



The People's Cry: Fix the Government

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An Assessment of the State of the Republic

- Our federal government is dysfunctional and the major political parties appear incapable of civil discourse; in a word, our government is broken.
- Many suggestions for reform have been proposed and are awaiting a convention of states under Article V of the Constitution to consider them.
- Activists for and against reform have complicated the path to a convention, making its attainment problematic.
- A new, fresh approach is needed to convene a convention and get on with the business of repairing the republic.
- The States have the power to be the political "first responders" that will revive the country and pull it back to health and a long life.

Our Analysis

Article V of the US Constitution states:

"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"

In the founding era, political scholars were partial to long (very long!) sentences, but if we parse this one it says that if Congress is unwilling or unable to initiate reform action, the People may, acting through their state legislatures, initiate action by calling for a convention of states to consider amendments to the Constitution. And, in their wisdom, the founders not only provided us this path to reform, they built in high bars to block changes that were impulsive, poorly thought through, or were contrary to the fundamental principles of our society.

The High Bars

The first of these bars requires that a majority of the state delegates to a convention must agree on any reform before it can be submitted to the 50 states for consideration and possible ratification; the second bar is even higher, requiring that three-fourths of the states (38) must ratify a proposed amendment before it will become law. To motivate the political actions which will clear these two hurdles, there must be a strong consensus in the nation in favor of a proposal; only carefully reasoned proposals could survive this lengthy process of discussion and debate. In this context, the threat of a “runaway convention” (described below) simply does not stand up to thoughtful scrutiny.

The Problem

Since the constitution gives us a clear path to reform, why are reform efforts moving at a snail’s pace today? Why have we allowed the process to become entangled and allowed obscure barriers to obstruct us?

To start, we allowed a small group that opposes reform to use a specious argument that a convention could be subverted into a runaway convention by nefarious forces that would destroy our Constitution and our way of life. Every reform will meet resistance, since there will always be winners (those who will benefit from the reforms) and losers (those that will lose power in the reforms). In this case, the losers came up with a clever strategy of instilling fear of a convention in the minds of legislators and the public in order to forestall possible reforms.

Then, the reform advocates made a crucial mistake: rather than face the opposition down with the facts of a convention and negate the specious argument, they came up with an alternate form of convention (one with a limited agenda) that would clearly defeat the runaway threat. But, unfortunately, this “solution” abandoned the clear language of Article V and as a result our path to reform is now muddled.

State Leaders’ Opportunity

Leadership to solve this problem must come from the states, and the “Path to Reform” movement has been started to build an organization of state leaders that will take us to the convention of states we so desperately need today.

For decades, America was the leader of the free world and inspired others to follow our footsteps in democracy. But the severe dysfunction of our government today has muted our voice, and as a result democracy is in retreat around the globe. Some state leaders see our crisis clearly and the “Path to Reform”

movement will give them the platform to present their ideas for reclaiming our legacy of freedom and justice for all.

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