



TIMOTHY RAMTHUN

STATE REPRESENTATIVE • 59th ASSEMBLY DISTRICT

04/20/2021

Testimony on Assembly Joint Resolution 16, Assembly Committee on Constitution and Ethics

Chairman Wichgers and Members of the Assembly Committee on Constitution and Ethics,

Thank you for holding a public hearing today and allowing me to testify in favor of Assembly Joint Resolution 16, 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 Assembly Joint Resolution 16 and allowing me to testify in favor of it. I am happy to answer any questions you may have.



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on Assembly Joint Resolution 16

April 20, 2021

Good morning Chairman Wichgers and members of the Assembly Committee on Constitution and Ethics. Thank you for holding a public hearing on AJR 16, a measure I've authored alongside Representative Ramthun to use the Article V state-application-and-convention process to propose an amendment to the United States Constitution imposing term limits on members of U.S. Congress.

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 each 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. Similar to the amendment process initiated by Congress, the state-application-and-convention process is prescribed in Article V of the U.S. Constitution. It allows two-thirds of states to apply for a convention to propose constitutional amendments of a specific and limited scope, with ratification requiring the approval of three-fourths of state legislatures. Once the 34-state application threshold is met, Congress is required to call a convention for the purpose outlined in the application filed by each of the 34 states.

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 AJR 16 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.

Testimony from Kenn Quinn with U.S. Term Limits in Support of AJR16

Dear Chairman Wichgers and distinguished committee members,

My name is Ken Clark and I am A Regional Director with US Term Limits. I am here today to testify in support of AJR16 not only on behalf of our organization, **but more importantly on behalf of the 82% of the American people** who want Congressional Term Limits.

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 AJR16 to allow the state legislatures an opportunity to simply have this important discussion on behalf of the American people.

Sincerely,

Kenn Clark
U.S. Term Limits



U.S.
TERM
LIMITS

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

Scalia was opposed to a Constitutional Convention (adopt a 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, who knows what would come out of that. **But if there were a targeted amendment that were adopted by the States**, 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."

~ American Enterprise Institute 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

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 me

Scan to read Federalist 85.

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



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.

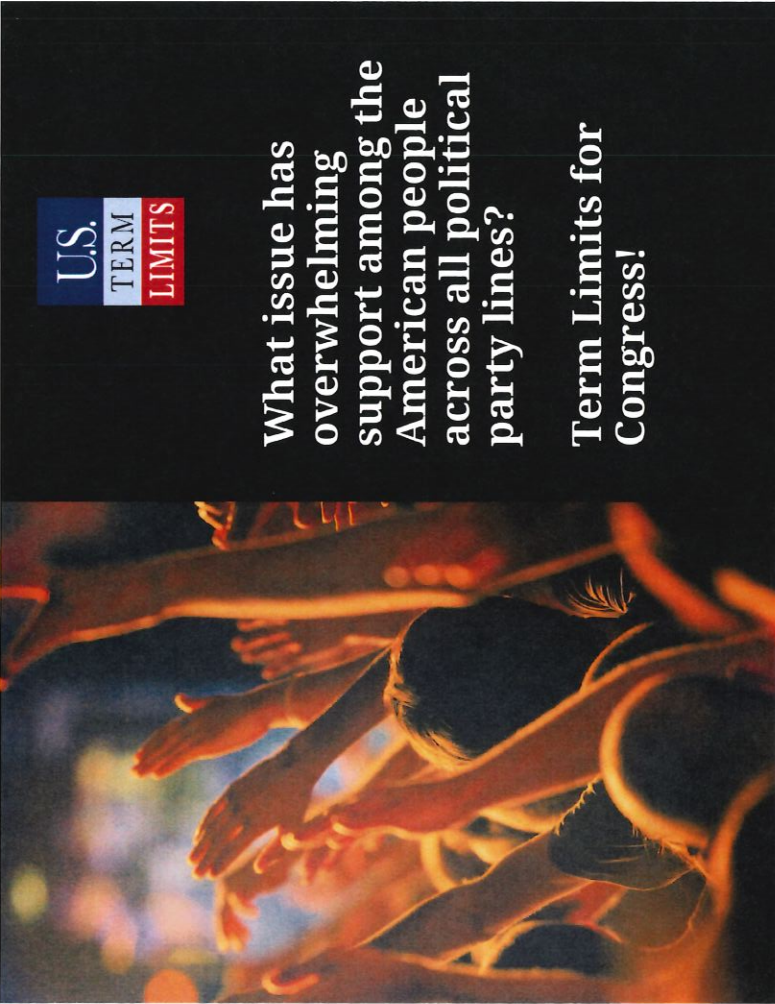
After the Arkansas Supreme Court ruled against U.S. Term Limits, we took it all the way to the U.S. Supreme Court (SCOTUS). SCOTUS opined that since the Constitution sets forth the criteria that determine the requirements for U.S. Senators and Representatives, only the Constitution can limit the terms 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."**



