



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on Senate Joint Resolution 12

March 24, 2021

Good afternoon again Senator Felzkowski and colleagues of the Senate Committee on Government Operations, Legal Review and Consumer Protection. I am here to testify in favor of Senate Joint Resolution 12, a measure I've authored alongside Representative Ramthun to use the Article V state convention process to propose an amendment to the United States Constitution imposing term limits on members of U.S. Congress. This is a reintroduction of 2019 Senate Joint Resolution 106, which was brought forward at the tail end of the previous session.

National surveys and opinion polls on congressional term limits routinely garner strong majority support. One of the more notable examples over the past decade was a 2013 Gallup poll in which 75 percent of respondents voiced their support for imposing term limits on members of Congress. As someone who has introduced and advocated for legislation across multiple sessions to implement term limits for elected officials at the state level, I have become familiar with the inertia surrounding this issue at every level of government.

Simply put, elected officials on both sides of the aisle are reluctant to voluntarily impose restraints on their own power. Past constitutional amendments have been proposed to limit congressional terms of office, and these proposals have garnered majority support. However, none of the proposals secured the necessary two-thirds supermajority vote in both houses of Congress to move forward.

Fortunately, the Framers of the U.S. Constitution provided the states with a mechanism for advancing constitutional amendments in the face of congressional inaction. This mechanism lies in Article V of the U.S. Constitution, which allows two-thirds of states to call a convention for the purpose of proposing constitutional amendments of a specific and limited scope, with ratification requiring the approval of three-fourths of state legislatures.

Since our nation's founding, term limits have served as a mechanism for ensuring accountability and respecting the principle of "rotation in the offices" that is fundamental to maintaining the citizen legislature envisioned by the Framers. The 19th and 20th centuries featured an abandonment of this principle that has carried into the 21st century. Over the past 130 years, the tenure of members of U.S. Congress has continued on an upward trajectory, with the average years of service doubling in the Senate and tripling in the House of Representatives. As the average tenure has increased, the public approval rating of the citizen legislature formed at our nation's founding has commensurately decreased.

In passing SJR 12 and adding Wisconsin to the list of states seeking to propose a constitutional amendment for congressional term limits, we will be one step closer to creating a mechanism to allow for positive turnover, increased accountability, and fresh perspectives on Capitol Hill. Thank you for your consideration.



TIMOTHY RAMTHUN

STATE REPRESENTATIVE • 59th ASSEMBLY DISTRICT

03/24/2021

**Testimony on Senate Joint Resolution 12, Senate Committee on Government Operations,
Legal Review, and Consumer Protection**

Members of the Senate Committee on Government Operations, Legal Review, and Consumer Protection,

Thank you for holding a public hearing today and allowing me to testify in favor of Senate Joint Resolution 12, which seeks to apply to Congress for an Article V convention for the purpose of introducing an amendment which would impose term limits on members of Congress.

Many of the Founding Fathers held the belief that these positions were not meant to be held for long periods of time. Imposing term limits on members of Congress would be of great benefit to our system of government for a multitude of reasons, but I'll only speak on two specific ones.

First, term limits would allow for more public participation within government. Over the past few decades, incumbents have had a massive advantage over challengers when it comes to reelection. Due to this advantage, many people choose not to run against incumbents at all. Term limits would produce more open seat elections, enticing people to run for office and providing voters with numerous candidates to vote for, instead of just the same names over and over.

Second, term limits would allow for fresh perspectives in Congress. When people have been in any system for too long, they inevitably conform to it. Congress is no different. We're seeing that now more than ever in Washington, D.C. When people are in positions of power for too long, they stop working for the people and start working for influence, favor, prestige, money, and themselves. By limiting the amount of terms someone can serve in Congress, it would allow for those positions to be consistently refreshed with new individuals untainted by the system.

Absolute power corrupts absolutely. That is just human nature. Imposing term limits on Congress would help prevent such corruption, and return the power of governance to the people.

Thank you again for holding this hearing on Senate Joint Resolution 12 and allowing me to testify in favor of it. I am happy to answer any questions you may have.

My name is Christian Gomez, resident of Appleton, Wisconsin; Research Project Manager for The John Birch Society; currently the host of the JBS' *Anarchy & America* web-series, and also contributor for the leading-constitutional conservative *The New American* magazine and video. I am testifying in *opposition* to both SJR 8 and SJR 12, the "Convention of States Project"-worded application for an Article V constitutional constitution¹ and the single-subject constitutional convention for term-limits application, respectively.

By the end of the day, you will have heard it repeated by many well-meaning proponents of both SJR 8 and SJR 12 – the two resolutions before us applying to Congress to "call a Convention for proposing Amendments," under Article V – that such a convention is needed now more than ever to rein in the federal government. The Founding Fathers gave us Article V – specifically the convention method for proposing amendments to the Constitution – for such a time as this, at least that's what we're told by advocates of SJR 8, SJR 12, and the Convention of States Project.

While I certainly agree with the fact that our federal government – the Congress, Executive Branch, and Courts have long-since strayed from an originalist interpretation of the federal Constitution, and that something needs to be done about it, the fact of the matter is that reining in the federal government was *and is not* the purpose of Article V.

The framers of the Constitution drafted Article V to remedy any potential defects in the Constitution.

According to James Madison's notes on the Federal Convention of 1787, Alexander Hamilton explained on September 10, 1787 that the purpose of amendments was "for supplying [archaic use, meaning 'to remedy'] defects which probably appear in the new

¹ **"Constitutional convention.** A duly constituted assembly of delegates or representatives of the people of a state or nation for the purpose of framing, revising, or amending its constitution." *Black's Law Dictionary* (7th Ed.) 1999. New York: West Group. p.307

System.”² And in *The Federalist* No. 85, Hamilton further explained the corrective purpose of amendments, writing in part:

In opposition to the probability of subsequent amendments, it has been urged that the persons delegated to the administration of the national government will always be disinclined to yield up any portion of the authority of which they were once possessed. For my own part I acknowledge a thorough conviction that any amendments which may, upon mature consideration, be thought useful, *will be applicable to the organization of the government, not to the mass of its powers.*³ [Emphasis added.]

Hamilton, like others, understood that the purpose of amendments was for the “organization of the government,” in other words, for addressing the structures of how the federal government is set up, and “not to the mass of its powers,” such as the unconstitutional laws Congress passes or other federal usurpations. This is the very opposite of what today’s modern proponents for an Article V convention to amend the Constitution say. Today’s problems in the federal government do not stem from any defects in the Constitution or the organization of the government. Instead, they stem from a departure of the Constitution’s clear, original meaning and interpretation.

Therefore, an Article V convention for proposing amendments, historically referred to as a constitutional convention, was never intended as the method to rein in the federal government.

Rather than reining-in the federal government, an Article V convention is far more likely to expand the power and scope of the federal government, whether by poorly-worded amendments that unintentionally constitutionalize previously unconstitutional powers to the

² Ferrand, Max. (1937). *The Records of the Federal Convention of 1787* (Revised Ed.). Vol. II. New Haven: Yale University Press. p.558

³ Hamilton, Alexander. (1901). *The Federalist: A Collection of Essays by Alexander Hamilton, John Jay, and James Madison* (Revised Ed.). New York: The Colonial Press. p.486

federal government or by delegates or commissioners to the convention taking the opportunity to introduce and propose new amendments with far-reaching powers, or worse drafting an entirely new and “modern” constitution with its own mode of ratification – as oppose to the supposed “safe-guard” of ratification by three-fourths of the state legislatures or state ratifying conventions. Instead, a new constitution’s threshold for ratification could be lowered to a simple majority of the states (26 out of 50), or to states whose populations account for a majority of the U.S. population, or perhaps even, in an appeal to “democracy” – the will of the people themselves by way of a national referendum, similar to what we see unfolding today in the country of Chile.

Rather than proposing amendments to rein in the current federal government, we might instead get a new constitution crafted to: expand so-called reproductive healthcare or abortion; define which types of firearms are and are not lawful for American citizens to poses; expand the number of justices serving on the U.S. Supreme Court; abolish the Electoral College in favor of the direction election of the president and vice-president of the United States, again in the name of “democracy”; curtail or abolish local law enforcement in favor of greater federal oversight or nationalized police, in the name of rooting out “systemic racism” and stopping so-called “police brutality”; promote the structures of regional integration, global governance, and the United Nations’ sustainable development goals; reset our nation’s economy to address income inequality and promote the so-called “equitable treatment [that] we all end up in the same place.”

As far-fetched as this may sound to some, a new mode of ratification, along with the backing of a Congress that is ideologically attuned to these goals, support from powerful and well-funded Tax-Exempt Foundations, and an equally excited mainstream media giving constant, free, and positive publicity to such a constitution, could very-well make the ratification of such a new constitution a reality. And perhaps the saddest and most ironic part of all will be that many of those who would loudly protest and oppose such a new constitution would be the very same

people who made it possible for there to be the convention that birthed such a constitution in the first place.

I say this not as some-sort of scare tactic based on a science fiction scenario of the future. I say this as a warning based on current events, such as what is presently unfolding in Chile, but also based on history, specially at the 1787 Federal Convention in Philadelphia.

The Continental Congress and the states originally tasked the delegates to the 1787 Philadelphia Convention with “the sole and express purpose of revising the Articles of Confederation, and reporting to Congress, and the several legislatures, such alterations and provisions as shall render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union.”⁴ At the time, the Articles of Confederation were the supreme law of the land. Article XIII of the Articles of Confederation specifically stipulated that “any alterations” made to the Articles of Confederation had to be unanimously “agreed to in a *Congress of the United States*, and be afterwards confirmed by the *legislatures of every State*.”⁵ (Emphasis added.)

Both of these mandates were clearly exceeded. The delegates instead chose to replace the Articles of Confederation with an entirely new federal constitution. And they also altered the mode of ratification from being “confirmed by the legislatures of every State,” according to Article XIII of then-governing Articles of Confederation, to ratification by only nine of the 13 states. Article VII, Section I of the U.S. Constitution states: “The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.” Not only was the threshold lowered to nine out of the then-13 states, the Constitution was ratified by special ratifying conventions rather than by the legislatures of the state.

⁴ United States Continental Congress, Resolution, February 21, 1787

⁵ Article XIII. *The Articles of Confederation*. Bedford, Massachusetts: Applewood Books. p.24

In fact, this clear excess of power even troubled Judge Caleb Wallace, a supporter of the new Constitution. Wallace was so concerned about the precedent set by this runaway convention that he even advocated redoing the entire convention, with the full and proper authority to replace the Articles of Confederation. Judge Wallace wrote:

I think the calling [of] another continental Convention should not be delayed . . . for [the] single reason, if no other, that *it was done by men who exceeded their Commission*, and whatever may be pleaded in excuse from the necessity of the case, something certainly can be done to *disclaim the dangerous president* [sic., precedent] which will otherwise be established.⁶

Of this dangerous precedent, Luther Martin, a delegate from Maryland, wrote:

...we apprehended but one reason to prevent the states meeting again in convention; that, when they discovered the part this Convention had acted, and how much *its members were abusing the trust* reposed in them, *the states would never trust another convention.*⁷

John Lansing, a delegate from New York, likewise summarized the runaway nature of what was originally thought to be a *limited* convention in 1787; he wrote:

...the *power of the Convention was restrained* to amendments of a Federal nature, and having for their basis the Confederacy in being. The acts of Congress, the tenor of the acts of the States, *the commissions produced by the several Deputations, all proved this.*

⁶ Judge Caleb Wallace to William Fleming, 3 May 1788 in *The Documentary History of the Ratification of the Constitution Digital Edition*, ed. John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan. Charlottesville: University of Virginia Press, 2009.

⁷ Letter by Luther Martin, opposing ratification of the 1787 Constitution

and this limitation of the power to an amendment of the Confederacy, marked the opinion of the States, that it was unnecessary and improper to go further.⁸

Today we are likewise being told that this convention, whether SJR 8 or SJR 12, will be restrained to just a few subjects or only term-limits. Considering this, who is to say that the same historical precedent won't be used again to draft an entirely new, including a socialist-leaning constitution like the one I previously outlined?

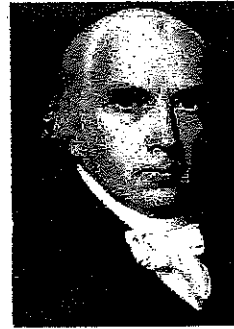
Again, the problem is not with the Constitution itself. We don't need new amendments, especially by way of a convention, in which the delegates – acting as the sovereign representatives of the people – would have the inherent right to propose any and all amendments to the Constitution or propose an entirely new constitution, with its own mode of ratification, as they may see fit. Instead, of looking for ways to amend the federal Constitution, I implore the honorable members of this committee and legislative body to observe and obey both the federal and our state constitutions. Defend our U.S. Constitution; please reject SJR 8, SJR 12, and any other resolution applying to Congress to call an Article V convention to propose amendments. Thank you.

⁸ Ferrand, Max. (1911). *The Records of the Federal Convention of 1787*. Vol. I. New Haven: Yale University Press. p.249

What the Convention Lobby isn't telling you about our Declaration of Independence

Article 5 of the U.S. Constitution provides two ways of amending our Constitution: (1) *Congress proposes amendments* and sends them to the States for ratification (this was done with our existing 27 Amendments); or (2) *Congress calls a convention* for proposing amendments if 2/3 of the State Legislatures apply for it.

Congress has never called a convention under Article V - *they are dangerous!*



Having witnessed the difficulties and dangers experienced by the first Convention, which assembled under every propitious circumstance, I should tremble for the result of a Second

James Madison's letter
of Nov. 2, 1788 to Turberville

But today, various factions are lobbying State Legislators to ask Congress to call an Article V convention. They use various "hooks" - proposed amendments on such appealing subjects as "congressional term limits", "balancing the federal budget", "taking money out of politics", or "limiting the power and jurisdiction of the federal government". But nothing in Article V limits the convention to subjects specified by State legislatures [\[link\]](#). So the subject of a state's application for a convention is nothing more than *bait* designed to attract specific groups of people to get them to support an Article V convention.

Moreover, the phrase, "a Convention for proposing Amendments", which appears within Article V, doesn't restrict the Delegates to the Convention to proposing Amendments! That's because our Declaration of Independence recognizes that a People have the "self-evident Right" "to alter or to abolish" their government and set up a new government.¹ We've already invoked that Right twice: In 1776 we invoked it to throw off the British Monarchy; and in 1787, James Madison invoked it to throw off our *first* Constitution, the Articles of Confederation, and set up our current Constitution which created a new Form of Government.

This is what happened:

There were defects in the Articles of Confederation, so on Feb. 21, 1787 [\[link\]](#), the Continental Congress called a convention to be held in Philadelphia

"for the sole and express purpose of revising the Articles of Confederation"

But the Delegates *ignored their instructions* from Congress and similar instructions from the States [\[link\]](#) and wrote a new Constitution which created a new Form of Government. Furthermore, the new Constitution included its own new and easier mode of ratification: Whereas amendments to the Articles of Confederation had to be approved by the Continental Congress and all of the then 13 States;² the new Constitution provided at Article VII thereof, that it would be ratified when only 9 States approved it.

¹ The Declaration of Independence is the Fundamental Act of Our Founding and is part of the "Organic Law" of our Land [\[link\]](#). The provision regarding altering or abolishing existing governments and setting up a new one is [here](#).

² See ART. 13 of the Articles of Confederation [\[link\]](#).

And in *Federalist No. 40*, James Madison, who was a Delegate to the Federal “amendments” Convention of 1787, invoked the Declaration of Independence as justification for the Delegates’ ignoring their instructions and writing a new Constitution which created a new Form of Government.³

If we have a convention today, the Delegates will have that same power to get rid of our *second* Constitution and impose a *third* Constitution. **New Constitutions are already prepared or in the works!** One of them, the Constitution for the Newstates of America [\[link\]](#), is ratified by a national referendum (Art. XII, §1). *The States are dissolved and replaced by regional governments answerable to the new national government.* And we are to be disarmed under this proposed Constitution (Art. I, Part B. §8).

So why was the convention method added to Article V? The Anti-federalists at the Convention wanted another convention so they could get rid of the Constitution just drafted [\[link\]](#). **Madison & Alexander Hamilton went along with adding the convention method because they understood that a people always have the right to meet in convention and draft a new constitution whether the convention method were in Article V or not.** And when, shortly after the Convention, the Anti-federalists started clamoring for another convention, Madison, Hamilton and John Jay promptly started warning against it [\[link\]](#).

So now we can see the real agenda of those (primarily George Soros and the Kochs) who are financing the push for a convention:⁴ A convention provides the opportunity (*under the pretext of merely seeking amendments*) to replace our existing Constitution with a new constitution which moves us into a completely new system of government, such as the North American Union (NAU). Under the NAU, Canada, the United States, and Mexico are politically integrated and a Parliament and combined militarized police force are set up over them.⁵

This War over our Constitution isn’t between “Conservatives” and “Liberals”. It is between the Globalists and those of us who want to maintain our existing Constitution and national sovereignty. Of the 4 US Supreme Court Justices who warned against another convention, two were Liberals and two were Conservatives [\[link\]](#).

When convention supporters insist that the Framers meant for State Legislatures to use the convention method of amending the Constitution to rein in an out-of-control federal government, *they are making stuff up*. Please don’t pass any more applications for an Article V convention; and please rescind the applications your State has already passed.

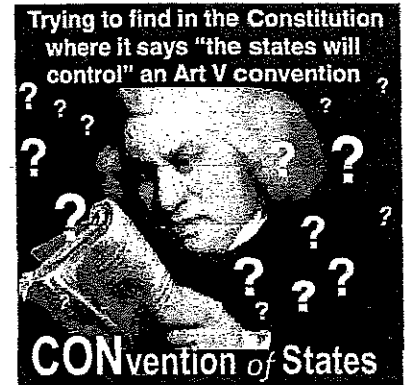
³ In *Federalist No. 40* (15th para), James Madison says the Delegates knew that reform such as was set forth in the new Constitution was necessary for our peace and prosperity. They knew that sometimes great and momentous changes in established governments are necessary – and a rigid adherence to the old government takes away the “transcendent and precious right” of a people to “abolish or alter their governments as to them shall seem most likely to effect their safety and happiness,” ... “and it is therefore essential that such changes be instituted by some **INFORMAL AND UNAUTHORIZED PROPOSITIONS**, made by some patriotic and respectable citizen or number of citizens...” [capitals are Madison’s].

⁴ As to the funding behind the push for another convention, see, e.g., [link](#) and [link](#) and [link](#).

⁵ **For the Love of God, our Country and our posterity, READ the Council on Foreign Relations’ Task Force Report on the NAU [\[link\]](#).** This is what the Globalist Elite want *and can get* with a convention!

The US Constitution & Congressional Research Service Report show that COS's assurances that State Legislatures will control a convention are "false" and "reckless in the extreme"

Spokesmen for the "Convention of States Project" (COS) present a long list of assurances which *they say* show exactly how a convention called by Congress pursuant to Article V of the Constitution, will work. But they never present any *Evidence* to support their assurances.¹



To *this* old lawyer, the above is astonishing. In trials, we are required to present Evidence. A lawyer who attempted to conduct a trial in the way COS presents to State Legislative Committees, would soon be interrupted by the Judge saying, "Counselor, do you plan to put on any evidence today?" And if the lawyer said, "Oh, no – you are supposed to just believe me"; the lawyer would lose the case.

So State Legislators must be like the Bereans² and demand that COS prove their assurances.

But *COS cannot prove their assurances because their assurances are false*. They are contradicted by the Constitution. They are also contradicted by the Congressional Research Service Report which shows that Congress understands that the Constitution grants *to Congress* extensive powers to organize a convention. The only power the States have is to "apply" to Congress *for Congress* to "call" the convention.

