives endorses the *Madison Amendment Strategy* as presented in this document calling for *State Resolutions* that prevent Run Away Conventions for Single Issue Pre-Drafted Amendments. Each of Citizen Initiatives’ Single Issue Amendments recognizes that the States alone control the terms, conditions, agenda and purposes of a Convention convened under Article V and that a pre-drafted *Energy Amendment* or *Balanced Budget Amendment* requires the Delegates to the Convention to decide only one issue, should the proposed Amendment be sent to the States for ratification? The Delegates have no authority to introduce or discuss any other subject or issue. The Madison Amendment Strategy and Citizen Initiatives’ Single Issue Amendments establish, through State Legislative Resolutions, the fact that Delegates are Ambassadors of their States, they are not independent agents as some have erroneously argued.

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## MADISON AMENDMENT STRATEGY

Based on an idea originally proposed by Ed Meese when he was Reagan's Attorney General, this strategy was created in consultation with a legal team led by David Rivkin, outside counsel to the 26 states suing to overturn Obamacare.

It involves passage of state laws in as few as 26 states, or the passage of a state constitutional amendment in just 13 states to end the risk of a runaway convention and to give 34 states the power to force Congress to propose a specific Amendment states want without holding a convention at all.

The idea of giving the states the same power as Congress (a right the States inherently have in Article V but not recognized by many \*) to propose an individual Amendment has a broad range of conservative support including Americans for Tax Reform President Grover Norquist, American Conservative Union Chair Al Cardenas and Past Chair David Keene. Endorsers also include Parental [Rights.Org](#) President Michael Farris, McCain 2008 Chair Charlie Black, and National Taxpayers Union Board Member David Keating. It has been endorsed by ALEC and NTU.

If state legislators in 34 states had the power to safely force Congress to propose an Amendment to the U.S. Constitution, the balance of state and federal power would shift significantly in the states' favor. It could be possible for states, for example, to force Congress to propose a balanced budget amendment to the U.S. Constitution.

Here is some more background on both the short-term legislative, and the long-range constitutional strategy.

\* The 13 Colonies had sovereign authority to control the future of the nation. The Articles of Confederation required a unanimous vote to alter the Articles. The Delegates at the Constitutional Convention were very concerned about their "States" rights and altered the unanimous requirement to  $\frac{3}{4}$ 's of the States for ratification, thereby retaining their sovereignty over the Congress and the Courts when proposing Amendments under Article V. Charles Kaprowicz

# MADISON AMENDMENT ENDORSEMENTS AND STRATEGY

The "Madison Amendment" would empower states to limit an Article convention they call to an up or down vote on a single amendment. (For example a balanced budget amendment).

## ENDORSEMENTS:

### Conservative Leaders

Grover Norquist, President, Americans for Tax Reform  
Al Cardenas, Chair, American Conservative Union  
David Keene, Chair Emeritus, American Conservative Union  
Ted Cruz, Former Solicitor General of Texas  
David McIntosh, Co-Founder of the Federalist Society  
Colin Hanna, President Let Freedom Ring  
Lew Uhler, President, National Tax Limitation Committee  
Charlie Black, Chair of the McCain 2008 Campaign  
Michael Farris, President Parental  
David Keating, Board Member, National Taxpayers Union  
Bob Williams, President, Evergreen Freedom Foundation  
Paul Jacob, President, Citizens Back in Charge  
Chuck Muth, President, Citizen Outreach, NV  
Curt Levy, Executive Director, Committee for Justice)

### Current and Former RNC Leaders

David Norcross, Past General Counsel of the RNC  
Bruce Ash, Chair RNC Rules Committee  
John Ryder, Chair, RNC Redistricting Committee  
Florida GOP Ntl Committeeman Paul Senft  
Ron Nehring, Past Chair, CA Republican Party  
Saul Anuzis, Past Chair, Current National Committeeman Michigan Republican Party

### Organizations

ALEC (The American Legislative Exchange Council)  
The National Taxpayers Union  
The Conservative Party of N.Y.