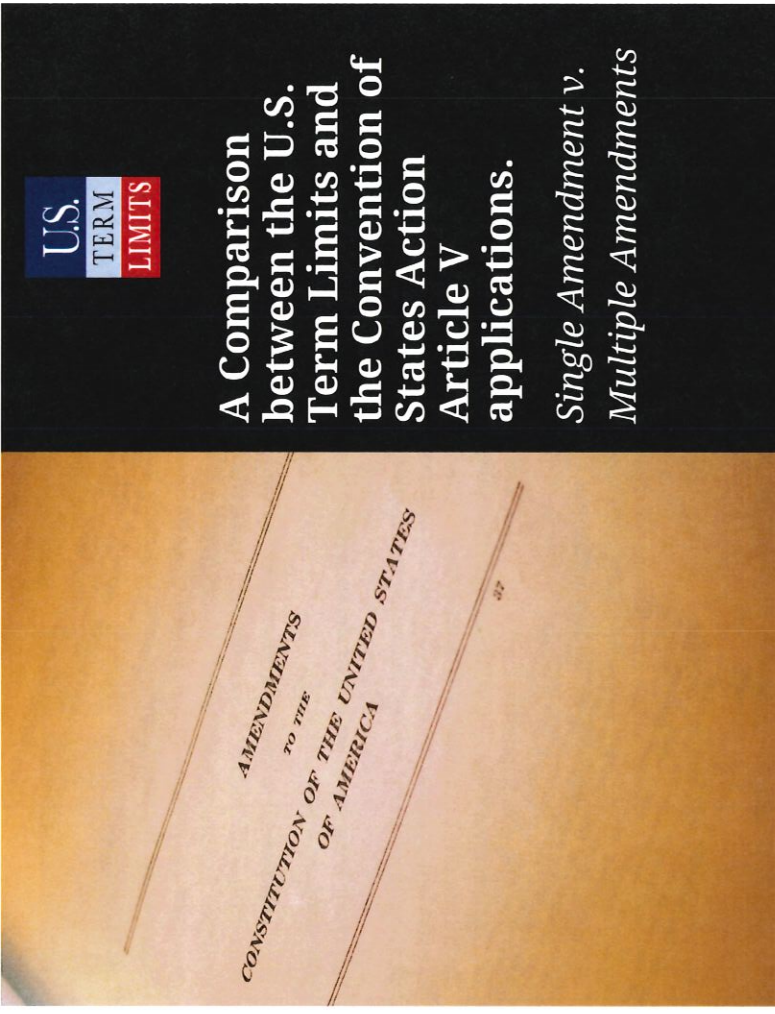
Scan me

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



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

Term Limits for Congress!



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

Single Amendment v. Multiple Amendments

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.



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."



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."

Bill of Rights

Congress of the United States,
begun and held at the City of New York, at
the opening the fourth of March, one thousand seven hundred and eighty nine.

SECTION 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or extending the period of service of any citizen in the militia; or giving any preference to one religion over another; or fixing the standard of weights and measures; or impairing the obligation of contracts; or granting any title of nobility.

SECTION 2. The Congress shall have the power to declare war, to issue letters of marque and reprisal, and to make rules concerning captures on land and water.

SECTION 3. The executive power shall be vested in a President of the United States of America. He shall hold his office for a term of four years, and shall be re-eligible to the office for one term; but no person shall be elected to the office of President more than twice.