1. Two Constitutional provisions respecting an Article V Convention

Article V, US Constit., says:

"The Congress, whenever two thirds of both Houses shall deem 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..." [italics added]

Article I, §8, last clause, US Constit., says Congress shall have the Power...

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers, and all other Powers vested by this Constitution in the government of the United States, or in any Department or Officer thereof." [italics added].

So *Congress* calls the convention and makes the laws necessary and proper to organize the convention.

¹ COS's entire case is based on their **false and absurd claim** that a Convention called by Congress under Article V of the Constitution is the remedy our Framers gave us for use when the fed gov't violates the limits our Constitution places on them. What our Framers actually said is that *the purpose of amendments is to correct defects in the Constitution*; and that *the purpose of a convention is to get another Constitution*. Madison repeatedly warned that those who secretly wanted to get rid of our Constitution would push for a convention *under the pretext of getting amendments*. The Proof is [here](#).

² Acts 17:11 "And the people of Berea were more open-minded than those in Thessalonica, and they listened eagerly to Paul's message. They searched the Scriptures day after day to see if Paul and Silas were teaching the truth." (NLT)

2. The April 11, 2014 Report of the Congressional Research Service

The Report shows that Congress understands that Article V grants to Congress *exclusive authority* to set up a convention. The Report exposes as *false* COS's assurances that the States would be in control of a convention:

“Second, While the Constitution is silent on the mechanics of an Article V convention, Congress has traditionally laid claim to broad responsibilities in connection with a convention, including **(1) receiving, judging, and recording state applications; (2) establishing procedures to summon a convention; ... (4) determining the number and selection process for its delegates...**” (page 4).

So Congress has the exclusive power to receive and judge the applications; how to count the applications, which ones to count, whether to aggregate the different “flavors” of applications, etc.

*And nothing in the Constitution requires Congress to permit States to select Delegates. Congress “determ[in]es the number and selection process for its delegates”; so Congress is free to select the Delegates. Congress may appoint themselves as Delegates.*³

And as the Report states on page 27:

“In the final analysis, the question what sort of convention?” is not likely to be resolved unless or until the 34-state threshold has been crossed and a convention assembles.”

So we'll have to get a convention before we know how it is going to operate. *But by then, it will be too late to stop it.* And if the proceedings are secret, we won't find out anything until they are finished.

3. The People have the power to set up or take down Governments

Our Declaration of Independence (2nd para) is the Fundamental Act of our Founding and part of the “*Organic Law*” of our Land. It recognizes that The People take down and create governments. When Delegates meet in convention to address a Constitution, they are the Sovereign Representatives of The People. They cannot be controlled by the “creatures” of Constitutions previously ratified – the federal or state governments [\[link\]](#).

Accordingly, *even if Congress permits States to select Delegates*, State Legislatures have no competent authority to control Delegates at a convention called by Congress pursuant to Article V. The Delegates, as Sovereign Representatives of The People, have the power to *eliminate* the federal & state governments!⁴

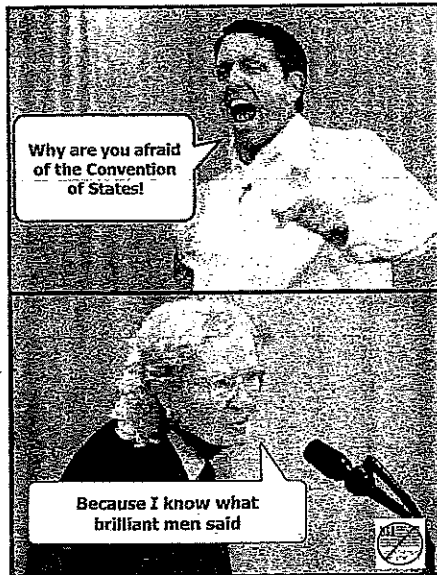
So if We the People don't vote you out for eliminating our freedoms, the delegates may eliminate your jobs altogether!

4. Olson & Titus Legal Policy paper

See also the Legal Policy Paper by conservative constitutional litigators, William Olson & Herb Titus, which gives additional reasons that COS's assurances are “false” and “reckless in the extreme” [\[link\]](#).

³ Page 40 of the Report says there doesn't seem to be any “. . . constitutional prohibition against [U.S.] Senators and Representatives serving as delegates to an Article V Convention. . .”

⁴ The proposed Constitution for the Newstates of America does just that. And Art. XII, §1 provides for **ratification by a national referendum (national popular vote)! Do you trust the voting machines?**



Brilliant men warned *Against* an Article V convention

- During April 1788, our future 1st US Supreme Court Chief Justice John Jay wrote that another convention would run an "**extravagant risque.**"

- In **Federalist No. 49**, James Madison shows a convention is **neither proper nor effective** to restrain government when it encroaches.

- In his Nov. 2, 1788 letter to **Turberville**, Madison said he "trembled" at the prospect of a 2nd convention; and if there were an Article V convention: "the most violent partizans", and "individuals of insidious views" would strive to be delegates and would have "a dangerous opportunity of sapping the very foundations of the fabric" of our Country.

- **In Federalist No. 85** (last para), Hamilton said he "dreads" the consequences of another convention because the enemies of the Constitution want to get rid of it.
- Justice Arthur Goldberg said in **his 1986 editorial in the Miami Herald** that "it cannot be denied that" the Philadelphia convention of 1787 "broke every restraint intended to limit its power and agenda", and "any attempt at limiting the agenda [at an Article V convention] would almost certainly be unenforceable."
- Chief Justice Warren Burger said in his **June 1988 letter to Phyllis Schlafly**: "...there is no effective way to limit or muzzle the actions of a Constitutional Convention... After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda... A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn..."
- Justice Scalia said on April 17, 2014 **at the 1:06 mark of this video**: "I certainly would not want a Constitutional Convention. I mean whoa. Who knows what would come out of that?"
- Other eminent legal scholars have said the same – Neither the States nor Congress can control the Delegates. See **THIS**.

Yet convention supporters ridicule these warnings as "fear mongering." And they quote *law professor* Scalia *in 1979, before* his decades of experience as a Supreme Court Justice, to "prove" otherwise.

Ask yourself, "Is it possible that James Madison, Alexander Hamilton, Chief Justice Jay, Justice Goldberg, Chief Justice Burger and Justice Scalia understood something about the plenipotentiary powers of Delegates to an Article V convention which the pro-convention lobby *and sponsors* haven't grasped?"

Contact Joanna Martin, J.D. at publiushuldah@gmail.com

Jan. 3, 2020

NULLIFICATION

What State Legislatures Are Doing

When the federal government oversteps its constitutional bounds, states can intercede and declare such actions unenforceable in their states. And many states are doing just that.



AP Images

Earning his spurs: Texas State Representative Cecil Bell is the primary sponsor of the Texas Sovereignty Act, one of the most comprehensive nullification bills. State legislators across the country are advancing bills to enforce the Constitution against federal infringements.

by Peter Rykowski

If Joe Biden can be considered a master at anything, it is irony. For someone who made “unity” and “normalcy” his campaign themes, no president has done more in his first month to break norms and further divide the country. In addition to signing a record number of executive orders — advancing far-left priorities on topics ranging from energy to migration

Peter Rykowski is a research associate for The John Birch Society.

— he has gone farther than any other president to decimate U.S. national sovereignty, slander American history, and remove federal officials for purely political reasons.

Not surprisingly, many of Biden’s executive decrees are unlawful and unconstitutional. They also are an omen of what the remainder of his presidency will bring. However, this is not a new problem; the federal government has long been overstepping its constitutionally imposed constraints and infringing upon both individual liberties and state sovereignty.

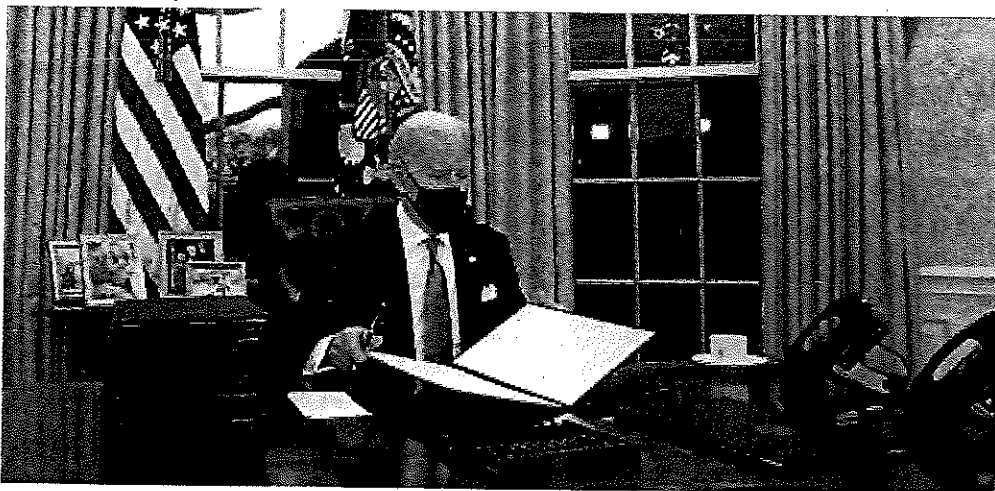
Fortunately, the Constitution contains the tools necessary to push back against these federal overreaches. For example, Article VI states: “This Constitution, and the Laws of the United States which *shall be made in Pursuance thereof* . . . shall be the supreme Law of the Land.” (Emphasis added.) That is, laws *not* “made in Pursuance” of the Constitution are *not* the law of the land. In fact, they are unconstitutional and should be declared “null and void” for the simple reason that the federal government may only exercise those powers delegated to it. This is made crystal clear by the 10th Amendment, which states that all powers not granted by the Constitution to the federal government are reserved to the states and to the people.

When states try to curtail unconstitutional federal laws, they are said to be *nullifying* the laws. All that’s needed is for state legislators to take action and enforce the Constitution. Thankfully, a number of bills in state legislatures that would enforce Article VI have already been introduced in the current legislative sessions of multiple states. If any of these bills become law, they will go a long way toward protecting Americans’ rights from federal overreach.

Comprehensive Nullification

The introduced nullification bills are not identical; they come in multiple forms and cover different topics. Arguably the most comprehensive bill is the Texas Sovereignty Act, or HB 1215. Sponsored by State Representative Cecil Bell (R) and three other representatives, its preface

The federal government may only exercise those powers delegated to it. This is made crystal clear by the 10th Amendment, which states that all powers not granted by the Constitution to the federal government are reserved to the states and to the people.



AP Images

Much patriots can do: Joe Biden occupies the White House and the far Left controls Congress and the federal bureaucracy. However, the Constitution contains powerful tools for state legislatures to counter radical and unconstitutional federal policies.

explains the proper constitutional balance of power between the federal government and the states, even noting the importance of Article VI.

If passed, HB 1215 would create a Joint Legislative Committee on Constitutional Enforcement, which would “review federal actions that challenge the sovereignty of the state and of the people for the purpose of determining if the federal action is unconstitutional.”

The Texas Sovereignty Act creates clear criteria for determining whether a federal action is unconstitutional, including “consider[ing] the plain reading and reasoning of the text of the United States Constitution and the understood definitions at the time of [its] framing and construction.”

If the committee determines that a federal action is unconstitutional, the Texas Legislature must vote on whether to accept the committee’s conclusion. If ma-

majorities of both the State House and Senate accept its findings, and if the governor approves the motion, that federal action would be formally declared unconstitutional. HB 1215 does not end there. The bill would require Texas courts — rather than depending on case law — to “rely on the plain meaning of” the U.S. Constitution “and any applicable constitutional doctrine as understood by” the Founding Fathers when hearing cases challenging the constitutionality of federal laws.

The Texas Legislature is joined by South Dakota and Wyoming in introducing comprehensive nullification bills. The South Dakota Sovereignty Act (SB 122) is sponsored by State Senator David Jonson (R) and six other legislators, while the Wyoming Sovereignty Act (HB 256) is sponsored by Representative Robert Wharff (R) and 14 other legislators. Both bills are substantially similar to Texas’s HB 1215.

Unfortunately, the South Dakota Sovereignty Act failed in committee, thanks in part to opposition from the organization Convention of States, which is pushing for a Constitution-nullifying constitutional convention. However, it is encouraging that this bill received seven sponsors. While not passing this session, it has a strong base of support and is a useful template for other states and for future legislative sessions.

Defending the Second Amendment

The Texas and South Dakota Sovereignty Acts are the most comprehensive nullification bills. However, other legislation has been introduced that would robustly defend Americans’ constitutional freedoms from federal overreach. Many, if not most, of these bills focus on nullifying federal gun control.

The individual right to self-defense, enumerated in the Second Amendment of the Constitution, is probably the most endangered God-given liberty. Candidate Biden already made his anti-gun stance clear, campaigning in 2020 on extreme gun-control measures and on “defeating” the National Rifle Association. On February 14, 2021, President Biden, commemorating the third anniversary of the Stoneman Douglas High School shooting in Parkland, Florida, issued a statement calling for new gun-control laws “including requiring background checks on all gun sales, banning assault weapons and high-capacity magazines, and eliminating immunity for gun manufacturers who knowingly put weapons of war on our streets.” Already, multiple Democratic members of Congress have introduced legislation to implement Biden’s draconian vision.

The threat by the federal government to the Second Amendment was clear well before Biden’s inauguration, and four states — Alaska, Idaho, Kansas, and Wyoming — have already passed legislation prohibiting enforcement of federal gun-control laws. Meanwhile, hundreds of counties and municipalities have declared themselves “Second Amendment sanctuaries.”

Now, state legislators across the country, recognizing the present danger, have introduced a number of bills either nullifying federal gun controls for the first time or strengthening existing nullification laws.

Wyoming's SF 81, entitled the Second Amendment Preservation Act, is among the most detailed and comprehensive gun-control nullification bills and would strengthen the state's existing protections. It is sponsored by Senator Anthony Bouchard (R) and 19 other state legislators. An identical companion bill, HB 124, has been introduced in the Wyoming House.

SF 81 gives a list of policies that might be found in "federal acts, laws, executive orders, administrative orders, court orders, rules and regulations," that violate the Second Amendment and Article 1, Section 24, of Wyoming's constitution. These include any tax that might discourage gun purchases or ownership; gun confiscation laws; laws that prohibit law-abiding individuals from owning, using, or transferring guns; and laws mandating the tracking and registration of firearms, firearm owners, gun accessories, or ammunition.

Importantly, SF 81 nullifies both past and future unconstitutional firearm restrictions. While not naming any specific federal laws, the bill's effect would be wide-ranging, nullifying even the 1934 National Firearms Act and the 1968 Gun Control Act.

The remainder of SF 81 primarily en-

sures that government officials at the state and local levels do not enforce the listed unconstitutional federal gun-control policies and provides citizens with a means of redress if their self-defense rights are violated.

SF 81 is identical in content to proposed legislation in multiple other states, including Alabama (HB 157), Arkansas (HB 1435, SB 298), Florida (HB 1205), Georgia (HB 597, SB 268), Iowa (HF 518), Minnesota (HF1256), Missouri (HB 85, HB 310, SB 39), North Carolina (H189), Ohio (HB 62), and West Virginia (HB 2159, HB 2537). The Missouri bills have an especially good chance of becoming law, with HB 85 already having passed the State House as of this article's writing.

In Alabama, HB 157 not only has the same content, but also explicitly names the 1934 National Firearms Act and the 1968 Gun Control Act as being null and void in Alabama.

Although the above bills are the most detailed and thoroughly worded gun-control nullification legislation, they are not the only such efforts in 2021. Legislation in multiple other states would prohibit state and local enforcement of federal gun controls. These include Arizona (HB 2111; SB 1328), Arkansas (SB 59), Mis-

issippi (SB 2564), Montana (HB 258), Nebraska (LB 188), Oklahoma (SB 486), South Carolina (H 3012, H 3119, S 369), Tennessee (HB 928), and Texas (HB 635). Other states' bills, anticipating the Biden administration's coming actions, would specifically prohibit enforcement of future federal gun controls.

Nullifying *Roe v. Wade*

The 1973 *Roe v. Wade* decision remains one of the most infamous Supreme Court rulings in U.S. history, not only because of its disastrous consequences for human life, but also for its total lack of constitutional grounding. Even liberal law professors such as John Hart Ely and Lawrence Tribe have admitted that the ruling, which created a supposed constitutional right to abortion based on a "right to privacy," had a weak legal basis.

At least one bill has already been introduced that would nullify *Roe v. Wade* and related Supreme Court abortion rulings. Arizona HB 2877, entitled the "*Roe v. Wade* is Unconstitutional Act," is sponsored by State Representative Walter Blackman (R). If passed, it would prohibit all state or local officials from taking any action to enforce federal court rulings that mandate legalized abortion, and it would require those officials to enforce state and local prohibitions on abortion irrespective of those rulings. In essence, HB 2877 nullifies the entire federal abortion regime and allows Arizona to ban abortion under the Constitution as properly interpreted.

In recent years, state legislatures have seen increased interest in protecting the sanctity of life and challenging *Roe v. Wade*. For example, in 2019, Alabama enacted the Human Life Protection Act, which nearly entirely prohibits abortion, and other states including Arkansas are currently considering similar bills that also directly challenge *Roe v. Wade*. However, while the passage of these bills is a positive development, a major flaw with them is that they make no attempt to nullify the Supreme Court's unconstitutional rulings. They merely seek to coerce the Supreme Court into reconsidering its abortion precedents. So far, this strategy is failing; the Alabama law is enjoined in federal court and not being enforced by the state, and the Supreme



Nullifying gun control: Legislation to prevent enforcement of past, present, and future federal gun controls is a major topic this year in many state legislatures — and for good reason.

Court has refused to hear the case thus far. Similar legislation in other states will likely meet the same fate.

Arizona's HB 2877 succeeds where the other bills do not by ordering state and local officials to disregard unconstitutional court rulings.

Targeting Biden's Decrees

While most nullification bills focus on broad topics such as abortion and the Second Amendment, several bills proposed this year aim directly at Joe Biden's executive orders.

In South Dakota, State Representative Aaron Aylward (R), State Senator Julie Frye-Mueller (R), and 14 other legislators are sponsoring HB 1194. This bill would create a process for reviewing the constitutionality of presidential executive orders relating to six topics: "A pandemic or other public health emergency; ... The regulation of natural resources; ... The regulation of the agricultural industry; ... The regulation of land use; ... The regulation of the financial sector through the imposition of environmental, social, or governance standards;" and "The regulation of the constitutional right to keep and bear arms." Under HB 1194, if the South Dakota attorney general finds any such executive order unconstitutional, state and local agency would be prohibited from enforcing it.

This targeting of Biden's executive actions is not isolated to South Dakota. In Oklahoma, over 70 state representatives are co-authoring HB 1236. Similar to the South Dakota bill, it adds several other executive order topics for the state attorney general to review, and it allows the state legislature to nullify these orders if the attorney general declines.

Meanwhile, similar legislation (SB 277) has been introduced by Montana State Senator Tom McGilvray (R). In North Dakota, HB 1164 would have also created a similar process for reviewing and nullifying executive orders on those six topics, but it has since been amended to merely require the state to seek overturning those orders in court.

Other Nullification Bills

Multiple other nullification bills have been introduced that do not fit in any of the above categories but still warrant a mention.

One such bill is North Dakota HB 1282, introduced by seven legislators. If passed, it would create a process for identifying and nullifying federal laws, regulations, and executive orders in existence prior to the bill's enactment.

