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Constitutional convention advocates look to capitalize on Republican gains

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They doubt they can reach the finish line this year, but advocates pushing for a new constitutional convention convened by the states say 2017 could still be an important year in building momentum, after major GOP gains in the elections left them with even more ripe target among state legislatures.

House Republicans could also help the effort, with a potential change to the chamber's rules that would ease the fears of some who warn of a "runaway convention" going off the rails.

Convention backers say the election of Donald Trump to the White House shows the time is ripe, and voters are eager to tie Washington's hands with new strictures through new amendments to the Constitution.

"The hordes have broken through the gates of Washington, D.C., and now, at this very moment, is the time we should tear the structure down," Mark Meckler, president of Citizens for Self Governance, told The Washington Times.

Calling a new constitutional convention to amend the nation's founding document has been a chief goal of some conservatives for years, but Mr. Meckler said it's getting a second look from liberals as well, eager to rein in a Washington where Mr. Trump is in power.

The strategy is to tap the provision, never used since the founding but still enshrined in Article V of the Constitution, that triggers a new convention if the legislatures in two-thirds of the states call for it.

States would send delegates who would work on new amendments and submit them to Congress, which would then submit them back to states for final ratification.

Opponents have raised myriad objections, including the exact subjects a convention would tackle. But House Republicans are moving to quell one of the biggest fears — that of a "rogue" convention that strays far beyond the original scope for which it was created.

Rep. Kevin Cramer, North Dakota Republican, has proposed a new rule that would prevent the House from sending back to the states for ratification any amendment that didn't fit within the initial convention call's mandate, according to the Cato Institute's Ilya Shapiro.

"No amendment convention would be able to go beyond its charge; states could limit such a convention to an up-or-down vote on a specific amendment," Mr. Shapiro wrote on Monday.

Beyond defining its scope, there are competing ideas about what a convention should tackle. In recent years some states have petitioned for amendments imposing term limits on members of Congress, or new campaign finance restrictions that would roll back the Supreme Court's Citizens United decision.

Balancing the budget

Perhaps most popular is the petition to impose a balanced budget amendment, or BBA, as it's known in Washington. By some counts the states are a half-dozen shy of the number needed to force a convention on that subject.

Mr. Meckler, along with former Oklahoma Republican Sen. Tom Coburn and home-schooling activist Michael Farris, are taking a different approach, pushing for states to petition for a convention focused on the subject of limiting Washington, rather than on a specific amendment such as the balanced budget measure.

Their Convention of the States Project claims a grass-roots army of more than 2 million followers, and has already enlisted eight states to file petitions with Congress.

Mr. Meckler said translating opportunities into successes has proved tougher than he'd first imagined, and much of that has to do with the way state legislatures operate. Dealmaking and opposition from some powerful local lawmakers have stymied attempts in states where Mr. Meckler had expected to do better.

"Virginia has been tougher than I expected. Virginia should have been the first state, and it is a little bit embarrassing, frankly, in my opinion, that they weren't the first state," he said.

Since it has never been tried, there are still questions about how a convention of the states would be triggered. Analysts debate whether a state can revoke its petition, and how closely petitions must match for them to be considered part of the same call for the purposes of reaching the two-thirds target.

Gregory Watson, an activist in Texas who was the key player in getting the 27th Amendment to the Constitution — on congressional pay — ratified in 1992, said he was surprised to find four states that have passed convention calls over the last six years, for which Congress has no record.

A handful of other states' petitions reached the U.S. House but not the Senate. And four states that have tried to revoke petitions have only sent them to the House but not the Senate.

Thanks to Mr. Watson, Florida officials realized they hadn't submitted their convention call to Congress, and they took steps last year to correct that.

“We appreciate your diligence,” State Rep. Larry Metz said in a letter to Mr. Watson letting him know he had helped prod Florida along.

Mr. Watson said he sees the potential for a new push for an Article V convention in the wake of the November election. He said Kentucky, Montana, Minnesota and Wisconsin, which have never passed petitions for a balanced budget amendment, are all potential targets now.

Wisconsin Gov. Scott Walker last month said he would support a new convention for a balanced budget amendment or to impose term limits on federal lawmakers.

“Some have said, ‘Well if you do that, doesn’t it open the floodgates to all sorts of wild ideas?’ And the answer to that is no,” Mr. Walker said, according to a report in the Capital Times. “The reason I support that is I believe, like our state and other states, that we should have a requirement to balance the budget that you can’t get around. I think it’s reasonable, particularly in Washington, to have term limits and to do other things that are responsible, and that if the Congress isn’t going to do it, I think it makes sense to have the call for an Article V Convention of the states.”