SECTION 4. The President shall have the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

SECTION 5. The President shall have the power to make treaties, provided he shall secure the consent of two thirds of the Senate and two thirds of the States present.

SECTION 6. The President shall have the power to nominate and to receive, and to appoint and to remove, judges of the Supreme and inferior courts, judges of the States, and officers of the land and naval forces.

SECTION 7. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 8. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 9. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 10. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 11. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 12. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 13. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 14. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 15. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 16. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 17. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 18. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 19. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 20. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 21. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 22. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 23. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 24. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 25. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 26. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 27. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 28. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 29. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 30. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 31. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 32. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 33. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 34. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 35. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 36. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 37. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 38. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 39. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 40. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 41. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 42. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 43. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 44. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 45. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 46. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 47. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 48. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 49. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

SECTION 50. The President shall have the power to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States, and to grant commissions and to receive the oaths of office of judges, officers, and ministers of the United States.

James Madison
Author of the Bill of Rights

U.S.
TERM
LIMITS

Many amendments proposed by Congress were initiated by the state legislatures applying for an Article V convention to propose them.

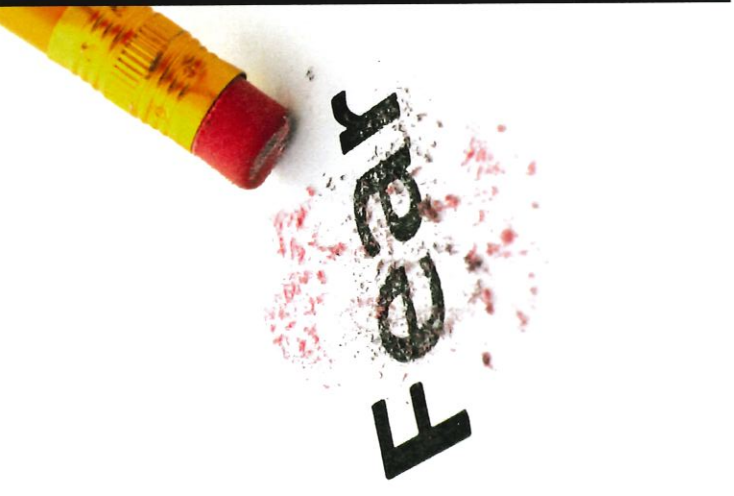
The efforts by state legislatures to call an Article V convention to propose specific amendments have been the impetus to Congress proposing them instead.

Many of the amendments to our Constitution were first applied for by state legislatures to call an Article V convention to propose them. Two examples are the Bill of Rights and the 17th Amendment (Direct Election of Senators).

Immediately after the ratification of the Constitution, the state of Virginia applied for an Article V convention to propose amendments for the "unalienable rights of mankind" which prodded Congress to propose the Bill of Rights in 1789. Ten of these amendments were ratified in 1791 and our last amendment, the 27th Amendment was originally proposed with the Bill of Rights and was finally ratified in 1992!

One of the most successful attempts to call a convention was the effort by state legislatures to propose an amendment for the Direct Election of Senators. Twenty-nine legislatures submitted Article V applications to propose this amendment and came within only two states short of triggering the first convention. The amendment was proposed by Congress in 1912 and ratified by the States the following year.

Of the thirty-three amendments that were proposed by Congress, seventeen of them were first applied for by state legislatures under Article V; 12 original Bill of Rights amendments, 13th, 17th, 21st, 22nd, and the Corwin Amendment. One of the 12 BOR amendments was not ratified by the States, nor was the Corwin Amendment.