Under HB 1282, once such federal actions are identified by a newly created committee, both houses of the legislature would vote to nullify them, and if simple majorities of the House and Senate agree with the committee's recommendation, state officials would not be required to enforce those actions. While narrower in scope than the Texas and South Dakota Sovereignty Acts discussed above — which also cover court orders and future federal actions — HB 1282 would be an excellent start to challenging unconstitutional federal actions.

Some state legislators are also using nullification to push back against the federal government's neocon foreign policy. In Iowa, State Representative Jeff Shipley (R) sponsored HF 332, which would prevent combat deployments of the Iowa National Guard by the federal government in the absence of a congressional declaration of war in accordance with Article I, Section 8, Clause 11, of the U.S. Constitution.

In Kentucky, Senator Adrienne Southworth (R) introduced similar legislation, SB 173, which would only allow federal combat deployment of the Kentucky Na-

tional Guard if consistent with Clauses 11 and 15 of Article I, Section 8. Similar legislation has also been introduced in Florida (HB 1163) and West Virginia (HB 2138).

According to the Tenth Amendment Center, over 650,000 National Guard troops have been sent to foreign conflicts since 2001. Additionally, 45 percent of the total U.S. forces sent to Iraq and Afghanistan have been National Guard or Reserve troops. If the states prohibit unconstitutional National Guard deployments, the federal government's participation in these foreign conflicts would be severely hampered.

Keeping Up the Struggle

As one can see, there is much that state legislatures across our nation can do — and are already doing — to enforce the Constitution and push back against a leftist-controlled and out-of-control federal government.

Patriots must not be deceived into believing that all is lost, nor that it is not worth fighting. Yes, the 2020 presidential election and the Georgia Senate races were devastating for conservatives and gave the Democratic Party control over the presidency and Congress. However, state governments remain overwhelmingly under Republican control. Furthermore, the states have powerful constitutional tools at their disposal to protect individual liberty, namely Article VI and the 10th Amendment. ■



Defending the Guard: State legislation prohibiting unconstitutional federal deployments of the National Guard shows that nullification's impact can extend into foreign policy.

AP Images

#1. Some said, “We don’t have the power and should not proceed.”

Patrick Henry

“That they exceeded their power is perfectly clear...The federal convention ought to have amended the old system—for this purpose they were solely delegated. The object of their mission extended to no other considerations.”¹

Robert Whitehill

“Can it then be said that the late convention did not assume powers to which they had no legal title? On the contrary, Sir, it is clear that they set aside the laws under which they were appointed, and under which alone they could derive any legitimate authority, they arrogantly exercised any powers that they found convenient to their object, and in the end they have overthrown that government which they were called upon to amend, in order to introduce one of their own fabrication.”²

William Paterson (New Jersey delegate)

“We ought to keep within its limits, or we should be charged by our constituents with usurpation . . . let us return to our States, and obtain larger powers, not assume them of ourselves.”³

Charles Pinckney (South Carolina delegate) & Elbridge Gerry (Massachusetts delegate)

“General PINCKNEY expressed a doubt whether the act of Congress recommending the Convention, or the commissions of the Deputies to it, would authorize a discussion of a system founded on different principles from the Federal Constitution. Mr. GERRY seemed to entertain the same doubt.”⁴

John Lansing (New York delegate)

“the power of the Convention was restrained to amendments of a Federal nature . . . The acts of Congress, the tenor of the acts of the States, the commissions produced by the several Deputations, all proved this. . . it was unnecessary and improper to go further.”⁵

Luther Martin (Maryland delegate)

“...we apprehended but one reason to prevent the states meeting again in convention; that, when they discovered the part this Convention had acted, and how much its members were abusing the trust reposed in them, the states would never trust another convention.”⁶

¹ Virginia Ratifying Convention, June 4, 1788

² Pennsylvania Ratifying Convention, 28 Nov. 1787

³ Madison’s notes of the 1787 convention, 16 June 1787

⁴ Madison’s notes of the 1787 convention, 30 May 1787

⁵ Madison’s notes of the 1787 convention, 16 June, 1787, comments of Delegate John Lansing, Jr. from New York, who LEFT the Convention July 10th after realizing they exceeded their authority.

⁶ Letter by Luther Martin, opposing ratification of the 1787 Constitution, http://oll.libertyfund.org/titles/1905#Elliott_1314-01_3767

#2. Others said, “We don’t have the power but should proceed anyway.”

Edmund Randolph (Virginia delegate)

“Mr. Randolph, was not scrupulous on the point of power. When the salvation of the Republic was at stake, it would be treason to our trust, not to propose what we found necessary.”⁷ “There are great seasons when persons with limited powers are justified in exceeding them, and a person would be contemptible not to risk it.”⁸

Alexander Hamilton (New York delegate)

“The States sent us here to provide for the exigencies of the Union. To rely on and propose any plan not adequate to these exigencies, merely because it was not clearly within our powers, would be to sacrifice the means to the end.”⁹

James Madison (Virginia delegate)

“...it is therefore essential that such changes be instituted by some informal and unauthorized propositions....”¹⁰

George Mason (Virginia delegate)

Mr. Mason justified exceeding their powers, “there were besides certain crises, in which all the ordinary cautions yielded to public necessity.”¹¹

James Wilson (Pennsylvania delegate)

“The Federal Convention did not act at all upon the powers given to them by the states, but they proceeded upon original principles, and having framed a Constitution which they thought would promote the happiness of their country, they have submitted it to their consideration, who may either adopt or reject it, as they please.”¹²

#3b. They appealed to the ultimate, sovereign power of the PEOPLE (not the state commissions) for their authority

“The people were in fact, the fountain of all power, and by resorting to them, all difficulties were got over. They could alter constitutions as they pleased.”¹³ - Madison

“a rigid adherence in such cases to the former [limits of power imposed by the states], would render nominal and nugatory the transcendent and precious right of the people to ‘abolish or alter their governments’ as to them shall seem most likely to effect their safety and happiness”¹⁴ - Madison

“The plan to be framed and proposed was to be submitted to the people themselves, the disapprobation of this supreme authority would destroy it forever. . .”¹⁵ - Madison

“Col. Mason: The Legislatures have no power to ratify it. They are the mere creatures of the State Constitutions, and cannot be greater than their creators . . . Whither then must we resort? To the people with whom all power remains that has not been given up in the Constitutions derived from them.”¹⁶

⁷ Madison’s notes of the 1787 convention, 16 June 1787

⁸ Farrand’s Records of the 1787 convention, 16 June 1787

⁹ Madison’s notes of the 1787 convention, 18 June 1787

¹⁰ Madison, Federalist 40

¹¹ Madison’s notes of the 1787 convention, 20 June 1787

¹² Pennsylvania Ratifying Convention, 26 Nov. 1787

#3a. NONE said, “The 1787 convention acted well within their state delegated power.”

No such citations exist from the Founding era.

Claims of this nature originated with modern convention promoters, and are pure historical revisionism.

In fact, Judge Caleb Wallace, a supporter of the new constitution, was so concerned about the precedent the “runaway” convention had set, he advocated re-doing the entire convention, with full authority granted first! Said he:

“I think the calling another continental Convention should not be delayed . . . for [the] single reason, if no other, that it was done by men who exceeded their Commission, and whatever may be pleaded in excuse from the necessity of the case, something certainly can be done to disclaim the dangerous president [i.e., precedent] which will otherwise be established.”¹⁷

Rather, to justify the actions of the 1787 convention having “departed from the tenor of their commission” issued by the states,¹⁴ they pointed to a higher power as the source for their authority: **THE PEOPLE THEMSELVES.**

¹³ Judge Caleb Wallace to William Fleming, 3 May 1788

¹⁴ Madison, Federalist 40

¹⁵ Madison’s notes of the 1787 convention, 31 Aug 1787

¹⁶ Madison, Federalist 40

¹⁷ Madison, Federalist 40

¹⁸ George Mason, Madison’s notes of the 1787 convention, 23 Jul 1787

Legal Precedent: Conventions represent the ultimate sovereign power of the people

Notably, court decisions have continued to follow the 1787 precedent, declaring conventions empowered to draft or amend constitutions represent the **people**, not the states, and cannot have their power limited by the state legislatures.

Corpus Juris Secundum (a legal summary of 5 court decisions)

"The members of a Constitutional Convention are the direct representatives of the people and, as such, they may exercise all sovereign powers that are vested in the people of the state. They derive their powers, not from the legislature, but from the people: and, hence, their power may not in any respect be limited or restrained by the legislature. Under this view, it is a Legislative Body of the Highest Order and may not only frame, but may also enact and promulgate, [a] Constitution."

- Corpus Juris Secundum 16 C.J.S 9, Cases cited: Mississippi (1892) Sproule v. Fredericks; 11 So. 472, Iowa (1883) Koehler v. Hill; 14 N.W. 738, West Virginia (1873) Loomis v. Jackson; 6 W. Va. 613, Oklahoma (1907) Frantz v. Autry; 91 p. 193, Texas (1912) Cox v. Robison; 150 S.W. 1149

Additionally, numerous state conventions have also declared they represent the power of the **people**, not the legislature, and cannot have any limits placed upon their power:

"We have been told by the honorable gentleman from Albany (Mr. Van Vechten) that we were not sent here to deprive any portion of the community of their vested rights. Sir, the people are here themselves. They are present by their delegates. **No restriction limits our proceedings.** What are these vested rights? Sir, we are standing upon the foundations of society. The elements of government are scattered around us. All rights are buried; and from the shafts that spring from their grave we are to weave a bow that shall overshadow and protect our liberties."
- Mr. Livingston, New York Convention of 1821

"When the people, therefore, have elected delegates, ... and they have assembled and organized, then a peaceable revolution of the State government, so far as the same may be effected by amendments of the Constitution, has been entered upon, limited only by the Federal Constitution. **All power incident to the great object of the Convention belongs to it.** It is a virtual assemblage of the people of the State, sovereign within its boundaries, as to all matters connected with the happiness, prosperity and freedom of the citizens, and supreme in the exercise of all power necessary to the establishment of a free constitutional government, except as restrained by the Constitution of the United States." - Report, The Committee on Printing of the Illinois Convention of 1862

"He had and would continue to vote against any and every proposition which would recognize any restriction of the powers of this Convention. We are... the sovereignty of the State. We are what the people of the State would be, if they were congregated here in one mass meeting. We are what Louis XIV said he was, 'We are the State.' **We can trample the Constitution under our feet as waste paper, and no one can call us to account save the people.**" - Onslow Peters, Illinois Convention of 1847

"It is far more important that a constitutional convention should possess these safeguards of its independence than it is for an ordinary legislature; because the convention acts are of a more momentous and lasting consequence and because it has to pass upon the power, emoluments and the very existence of the **judicial and legislative officers who might otherwise interfere with it.** The convention furnishes the only way by which the people can exercise their will, in respect of these officers, and their control over the convention would be wholly incompatible with the free exercise of that will." - Elihu Root, Proceedings of the New York Constitutional Convention, 1894, pages 79-80.

"We are told that we assume the power, and that we are merely the agents and attorneys, of the people. Sir, we are the delegates of the people, chosen to act in their stead. **We have the same power and the same right, within the scope of the business assigned to us, that they would have, were they all convened in this hall.**" - Benjamin F. Butler, Massachusetts Convention of 1853

"Sir, that this Convention of the people is sovereign, possessed of sovereign power, is as true as any proposition can be. If the State is sovereign the Convention is sovereign. If this Convention here does not represent the power of the people, where can you find its representative? If sovereign power does not reside in this body, there is no such thing as sovereignty." - General Singleton, speech, The Committee on Printing of the Illinois Convention of 1862.

Courts decisions and state conventions have followed the precedent set by the 1787 constitutional convention. As the 1787 convention did, a convention today can ignore limits of power imposed by the states, and appeal to the ultimate power of the people themselves. State legislatures have no reason to expect they can control the convention.

Thus, a "limited" convention is a myth.

THE JOHN BIRCH SOCIETY

Belmont, Massachusetts 02178

WEST COAST REGIONAL OFFICE

2627 Mission Street

San Marino, California 91108

April 24, 1967

Founder

ROBERT WELCH

The Council

N. E. ADAMSON, JR.

THOMAS J. ANDERSON

T. COLEMAN ANDREWS

FRANK CULLEN BROADY

JOCK T. BROWN

LAURENCE E. BUNER *

F. GARY CHANCE

STILLWELL J. CONNER

RALPH E. DAVIS

S. M. DANKOVICH

REV. FRANCIS E. FENTON

W. M. J. GIBSON *

A. G. HINCHSON, JR. *

FRED C. KOCH

ROBERT D. LOVE

CLARENCE MANION

N. FLOYD MCGOWIN

W. E. McMILLAN

ROBERT H. MONTGOMERY

REYD P. OLIVER

THOMAS PARKER, M.D.

LOUIS RUTHENBURG *

J. NELSON SHEPHERD

ROBERT W. STODDARD *

CHARLES B. STONE, III

* Executive Committee

I was glad to receive your recent letter. It corrected my misunderstanding about the point you brought up in your letter of April 4 to Herb Joiner.

I believe any thinking and informed American would agree with the objectives you mentioned.

It's true that the Fourteenth Amendment to our Constitution was never legally adopted. That's one of the most important features of the so-called reconstruction period after the Civil War. It's equally true that the Sixteenth Amendment (implementing the graduated income tax, one of the essentials Karl Marx cited to build a socialist state) provided the mechanism and the wherewithal needed to create an all powerful federal government here in America. And it's also true that the Seventeenth Amendment (providing for the popular election of U.S. Senators) was the first giant step toward converting America into a democracy, a step clearly contrary to the check and balance system our forefathers gave us when they formed a constitutional republic.

These are important matters, fundamental in nature, and of concern to all of us. But with conditions as they are today, do you believe that a Constitutional Convention---even if it could be organized---would produce the desired corrections? Frankly, we don't. It's going to take time and a lot of effort to correct these fundamental matters, and they will have to be corrected one at a time. But first, we have a large and immediate problem to solve: the International Communist Conspiracy, which at this very minute is working to capture absolute control of everything that is of political or economic importance in America.

What good will a Constitutional Convention do if this conspiracy is not stopped? And what good will amendments to our constitution do as long as we have a Justice Department which protects open and blatant subversion, or as long as we have an Administration that furnishes aid and advantages to our enemies every time it has an opportunity, or as long as we have a Congress that will

April 24, 1967

permit our country to be dragged into the third largest war of our history without even having the guts to exercise its clearly specified responsibilities regarding war, or as long as we have an American public that will sheepishly tolerate all of this nonsense and treason?

I know you are deeply concerned about these things, Don, and so am I. As a matter of fact, I believe they are of concern to every informed Americanist. But let's not forget that we are at war with a huge and determined conspiracy. Our job for the immediate future was, I believe, best summarized by Mr. Welch in the January, 1962 bulletin. I'm enclosing a few paragraphs extracted from that bulletin which best summarize what I have tried to express.

Thanks again, Don, for writing. I obviously misunderstood the point of your first letter. I hope I've been able to correct that misunderstanding and I send our kindest regards.

Sincerely,

Carl Danielson
West Coast Regional Office

CD:lb

enclosure

cc: Herb Joiner

Testimony to the Wisconsin Senate Committee on Government Operations, Legal Review and Consumer Protection
Peter Rykowski
3/24/2021

My name is Peter Rykowski, and I am here in opposition to SJR 8 and SJR 12. Not only is an Article V convention totally unnecessary to limit the federal government, but it could easily lead to changes to our Constitution that severely limit our God-given freedoms.

Any convention could lead to a runaway convention that would reverse many of the Constitution's limitations on government power and interference. SJR 8, for example, is worded so vaguely that Congress could interpret it to justify amendments that actually entrench big government. Congress could also propose amendments that don't even claim to follow the texts of SJR 8 and SJR 12.

Proponents of an Article V convention defend it by pointing out the requirement that three-fourths of state legislatures, or state conventions, ratify proposed amendments. However, this brings up two other problems.

First, the Republican Party does not control 3/4ths of state legislatures. Any proposed amendment will need Democrat support to be ratified. It is highly unlikely that the Left will agree to any amendment that truly limits the federal government, meaning that, at the extreme best-case scenario, an Article V convention is a worthless legislative exercise.

Second, Congress could decide that state conventions ratify the proposed amendments. Congress could use this to subvert the will of state legislatures, as did happen with the ratification of the 21st Amendment. Considering that Congress is currently controlled by the Left, this is a scary thought.

The late Supreme Court justice Antonin Scalia effectively summarized why an Article V convention was so dangerous. At a Q&A session at a Federalist Society event on May 8, 2015,

Scalia was asked his thoughts about a convention. He replied: “A constitutional convention is a horrible idea. This is not a good century to write a constitution.” [1]

Scalia is correct. It is not a good century to write a constitution. The past several years has seen a significant leftward shift within the Democratic Party, with large segments of the party now even identifying as socialists and outright Marxists. These individuals are not just opposed to monuments that commemorate the founding fathers, but they are aiming straight at our Constitution and the values embedded within it.

An Article V convention will give these opponents of our Constitution an opportunity to radically revise it. The public statements of prominent liberal legal scholars illustrate this.

For example, the October 2019 edition of *Harper's Magazine* reported on a forum about the Constitution that it sponsored at New York University. In the cover story, titled “Do We Need the Constitution,” the five left-wing legal scholars present all concluded that the Constitution must be revised to promote left-wing values. One of them, Lawrence Lessig, even proposed using an Article V convention to achieve this. [2]

Other legal scholars have made similar statements. In an interview with an Egyptian TV station on January 30, 2012, the late Supreme Court justice Ruth Bader Ginsberg made the following statement:

I would not look to the U.S. Constitution, if I were drafting a constitution in the year 2012. I might look at the Constitution of South Africa. That was a deliberate attempt to have a fundamental instrument of government that embraced basic human rights, had an independent judiciary. It really is, I think, a great piece of work that was done. Much more recent than the U.S. Constitution. Canada has a Charter of Rights and Freedoms. It dates from 1982. You would almost certainly look at the European Convention of Human Rights. Yes, why not take advantage of what there is elsewhere in the world? [3][4]

Similarly, in his book *Designing Democracy*, prominent legal scholar and Obama administration official Cass Sunstein called South Africa's constitution "the most admirable constitution in the history of the world." [5]

Whatever one may think about these foreign constitutions, they don't come anywhere close to protecting individual freedom like the U.S. Constitution. In South Africa, it's legal to confiscate one's land simply on the basis of one's skin color. [6] In Canada, the government can force individuals and private religious institutions to blatantly violate their sincere religious consciences, and Christian pastors have been imprisoned for choosing to go to church on Sunday. In the European Union, the Convention of Human Rights has not stopped countries from imposing a wide variety of restrictions on speech and religion, including France's 2016 ban on pro-life speech on the internet, or the German government's total ban on homeschooling, especially for religious or moral reasons, for example. [7][8].

An Article V convention will give individuals like Cass Sunstein and Lawrence Lessig an opportunity to change the Constitution to reflect their ideological viewpoints.

Not only is an Article V convention a bad idea, as have I demonstrated, but it is unnecessary to limit the federal government.

The reason why the federal government has become so large and intrusive is not because of the Constitution, but rather despite it. For decades, an activist judiciary, a power-hungry presidency, and a complacent Congress have all willfully ignored the text and the original meaning of the Constitution.

If we properly enforced the Constitution, over 80% of the federal government would immediately be declared unconstitutional and abolished. [9][10] Not a single constitutional amendment is necessary to accomplish this.

The Constitution itself requires such an action. Article VI states: “[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof ... shall be the supreme Law of the Land.” This clearly implies that laws not in pursuance with the Constitution are null and void.

