

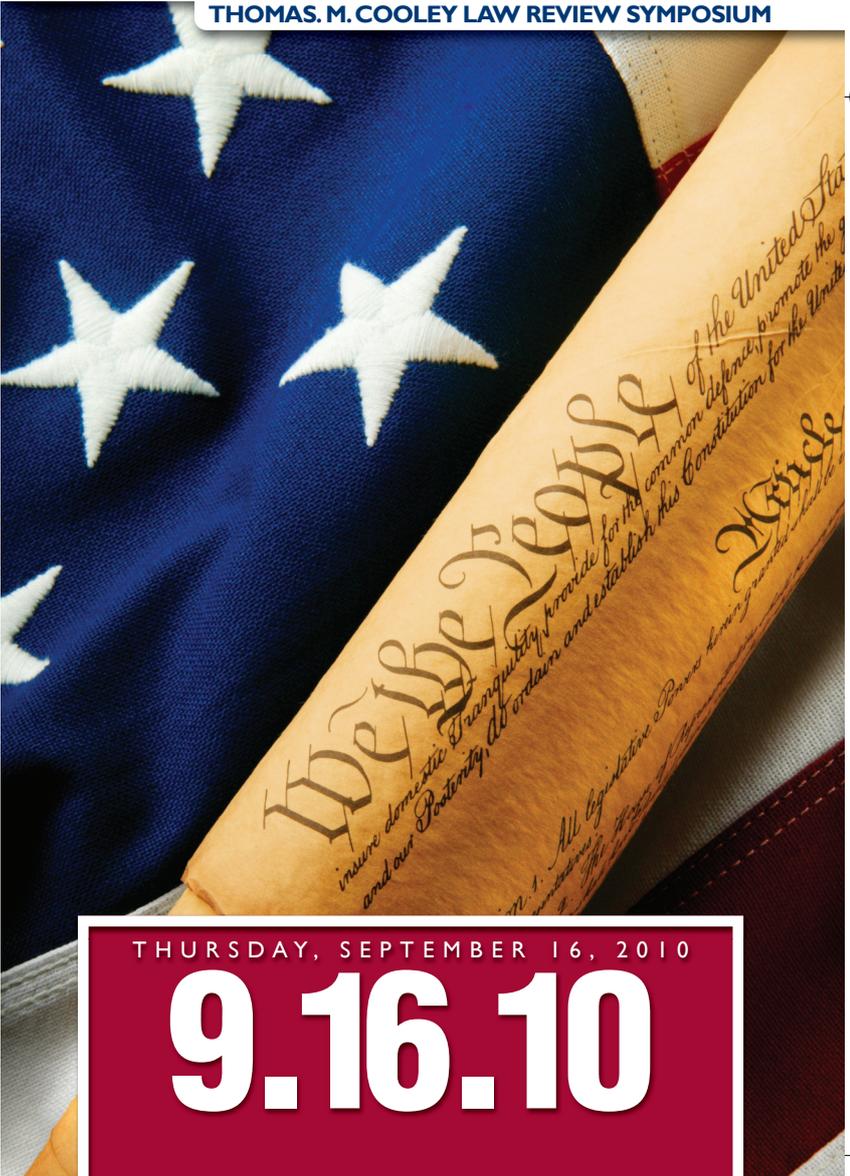
THE THOMAS M. COOLEY LAW SCHOOL



RENEWING THE COMPACT: HOW

# ARTICLE V EMPOWERS THE PEOPLE OF ALL THE STATES

THOMAS M. COOLEY LAW REVIEW SYMPOSIUM



THURSDAY, SEPTEMBER 16, 2010

# 9.16.10



## Thomas M. Cooley Law School

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# ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

RENEWING THE COMPACT:

## HOW ARTICLE V EMPOWERS THE PEOPLE OF ALL THE STATES

**Thursday, September 16, 2010**

**11 a.m. to 5 p.m.**

This year's symposium will focus on Article V of the United States Constitution and its provision that grants states the right to "call a Convention for proposing Amendments" to the U.S. Constitution. This constitutional provision has been the subject of increased debate due to the increased power of the Federal government since the early twentieth century. These issues are increasingly polarized within the political community considering the rising federal debt, recent healthcare and banking legislation, calls for government transparency, and other issues leading political headlines.

