

SENATOR WEHRBEIN: Yes, Madam Speaker and members, just briefly. I guess I'll ask Senator Kristensen. I've got a letter here from Senator Charles Duke, Senator from Colorado, and in that he makes a statement that there will be some amendments to the resolution for the constitutional...or Council of States in some states in an attempt to preclude the COS delegates from allowing the COS to become a constitutional convention. These amendments will not work, however, since the COS delegates once assembled are, in fact, considered to be representatives of the people, not the legislatures. Do you consider that an accurate statement?

SENATOR KRISTENSEN: No, absolutely not. I mean, Senator Wehrbein, this resolution of participation that we're sending...we're sending representatives of this Legislature to participate in that process. We've got an amendment in our resolution that says that this is not going to be a step towards a constitutional convention. And if you follow what the Article V talks about in the United States Constitution, just because, let's just say you have 6 people that wander in off the streets from Nebraska, could they represent the people and vote along with 33 other states for a constitutional convention? That has no legal impact. And until this body, through...as representatives of the state, ask Congress to call a constitutional convention, it can't happen. It just legally can't occur. So I mean the statements that you read in the letter, I mean he puts them forth, he obviously is somebody who's into some of these other things from the John Birch Society or whoever, and some of the other amendments that are running around out there, that just isn't factually true. And I cannot conceive of any scenario where those delegates, when they're assembled, can begin the legal workings of a constitutional convention. To that extent I think Senator Chambers has talked about that. He and I both visited about that legally this isn't the step towards the constitutional convention. His argument, I think, and he'll correct me if I'm wrong, but his argument is, look, in effect this might become that because it will gain popularity, they'll have a concept and that concept will become popular, and thus it will turn into a movement for a constitutional convention. I don't disagree with Senator Chambers on could that happen, yes, it could. But the legal ramifications, could that group of Conference of States somehow turn from a caterpillar into the larvae and into the butterfly of a constitutional convention, no, it just legally can't occur.