There is much that the Wisconsin Legislature can do to enforce the Constitution. For example, it can pass legislation to comprehensively review the constitutionality of federal actions and prevent all enforcement of said actions if found unconstitutional. Multiple states legislatures, including Texas (HB 1215), Wyoming (HB 256), South Dakota (SB 122), and Montana (HB 570) are considering, or have considered, such legislation this year alone.

The legislature can also pass narrower legislation that would nullify presidential executive orders. Just this year, such legislation has passed one chamber in Arkansas (SB 469), Montana (SB 277), North Dakota (HB 1164), and Oklahoma (HB 1236), and it has passed both chambers in Utah (HB 415).

You should also pass legislation prohibiting the enforcement of unconstitutional federal firearm laws, as Kansas, Wyoming, Idaho, and multiple other states have already done, and as states like Missouri (HB 85, SB 39) and Alabama (HB 157) are currently considering.

There are a number of other types of legislation that you can pass to push back against and nullify unconstitutional federal overreach. Unlike an Article V convention, these laws will take effect immediately, and they don't have the risks of an Article V convention. Why push for an unnecessary and incredibly risky Article V convention when much more effective methods of limiting the federal government exist?

In summary, I urge you to reject SJR 8 and SJR 12, and to pursue nullification instead.

Thank you.

CITATIONS

[1] <https://thenewamerican.com/justice-scalia-s-warning-of-a-constitutional-convention/>

[2] https://www.thenewamerican.com/files/TNA3521_ConReprint.pdf

[3] <https://www.breitbart.com/politics/2020/09/18/supreme-court-justice-ruth-bader-ginsburg-1933-2020/>

[4] <https://jbs.org/video/activate/reviewing-the-record-of-late-justice-ginsburg/>

[5] <https://foreignpolicy.com/2012/02/06/why-does-ruth-bader-ginsburg-like-the-south-african-constitution-so-much/>

[6] <https://www.news24.com/news24/SouthAfrica/News/state-takes-first-farm-20180818>

[7] https://conservapedia.com/Religious_freedom#Examples_of_restrictions_on_religious_freedom_in_the_West

[8] https://conservapedia.com/Free_speech

[9] <https://jbs.org/6not5/>

[10] <https://www.youtube.com/watch?v=pXwDW4dH7P4>

Hi, I am eleven years old and proud to be an American and Wisconsinite. I believe that a Convention of States will ruin our America as we know it. For one thing, we – when we first got our Constitution some 230 odd years ago – had amazing men and women who wanted nothing less than the best for our Country. Today, we have many people who argue about the cheating in our elections and want to wrong our Country and seize our rights.

If we place our perfectly wonderful Constitution in the hands of these people, imagine what they will do with it. And while they say they will only be adding a couple amendments, some people are planning an attack on the Constitution in its entirety. Many people have been lied to or misled and are completely on board with the idea of becoming like a Founding Father and being a great hero in reining in the federal government, but its wrong to open our Constitution. In reality, they will be pushed aside and made to watch people who hate America turn our country from a land of freedom to a land of tyranny.

Our Constitution is wonderful and it has protected us for many years. And basically, the Bill of Rights is the Ten Commandments telling the government “Thou shalt not.” Our Constitution hasn’t done anything wrong, so why are we trying to punish it by getting rid of it in a Convention? It’s the bad politicians that deserve to be punished, not our Constitution. Is the new Constitution going to have magic sprinkled on it so that Congress will obey it? I’m only a kid, but even I know that’s not possible, since they aren’t obeying the one we already have. The one I love. The one that keeps me safe. The one that keeps me free.

And this new constitution won’t be anything like what people are lead to believe it will be. It will be filled with things that will take away our freedoms. It will be filled with immoral things. What they want is for churches to fall apart and America to forget about God. And if we forget about God, there is no way our Country will stand. These things are the most important to me and I wanted to speak about them today. Please don’t let our Country be ruined before your eyes. Please use the 10th Amendment and stand up for our State against the government trying to take away our Constitutional freedoms.

For our America,
Thank you.
Christy Uhl

In opposition to SJR 8 & 12

Hi, I am a twelve-year old patriot. I see a very big problem in our country today; a problem that will forever change the course of the United States of America. This Convention of States, or Constitutional Convention is dreadful!!

To me, I only see destruction in the path ahead. ~~As my parents said before,~~ the men and women in power today are not the kind we had in the original writing of the Constitution. Whenever we think of the Founding Fathers, we think of the beginning of the government we've now had for 230+ years. Those like George Washington, John Adams, Benjamin Franklin, and Thomas Jefferson, ^{James Madison} desired freedom and they restrained their power in the Constitution. So on that thought, I have a question for you. Do you want to be remembered as a statesmen or stateswoman who preserved freedom, or a politician who used their power in furthering the corruption in our country? Do you want to use your position in vain? If you let this vote pass, you are putting Wisconsin in a position that tells the whole world that it wished captivity on its people. I mean, when they get their hands on our Constitution, it will be bait for a whole lot of terrible laws and amendments and immoral things. They will **not** hesitate. They will reach for the opportunity with vigor and not even care for **anything**, but getting their way.

Patrick Henry once said, "It cannot be emphasized too strongly or too often that this great nation was founded, not by religionists, but by Christians; not on religions, but on the gospel of Jesus Christ. For this very reason, peoples of other faiths have been afforded asylum, prosperity, and freedom of worship here." So... if they *do* rewrite the Constitution, those freedoms of worship; those freedoms to own, keep, and bear arms; those individual rights dedicated to the states – just as a knife to a rope causes certain destruction for anything being held by that rope, putting the blade to our original Constitution, which is perfectly wholesome and moral, and giving over the construction of a new one into the hands of her enemies, dictates definite danger to We the People and blots out those rights. They're trying to take away our freedoms; how can we trust them with new laws, new regulations, new amendments, and a new Constitution? How can we possibly think this is a good idea?

So I'm asking you again. Do you want to see our country fall? Do you want to be a part of that? Or do you desire freedom? Freedom not only for yourself but for the population of the whole country. We're dangerously close to the 34 states they want and I am begging you not to add Wisconsin to that count.

I don't know what you want, but I desire freedom. It is my deepest dream to die in a free United States. I want to know that my children, my grandchildren will continue that legacy and that they will also live and die in freedom. That they will be free to reach for the goals that American children have been able to for generations. This is the land of the Free.

I implore you to vote no on both these Convention of States bills. God bless you and God bless the United States of America.

Thank you,
Alise Uhl

In opposition to SJR 8 & 12

What are the two biggest things that bother us about the federal government? You don't have to answer that. I will answer for you. They violate the Constitution and they won't listen to us. The Constitution is not the problem then is it? So let's talk about those who won't listen to us. D.C. has a habit of doing their own thing, right? We say something and then they do nothing or the opposite. So accordingly that would not be a representative form of government. But, we have a Constitutional Republic, which means we are to be represented by those we send to Washington. However, when we pay our taxes and we are not represented correctly, we call that taxation without Representation. Get rid of them and find someone who will represent us.

Let's get a little closer to home. Here in Madison, when we have representatives and senators that won't listen to us, we are led to believe that is somehow different than what is going on in D.C. As the Chairman of the Assembly Committee said (whom I really like and respect) at the executive committee here in this building that "to those who expressed their opinions against this resolution, a yes vote is not voting against you. But we have to do something". Really. That is what we were told when he voted on AJR 9 to advance it to a full assembly vote. Is that a true representative? He and others voting in favor of this either need to change their vote or maybe start looking for a different career. We pay your wages! And we are talking about our FREEDOM. You don't have to just "do something". You are paid to defend the Constitution, not allow it to be torn apart and rewritten.

What is going on here is very dangerous. Some of you may know the story of what happened in the Garden, when a snake convinced someone to do the wrong thing, by claiming it would make things right. Just think of the ability to be like gods, knowing good and evil. The power you would have to know and be so much more. That did not work out good for us. Now, we have this smooth-talking lobbyist coming in here and telling you how much power you have to change the structure of the federal government. You have been told that "You are the most powerful people in the US government. You have the power to alter the structure of the federal government". Who should you listen to? Who pays you to represent them? You work for us not the other way around. Or for the lobbyist.

There is very little wrong with the structure of our federal government as laid out in the Constitution. It is all the add-on usurpation that violate the Constitution that is the problem. When a violation of the Constitution occurs, the States have the duty to nullify those violation at the state level. The structure needs to be left alone, and the ugly clutter needs to be removed and nullified. The structure does not need to be torn down. The Declaration of Independence is the foundation and the Constitution is the structure of our great republic. Those who violate it and refuse to follow it are the problem and need to be tossed out at the very next opportunity. The next Election or sooner.

About elections, we need to fix those as soon as possible, so we can trust them. Get back to the basics and get rid of all the machines. ID should be required before ever being able to vote and then the ballots should be hand counted in the precincts where they were cast. Small batches, easily counted and hard to manipulate, with oversight from both sides. Problem solved. 1 citizen. 1 vote.

Back to this current issue. This is not just an amendments consideration. As stated by Mark Meckler "YOU are the most powerful people in the US government. YOU have the power to alter the structure of the Federal Government". Does that sound like he is interested in just taking up one or even a few amendments? We have also heard the argument that the safeguard is that it would have to be ratified by 38 states. Do the math. That adds up to a total of 2445 reps and senators from 38 states changing our entire constitutional republic. We have 331 million people living here and you say the safeguard is that 2445 people can delete our constitution and give us one without the protection that our current one gives us. The real safeguard is to stay out of the convention of states and to nullify all federal overreach.

There are many states doing just that. Don't even let it cross your mind to allow this to go to a convention of states. Stop it right here. This committee should kill this bill. Do not let it even come out of committee. The foundation and structure of our wonderful country is fantastic. Leave it alone. Just get rid of the criminals who swear to uphold and defend the Constitution, but then quickly get to work on tearing it apart. You would be no different from those in D.C. if you allow this bill to get passed and get us in this Convention of States. You have sworn to defend the constitution, not destroy it by allowing it to be shredded by those seeking to rewrite it. If this bill advances out of this committee, you are playing right into the hands of those who want our country changed forever to whatever radical constitution we will see from who knows whom. New constitutions have already been written that would strip us of most of our right given to us in our current wonderful Constitution. The criminals in congress have been hard at work with bills such as hr1 and hr5, hr8 and hr1446. S736. These same people could be in charge of drafting a new constitution.

Stop the criminals at the ballot box and with the nullification process laid out in Article VI. This is the state's duty to stop unconstitutional acts/bills. This Constitution is worth fighting for and defending. Do it NOW!! Stop this bill!!

Term limits may sound like a good idea, but it will really hurt more than help the situation. If you have a Congressman or Senator who is Constitutional and representing the people, why should we punish him (and ourselves) by booting them out because their time expired? On the flip side, the unconstitutional Senator or Congressman that knows he cannot be re-elected has no accountability whatsoever to the American people and he can do his dead-level worst in his final years in office. FAR better would it be to educate our fellow Americans to vote out the corrupt politicians who undermine our wonderful Constitution and liberties. This is how we affect change. So term limits may just exacerbate the problem of corruption and special interest shenanigans. The ballot box is our term limiter. We certainly do not want to open up the Constitution for something as light and transient as term limits.

Just to reiterate, the Constitution has no provision for limiting the scope of a convention of States. None. Those who claim there is, are lying. The only reason to open up a convention of States is to form a new government. Congress sets the rules for the convention and determines how the delegates are selected. Congress also decides whether the Constitution will be ratified by the state legislatures or by conventions in $\frac{3}{4}$ of the states. When a convention is called, the people no longer have a say. Look it up. That is how it works.

James Madison affirms that a convention is to institute a new constitution.

Please kill ALL continuing convention of States applications on WI 's docket and draft rescission on ALL resolutions pertaining to WI entering into a Convention of States.

An informed and educated electorate who know the Constitution is the key to taking control back from the Federal government. Thomas Jefferson said, "If a nation expects to be ignorant and free...it expects what never was and never will be."

If my Constitution offends you...I will help you pack.

Curtis WH

Opposition of SJR 88, 12

The Testimony of Dr. Wayne C Sedlak

Background: (The following testimony was to be delivered March 24, 2021. For reasons unbeknown to me, I was prevented from delivering this testimony, yet out-of-state lobbyists were given preferential treatment by length of testimony, accommodating times convenient for their schedules, and courtesies from the Committee.)

Additionally, I registered – as witnessed by several others – in a timely manner ahead of many individuals, and my registration process was actually accomplished by the ladies who were assisting the Senate Committee. Therefore, I sat in room 330 S the entire day, not being called, and when I inquired at the end of the deliberations, I was told that my registered name was not found anywhere. I then reiterated the fact that I had solicited the (**witnessed**) help of the aforesaid ladies who actually undertook to place my name in the proper registration. I place NO blame upon the ladies who assisted me and accomplished my registration. Those are the facts, explanations can be sought out later.

Because of these problems, I was instructed by Melissa Schmidt, and another gentleman associated with the Committee. I was instructed to submit this, my testimony by Friday, March 26, 2021. I was assured the Committee would wait to receive my testimony so as to be able to fairly study it before it would pursue any further deliberations.)

Members of the Senate Joint Committee, thank you for giving me this opportunity to address you... though I would have preferred the openness of the forum. Face to face is always preferred, for the sake of greater clarity and transparency.

Scandalous Conduct of the Committee vis-à-vis an heroic 15 year old girl from Wisconsin

I, and many other people, waiting in the TV conference rooms/hallways, were scandalized by the actions of the Committee as it queried the young 15 year old homeschooled girl who **articulated the many dangers of the Con Con** (and COS, hereinafter Con Con). This young lady handled the difficult material as if a professional.

I do not know her name now as I write (but I will find out)... but she fielded the questions thrown at her time and again by, what appeared to be an offended and intimidated Committee. I believe the tortuous questions afterwards thrown at her (to which she replied exceptionally well) would be comic if it was not so tragic that “out of the mouth of babes” the dangers of Con Con were challenged by “professionals” on the Committee!

Why would professional Senators interrogate a 15 year old girl? Are our Senators here in Wisconsin so easily “offended” by a learned, polite yet 15 year old teenager who can discern the obvious dangers when, quite apparently, many of them cannot?

I rejoice that such a young lady could field the questioning so well. I trust her example will take her testimony viral across the state... and her “maturity under attack” will inspire many – as it already has done in just over 24 hours – to reconsider the paucity of the positions she managed to successfully humiliate.

Public Attack upon Opposition of Con Con: “Ignorant, deceitful, scare tactics”

Those out-of-state lobbyists who were given much time to articulate their position, were the ones responsible for derisive comments to the Committee. Consistently stated attacks hurled invectives against the opposition to Con Con.

Perhaps the Committee might consider one fact. If the opposition to Con Con were so “ignorant” about the nature of the Constitution under Article 5,” why is it that such a Constitutional Supreme Court Jurist as the late, renowned Judge Antonin Scalia warned America in 2014 that a Con Con (and COS) was a very bad idea and ought not to be considered? I trust HIS EXPERTISE is acceptable. At the very least, the Committee should weigh carefully HIS position. Nevertheless...

The Testimony: “I Rejoice!”

I would like to testify that **I rejoiced** as I heard the **overwhelming number of people concerned, even outraged, by the ongoing debauchery and defrauding of the Constitution by the Federal government.**

Furthermore, **I rejoice** that this State of Wisconsin is **utilizing its muscle to invoke the power of the historic doctrine of “Interposition of the Lesser Magistrates.”** This constitutional doctrine is the very doctrine learned by Thomas Jefferson initially from the pulpits of America.

Those pulpits rehearsed in his day the long-standing biblical doctrine invoked by passages rehearsed from Scripture against the rise of tyranny on again, off again, over the previous 1700 years. From there he would go on to become the primary author of our historic Declaration of Independence, a “Lesser Magistrate” triumph!

Most tragically, our State of Wisconsin, in utilizing its constitutional authority to resist the rise of federal tyranny, has taken a route NEVER UTILIZED BEFORE THIS DATE! In short, Interposition is heroic... but the method being utilized (the very CONTROVERSIAL and historically UNTRIED section of article 5) is worse than useless, its defenders betraying its flaws even before this Wednesday’s public hearing. Only one is needed... *one which this Committee heard and yet, seemingly refused to question!*

Why is that I wonder?

Furthermore, the many other methods of INTERPOSITION of the Lesser Magistrates have been ignored by the legislatures of Wisconsin over the last several decades! I would've liked to have outlined some of those methods at length, but was not given the opportunity.

Fortunately, there is a way through this, so as to discern more quickly and easily the route that must be taken. SJR 8/12 proponent, Ken Quinn, unwittingly gave this Committee a key insight.

I firmly agree with COS Proponent Ken Quinn's statement...

Perhaps the easiest route to seeing the great danger was unwittingly supplied Wednesday to this Committee by Ken Quinn, a proponent of COS. I firmly agree with his statement herein stated below, **though I of course OPPOSE SJR 8/12.** His statement is illustrative of the very issue that has been neglected by this Committee.

As a result, I firmly believe that my Republican Party may be signing its own "death certificate" by again being perceived as having betrayed people of the state of Wisconsin (and across the nation), having "let us down" too many times in the past year alone, to the destruction of our way of life, businesses, the peace of the community, peacefulness of public gatherings, utilization of our rights, renegade Governor, and a defrauded election process, *et.al.* **But this time, being perceived as treacherous when, in the future, people realize it was the Republicans who led our nation to dismantle our beloved Constitution, if and when, COS should tragically succeed in giving this Administration/Congress its ultimate control over our heritage.**

Please study COS proponent Ken Quinn's statement made before the committee Wednesday morning. It is illustrative of the very thing about which many people are enraged across the state... and nation! He stated,

"I do not have a lot of faith that Congress is going to limit their own terms."

I agree with Ken. We simply cannot trust the current Congress to limit their authority in any regard! Interestingly enough, James Madison, considered the Father of the United States Constitution, stated the VERY SAME concern in his now oft cited "letter from James Madison to George Lee Turberville, 2 November 1788." Madison wrote:

You wish to know my sentiments on the project of another general Convention as suggested by New York. I should give them to you with great frankness, though I'm aware that they may not coincide with those in fashion at Richmond or even with your own. I'm not of the number... who think our Constitution, lately adopted, a faultless work...

2. A convention cannot be called without the unanimous consent of the parties who are to be bound by it... Or without the previous application of the state legislatures if the forms of the Constitution are to be pursued...

3. If a General Convention were to take place for the ... sole purpose of revising the Constitution, it would naturally consider itself as having a greater latitude than

the Congress appointed to administer and support [it]... It would consequently give greater agitation to the public mind...

Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a Second...

The point is clear. *Article 5 places in the hands of the very Congress the Convention which would purportedly be designed to limit their authority.* James Madison feared for that possibility in his day under the current agitation of some elements of society. The same fear is highlighted today, apparently Ken Quinn openly stated his own distrust of the current Congress and his disbelief they would limit their own authority.

THAT is EXACTLY the problem this Legislature has failed to address! And the proponents within this Senate were foolish enough to show less toleration for those who oppose them, INCLUDING the Testimony of the brave 15-year-old young lady and her two younger sisters (11 years old?), cited above.

This committee refuses utterly to acknowledge the singular problem brought about by an article 5 COS/Con Con Convention of the States: Article 5 calls for the Congress to do the very thing James Madison stated was flawed in the Constitution (his words, not mine) and it is this:

Article 5 calls for the very Congress we are trying to “reel in,” to be placed in charge of the COS Convention! That’s the classic case of putting the fox in charge of the chicken coop!