The symposium will be moderated by Cooley Law School's Professor Philip Prygoski.

### TIMELINE OF EVENTS

<b>11:00-11:15</b>	<b>Welcome: Professor Philip Prygoski</b>
<b>11:15-11:45</b>	<b>Professor Robert G. Natelson</b>
<b>11:45-12:15</b>	<b>Bill Walker</b>
<b>12:15-12:45</b>	<b>Joel S. Hirschhorn</b>
<b>12:45-1:30</b>	<b>Lunch with Keynote Speaker: the Honorable Thomas E. Brennan</b>
<b>1:30-2:00</b>	<b>William H. Fruth</b>
<b>2:00-2:30</b>	<b>Judge James L. Ryan</b>
<b>2:30-2:45:</b>	<b>Break</b>
<b>2:45-3:15:</b>	<b>Professor Paul D. Carrington</b>
<b>3:15-3:45:</b>	<b>Delegate Jim LeMunyon</b>
<b>3:45-5:00:</b>	<b>Questions for the Panel</b>

## PROFESSOR PHILIP PRYGOSKI



Professor Prygoski was in private practice in Ann Arbor, Mich., before joining the faculty in 1977. He also worked as a staff attorney for the Michigan Supreme Court and served as an administrative law judge for the State of Michigan Department of Licensing and Regulation.

A member of the Cooley Legal Authors Society, he has published a dozen law review articles dealing with constitutional law and many have been cited in major treatises and casebooks. He is a member of the American Law Institute.

Professor Prygoski is a 30-time winner of the Stanley E. Beattie Teaching Award, given by each graduating class at Cooley Law School.

Professor Prygoski has taught constitutional law as a visiting professor at the University of Wisconsin Law School, the University of Tennessee College of Law, and the University of Oklahoma College of Law. While at Tennessee, Professor Prygoski received the Tennessee Student Bar Association's Outstanding Professor Award for 1992-1993. Professor Prygoski is the founder and director of the Michigan Indian Law Center.

He teaches Constitutional Law, Children and the Law, First Amendment Seminar, and Constitutional Issues in Public Schools.

## PROFESSOR ROBERT G. NATELSON



Robert G. Natelson is a Senior Fellow in Constitutional Jurisprudence at the Independence Institute in Denver, Colorado, and Senior Fellow at the Goldwater Institute in Phoenix, Arizona. Recently, Professor Natelson retired from the University of Montana School of Law, where he was a professor of Constitutional Law.

Professor Natelson is a recognized expert on the framing and adoption of the United States Constitution, and on several occasions, he has been the first to uncover key background facts about the Constitution's meaning. Recently, Professor Natelson co-authored *The Origins of the Necessary and Proper Clause*, published by Cambridge University Press, and *The Original Constitution*, published by the Tenth Amendment Center. Moreover, his work is frequently cited in top journals, such as the Harvard Law Review, the Yale Law Journal, the Michigan Law Review, and the Georgetown Law Journal. He also edits the web page, *The Scholarship of the Original Understanding of the Constitution*, and he collected and edited the material that forms the *Documentary History of the Ratification of the Montana Constitution*.

Professor Natelson has had a colorful career outside of law school. He has worked as a journalist and radio talk show host, and he has been a motivating force behind several important pieces of Montana legislation. In June 2000, Professor Natelson was the runner-up among five candidates in the party primaries for Governor of Montana.

## BILL WALKER



Bill Walker is a former newspaper editor, publisher, and circulation manager. He has been active in advocating an Article V Convention since 1992 when he learned the states had already submitted a sufficient number of applications to cause Congress to call a convention. He began his work regarding an Article V Convention call by establishing within his own state (Washington) that the people could use the initiative process to cause their state legislature to submit an application for an Article V Convention.