### Congress:

Rep. John Culberson (R, TX)  
Rep. Henry Cuellar (D, TX)  
Rep. Rob Bishop (R, UT)  
Rep. Cynthia Lummis (R, WY)  
Rep. Tom McClintock (R, CA)  
Rep. Louie Gohmert (R, TX)  
Former Rep. Walt Minnick (D, ID)  
Former Rep. Bob Livingston (R, LA)

Past Chairs/Presidents of Associations of State Leaders:

Steve Rauschenberger (R, IL) NCSL  
(National Conference of State Legislators)  
KIm Koppelman (R, ND) CSG  
(Council of State Governments)  
Dolores Mertz (D, IA) ALEC  
Steve Faris (D, AR) ALEC  
Bill Raggio (R, NV) ALEC  
Noble Ellington (R, LA) ALEC  
Jeff Wentworth (R, TX) CSG-South  
Trey Grayson (R, KY) NASS  
(National Association of Secretaries of State)

Legal Experts:

David Rivkin, Outside Counsel to 26 States suing to overturn "The Affordable Health Care Law known as  
"Obamacare"  
Chuck Bell, Past Chair Republican National Lawyers Assn  
Don Ayer, Former Deputy Attorney General of the U.S.  
Bruce Fein former DOJ Deputy Associate Attorney General  
Mike Carvin, Constitutional Litigator  
Ron Rotunda, Chapman University  
Phil Kiko Former Chief Counsel,  
House Judiciary Committee  
Former Counsel to the U.S. House of Representatives Michael Stern

State Leaders

Jim Geringer Former Gov WY  
Ed Schafer Governor Former Gov ND  
Former Lt Gov Andre Bauer (SC)  
House Speaker Jim Tucker (LA)  
House Speaker Becky Lockhart (UT)  
Senate President Michael Waddoups (UT)  
Speaker  
House Speaker Bobby Harrell (SC)

State Legislators:

Nh Sen Fenton Groen, Rep Roger Berube  
Ct Rep John Piscopo  
Md Rep Michael Hough  
Pa Rep Gordon Denlinger, Rep. Garth Everett  
Va Rep Jim LeMunyon, Brenda Pogge,  
Nc Rep. Fred Steen, Sen David Rouzer  
Sc Rep Liston Barfield, Rep. Richard Chalk  
Al Rep Jack Williams  
La Rep Noble Ellington  
Ark Sen Bill Lamoureaux  
Tn Sen Stacey Campfield, Rep. Matthew Hill

Mi Sen. Tonya Schuitmaker  
In Sen Jim Buck  
Il Sen Chris Lauzen  
Mn Reprs Steve Drazkowski/Glenn Groenhagen  
Nd Rep Kim Koppelman, Rep Blair Thorsen  
Sd Rep. Lora Hubbell  
Ks Sen Jean Schodorf  
Tx Rep Jerry Madden, Sen Jeff Wentworth  
Nm Rep David Chavez, Rep. Yvette Herrell,  
Co Sen Kevin Lundberg, Sen Kent Lambert  
Id Sen Curt McKenzie  
Wy Rep Sue Wallis  
Ut House Maj. Leader Brad Dee, Rep. Ken Ivory, Rep. Brad Daw, Rep. Paul Ray  
Az Sen Frank Antenori

Other Leaders

David M. Walker, Former Comptroller General of the United States  
Former Ark Rep. Dan Greenberg  
Former Mo Rep. Ed Emory  
Former Ohio Sen. Kevin Coughlin  
Richard Vedder, University of Ohio  
Barry Poulson, University of Colorado

Partial list. Titles for identification purposes only.

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# TEXT OF THE MADISON AMENDMENT

“ARTICLE \_\_\_\_ . The Congress, on Application of the Legislatures of two thirds of the several States, which all contain an identical Amendment, shall call a Convention solely to decide whether to propose that specific Amendment to the States, which, if proposed shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V.”

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## WHAT JAMES MADISON SAID:

James Madison writing in Federalist 43:

"It (the Constitution) equally enables the general and the State governments to originate the amendment of errors, as they may be pointed out by the experience on one side or the other"

The Madison Amendment restores the original meaning of the Constitution, it gives States the ability to use the power that the authors of the Constitution intended them to have.

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## SURVEY RESULTS

75 percent of American voters think "a check on Washington is what we need now in order to restore the balance of power between the federal government and state governments." .

80 percent believe the relationship between the federal and state governments should be more like a "partnership with equal footing and influence".

72 percent say that states and federal government are not sharing power today.

57 percent of Democrats, 82 percent of independents and 95 percent of Republicans agree with we need "a check on Washington"

These are the results of a national poll done by Kellyanne Conway for the State Policy Network.

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## A STRATEGY FOR ADOPTING THE MADISON AMENDMENT:

Adoption of the legislative "MADISON AGENDA" would empower states to safely force Congress to propose the Madison Amendment. Once adopted, the Madison Amendment would permanently confirm the power of the states in the U.S. Constitution.

A majority of the states have the power NOW to enact state measures that would empower the states so long as those measures remained in effect. Congress has similar power.

The Madison Agenda is a four part action agenda for State Legislators and Members of Congress.