Respectfully submitted,

Dr. Wayne C. Sedlak

Pastor, Linguist, Professor, Missionary

(submitted, as instructed, March 25, 2021)

Testimony from Kenn Quinn with U.S. Term Limits in Support of SJR12
Bridgton, ME - Email: kquinn@termlimits.com

Dear Chairman Stroebel and distinguished committee members,

My name is Kenn Quinn and I am the Regional Director with US Term Limits. I am here today to testify in support of SJR12 not only on behalf of our organization, **but more importantly on behalf of the 82% of the American people** who want Congressional Term Limits (*see attached surveys*).

The American people have wanted to impose term limits on Congress for decades. Back in the 1990's, twenty-three states passed laws placing term limits on their own congressional delegations, most of these were passed by the people at the ballot box, unfortunately, in 1995 the U.S. Supreme Court in *U.S. Term Limits v. Thornton*, overturned all of those laws and ruled that congressional term limits could only be imposed by an amendment to the Constitution under Article V.

Term limits are nothing new and have been a foundational principle in our country since the beginning. Our first Constitution, the Articles of Confederation had Term Limits, called rotation of office. Many of our Founders and Framers were strong advocates for rotation of office, such as Thomas Jefferson and George Mason.

Since 1789, Congress has introduced over **12,000 amendments** to the Constitution under Article V while the **States have introduced by zero**. Obviously, we cannot expect two-thirds of both Houses of Congress to propose an amendment that would limit their own power, therefore, **we are asking you, our state legislators**, to use your authority under Article V to propose this non-partisan, single-subject amendment is supported by a super-majority of the American people.

Congress has become dysfunctional due to the entrenched politicians that have become obsessed with maintaining their power instead of doing the will of the American people. It has become evident that the only way to begin to fix this problem in Washington D.C. is to change the structure of our system to prevent people from spending too much time in one office. **Reforming Congress to be a body of citizen legislators** is only one of the many benefits of term limits. A Congressional Term Limits Amendment will also;

- Provide fair and competitive elections making it possible for ordinary people to win seats.
- Allow more people from a variety of backgrounds to participate in our government.
- Give voters more choices at the ballot box which will also help to increase voter participation.
- Send new people with fresh ideas to Congress to fix the problems Congress refuses to fix.
- Reduce big money in politics because currently 97% of corporate PAC money goes to incumbents.
- Fulfill the will of the American people who have been demanding term limits for decades.

In closing, I encourage you to please vote to pass SJR12 to allow the state legislatures an opportunity to simply have this important discussion on behalf of the American people.

Sincerely,

Kenn Quinn
U.S. Term Limits



McLaughlin & Associates

To: All Interested Parties
From: John McLaughlin & Brittany Davin
Re: National Survey Executive Summary – Voters Overwhelmingly Support Term Limits for Congress
Date: January 15, 2018

Survey Summary:

The results of our recently completed national survey show that voters overwhelmingly believe in implementing term limits on members of Congress. Support for term limits is broad and strong across all political, geographic and demographic groups. An overwhelming 82% of voters approve of a Constitutional Amendment that will place term limits on members of Congress. Four-in-five voters believe that it is important for President Trump to keep his promise to support term limits for members of Congress by calling on Congress to vote for term limits, the majority of voters, 54%, believe it is very important for the President to keep his promise.

Do you approve or disapprove of a Constitutional Amendment that will place term limits on members of Congress?

	Total	Rep.	Dem.	Ind.	Hispanic	A.A.*	White
Approve	82%	89%	76%	83%	72%	70%	86%
Strongly	56%	63%	45%	63%	45%	46%	61%
Somewhat	26%	26%	31%	20%	27%	24%	26%
Disapprove	9%	6%	12%	8%	18%	15%	6%
Somewhat	6%	3%	8%	6%	12%	8%	5%
Strongly	3%	2%	4%	2%	6%	6%	2%
Don't Know	9%	6%	12%	9%	11%	16%	8%

*A.A. represents African American voters surveyed

During his campaign for President, Donald Trump promised that he would support term limits for members of Congress, how important is it for President Trump to keep his promise to support term limits for members of Congress by calling on Congress to vote for term limits.

	Total	Rep.	Dem.	Ind.	Hispanic	A.A.*	White
Important	79%	91%	69%	79%	80%	60%	83%
Very	54%	62%	45%	54%	51%	43%	57%
Somewhat	26%	29%	24%	25%	29%	17%	26%
Not Important At All	12%	6%	19%	11%	13%	27%	9%
Unsure	9%	3%	12%	10%	7%	13%	8%

If a bill were introduced in Congress to place term limits on members of Congress, would you want your senator and congressman to vote yes or no on this bill?

	Total	Rep.	Dem.	Ind.	Hispanic	A.A.*	White
Yes	77%	82%	69%	80%	68%	64%	81%
No	6%	6%	7%	5%	10%	10%	5%
Undecided	17%	12%	24%	15%	21%	26%	14%

Nearly three-in-four voters, 73%, are more likely to vote for a candidate for U.S. Congress who supports implementing term limits on Congress, 42%, are much more likely.

McLaughlin & Associates

Would you be more likely or less likely to vote for a candidate for U.S. Congress who supports implementing term limits for members of Congress?

	Total	Rep.	Dem.	Ind.	Hispanic	A.A.*	White
More Likely	73%	80%	64%	77%	71%	58%	78%
Much More	42%	45%	33%	49%	39%	27%	46%
Somewhat More	31%	35%	31%	27%	32%	31%	31%
Less Likely	8%	5%	11%	8%	15%	16%	5%
Somewhat Less	5%	3%	7%	4%	9%	7%	3%
Much Less	3%	2%	3%	4%	6%	9%	1%
No Difference	11%	9%	16%	6%	6%	13%	11%
Don't Know	8%	6%	10%	9%	9%	14%	7%

Conclusions:

American voters overwhelmingly support placing term limits on members of Congress. The support for term limits is strong, broad and intense, to vote for members of Congress who will vote “yes” on term limits, and against those who will vote “no” against term limits for members of Congress.

Methodology:

This survey of 1,000 likely general election voters nationwide was conducted on Jan. 5th to 11th, 2018. All interviews were conducted online. Survey invitations were distributed randomly within predetermined geographic units. These units were structured to correlate with actual voter turnout in a nationwide general election. This poll of 1,000 likely general election voters has an accuracy of ± 3.1% at a 95% confidence interval. The error margin increases for cross-tabulations.

Key Demographics:

Party:

	Total
Republican	33%
Democrat	36%
Independent/Other	31%

Gender:

	Total
Men	47%
Women	53%

Ideology:

	Total
Liberal	24%
Moderate	40%
Conservative	37%

Race:

	Total
White	71%
Asian/Asian American	4%
African American	12%
Hispanic	11%
Other	2%

Age:

	Total
18-29	15%
30-40	17%
41-55	25%
56-65	23%
Over 65	20%
Mean	49



WISCONSIN STATEWIDE CONGRESSIONAL TERM LIMITS POLL: EXECUTIVE SUMMARY
 WISCONSIN Survey of 500 Likely Voters Conducted January 22-23, 2020
 by Pulse Opinion Research

Survey Summary: The results of this recently completed statewide survey show that Wisconsin voters overwhelmingly support term limits for members of Congress. Support for term limits is broad across all political and demographic groups. **An overwhelming 74% of voters approve of an amendment to the U.S. Constitution that will place term limits on U.S. Senators and U.S. House Representatives.** Large majorities also say that Congress members stay in power for too long, and that they're more likely to support state lawmakers who help advance congressional term limits.

Do you strongly approve, somewhat approve, somewhat disapprove or strongly disapprove of placing term limits on members of Congress?

	Total	Rep	Dem	Other Party	White	Other Race
Approve	74%	82%	69%	74%	77%	58%
Strongly	46%	54%	35%	51%	47%	39%
Somewhat	28%	28%	34%	23%	30%	19%
Disapprove	16%	13%	20%	16%	15%	26%
Somewhat	10%	9%	11%	11%	11%	7%
Strongly	6%	4%	9%	5%	4%	19%
Not Sure	9%	5%	10%	11%	8%	15%

If the state legislatures of two-thirds of the states vote to call an amendment-proposing convention to recommend an amendment to place term limits on members of Congress, would you want your state senator and state representative to vote yes or no on this bill?

	Total	Rep	Dem	Other Party	White	Other Race
You would want your state senator and representative to vote yes	70%	73%	65%	72%	72%	55%
You would want them to vote no	13%	10%	17%	12%	11%	22%
Not sure	17%	17%	18%	16%	16%	23%

Three-in-four Wisconsin voters, 74%, are significantly more likely to vote for a candidate for State Legislature who supports implementing term limits on Congress. Approximately three-in-four voters, 74%, would be more likely to vote for a State Legislator in the next election, who voted to pass term limits on Congress through an amendment proposing convention.



Would you be much more likely, somewhat more likely, somewhat less likely or much less likely to vote for a candidate for State Legislature who supports implementing term limits for members of Congress?

	Total	Rep	Dem	Other Party	White	Other Race
Likely	78%	87%	73%	74%	79%	69%
Much more likely	47%	54%	41%	46%	47%	46%
Somewhat more likely	31%	33%	32%	28%	32%	23%
Not likely	9%	4%	11%	13%	8%	14%
Somewhat less likely	7%	2%	8%	12%	6%	12%
Much less likely	2%	2%	3%	1%	2%	2%
Not sure	13%	9%	17%	12%	12%	17%

Would you be much more likely, somewhat more likely, somewhat less likely or much less likely to vote for a candidate for State Legislature who opposes implementing term limits for members of Congress?

	Total	Rep	Dem	Other Party	White	Other Race
Likely	29%	40%	25%	24%	31%	26%
Much more likely	13%	20%	9%	11%	14%	13%
Somewhat more likely	16%	20%	16%	13%	17%	13%
Not likely	53%	47%	54%	61%	53%	57%
Somewhat less likely	25%	21%	28%	28%	25%	28%
Much less likely	28%	26%	26%	33%	28%	29%
Not sure	17%	14%	21%	15%	16%	18%

At present the Wisconsin State Legislature does NOT have term limits on itself. However, if your state legislator voted to place term limits on Congress through an amendment proposing convention, in the next statewide election, would that make you much more likely, somewhat more likely, somewhat less likely or much less likely to vote for your state legislator?

	Total	Rep	Dem	Other Party	White	Other Race
Likely	77%	83%	71%	75%	79%	64%
Much more likely	42%	50%	34%	41%	44%	29%
Somewhat more likely	35%	33%	37%	34%	35%	35%
Not likely	12%	8%	15%	12%	10%	23%
Somewhat less likely	8%	7%	7%	10%	6%	17%
Much less likely	4%	1%	8%	2%	4%	6%
Not sure	12%	9%	15%	13%	12%	14%

Conclusions: Wisconsin voters overwhelmingly support an amendment to the U.S. Constitution limiting the terms of all U.S. Senators and U.S. House Representatives. The intensity of this support is measured in their willingness to vote for state legislators who will vote "yes" on term limits and against those who will vote "no" against term limits on members of Congress.

Methodology: This poll of 500 likely voters in Wisconsin was conducted January 22-23, 2020, using an automated polling methodology. To reach those who have abandoned traditional landline telephones, Pulse Opinion Research uses an online survey tool to interview randomly selected participants from a demographically diverse panel. This accounts for 25% of the panel. Pulse Opinion Research determines its partisan weighting targets through a dynamic weighting system that takes into account the state's voting history, national trends, and recent polling in a particular state or geographic area.



This poll of 500 likely voters in Wisconsin has an accuracy of +/- 4.5% with a 95% level of confidence.

Key Survey Demographics:

Gender

Men - 49%

Women - 51%

Age

18-39 - 32%

40-64 - 48%

65+ - 20%

Race

White - 86%


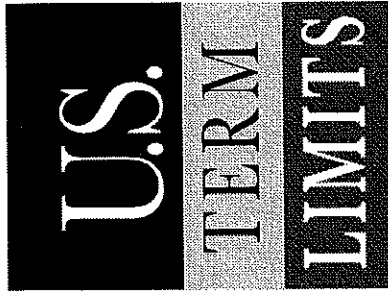
Other - 14%

Party

Republican - 34%

Democrat - 35%

Other - 31%

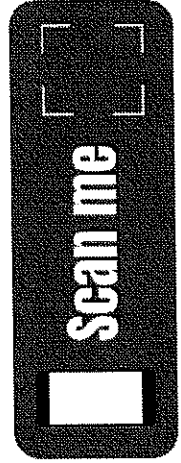


FACTS

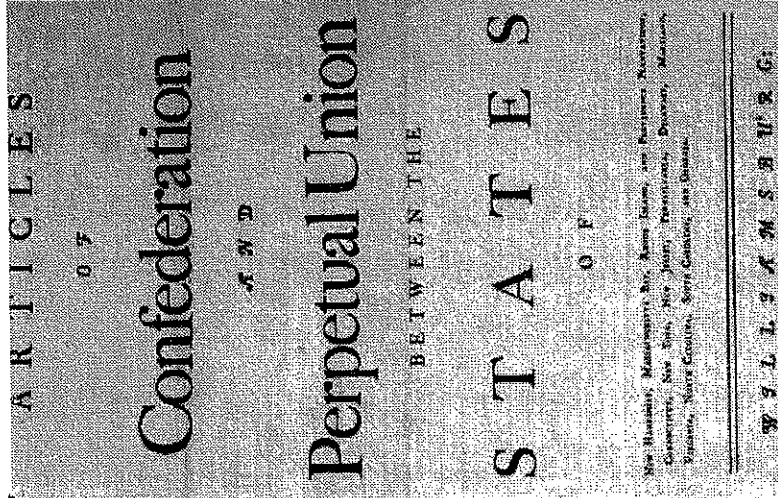
MYTHS

Debunking Myths Against an Article V Convention

SJR8/SJR12



For more
information



U.S. TERM LIMITS

"The 1787 Federal Convention was called solely to revise the Articles of Confederation."

FALSE!

U.S. TERM LIMITS

In Federalist 40 James Madison refutes the charge that the 1787 Federal Convention exceeded its authority to draft a new Constitution.



Scan to read Federalist 40.



The 1787 Federal Convention was not called by Congress for the sole and express purpose of revising the Articles of Confederation.

The 1787 Federal Convention was called by Virginia in response to the recommendation from the Annapolis Convention of 1786 which convened to address issues of commerce. The commissioner's report from Annapolis explained that they felt it important to expand their powers to address other issues and since they did not have the authority to address anything other than commerce, they recommended that another convention be called and for the commissioners to be given authority to address those issues. This demonstrates that the legislatures control their commissioners.

"Under this impression, Your Commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may essentially tend to advance the interests of the union, if the States, by whom they have been respectively delegated, would themselves concur; and use their endeavours to procure the concurrence of the other States, in the appointment of Commissioners, to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union;"



Scan to read the commissions issued by the state legislatures.

James Madison refutes the charge that the 1787 Federal Convention exceeded its call (runaway convention) and refers to the commissions from the state legislatures to prove that the delegates had full authority to adopt a new Constitution.

"The powers of the convention ought in strictness to be determined by an inspection of the commissions given to the members by their respective constituents... From these two acts it appears, 1st. that the object of the convention was to establish in these states, a firm national government; 2d. that this government was to be such as would be adequate to the exigencies of government and the preservation of the union; 3d. that these purposes were to be effected by alterations and provisions in the articles of confederation, as it is expressed in the act of congress, or by such further provisions as should appear necessary, as it stands in the recommendatory act from Annapolis; 4th. that the alterations and provisions were to be reported to congress, and to the states, in order to be agreed to by the former, and confirmed by the latter. From a comparison and fair construction of these several modes of expression, is to be deduced the authority under which the convention acted. They were to frame a national government, adequate to the exigencies of government and of the union, and to reduce the articles of confederation into such form as to accomplish these purposes." ~ Federalist 40, James Madison

U.S.
TERM
LIMITS

The Framers voted against giving Article V the power of a Constitutional Convention.



Scan me

Scan to read article "An Article V Convention Is Not a Constitutional Convention by Ken Quinn.

The differences between an Article V Convention and a Constitutional Convention.

The opponents falsely claim an Article V convention is a Constitutional Convention (Con-Con) and can rewrite the entire Constitution.

The Framers voted against giving Article V the power of a Con-Con!

Immediately after the Framers unanimously approved adding the convention mode back into Article V on Sept 15th, 1787, a motion was made by Roger Sherman of Connecticut to give Article V the power of a Constitutional Convention;

"Mr. SHERMAN moved to strike out of article 5, after "legislatures" the words, "of three fourths," and so after the word "conventions," leaving future conventions to act in this matter, like the present convention, according to circumstances."

This motion was defeated by a vote of seven to three (one divided).

Several years later, Roger Sherman was a member of the 1st Congress and during the debate on the Bill of Rights, he stated the following in regard to Article V; "All that is granted us by the 5th article is that, whenever we shall think it necessary, we may propose amendments to the Constitution; not that we may propose to repeal the old and substitute a new one."



Scan to read the Madison's Notes of the 1787 Federal Convention on Sept 15, 1787.

Scan me

"Every constitution for the United States must inevitably consist of a great variety of particulars, in which thirteen independent states are to be accommodated in their interests or opinions of interest... Hence the necessity of moulding and arranging all the particulars which are to compose the whole in such a manner as to satisfy all the parties to the compact, and hence also an immense multiplication of difficulties and casualties in obtaining the collective assent to a final act... But every amendment to the constitution, if once established, would be a single proposition, and might be brought forward singly... The will of the requisite number would at once bring the matter to a decisive issue. And consequently, whenever nine or rather ten states, were united in the desire of a particular amendment, that amendment must infallibly take place. There can therefore be no comparison between the facility of effecting an amendment, and that of establishing in the first instance a complete constitution." ~ Federalist 85

DIFFERENCES BETWEEN A CONSTITUTIONAL CONVENTION AND AN ARTICLE V CONVENTION		
ACTION	CONSTITUTIONAL CONVENTION	ARTICLE V CONVENTION
Propose	Propose New Constitution	Propose Amendments to Current Constitution
Power	Full Powers Unlimited	Limited to Subject of State Applications
Authority	Outside of the Constitution	Under Article V of the Constitution
Requirement to Call	Unanimous Consent of States to be Bound	Application by Two-thirds of the States
Called By	The States	Congress
Scope of Passage at Convention	Entire Constitution as a Whole Document	Individual Amendments, Singly
Votes for Passage at Convention	Unanimous Consent Required	Simple Majority
Scope of Ratification by the States	Entire Constitution as a Whole Document	Individual Amendments, Singly
Votes for Ratification by the States	Only Bonds States That Ratify It	Ratified by Three-fourths and Bonds All States



U.S. TERM LIMITS

The Framers intended an Article V convention to be limited to the amendment(s) applied for by two-thirds of the legislatures.



Scan to read "Charles Pinckney, The Forgotten Framers and Originator of the Article V Limited Convention" by Ken Quinn.

The amending provision (Article V) was introduced on the very first day of the 1787 Federal Convention as a limited convention and that never changed.

On May 29th, at the 1787 Federal Convention, Charles Pinckney introduced a draft of a federal government and within it was Article XVI which allowed for the amending of it, Art. XVI. "If two-thirds of the legislatures of the states apply for the same, the legislature of the United States shall call a convention for the purpose of amending the constitution..." Pinckney's proposed system of government was referred to the Committee of the Whole and was ultimately submitted to the Committee of Detail along with the Virginia Plan and the New Jersey Plan.

On August 6th, the Committee of Detail reported the first draft of the new Constitution which contained the following resolution; Art. XIX. "On the application of the legislature of two-thirds of the states in the Union, for an amendment of this Constitution, the legislature of the United States shall call a convention for that purpose."