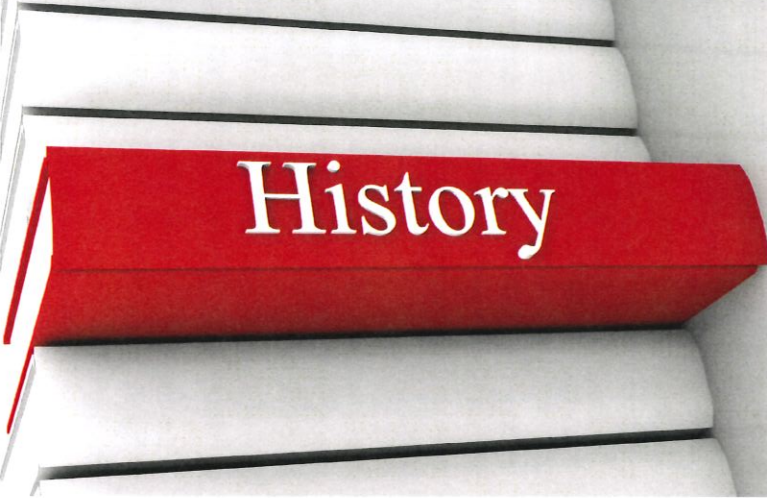
U.S.
TERM
LIMITS

Article V convention opponents use the same fear tactics as the Anti-Federalists did to oppose the ratification of the Constitution.

The tactics used today against the Article V convention are the same that were used by the Anti-Federalists to oppose the ratification of the Constitution. The following quote by George Washington rings true today and can be applied to today's Anti-Article V opponents.

"The opponents, I expected, (for it has ever been, that the adversaries to a measure are more active than its friends) would endeavor to give it an unfavorable complexion, with a view to bias the public mind. This, evidently, is the case with the writers in opposition; for their objections are better calculated to alarm the fears, than to convince the judgment of their readers. They build them upon principles which do not exist in the Constitution—which the known & literal sense of it, does not support them in; and this too, after being flatly told that they are treading on untenable ground and after an appeal has been made to the letter, & spirit thereof, for proof: and then, as if the doctrine was incontrovertible, draw such consequences as are necessary to rouse the apprehensions of the ignorant, & unthinking."

~ George Washington to Bushrod Washington, 9 November 1787



U.S.
TERM
LIMITS

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



U.S.
TERM
LIMITS

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



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

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 to read article by Rob Natelson.

"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	ARTICLE V CONVENTION
Propose	Propose Amendments to Current Constitution
Power	Limited to Subject of State Applications
Authority	Under Article V of the Constitution
Requirement to Call	Application by Two-thirds of the States
Called By	Congress
Scope of Passage at Convention	Individual Amendments, Singly
Votes for Passage at Convention	Simple Majority
Scope of Ratification by the States	Individual Amendments, Singly
Votes for Ratification by the States	Ratified by Three-fourths and Binds All States



U.S.
TERM
LIMITS

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



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 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.



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



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 recommedatory 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

Confederation

OF

Perpetual Union

BETWEEN THE

STATES

OF

NEW HAMPSHIRE, MASSACHUSETTS, RHODE ISLAND, AND CONNECTICUT; PENNSYLVANIA,
CONCORDIA, NEW JERSEY, DELAWARE, MARYLAND,
VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA.

1787

U.S.
TERM
LIMITS

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

FALSE!

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.

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.

Bill of Rights

*Congress of the United States,
begun and held at the City of New York, at
the opening of the fourth March, one thousand seven hundred and eighty nine.*

[Faint, illegible text from a historical document, likely the original Bill of Rights manuscript.]

The efforts by state legislatures to call an Article V convention to propose specific amendments have been the impetus to Congress proposing them instead.

Many of the amendments to our Constitution were first applied for by state legislatures to call an Article V convention to propose them. Two examples are the Bill of Rights and the 17th Amendment (Direct Election of Senators).

Immediately after the ratification of the Constitution, the state of Virginia applied for an Article V convention to propose amendments for the "unalienable rights of mankind" which prodded Congress to propose the Bill of Rights in 1789. Ten of these amendments were ratified in 1791 and our last amendment, the 27th Amendment was originally proposed with the Bill of Rights and was finally ratified in 1992!

One of the most successful attempts to call a convention was the effort by state legislatures to propose an amendment for the Direct Election of Senators. Twenty-nine legislatures submitted Article V applications to propose this amendment and came within only two states short of triggering the first convention. The amendment was proposed by Congress in 1912 and ratified by the States the following year.

Of the thirty-three amendments that were proposed by Congress, seventeen of them were first applied for by state legislatures under Article V; 12 original Bill of Rights amendments, 13th, 17th, 21st, 22nd, and the Corwin Amendment. One of the 12 BOR amendments was not ratified by the States, nor was the Corwin Amendment.

U.S. TERM LIMITS

Many amendments proposed by Congress were initiated by the state legislatures applying for an Article V convention to propose them.