In 2000, Walker filed the first federal lawsuit in United States history, *Walker v. United States*, regarding the obligation of Congress to call an Article V

Convention as mandated under Article V of the Constitution. He filed a second lawsuit, *Walker v. Members of Congress*, in 2004. This lawsuit went to the Supreme Court of the United States where he was able to obtain for the first time in history, an official admission by an official legal representative of Congress of the terms and conditions of a convention call, something not available to the public before.

In 2007, Walker helped found Friends of the Article V Convention (FOAVC), a non-partisan group dedicated to bringing about the nation's first Article V Convention. In 2008, Mr. Walker and other members of FOAVC, a non-partisan group helped gather and publish on the Internet the first collection of the Article V Convention applications by the states in United States history. While others in the past had compiled lists of applications, FOAVC's list is unique because it shows actual photographic copies of the applications, numbering over 700 from the states.

Walker resides in Seattle, Washington, and has one son, Christopher. He currently works in the medical service department for a national medical testing corporation.

## JOEL S. HIRSCHORN



Joel S. Hirschhorn is the author of *Delusional Democracy – Fixing the Republic Without Overthrowing the Government* ([www.delusionaldemocracy.com](http://www.delusionaldemocracy.com)). His current political writings have been greatly influenced by working as a senior staffer for the U.S. Congress and for the National Governors Association. He advocates a Second American Revolution, beginning with an Article V Convention to propose constitutional amendments. He is former Chair of the Independent Party of Maryland.

## THOMAS E. BRENNAN



Judge Brennan was admitted to the State Bar of Michigan in 1953, and practiced law in Detroit for nine years. He was elected to the Detroit Common Pleas Court in 1961, advancing to the Wayne County Circuit Court and finally to the Michigan Supreme Court, where he served as Chief Justice in 1969 and 1970.

In 1972, Judge Brennan founded the Thomas M. Cooley Law School. In 1974, he resigned from the Court to become the school's first full-time Dean. During his decanal tenure, Judge Brennan founded the Cooley Legal Authors Society, the Student Bar Association, the Scholastic Review Board, the Thomas M. Cooley Law Review, and he designed the school's year-round, three-divisional system.

Judge Brennan served as President of the law school from 1979 until he retired on January 19, 2002, and also served on the Board of Directors from 1972 until 2002. The Honorable Thomas E. Brennan Law Library is named in his honor.

## WILLIAM H. FRUTH



William H. Fruth is the President of POLICOM Corporation, an independent economics research firm located in Palm City, Florida, which specializes in studying the dynamics of local economies.

He has personally evaluated the data for more than 600 local economies in the United States, created more than 150 economic and community studies, and has provided presentations and workshops for state-national associations and community forums in 34 states.

He is the author of the book *–10 Amendments for Freedom –* and serves as the founder of the 10 Amendments for Freedom organization. From research for this book, Fruth has created a new presentation: Five

things we must do to save our national economy.

He is a nationally recognized leader in the field of geographic economics and also has extensive experience in economic development.

From 1988 to 1995, Fruth served as Vice President of a major industrial land development company directing the development and marketing of a 500-acre corporate park in the West Palm Beach, Florida area.

Prior to that, he was President of the Business Development Board of Palm Beach County, the economic development organization for the area. During his tenure, he was named Florida's Economic Development Professional of the Year in 1987.

From 1980 to 1984, Bill served in a full-time capacity as Mayor of Tiffin, Ohio. During this time, he was named one of the "Five Outstanding Young Men in Ohio" and was heavily involved in economic and community development locally and statewide.

### JUDGE JAMES L. RYAN



Judge Ryan grew up in Detroit and graduated from Detroit Catholic Central High School. He earned B.A. and LL.B. degrees from the University of Detroit.

Following his graduation from the University of Detroit School of Law in 1956, Judge Ryan served as a Law Specialist in the United States Navy and was assigned to the Judge Advocate General (JAG) and duty with the United States Marine

Corps. Upon his release from active duty in 1960, he continued to serve in the JAG Corps. of the United States Naval Reserve, and, in 1992, retired from the Naval Reserve as a Military Judge with the rank of Captain.

