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THE BLILEY "STATES' INITIATIVE": EMPOWERING STATES AND PROTECTING FEDERALISM

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Representative Thomas J. Bliley (R-VA) and several co-sponsors recently introduced House Joint Resolution 29 (H.J. Res. 29), more commonly known as the "States' Initiative." The resolution would attempt to rectify a long-standing imbalance between the states and the federal government regarding the way in which amendments are proposed to the U.S. Constitution. Essentially, the States' Initiative would allow states to propose amendments to the Constitution without calling a formal Constitutional Convention.

If implemented, Bliley's States' Initiative would represent an important step toward the rediscovery and reinvigoration of the original federalist system crafted by America's Founding Fathers in the Constitution. Although many other federalism reforms would be needed to restore constitutional government and the proper division of powers in the American Republic, the States' Initiative would provide an essential foundation for future reforms.

CORRECTING AN HISTORICAL IMBALANCE

Article V of the Constitution allows Members of Congress to propose amendments to the Constitution in much the same way they introduce legislation. But under Article V, the states can introduce amendments to the Constitution only through a formal constitutional convention. The Founders probably thought this would be a relatively straightforward process; but, over time, the states

have come to view the calling of a constitutional convention as a radical step that could open the door to more harm than good. Fears of a "runaway convention" that might be heavily influenced or corrupted by special interests have discouraged the states from calling a convention to propose amendments.

Furthermore, the process of convoking a formal convention has become much more difficult over the past two centuries. Consequently, therefore, the states have been reluctant and unable to muster the support needed to call a constitutional convention to propose amendments to the Constitution. This means the states must rely on Members of Congress to introduce constitutional amendments on their behalf.

WHY THE STATES' INITIATIVE WOULD MAKE A DIFFERENCE

This situation is troubling because Congress may not be willing or able to propose or pass amendments that the states and the citizenry may desire.

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For example, although the states and the general public may be interested in proposing amendments to the Constitution that curtail and strictly limit the powers of the federal government, Members of Congress may be unwilling to introduce such amendments or unable to muster the support to pass them through Congress.

This means an important part of America's system of checks and balances is annulled. The Founders established a federalist system of governance for America to ensure that the tension among the various levels of government would help to keep government in check, thus preserving and protecting the rights and liberties of the people. But because the states remain unable to propose constitutional amendments without a formal convention, the deck is stacked against them; another level of government has the upper hand in seeking changes to the Constitution.

H.J. Res. 29 would correct this problem by amending the Constitution to allow the states to introduce amendments on their own without formally convening a constitutional convention. If two-thirds of the states pass resolutions approving the proposed amendment, the measure would be presented to Congress for a formal vote. Unless two-thirds of Congress voted to disapprove the proposed amendment, the measure would be resubmitted to the states for final approval. If three-fourths of the states approved the measure, it would become part of the Constitution.

What makes the States' Initiative such an integral component of federalism reform is that it would empower the states by giving them equal bargaining power with Congress on a wide variety of political matters. By placing the states on equal constitutional footing with Congress, the States'

Initiative would give states a stronger voice in matters of importance to the country. Even if the States' Initiative became law, the states would not be likely to muster the majorities needed to pass proposed amendments in all cases; but the very fact they were seriously considering and debating such amendments would act as a powerful check on national power by sending federal legislators a strong message regarding the views of the states and the citizenry.

FIRST STEP OF MANY NEEDED

Amending the Constitution never should be taken lightly, of course. The process embodied in the Bliley States' Initiative contains procedural safeguards to ensure that proposed amendments became part of the Constitution only after an overwhelming majority of states had voted for the measure. And Congress would continue its role in the process by voting to approve proposed amendments before ratification could go forward.

Clearly, Congress would need to undertake many other federalism reforms to help to restore the Founding Fathers' original system of constitutional governance. But the Bliley States' Initiative provides Congress with a sound starting point for serious federalism reform.

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