States and other Powers who were in treaty with us, and therefore did not call upon us for ratification of the Constitution. It was the duty of the President to see that the Constitution was not violated in any way, and to see that the laws of the United States were enforced. He was also to see that the rights of the people were protected.

Mr. Bland ...presented to the house the application of the legislature of Virginia, dated 14th November 1788, for the immediate calling of a convention of deputies from the several states,....and report such amendments thereto, as they shall find best suited to promote our common interests, and secure to ourselves and our latest posterity the great and unalienable rights of mankind.

Mr. Boudinot According to the terms of the constitution, the business cannot be taken up until a certain number of states have concurred in similar applications;

Mr. Madison Said he had no doubt but the house were inclined to treat the present application with respect, but he doubted the propriety of committing it, because it would seem to imply that the house had a right to deliberate upon the subject—this he believed was not the case until two-thirds of the state legislatures concurred in such application.... From hence it must appear, that Congress have no deliberative power on this occasion. The most respectful and constitutional mode of performing our duty will be to let it be entered on the minutes, and remain upon the files of the house until similar applications come to hand from two-thirds of the states.

Mr. Bland ...by the 5th article of the constitution, Congress are obliged to order this convention when two-thirds of the legislatures apply for it; but how can these reasons be properly weighed, unless it be done in committee?

Mr. Tucker Thought it not right to disregard the application of any state, and inferred, that the house had a right to consider every application that was made; if two-thirds had not applied, the subject might be taken into consideration, but if two-thirds had applied it precluded deliberation on the part of the house.

Mr. Page Thought it the best way to enter the application at large upon the Journals, and do the same by all that came in, until sufficient were made to obtain their object.

U.S. TERM LIMITS

The Congressional debate in 1789 in regard to the first Article V application proves the convention is limited.

States and other Powers who were in treaty with us, and therefore did not call upon us for ratification of the Constitution. It was the duty of the President to see that the Constitution was not violated in any way, and to see that the laws of the United States were enforced. He was also to see that the rights of the people were protected.

Mr. Bland ...presented to the house the application of the legislature of Virginia, dated 14th November 1788, for the immediate calling of a convention of deputies from the several states,....and report such amendments thereto, as they shall find best suited to promote our common interests, and secure to ourselves and our latest posterity the great and unalienable rights of mankind.

Mr. Boudinot According to the terms of the constitution, the business cannot be taken up until a certain number of states have concurred in similar applications;

Mr. Madison Said he had no doubt but the house were inclined to treat the present application with respect, but he doubted the propriety of committing it, because it would seem to imply that the house had a right to deliberate upon the subject—this he believed was not the case until two-thirds of the state legislatures concurred in such application.... From hence it must appear, that Congress have no deliberative power on this occasion. The most respectful and constitutional mode of performing our duty will be to let it be entered on the minutes, and remain upon the files of the house until similar applications come to hand from two-thirds of the states.

Mr. Bland ...by the 5th article of the constitution, Congress are obliged to order this convention when two-thirds of the legislatures apply for it; but how can these reasons be properly weighed, unless it be done in committee?

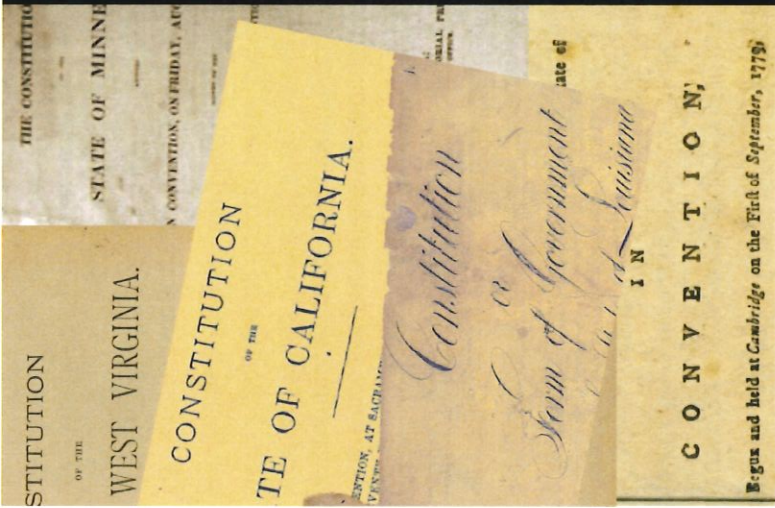
Mr. Tucker Thought it not right to disregard the application of any state, and inferred, that the house had a right to consider every application that was made; if two-thirds had not applied, the subject might be taken into consideration, but if two-thirds had applied it precluded deliberation on the part of the house.