On Sept 15th, the vote adding, "convention for proposing amendments" into Article V only removed the dependence on Congress to propose the amendment(s) and transferred that authority exclusively to the states. It did not change the requirement that applications from two-thirds of the state legislatures had to be for the same amendment(s), nor the purpose of the convention, to propose the specific amendment they applied for. This was the clear intention of the members as they formulated the text of the amending provision during the course of their debates, which is now embodied in Article V.

U.S. TERM LIMITS

In Federalist 85 Alexander Hamilton clearly explains that Article V allows the state legislatures to propose and ratify a SINGLE AMENDMENT.



Article V simply allows state legislatures to propose a single amendment if two-thirds concur in applications to Congress to call a convention for it.

"But every amendment to the constitution, if once established, would be a single proposition, and might be brought forward singly. There would then be no necessity for management or compromise, in relation to any other point, no giving nor taking. The will of the requisite number would at once bring the matter to a decisive issue. And consequently, whenever nine or rather ten states*, were united in the desire of a particular amendment, that amendment must infallibly take place. There can therefore be no comparison between the facility of effecting an amendment, and that of establishing in the first instance a complete constitution... We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority."

~ Federalist 85, Alexander Hamilton



Scan to read Federalist 85.

* two-thirds (propose) or three-fourths (ratify)



Did James Madison really tremble at the thought of calling an Article V convention?



Scan to read Madison's letter in context.

No! James Madison is falsely cited as an opponent of an Article V convention due to a quote of his taken out of context. He drafted the final language of Article V and voted for it.

Madison opposed a specific plan to call a second convention to adopt another Constitution, not an Article V convention to propose amendments. In a letter he wrote to George Lee Turberville in Nov. of 1788. Madison responded to his question; *"You wish to know my sentiments on the project of another general Convention as suggested by New York."* The New York Legislature and the Anti-Federalists wanted to call a second convention to rewrite the entire Constitution before it even took effect! Madison opposed that idea and wrote, *"Having witnessed the difficulties and dangers experienced by the first Convention, which assembled under every propitious circumstance, I should tremble for the result of a Second."* Madison even describes the two types of conventions in his letter; *"A Convention cannot be called without the unanimous consent of the parties who are to be bound by it, if first principles are to be recurring to; or without the previous application of 2/3 of the state legislatures, if the forms of the Constitution are to be pursued."*

Madison believed it would be simpler at that time to have Congress propose amendments because it would be too difficult to get unanimous consent to call a Constitutional Convention or two-thirds to call an Article V convention. He also thought that calling a second convention would be viewed by Europe as a dark cloud over the Constitution which would damage our relationships and harm the impact our new Constitution was having in the world.



Quotes by James Madison proving he was a strong advocate for the Article V convention.

"an ulterior resort is provided in amendments attainable by an intervention of the states, which may better adapt the Constitution for the purposes of its creation." - Madison to M.L. Hulbert

"or two-thirds of themselves, if such had been their opinion, might, by an application to Congress, have obtained a Convention for the same object." Madison Report 1800

And if this resource should fail, there remains in the third and last place, that provident article in the constitution itself, by which an avenue is always open to the sovereignty of the People for explanations or amendments as they might be found indispensable." Madison Jay Treaty

"Nothing of a controvertible nature can be expected to make its way thro' the caprice & discord of opinions which would encounter it in Congs. when 2/3 must concur in each House, & in the State Legislatures, 3/4 of which will be requisite to its final success." Madison to Randolph

[Article V] equally enables the general and the state governments to originate the amendment of errors, as they may be pointed out by the experience on one side, or on the other." Federalist 43

"The final resort within the purview of the Constitution lies in an amendment of the Constitution, according to a process applicable by the states." - Madison to Edward Everett

U.S.
TERM
LIMITS

Congress has introduced over 12,000 amendments to the Constitution under Article V while the States have introduced ZERO.

Visit the National Archives to download a spreadsheet to view all of these amendments.



The Framers gave the state legislatures equal authority to propose amendments to the Constitution, yet only Congress has used this authority under Article V.

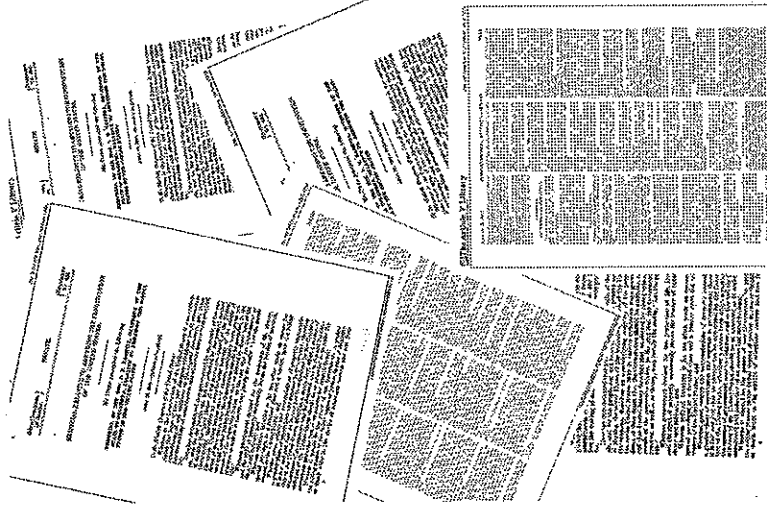
"That useful alterations will be suggested by experience, could not but be foreseen. It was requisite, therefore, that a mode for introducing them should be provided. The mode preferred by the convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility, which would render the Constitution too mutable; and that extreme difficulty, which might perpetuate its discovered faults. It, moreover, equally enables the general and the State governments to originate the amendment of errors, as they may be pointed out by the experience on one side, or on the other." ~ Federalist 43

Since 1789, Congress has introduced over 12,000 amendments to the Constitution. Only thirty-three of these amendments received the necessary two-thirds approval from both Houses of Congress to be proposed to the States, with twenty-seven of them being ratified by the States and added to the Constitution. During that same time period, the state legislatures which have equal authority to propose amendments have never once been able to introduce one to be referred to a committee, discussed, debated, and voted on because they did not attain the two-thirds needed on the same amendment.

An Article V convention simply allows the States the same opportunity that Congress has taken advantage of over 12,000 times, to introduce an amendment to the Constitution to provide a needed reform.

U.S.
TERM
LIMITS

The 400 + Article V applications that have been passed by the state legislatures prove the convention is limited.

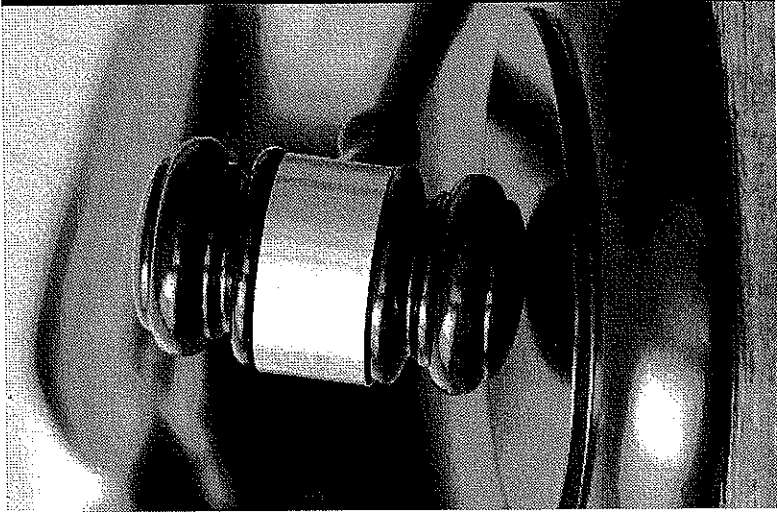


There have been over 400 Article V applications submitted to Congress by state legislatures since 1788. If Congress is required to call a convention upon application from two-thirds of the state legislatures, why hasn't a convention been called by Congress?

The answer is obvious, two-thirds of the state legislatures have NOT concurred in applications for the same amendment or subject, which is the requirement to have a convention called under Article V. This is another clear proof that demonstrates the process is controlled and the scope of the convention is limited.



Scan to visit the Article V Library to view many of these applications submitted to Congress by the state legislatures since 1788.



U.S.
TERM
LIMITS

We know how an Article V convention will function because we have used rules in conventions among the states numerous times before.

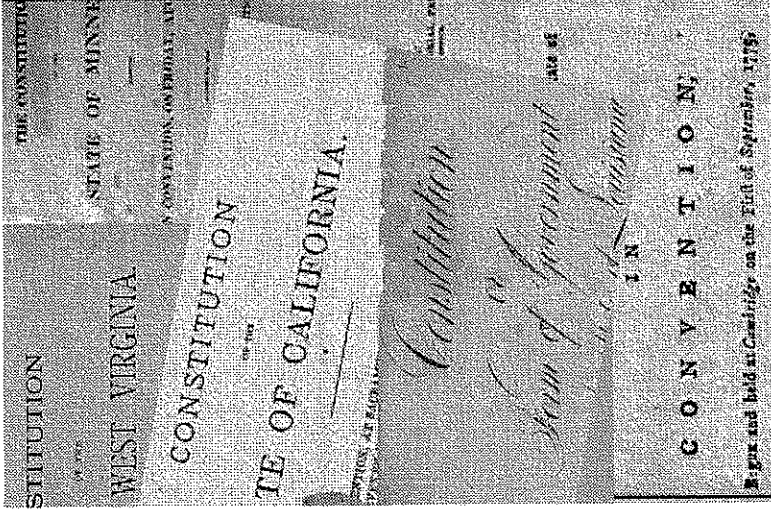
We have history to look to in determining the rules of an Article V convention.

"During the founding era, there were more than 30 conventions of states held capped off by the Philadelphia Convention of 1787, which drafted the United States Constitution. Since our founding, at least seven conventions of states have been held, including the first national convention of states called since 1861 held in Phoenix during September 2017.

To date, multiple state legislator groups have begun drafting proposed rules for a convention, for example, the Assembly of State Legislatures (ASL). The Arizona convention was called specifically to draft a set of rules for a future convention. All of these rules have certain principles in common: (a) voting will be on a one state/one vote basis; (b) a majority of states present and voting shall conduct the business of the convention; and (c) matters outside the scope of the call shall be deemed out of order. These principles are consistent with those observed in the numerous other past conventions.

Of course, the convention itself, once convened and credentialed, will as its first order of business, consider, debate and adopt a set of rules for the convention."

Article V Myths, written by David Guldenschuh, advisor to U.S. Term Limits.



U.S.
TERM
LIMITS

The States have proposed over 6,000 amendments to their constitutions in conventions. We know very well how the process works.

The States have been proposing amendments in conventions since the very founding of our country.

"All told, the fifty states have held 233 constitutional conventions, adopted 146 constitutions, and ratified over 6,000 amendments to their current constitutions."

"In several states, the large number of conventions is also a product of the relative difficulty of achieving constitutional change through the legislative process. Thus, in some states, it has been practically impossible for legislative-initiated amendments to be ratified because they must receive a majority of all votes cast in the entire election rather than on the particular question. The only realistic opportunity to secure constitutional change in these states - Tennessee is a leading example - has been through constitutional conventions, and in fact five limited conventions were called in Tennessee in the second half of the twentieth century in order to enact constitutional changes."

- *The American State Constitutional Tradition, John J. Dinan, pg. 7 and 11.*

Sounds a lot like Congress, doesn't it?



Scan to view number of state constitutional amendments in each state.



Scan to view amending state constitutions at Ballotpedia.

History

U.S.
TERM
LIMITS

We have a long rich history meeting in conventions to propose solutions to our problems.

Conventions among the States are nothing new and have been a part of our country from the very beginning as a means of proposing solutions to solve problems.

Founding-Era Conventions and the Meaning of the Constitution's "Convention for Proposing Amendments"

Rob Natelson - Florida Law Review, Volume 65, May 2013, Number 3

"Under Article V of the U.S. Constitution, two-thirds of state legislatures may require Congress to call a 'Convention for proposing Amendments.' Because this procedure has never been used, commentators frequently debate the composition of the convention and the rules governing the application and convention process. However, the debate has proceeded almost entirely without knowledge of the many multi-colony and multi-state conventions held during the eighteenth century, of which the Constitutional Convention was only one. These conventions were governed by universally-accepted convention practices and protocols. This Article surveys those conventions and shows how their practices and protocols shaped the meaning of Article V."



Scan me

Scan to read article by Rob Natelson.

The States have been meeting in a convention every year since 1892 to propose needed reforms, and the rules work.

U.S.
TERM
LIMITS

The Uniform Law Commission (ULC) is a Convention of the States that has been meeting annually since 1892 to propose uniform state laws. The procedures and rules of the ULC are virtually identical to how an Article V convention would function.

- Each state is represented by "commissioners." The number and selection of commissioners for each state is determined by that state's legislature.
- Each commissioner is required to present the commission (credentials) issued to them by their state legislature before they can represent their state.
- The ULC's "Scope and Program Committee" reviews all proposed topics up for consideration by the ULC to ensure that they are consistent with the ULC's mission.
- The ULC appoints drafting committees to draft the text of each legislative proposal.
- Each piece of legislation that is drafted must be approved by the entire body of commissioners sitting as a committee of the whole.
- Finally, the commissioners vote on each piece of legislation by state, with each state having one vote. A majority of the states present must approve the legislation before it is formally proposed to the states.
- Even once the legislation is formally proposed to the states as a model act, the state legislatures must adopt that legislation to make it binding. Until it is adopted by the state legislatures it remains only a proposal.



Scan me

Watch videos on the Uniform Law Commission website to learn more.

U.S.

TERM
LIMITS

"There is no judicial precedent interpreting Article V, which means we have no way of knowing what will happen if a convention were called."

FALSE!

LAW
CASES

LAW
CASES



On the contrary, there are numerous judicial decisions which provide clarity regarding the Article V process. Listed below are a few of the cases that have used history to interpret Article V. A "U.S." citation means the case was decided by the U.S. Supreme Court. Most of the others are federal court cases; two were issued by state courts.

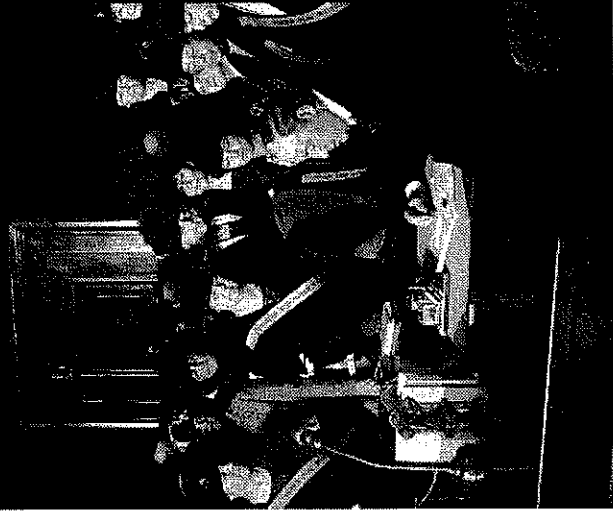
- *Hollingsworth v. Virginia*, 3 U.S. 381 (1798) (following the practice used in proposing the first ten amendments to uphold the 11th).
- *Hawke v. Smith*, 253 U.S. 221 (1920) (citing Founding-Era evidence to define what the Framers meant by the Article V word "legislature")
- *Bartolotti v. Lyons*, 182 Cal. 575, 189 P. 282 (1920) (also citing Founding-Era evidence to define what the Framers meant by the Article V word "legislature").
- *Leser v. Garnett*, 258 U.S. 130 (1922) (relying on history to affirm the procedure that ratified the 19th amendment).
- *Opinion of the Justices*, 132 Me. 491, 167 A. 176, 179 (1933) (consulting history to determine how delegates are chosen to a state ratifying convention).
- *United States v. Gugel*, 119 F.Supp. 897 (E.D. Ky. 1954) (citing the history of judicial reliance on the 14th amendment as evidence that it had been validly adopted).
- *Dyer v. Blair*, 390 F.Supp. 1291 (N.D. Ill. 1975) (Justice Stevens) (relying extensively on history to determine whether Illinois had validly ratified a proposed amendment).
- *Idaho v. Freeman*, 529 F.Supp. 1107 (D. Idaho 1981) (also relying on history in discussing a range of questions).

Article V Myths, written by David Guldenschuh, advisor to U.S. Term Limits.

U.S.

TERM
LIMITS

The ratification process has been accomplished by both state legislatures and state conventions.



Congress has only two ministerial duties under Article V; calling the convention (time and place) and choosing how amendments are to be ratified, either by state legislatures or state conventions.

Opponents of Article V like to make it sound as though allowing the people to ratify an amendment in a convention is some scary thing and ought to be avoided. Both methods of ratification have been used before and the process worked very well. All of the Constitutional amendments have been ratified by state legislatures except one, the 21st Amendment which repealed prohibition and was ratified by the people in state ratifying conventions in 1933.

Also, the Constitution was not ratified by state legislatures, it was ratified by delegates of the people in state conventions. Any group that would oppose the people from ratifying a constitutional amendment in a convention needs to read the first three words of our Constitution; **We The People**.



U.S.
TERM
LIMITS

**Antonin Scalia
opposed a
Constitutional
Convention NOT
an Article V
convention.**

Scalia was opposed to a Constitutional Convention (adopt new Constitution), not an Article V convention limited to a specific amendment or subject.

*"I certainly would not want a Constitutional Convention. I mean, whoa, whoa, who knows what would come out of that. But if there were a targeted amendment that were adopted by the States (Article V), I think the only provision I would amend is the amendment provision. I figured out one-time what percentage of the population could prevent an amendment to the Constitution and if you take a bare majority in the smallest states by population, I think something less than 2% of the people can prevent a constitutional amendment. It ought to be hard, but it shouldn't be that hard."
~ The Kalb Report*

"I have not proposed an open convention. Nobody in his right mind would propose it in preference to a convention limited to those provisions he wants changed."

~ AEI Forum



Scan to watch AEI Forum video.



U.S.
TERM
LIMITS

**Antonin Scalia was a
strong advocate for
the States to call an
Article V convention
to propose a single
amendment.**



Scan to watch AEI Forum video.

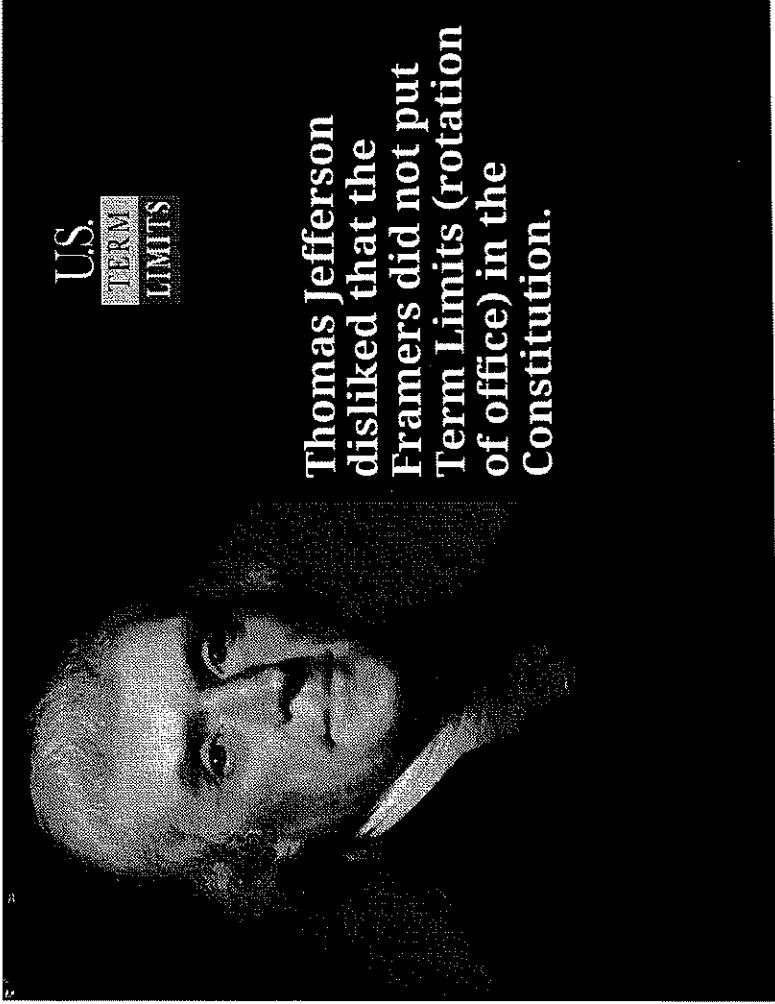
Scalia wanted the States to propose an amendment in an Article V convention.

