

February 17, 1976

SENATOR CAVANAUGH: It doesn't.

SENATOR CHAMBERS: What does it say about the makeup?

SENATOR CAVANAUGH: It doesn't.

SENATOR CHAMBERS: You mean to tell me that something as important as a convention to ratify a constitutional amendment is just hanging up there with no guidelines as to who should serve on it?

SENATOR CAVANAUGH: It appears to me, Senator Chambers, that the framers of the Constitution, drafters of the Constitution wanted to provide an alternative method. Now they've done that. They've done that. It would be up to the legislatures or the Congress to provide language or a mechanism to implement that power. That's a grant of power.

SENATOR CHAMBERS: Senator Cavanaugh, could the Governor appoint a convention? Would the constitutional language here prohibit the Governor from appointing the members of a convention?

SENATOR CAVANAUGH: I would.... No, it would not.

SENATOR CHAMBERS: Would it prohibit a governor from appointing a convention made up of all members of his political party?

SENATOR CAVANAUGH: No, it would not, not this section.

SENATOR CHAMBERS: Alright so that language is just there and it has not been construed or interpreted by a court has it?

SENATOR CAVANAUGH: No, no other sections of the Constitution may place limitations as to ... or other restrictions on how that may be implemented.

SENATOR CHAMBERS: But you're not familiar with any right now? ... any restrictions that the U.S. Constitution places on the calling of a convention for the purpose of ratification.

SENATOR CAVANAUGH: Well I would assume, for example....

SENATOR CHAMBERS: Not an assumption, and I'm not trying to be snappish, but are you aware of any because I have another question?

SENATOR CAVANAUGH: That would replace restrictions on this?

SENATOR CHAMBERS: Yes.

SENATOR CAVANAUGH: Well of course, the equal protection clause would place restrictions on this if, for example, the Governor... it was determined that governors would form these conventions and the Governor of Nebraska decided that the membership of the convention would be white males over 21 years old I'm sure that the equal protection clause would prohibit that.