Mr. Page Thought it the best way to enter the application at large upon the Journals, and do the same by all that came in, until sufficient were made to obtain their object.



Scan me

Scan to read the debate in Congress.



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. Diman, pg. 7 and 11.*

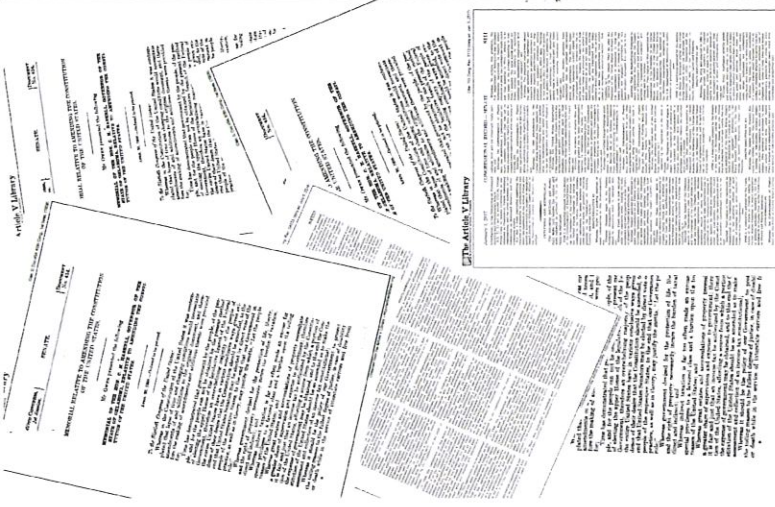
Sounds a lot like Congress, doesn't it?



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



Scan to view amending state constitutions at Ballotpedia.



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.

Appendix

Limited Constitutional Conventions Under Article V (A Compendium of Selected Authorities)^a

"In *The Federalist* James Madison urged ratification of the Constitution on the ground that Article V 'equally enables the General and State Governments to originate the amendment of errors as they may be pointed out by the experience on one side or the other.' Professor Black finds this observation fully consistent with his view that limited conventions are unconstitutional, since Madison 'simply points out that amendment may be set in train by the State Legislatures as well as by Congress — and so it may, whether the convention they may petition for be limited or not.' But Congress can propose such amendments as its requisite majorities desire, without thereby creating an organism that is empowered to propose amendments that Congress opposes. If the state legislatures' power to initiate amendments is not free from the juridical condition and political risk posed by a general convention, then Madison was wrong to say that Congress and 'the state Governments' were 'equally' enabled to originate amendments." — *Professor Grover Rees III, Constitutional Convention and Constitutional Arguments; Some Thoughts About Limits*, 6 Harv. J. L. and Pub. Policy 79, 90 (1982).

"The usefulness of the alternative amendment procedure as a means of dealing with a specific grievance on the part of the States will be defeated if the States are told that it can be invoked only at the price of subjecting the Nation to all the problems, expense, and risks involved in having a wide-open constitutional convention." — *Professor Paul Kauper, University of Michigan Law School, The Alternative Amendment Process: Some Reflections*, 66 Mich. L. Rev. 903, 912 (1968).

"This construction [that a convention cannot be limited] would effectively destroy the power of the States to originate the amendment of errors pointed out by experience, as Madison expected them to do. Alternatively, under that construction, applications for a limited convention deriving in some States with a dissatisfaction with the school desegregation cases, in others because of the school prayer cases, and in still others by reason of objection to the *Miranda* rule, could all be combined to make up the requisite two-thirds of the States needed to

^aAll but one of these authorities were compiled by the Senate Judiciary Committee. See *Senate Report, supra* note 2, at 58-62.

meet the requirements of Article V.” — *U.S. Senator Sam Ervin, Chairman, Subcommittee on the Constitution, The Convention Method of Amending the Constitution*, 66 Mich. L. Rev. 875, 883 (1968).