"The one remedy specifically provided for in the Constitution is the amendment process that bypasses the Congress. I would like to see that amendment process used just once. I do not much care what it is used for the first time, but using it once will exert an enormous influence on both the Congress and the Supreme Court..."

I really want to see the process used responsibly on a serious issue so that the... alarm about the end of the world can be put to rest...

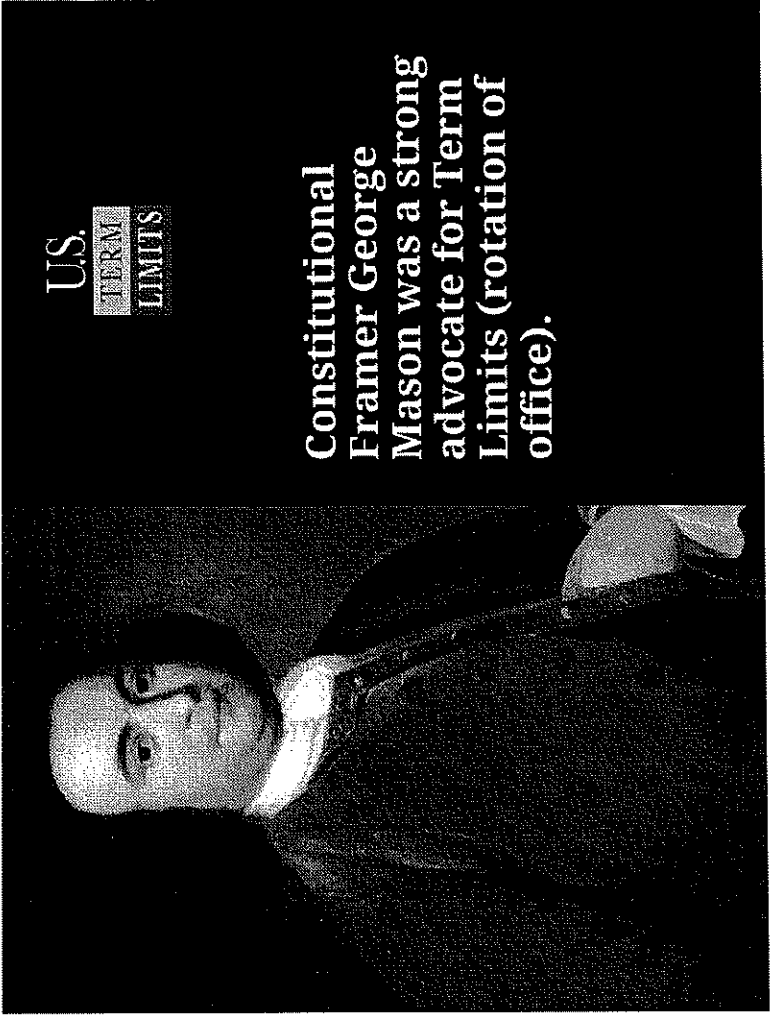
The founders inserted this alternative method of obtaining constitutional amendments because they knew the Congress would be unwilling to give attention to many issues the people are concerned with, particularly those involving restrictions on the federal government's own power. The founders foresaw that and they provided the convention as a remedy...

There is no reason not to interpret it to allow a limited call, if that is what the states desire...But what is the alternative? The alternative is continuing with a system that provides no means of obtaining a constitutional amendment, except through the kindness of the Congress, which has demonstrated that it will not propose amendments- no matter how generally desired--of certain types. ~ AEI Forum



U.S.
TERM
LIMITS

**Thomas Jefferson
disliked that the
Framers did not put
Term Limits (rotation
of office) in the
Constitution.**



U.S.
TERM
LIMITS

**Constitutional
Framer George
Mason was a strong
advocate for Term
Limits (rotation of
office).**

“The second feature I dislike, and greatly dislike (Constitution), is the abandonment in every instance of the necessity of rotation in office, and most particularly in the case of the President. Experience concurs with reason in concluding that the first magistrate will always be re-elected if the constitution permits it. He is then an officer for life. ...It may be said that if elections are to be attended with these disorders, the seldomer they are renewed the better. But experience shews that the only way to prevent disorder is to render them uninteresting by frequent changes. An incapacity to be elected a second time would have been the only effectual preventative. The power of removing him every fourth year by the vote of the people is a power which will not be exercised.”

~ Thomas Jefferson to James Madison, 20 December 1787

“But in America we have extended it (for want of a proper word) to all cases of officers who must be necessarily changed at a fixed epoch, tho the successor be not pointed out in any particular order but comes in by free election. By the term rotation in office then we mean an obligation on the holder of that office to go out at a certain period. In our first confederation the principle of Rotation was established in the office of President of Congress, who could serve but one year in three, and in that of a Member of Congress who could serve but three years in six.”

~ Thomas Jefferson to Satsfield, 3 April 1789

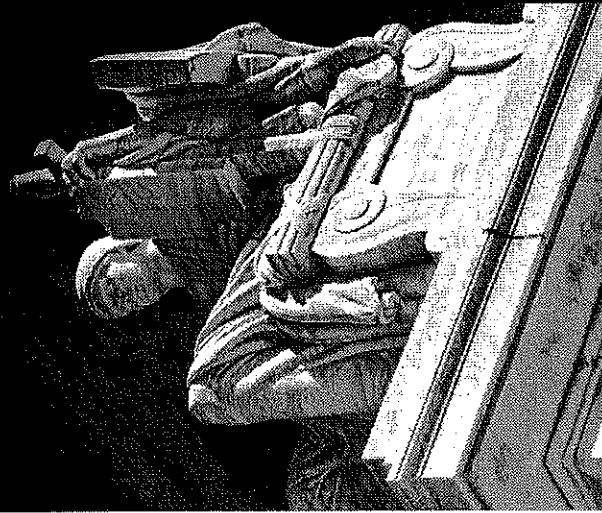
“The President is elected without rotation. It may be said that a new election may remove him, and place another in his stead. If we judge from the experience of all other countries, and even our own, we may conclude that, as the President of the United States may be reelected, so he will. How is it in every government where rotation is not required? Is there a single instance of a great man not being reelected? Our governor is obliged to return, after a given period, to a private station. It is so in most of the states. This President will be elected time after time: he will be continued in office for life. If we wish to change him, the great powers in Europe will not allow us...Nothing is so essential to the preservation of a republican government as a periodical rotation. Nothing so strongly impels a man to regard the interest of his constituents as the certainty of returning to the general mass of the people, from whence he was taken, where he must participate their burdens. It is a great defect in the Senate that they are not ineligible at the end of six years. The biennial exclusion of one third of them will have no effect, as they can be reelected. Some stated time ought to be fixed when the President ought to be reduced to a private station. I should be contented that he might be elected for eight years; but I would wish him to be capable of holding the office only eight years out of twelve or sixteen years. But, as it now stands, he may continue in office for life; or, in other words, it will be an elective monarchy.”

~ George Mason Debate in Virginia Ratifying Convention

U.S.
TERM
LIMITS

U.S. Term Limits v. Thornton

The reason why
we need the state
legislatures to pass
our Article V
resolution.



U.S. Term Limits v. Thornton, 514 U.S. 779

The year was 1995, and the case was U.S. Term Limits v. Thornton. With assistance from USTL, the citizens of 23 states had just passed laws putting term limits on their members of Congress. That meant just under half of all congressmen were term-limited, and Congress would soon be forced to propose a term limits amendment applying to everyone. But it was not to be. In Arkansas, it was challenged to void that state's law. Others followed.

After the Arkansas Supreme Court ruled against U.S. Term Limits, we took it all the way to the U.S. Supreme Court (SCOTUS). SCOTUS opined that since the Constitution sets forth the criteria that determine the requirements for U.S. Senators and Representatives, only the Constitution can limit the terms of Congress members. The Court decided, in a 5-4 split decision, that citizens are not allowed to term limit their own members of Congress using state laws. They threw out 23 states' term limits laws in one day. **Justice Scalia disagreed, ruling for term limits as part of the dissenting minority.** This was, without doubt, a low point for term limits.

The Court seemed to have shut down every realistic avenue to fight careerism in Washington. But hidden in their decision was a silver lining: "**State imposition of term limits for Congressional service would effect such a fundamental change in the constitutional framework that it must come through a constitutional amendment properly passed under the procedures set forth in Article V.**"



Scan me

Scan to read the U.S. Term Limits v. Thornton ruling.

U.S.
TERM
LIMITS

What issue has
overwhelming
support among the
American people
across all political
party lines?

Term Limits for
Congress!

Survey Summary: The results of our* recently completed national survey show that voters overwhelmingly believe in implementing term limits on members of Congress. Support for term limits is broad and strong across all political, geographic and demographic groups. An overwhelming 82% of voters approve of a Constitutional Amendment that will place term limits on members of Congress.

Do you approve or disapprove of a Constitutional Amendment that will place term limits on members of Congress?

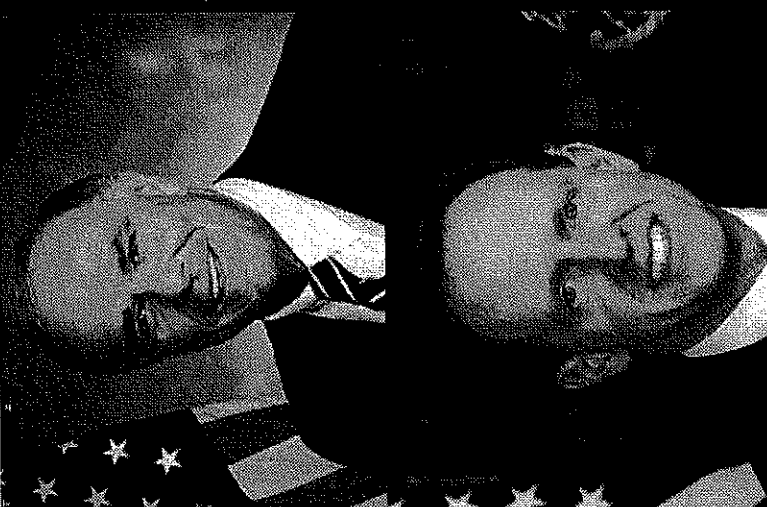
	Total	Rep.	Dem.	Ind.
Approve	82%	89%	76%	83%

*McLaughlin & Associates, National Survey Executive Summary, 1/15/2018



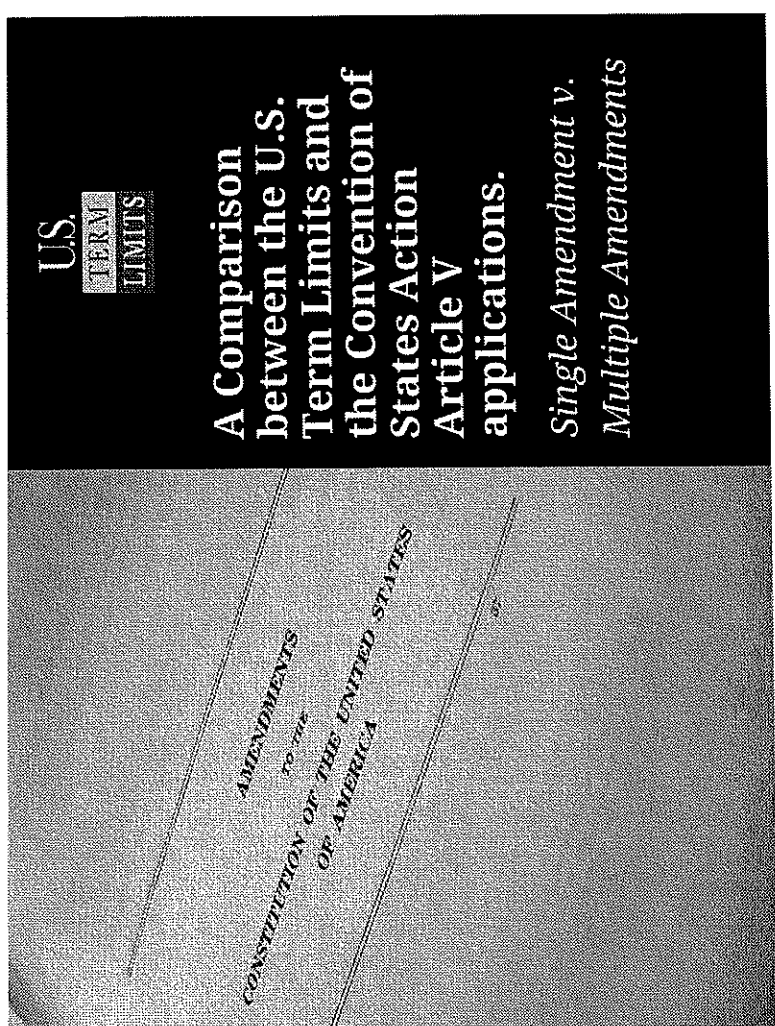
Scan to view the survey.





U.S. TERM LIMITS

Pennsylvania Senator Patrick Toomey (R) and Governor Ed Rendell (D) come together to endorse Term Limits for Congress.



U.S. TERM LIMITS

A Comparison between the U.S. Term Limits and the Convention of States Action Article V applications.

Single Amendment v. Multiple Amendments

Term limits can end the entrenched partisan politics that put our country in crisis | Opinion

Ed Rendell and Pat Toomey, For The Inquirer

"In these partisan times, one might ask what a Democratic governor and a Republican senator from Pennsylvania could possibly have in common. The answer is: Moving forward, we both believe that members of Congress should be subject to term limits..."

Our elected representatives seem afraid to do anything that would jeopardize their reelection. Term limits allow them to operate without that pressure, secure in the knowledge that they are not risking the position that could be a lifetime career. They would be able to cast votes knowing that the risk they are taking would not jeopardize their entire future."



Scan to read the the Op-Ed.

U.S. TERM LIMITS

**Single Amendment
Term Limits for Congress**

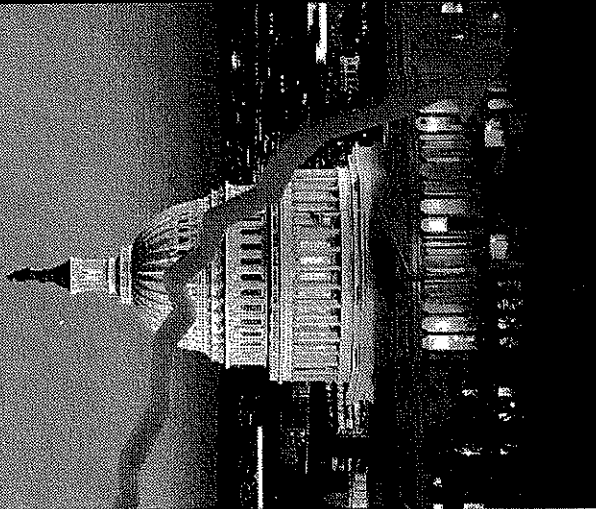
*"...to call a convention limited to **PROPOSING AN AMENDMENT** to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a Member of the United States Senate."*

COS CONFEDERATION OF STATES ACTION

**Multiple Amendments - 3 Subjects
Impose Fiscal Restraints, Limit Power and Jurisdiction,
and Term Limits for officials and Congress**

*"...for the calling of a convention of the states limited to **PROPOSING AMENDMENTS** to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress."*

Congressional Job Approval



U.S.
TERM
LIMITS

The American people have consistently disapproved of Congress's job performance and if given the opportunity would impose Congressional Term Limits.

The job approval ratings of Congress have been consistently low for decades, yet their reelection rate during the same period has been high at approximately 95%.
What is wrong with this picture?

If the members of Congress were running your company would you keep them as your employees or hire someone better qualified for the job? If you were being honest with yourself you know what the answer is. If you asked voters this question, I have a feeling they would prefer to fire them and hire new people. So how come they don't?

The answer is simple, members of Congress have so many advantages over challengers that it makes it almost impossible to beat an incumbent. We need a structural change to this corrupt system and it can only be accomplished with Congressional Term Limits.



Watch U.S. Term Limits Executive Director Nick Tomboulides testify before the Senate Judiciary Subcommittee.

U.S.
TERM
LIMITS

"If we had term limits for Congress we would lose all of that institutional knowledge."

FALSE!

Just because they call it "institutional knowledge" does not mean that it is good knowledge. We need people with real-life experience to be our voice in Congress.

One of the most often used excuses we hear against Congressional Term Limits is that we will lose "institutional knowledge." Take a moment to think upon that statement...

If we take the average tenure of the members of Congress of ten years ($535 \times 10 = 5,350$ yrs.), add to that the tenure of approximately 50% of the members' state legislative service prior to being elected to Congress which is also about ten years ($268 \times 10 = 2,680$ yrs.), **We have approximately 8,000 years of combined "institutional knowledge" at the state and federal level currently sitting in Congress! What is all of that institutional knowledge getting us?**

Wanting to keep all of that "institutional knowledge" is just another way of saying that you prefer to protect The Establishment and maintain the status quo instead of seeing real reforms implemented that would address many of our problems.

We need people with real-life experience that are willing to serve the greater good for a limited time instead of career politicians who know how the rules are played to game the system for their own benefit. Even with term limits in place, there will remain overlap among the members so that institutional knowledge is not lost.

U.S.
TERM
LIMITS

Term Limits for Congress will help level the playing field between the States and members will be appointed to key positions based on qualifications not simply seniority.

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

Term limits for Congress would level the playing field among the States because committee chairmanships would be based on qualifications and not solely seniority.

The seniority system in Congress awards committee chairmanships and leadership positions to those who have been there the longest and have raised the most money for their party by "paying their dues." Congressional term limits would shorten the time period someone could hold these positions and allow new people an opportunity to serve their state. This would motivate members to work harder in order to achieve those positions instead of trying to hold their seat in a safe district for decades just to maintain their seniority.

"Members with a longer term of service on a committee are also assumed to be senior, and therefore they have more power within the committee. Seniority is also usually, but not always, considered when each party awards committee chairmanships, the most powerful position on a committee."

"Seniority also refers to a legislator's social standing in Washington, D.C. The longer a member has served, the better his office location and the more likely he or she will be invited to important parties and other get-togethers. Since there are no term limits for members of Congress, this means members with seniority can, and do, amass great amounts of power and influence."

Gill, Kathy. "The Effects of the Seniority System on How Congress Works." ThoughtCo, Aug. 26, 2020, [thoughtco.com/what-is-the-seniority-system-3368073](https://www.thoughtco.com/what-is-the-seniority-system-3368073).

U.S.
TERM
LIMITS

Term Limits for Congress will reduce Big Money in politics because 97% of corporate PAC money goes to incumbents not the challengers.



Term Limits will help to get BIG money out of politics!