1. A majority of states with a majority of the population (for example 26 of the 29 states with Republican

majorities in both Houses of their legislature) could pass "NO RUNAWAY CONVENTION LAWS" to provide for the instant recall and replacement of any delegate from that state to an Article V Convention who ignores a state limit on their authority to an up or down vote on a single Amendment proposed by the state.

2. 13 states could amend their STATE constitution to bar ratification in that state of any "runaway" amendment from a Convention limited to one amendment other than the specific Amendment authorized by the states who called the Convention.

3. The U.S. House could enact a RULE to block referral to states of any Amendment from a runaway convention.

4. 41 U.S. Senators could PLEDGE to protect the Constitution by blocking referral to states of any Amendment from a runaway convention.

If one or more elements of the Madison Agenda are adopted, 34 States could safely pass Article V Resolutions in support of an identical Amendment that would force Congress to propose that specific Amendment to avoid having to call a Convention.

#### IMPACT OF THE MADISON AGENDA AND THE MADISON AMENDMENT

If states could safely propose a specific Amendment to the U.S. Constitution without the risk of a runaway convention, a balance of state and federal power would be restored.

The 7000 plus state legislators and particularly the 99 House Speakers and Senate Presidents and their leadership would be able to hold Congress and the federal government accountable, as the authors of our Constitution intended.

And the Madison Agenda or the Madison Amendment would create an achievable path to reining in fiscally irresponsible behavior in Congress, if Congress does not alter its behavior.

# DRAFT MODEL LEGISLATION

THE “NO RUNAWAY CONVENTION” ACT OF 2012 (Could be titled the "Uniform Delegate Limitation Act of 2012')

## SECTION 1. LIMITATION ON THE AUTHORITY OF DELEGATES

No Delegate from the state of \_\_\_\_\_ to a Convention for proposing amendments called under the authority of Article V of the U.S. Constitution, hereinafter referred to as a “Convention”, shall have the authority to vote to allow consideration of, vote to consider, or vote to support any Amendment outside the scope of the Convention specified in the Article V Resolution passed by the Legislature of the State of \_\_\_\_\_ and used by Congress to call that Convention.

## SECTION 2. REQUIRED CREDENTIAL AND OATH FOR DELEGATES

All delegates and alternates from The State of \_\_\_\_\_ to a Convention must have a Credential issued by the Chief Election Officer of this State. Any individual who wishes to be considered for the position of delegate or alternate or who is to be issued a Credential as a delegate or alternate must take, under penalty of perjury, an oath, to be prescribed by the Attorney General of this State of \_\_\_\_\_ to accept, abide by and support the limitations on the authority of delegates in Section 1.

## SECTION 3. REMOVAL AND REPLACEMENT OF DELEGATES WHO EXCEED THEIR AUTHORITY

a) REMOVAL: Any delegate who violates the limitations in Section 1. shall immediately forfeit all right to represent the State of \_\_\_\_\_ at the Convention and any vote cast in violation of such limit shall be null and void.

b) AUTHORITY TO REMOVE:

If a delegate’s authority is limited in Section 1 to approval or disapproval of a precisely worded amendment, the Chief State Election Official shall immediately revoke the credential of a delegate who violates that limit.

If a delegate’s authority is limited in another manner, the Chief State Election Official shall immediately revoke the credential of that delegate for violating the limit upon the instruction of a Joint Committee of the Legislature appointed in a manner as the Presiding Officers of the respective Chambers of the Legislature shall jointly determine.

c) REPLACEMENT: Any delegate whose authority to represent the state of \_\_\_\_\_ at the Convention is revoked, shall be immediately replaced by an Alternate delegate. Alternate delegates shall be selected to serve in a manner to be determined by law or in the absence of such a law by the Legislature of the State of \_\_\_\_\_.

## SECTION 4. PUNISHMENT

Any delegate who violates or attempts to violate the limitations on authority specified in Section 1 shall be subject to the maximum penalty for fraud and misrepresentation provided by law. The Attorney General of the State of \_\_\_\_\_ shall enforce this provision.



SECTION 5. JOINT LEGISLATIVE COMMITTEE OF CORRESPONDENCE ON ARTICLE V.

The Legislature of \_\_\_\_\_ shall establish a Joint Legislative Committee of Correspondence on Article V whose activities shall include meeting and communicating with representatives of other states, including, but not limited to, legislative committees established by the legislatures of other states, for purposes of developing a common approach to enhancing the power of states under Article V.

THE "NO RUNAWAY CONVENTION" CONSTITUTIONAL AMENDMENT OF 2012

Section 1. The legislature of the State of \_\_\_\_\_ is prohibited from considering or ratifying any Amendment to the U.S. Constitution proposed by a Convention called under Article V of the U.S. Constitution that exceeds the limit on the scope of the convention as defined by the states who called for the Convention.