

of a legal entity from that gathering. This is not what occurs when The Council of State Governments gets together and everybody comes and they talk about whatever they want to and perhaps even adopt resolutions, make recommendations relative to proposed legislation. This is to be a legal, free-standing entity. It exists independently of any legislature or any group of legislatures. It's not controlled by any legislature, it's not controlled by the Governor, it's not controlled by anybody who is a part of the existing three branches of government. When you formalize a structure such as this you get into an area which is fraught with danger to the Constitution. I have before me a memorandum dated March 3, 1995, and it's addressed to all Nebraska legislators from Governor Nelson with reference to The Conference of the States. And he starts by saying, the procedures for calling a constitutional convention are laid out in Article V of the U.S. Constitution and The Conference of the States process cannot circumvent them. Then he quotes Article V, "The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to the Constitution or on the application of the legislatures of two-thirds of the several states shall call a convention for proposing amendments." An application of the legislatures of two-thirds of the states, there is nothing which indicates how that application is to come into existence, nor is there anything that says how or whether two-thirds of the several states would have to come into a meeting. But if two-thirds of the states would wind up at this gathering and at that gathering they would make an application, who can say with certitude that Congress would not respect that as what is required under the Constitution and then call a constitutional convention. The gathering itself cannot be converted into a convention because a convention has to be called by Congress. But that gathering could be converted into the group comprising two-thirds of the states which would make an application to Congress to call a constitutional convention. So when the Governor and others try to assure that this gathering can in no way be the jumping off point for the calling of a constitutional convention,...

SENATOR CROSBY: One minute.

SENATOR CHAMBERS: ...the Governor and those people have not read the language of the Constitution in Article V, they have not read it carefully, and they have not read court decisions construing the Constitution. This language has no court-given definition, nor have boundaries been drawn around it as a result