Members of Congress have become high paid telemarketers to raise money for their party! They spend 30-70% of their time on the phone raising money for their reelection and their party instead of doing the job they were sent to do. **Term Limits will change this broken system by allowing members to focus on their job, not their lifelong political career.**

"Both parties have told newly elected members of the Congress that they should spend 30 hours a week in the Republican and Democratic call centers across the street from the Congress, dialing for dollars," Rick Nolan, a Minnesota Democrat who retired from Congress this year, said recently, adding: "The simple fact is, our entire legislative schedule is set around fundraising."

- "Netflix for Democracy" by Ciara Torres-Spelliscy, Brennan Center for Justice.

97% of corporate PAC money goes to the incumbents because the lobbyists and special interest groups already have them in their back pocket. **Term limits will break this hold they have on the members of Congress and will reduce the amount of money spent on incumbents and in elections.**



Scan to watch the segment on CBS This Morning on the problem of dialing for dollars in Congress.



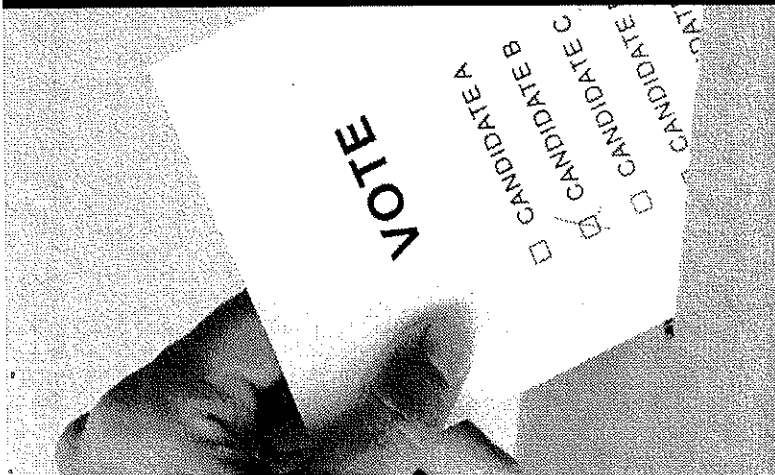
U.S.
TERM
LIMITS

Term Limits
provide voters
with more choices
at the ballot box.



Scan me

Scan to read "How Term Limits Enrich
Democracy by Nicolas Tomboulides."



Term limits provide voters more choices at the ballot box

"In 2016, Ballotpedia rated just 23 of 435 U.S. House contests as competitive. "We have term limits," Senate Majority Leader Mitch McConnell said in 2017. "They're called elections." Behind McConnell's statement is a dangerous and false assumption: that the American people have chosen this Congress and now have to sleep in the bed we've made... Congressional term limits act as an antitrust act for politicians, breaking up an incumbent monopoly and replacing it with competition. When seats are open, barriers to entry collapse and more candidates run. This helps new voices emerge while creating the type of participatory democracy our nation deserves... Studies show that term limits give voters more choice at the ballot box because - this might shock you - more candidates run when they believe they can win. **Our best and brightest citizens no longer have to wait for an incumbent to retire, die, or go to prison before getting the chance to serve.**"

~ How Term Limits Enrich Democracy by Nicolas Tomboulides.

How many times have you heard someone say they are "voting for the lesser of two evils" because they feel they have no other option? Or how often have you had the same person running for the same congressional seat election after election, and wished there was someone else you could vote for? Term limits give the voters more options instead of the same old stale one. Term limits expand our choices, not diminish them because when a seat opens up more people run in primaries because now they have a real chance of winning.

U.S.
TERM
LIMITS

Term Limits will
allow more people
from a variety of
backgrounds to
participate in our
federal government.



Term limits will help to restore Congress to a body of citizen legislators who serve for a set period of time instead of career politicians that scheme to hold office for life.

The best form of government is one that is closest to the people and is representative of the people. For far too long, members of Congress have not been an accurate reflection of the people they represent in their districts in regard to age, education, experience, race, gender, etc. Members of Congress, especially in the Senate are much older than the median age of the people they represent which creates a disconnect between them.

Term limits will allow more people from a variety of backgrounds with different experiences to hold office because open seat elections provide ordinary people a real chance of winning an election. Since most people cannot raise the millions of dollars needed to run against an incumbent's war chest, many qualified people do not even bother to run for office. Term limits give people time to plan to run for an open seat and also a real opportunity to participate in our federal government.

In his book, *Actors, Athletes, and Astronauts*, David T. Canon makes the following observation based upon his research; "*But in general, amateurs can have a beneficial impact on the political system as agents of political change, as instruments of party building, and as the last defense against irrevocable tenure for House members.*"



U.S.
TERM
LIMITS

**Term Limits for
Congress will provide
Fair and Competitive
elections.**



Scan me

Scan to read "How Term Limits Enrich
Democracy" by Nicolas Tomboulides.

"First, incumbents guarantee themselves a constant flow of campaign cash by catering to the funders. Less than one half of 1 percent of Americans give more than \$200 to candidates, political parties or political action committees. Experts tell us this weakens representation. According to a study by Princeton and Northwestern Universities, the opinions of the bottom 90 percent of income earners in America have a near-zero impact on public policies advanced by Congress. The views of the economic elite – the funders – do have an impact. A significant one.

Special interests seize on this opportunity by rolling out the gravy train. According to the Center for Responsive Politics, "Political action committees have one overriding mandate: get the most bang for the buck. To maximize their dollars, nearly all PACs – particularly those of business groups – give the overwhelming proportion of their campaign dollars to incumbents."

In a majority of congressional races, the incumbent spends more money on taxpayer-funded mail than the challenger spends on his or her entire campaign. In other words, the deck is stacked and the game is rigged.

The only way to restore fairness to this broken system – and ensure a level playing field – is competitive elections. Open seats produce competitive elections and open seats are produced by term limits."

~ How Term Limits Enrich Democracy by Nicolas Tomboulides



U.S.
TERM
LIMITS

**Lobbyists hate term
limits because it
forces them to start
all over in trying to
influence members
of Congress.**

There is a reason lobbyists hate term limits, it forces them to work instead of relying on the close, personal relationships they have nurtured with members of Congress over the years.

Term limits make lobbyists work harder. Term limits ensure a constant influx of new ideas into government. Term limits force lobbyists to make arguments on the merits, rather than rely on sentimental relationships. Lobbyists don't like that.

Former megalobbyist (and convicted felon) Jack Abramoff has confirmed this analysis in his new book, *Capitol Punishment*: "When I was a lobbyist, I opposed term limits for representatives. I truly believed it was wrong for the voters to be limited in their choices. But that wasn't the only reason I opposed them. Like almost every lobbyist I knew, I didn't want to have to build relationships with new members constantly. A representative who stayed in office for decades, and was a friend, was worth his weight in gold. But permitting people to rule for decades is a recipe for disaster. Is there really a difference between a permanent Congress and a president-for-life? Representatives should be allowed to serve for three terms of two years, senators for two terms of six years."

"When I was a lobbyist, I hated the idea that a congressman who I had bought with years of contributions would decide to retire, that meant I had to start all over again with a new member, losing all the control I bought with years of checks."

Each of us who are here to testify against the Convention of States are citizens of Wisconsin and have sacrificed in some way to be here on a Wed morning, whether that is taking vacation from work or paying extra money to drive the distance or the time invested in preparation for what it is we are about to say. Personally, I have health issues that make this a particular kind of sacrifice. Nevertheless, because this is so important, we are here. Because we are in grave, grave danger.

Yes, the Federal government is completely overstepping its bounds and as you state in Resolution 8, “The Federal Government has ceased to live under a proper interpretation of the Constitution of the United States”, yet how is that our Constitution’s fault? Your “solution” is even more terrifying and this is what I would like to discuss, as well as *safe* alternatives. We are talking about the difference between freedom and tyranny. So pardon my directness, but we don’t have time to pussyfoot around. There is too much at stake.

We’ve enjoyed talking with our Representative, Scott Allen on other issues that we have a lot of agreement on, but on this matter of amending the Constitution through a convention of States, and not the regular process, we are diametrically opposed.

For example, in the Assembly Committee hearing on the Convention of States, we pointed out that we don’t have the incredible statesmen of yesteryear that drafted our Constitution to redraft a new one. When the committee for its executive session met, Rep Allen stated that was deifying the Founders and that there are great minds and Founding Father quality today to be able to undertake a convention of states, etc. I would agree there are some great people that are Founding Father material, but most of them are unfortunately not in government and those small numbers that are, are not enough. Nor is there any guarantee (which we will discuss shortly), they will be chosen to be delegates for WI, let alone all 50 states. If they are at the convention, it will be the smallest minority of those there. So while we have some **quality**, we surely don’t have the **quantity** of that quality necessary.

Rep Allen also stated that the Founders had more faith in our ability to have a successful COS than we do in ourselves. Of course, he is entitled to his opinion, but, respectfully, I have a different one.

James Madison said of a COS quote, “Having witnessed the difficulties and dangers experienced by the first Convention, which assembled under every propitious circumstance, I should tremble for the result of a Second.” unquote

How much more should we tremble today??? The Founders had no clue what kind of America we would have in 2021. Not for a second do I believe that our Founders ever envisioned any place in America where a doctor and mother could discuss whether the born child should be allowed to live or be killed. And attempting to tax us for this atrocity. The majority of politicians seek to undermine our freedoms at every turn in exchange for power, wealth, advancing globalism, killing national sovereignty, implementing socialism, controlling every aspect of our lives. Bear in mind, there are liberals who also want a con-con, and most definitely globalists are pushing for one. I don’t know how to say it any clearer. This would open a Pandora’s box the likes of which we’ve never seen and could never close the lid.

According to the Framers, the purpose of a Convention is to get another Constitution (not a BBA). James Madison repeatedly warned that those who secretly wanted to get rid of our Constitution would push for a convention *under the pretext of getting amendments*.

I had read this before witnessing it with my own eyes on March 3rd,

* Declaration paper page 1 paragraph 3:

“But today, various factions are lobbying State Legislators to ask Congress to call an Article V convention. They use various "hooks" - proposed amendments on such appealing subjects as “congressional term limits”, “balancing the federal budget”, “taking money out of politics”, or “limiting the power and jurisdiction of the federal government”. But nothing in Article V limits the convention to subjects specified by State legislatures [link]. So the subject of a state’s application for a convention is nothing more than bait designed to attract specific groups of people to get them to support an Article V convention.”

<https://mail.google.com/mail/u/0?ui=2&ik=bab8c84903&attid=0.2&permmsgid=msg-f:1693870022687293203&th=1781d5cfa5f57f13&view=att&disp=safe>

And wow, was Mark Meckler good at reeling in the hook to the Assembly Committee. He is a MASTER salesman. He could sell ice to an Eskimo. But I look on the bright side that he only has 5 million members out of 331 million Americans.

On March 3, I heard him take credit for such an incredible grassroots movement that hundreds were at the Capitol today in support of the COS. That is NOT true. Most of those people were here to speak in favor of protecting Wisconsinites from being forced to take Covid Vaccines, and they thought it was going to start at 10 am so that’s why they were there. What we found interesting as we walked among those waiting to testify on Covid was that so many, while waiting, had watched our testimonies against the con-con and *thanked us* for testifying in opposition. People I met in the bathroom thought it was ludicrous our legislature was even considering a Convention. These people didn’t even know that issue was going on that day, and if they had been prepared, they would have registered AGAINST it from their comments. Even when my husband went outside to put money in the meter, people he met on the streets of Madison when told about it were against it. But that’s not all. Everyone I’ve spoken with since is horrified at the idea our state legislature would even consider the dynamite option of a convention instead of the normal amendment process. They all know the Constitution is not the culprit and its immoral to put her in peril because of corrupt politicians that won’t follow it. I have yet to find one person outside of this capitol that thinks this is a good idea.

Another fascination I had watching Mark Meckler was his frequent flattery to the Committee – on how they were the most powerful people in the US Government. “Only YOU have the power to call a convention, propose amendments, ratify the Constitution. YOU have the power to alter the structure of the Federal Government.” He went on and on talking about how much control you are going to have over the delegates from start to finish and how you were going to select or even send yourselves and that you can limit the delegates to sticking with only the amendments you send them for. What a con game.

THE REPORT

“And nothing in the Constitution requires Congress to permit States to select Delegates. Congress“ determ[in]es the number and selection process for its delegates”;so Congress is free to select the Delegates. Congress may appoint themselves as Delegates.”

see:

<https://mail.google.com/mail/u/0?ui=2&ik=bab8c84903&attid=0.1&permmsgid=msg-f:1693870022687293203&th=1781d5cfa5f57f13&view=att&disp=safe>

The thought that your little piece of legislation can even control those from Wisconsin in a Convention, let alone 49 other states is laughable if it was a movie. So the amendment the Assembly added to AJR

9 to do nothing to expand the power of the federal government beyond what the original Constitution called for is useless, because *they* even know the original Constitution will be gone by the time this is over.

You know, I think both committees are full of good people who are just going about the wrong way to solve this problem, and hearing how much control you are going to have over this process is a complete sales pitch. And getting lifted up in pride about how much power you have is going to end in a colossal fall and you are going to drag us all down with you. Our Founders were SO WISE about restricting the power of man...and about the depravity of man and how much power can corrupt even good men.

* Declaration paper page 2 – please read

<https://mail.google.com/mail/u/0?ui=2&ik=bab8c84903&attid=0.2&permmsgid=msg-f:1693870022687293203&th=1781d5cfa5f57f13&view=att&disp=safe>

“The Congress ... shall call a convention for proposing amendments” subsequent to “the application of the legislatures of two thirds of the several states.” State legislatures *apply* for a convention, but Congress *calls* a convention. Of course, that means that **Congress — a branch of the same federal government the advocates of a convention claim the convention would rein in — has the power** (according to Article I, Section 8) to “make all Laws which shall be necessary and proper for carrying into Execution” the convention. That means Congress, not the state legislatures, gets to make the rules for how delegates are chosen, and Congress, not the state legislatures, gets to decide the apportionment of votes. **Congress will have much more power over the convention than will the states.”**

<https://thenewamerican.com/who-s-behind-a-constitutional-convention/>

Additionally, please do your research on where the big money behind COS is coming from. Last year, Mark Meckler would not answer that question. Again, not the small donations of members, but the big money backers...please do your research and discover the backers are from the very globalists who are trying to bankrupt our country so they can control us, by devaluing our dollar through the Federal Reserve and through these internationally-benefiting-stimulus bills in the trillions -- the very ones you are fighting w/your BBA. They are backing your COS "solution" -- that is alarming. They will not let you control **them** in a COS.

The globalists want the Convention. Want access to the Constitution. And are behind the new constitutions they have planned for us. They only need you until you give them the 34 state threshold and trigger the COS through Congress, and then they will take it from there. (And many globalists are in Congress.)

You are unwittingly playing right into their hand. This isn't about conservatives vs liberals or conservatives vs. conservatives. This is about freedom-loving Americans against globalism and tyranny. Please be on the right side.

I would like you to all picture the 3 most difficult people for you to work with here at the Capitol. Then I would like the realization to sink in that all the states will have delegates just like them, maybe even them.

Truly what I foresee is that Wisconsin, this Committee, this Senate, will be horrified at what happens to our beloved Constitution. In reality, there are many on both sides of the aisle that would pounce upon our “slightly” opened Constitution and rip her open, violating her faster than you could ever imagine. And it will be. Too. Late. You will have NO control then. You may be one of the 12 states screaming, pleading to everyone else about the dangers and horrors that now rob your sleep, but no matter how hard you try, you cannot convince just one more state, a 13th state to prevent them from their 38 state approval to pass the new Constitution. You have finally realized that what we are pleading with you now was true. At this point, you despise the lobbyists of the COS. Or maybe you despise yourself that you listened to their false promises. You have no control, no power. You watch in terror as the Constitution of We the People is wiped from this earth and freedom for your children and your grandchildren, for my children and my grandchildren is. No. More.

And you live with the regret the rest of your life, “If only I had voted against the COS, if only we had passed legislation to rescind our involvement, if only we had communicated with other states the dangers, if only, if only...”

I don't know his motives, but Mark Meckler's empty promises of the control you will have in this entire process is pure salesmanship. The ONLY thing you have control or power over is one thing: this decision NOW to vote for or against the COS.

I IMPLORE you to vote against SJR 8 & 12 calling for a Convention of States. The lobbyists have their own agenda and are using you and your good intentions to get the approval they need for a Convention of States – and thus put our Constitution in great peril.

Do not let history look back and name you among those who betrayed liberty through miss-channeled good intentions, or cowardice not to change your stated position to your colleagues. Be a guardian of liberty. Draft rescissions on ALL COS resolutions as fast as possible.

SOLUTION:

Senate Joint Resolution 8 states,

“Whereas, the Founders of our Constitution empowered state legislators to be the guardians of liberty against the future abuses of power by the federal government,” let me tell you what that meant.

This is what Thomas Jefferson told you to do. He said that each state has the right and duty to determine the constitutionality of federal laws...delegated.” he contended “a nullification of the act is the rightful remedy.” Article 6 Nullification, not Article 5!

Nullification is where Wisconsin stands up and says to the Federal Government, “NO, you cannot implement that unconstitutional law here, or “Not in this state you don't.” Every state level official has sworn an oath to uphold the constitution of the United States of America even if – especially if – the Federal Government is not upholding the Constitution. This makes the state legislature of the people duty bound to nullify unconstitutional laws, orders, and decisions from DC.

James Madison said that state legislatures “Are duty bound to arrest the progress of evil.” What does that look like?

Contrary to Mark Meckler's apparent amusement at anyone believing this pocket Constitution IS our Constitution, I stand firm that it is, and so does most of America. Of course it is to COS's advantage to discredit its authority, because look at what states are doing to put the Feds back in their tiny little

Constitutional box, acting on the power of this Constitution, they won't need his Convention of States AT ALL:

According to March 22, 2021 issue of *The New American*, there is fantastic legislation drafted in Wyoming, Alabama, Arkansas, Florida, Georgia, Iowa, Minnesota, Missouri, North Carolina, Ohio, and West Virginia to nullify any unconstitutional gun control laws, past, present, and future! Meanwhile, Iowa and Kentucky are leading the way in protecting our troops by nullifying the deployment of their states' National Guard troops to any combat deployments or war that is not constitutionally declared. (the last one that was constitutionally declared per Article 1, Section 8, Clause 11, was World War 2). If you think about it, Congress would have to officially declare war on Iowa and Kentucky to get their national guard troops not defend their own state. South Dakota, Oklahoma and Montana are being proactive in moving forward with nullifying any executive orders from the oval office that defy our US Constitution, so they're probably busy with that one. Texas is doing a complete Texas Sovereignty Act that will determine whether a federal action is unconstitutional according to the definitions at the time of the Constitution's framing and construction!!

Also see Trevor Loudon's 9 steps to saving American

<https://www.trevorloudon.com/2021/03/opinion-a-new-zealanders-9-starter-steps-to-save-america-from-socialism/>

and Alex Newman's video on State nullification:

<https://thenewamerican.com/nullifying-deep-state-evil-at-the-state-level/>

The point is, Article 6, the 10th Amendment are obviously a power states have *without* resorting to the nuclear option of an Article V Convention of States.

To paraphrase Patrick Henry,

Is a Balanced Budget Amendment so dear and Term limits so sweet to be purchased at the price of chains and slavery? Forbid it, Almighty God.

If we walk through this Convention of States door, we forever shut the door on free America. I BEG everyone to awaken to the reality of how close we are to losing America, the land of the free, the home of the brave!

I closed my testimony last time with this:

A first generation US citizen who had fled from his prior communist country stated of his new homeland of America in his beautiful accent, "Don't lose this place, because you not going to be as lucky as me. Because if you lose this place, you have no place to go."

Thank you

Dominique Uhl

In opposition to SJR 8 & 12