Before his career in the judiciary, Judge Ryan was engaged in the private practice of law. In 1963, Judge Ryan served as a Justice of the Peace for Redford Township. In 1966, he was elected to the Third Judicial Circuit of Michigan. In 1975, Governor William G. Milliken appointed Judge Ryan to the Michigan Supreme Court, where he served as the 89th Justice, until his appointment in 1985 by President Ronald Reagan as a judge of the United States Court of Appeals for the Sixth Circuit.

Judge Ryan has extensive teaching experience. He has served as an adjunct professor of law at Ave Maria School of Law, the University of Detroit School of Law, and the Thomas M. Cooley Law School. He has lectured on Evidence, Criminal Procedure, and Constitutional Law at those institutions and at state and federal judicial training sessions in thirty states. He has served as a faculty member of the National Judicial College in Reno, Nevada, and the Appellate Judges Conference of the American Bar Association. Judge Ryan has been awarded four Honorary Doctor of Laws degrees.

### PROFESSOR PAUL D. CARRINGTON



Professor Carrington is a native of Dallas. He received a B.A. from the University of Texas in 1952, and in 1955, he received a LL.B. from Harvard Law School. His professional experience includes a brief stint in private practice, another in a military law office, and occasional consultations over fifty years, most of them pro bono publico. Since his teaching career began in 1957, he has taught in fifteen American law schools, as well as the

University of Tokyo, Albert Ludwigs Universitat Freiburg, Bucerius Law School in Hamburg, and Doshisha University Law School in Kyoto.

He has been at Duke since 1978, serving as dean from 1978 to 1988. He has been active in judicial law reform efforts, particularly with regard to the jurisdiction of appellate courts, the rules of civil litigation, and the selection and tenure of judges in state courts. From 1985 to 1992, he served as reporter to the committee of the Judicial Conference of the United States advising the Supreme Court on changes in the Federal Rules of Civil Procedure. He has since 1988 also studied the history of the legal profession in the United States. He teaches appeals, civil procedure, international civil litigation, and lawyers in American history. His recent works are *Stewards of Democracy: Law as a Public Profession* (1999), *Spreading America's Word: Stories of Its Lawyer-Missionaries* (2005); *Reforming the Court: Term Limits for Supreme Court Justices* (2006); and *Law and Class in America: Trends Since the End of the Cold War* (2006).

### DELEGATE JIM LEMUNYON



Jim was elected to the Virginia House of Delegates in November 2009. He serves on three committees: Education, Science and Technology, and Counties, Cities, and Towns. During his first session in the House of Delegates, three of Jim's bills became law.

Jim has introduced a resolution calling for an Article V convention, which will be considered by the Virginia House of Delegates when the House reconvenes in January 2011. The Wall Street Journal featured an article authored by Jim on its editorial page last April in which he described the need for a constitutional convention.

As a technology company entrepreneur for more than 20 years, Jim has started and helps build technology businesses. This includes his role as the co-founding President of Sterling Semiconductor, now a unit of Dow Corning in Michigan, which produces an advanced electronic material needed for electric cars and energy efficient lighting. Jim recently headed HexaTech, a company that is developing novel sources of ultra-violet light for water purification, and new components for wireless communication systems.

Jim has prior government experience as Deputy Assistant Secretary of the U.S. Commerce Department from 1989-1993. He managed the Export Administration, and within four years reduced the size of the agency's budget while making the agency more effective, returning millions of tax dollars to the U.S. Treasury. His responsibilities included representing the United States on international trade and security negotiating teams that created the first trade restrictions on chemical, biological, and missile technologies to keep such items out of the hands of terrorists and other adversaries. Jim testified frequently before Congress on these issues.

Early in his career, Jim served as chief-of-staff to Republican Congressman Ed Zschau from California's Silicon Valley. In that capacity, Jim coordinated the efforts of a Republican task force in the House of Representatives that was successful in passing several laws to foster innovation and the creation and growth of new companies.

Jim graduated from Valparaiso University with a B.S. in physics and mathematics. He earned a M.S. in meteorology at the University of Wisconsin on a NASA scholarship.