“It is our conclusion that Congress has the power to establish procedures governing the calling of a national constitutional convention limited to the subject-matter on which the legislatures of two-thirds of the States request a convention . . . there is no justification for the view that Article V sanctions only a general convention. Such an interpretation would relegate the alternative method to an ‘unequal’ method of initiating amendments.” — *American Bar Association, Amendment to the Constitution by the Convention Method Under Article V*, at 9, 16 (1973).

“The reason for including the convention system in Article V seems to have been perfectly clear: to provide a means for correcting errors, that is, specific concrete errors or abuses by the National government. Moreover, the language of Article V speaks specifically of ‘amendments’ . . . Surely it was not thought that by petitioning for an innocuous amendment, for example, on daylight savings time, the State would open up the way for a constitutional convention that would be free to revise the entire taxing authority of the United States or to abolish the House of Representatives.” — *Professor Wallace Mendelson, University of Texas, Testimony Before United States Senate Judiciary Committee*, October 31, 1967.

“If the subject matter of amendments were to be left entirely to the convention, it would be hard to expect the States to call for a convention in the absence of a general discontent with the existing construction of the Constitution . . . The intention of Article V was clearly to place the power of initiation of amendments in the State legislatures. The function of the convention was to provide a mechanism for effectuating this initiative.” — *Professor Phillip Kurland, University of Chicago Law School, Memorandum to U.S. Senate Judiciary Committee* (1967), 1979 Hearings, p. 1222.

“It is perfectly remarkable that some have argued for a construction [of Article V] not merely limiting the power of State legislatures to have a convention, but limiting that power to its least expected, least appropriate, most difficult (and yet most dangerous) use.” — *Professor William Van Alstyne, Duke University Law School, The Limited Constitutional Convention*, 1979 Duke L. Journal 985-98.

"If the States apply for a Convention on a balanced budget, Congress must call a convention on a balanced budget. It cannot at its pleasure enlarge the topics. Nor can the Convention go beyond what Congress has specified in the call. The Convention's powers are derived from Article V and they cannot exceed what Article V specifies. The Convention meets at the call of Congress on the subject which the States have set out and Congress has called the Convention for." — *Professor John Noonan, University of California School of Law, Testimony Before California State Assembly, February 15, 1979.*

"The constitutional convention is the representative of sovereignty only in a very qualified sense and for the specific purpose and with the restricted authority to put in proper form the question of amendment upon which the people are to pass." — *Professor Thomas Cooley, A Treatise on Constitutional Limitations 88 (1927).*

"A constitutional convention has no authority to enact legislation of a general sort, and if the convention is called for the purpose of amending the Constitution in a specific part, the delegates have no power to act upon and propose amendments in other parts of the Constitution." — *Professor Henry Campbell Black, Handbook of American Constitutional Law 45 (1927).*

"The Constitutional Convention is . . . as its name implies, constitutional not simply as having for its object the framing of constitutions, but as being within, rather than without, the pale of fundamental law: as ancillary and subservient and not hostile and paramount to it . . . it always acts under a commission, for a purpose ascertained and limited by law or by custom. Its principal feature is that, at every step and moment of its existence, it is subaltern — and it is evoked by the side and at the call of a government preexisting and intended to survive it, for the purpose of administering to its especial needs." — *Professor John Alexander Jameson, A Treatise on Constitutional Conventions: Their History, Powers, and Modes of Proceeding 10 (1887).*

"On the strict legal question, the better view is that there is nothing in Article V to prevent the Congress from limiting the constitutional convention to the subject that made the States call for it." — *Professor Paul Bator, Harvard Law School, A Constitutional Convention: How Well Would it Work? at 7-8 (American Enterprise Institute Forum, 1979).*

"The power of amendment in Article V is itself constitutionally limited . . . Thus Congress should have the power to restrict the convention to those amendments that deal with the general issue or problem that had inspired two-thirds of the States to call for a convention." — *Amendment by Convention: Our Next Constitutional Crisis?*, 53 N.C. L. Rev. 491, 508 (1975).

"The two amendment processes, therefore, must be viewed as equal alternatives. The reports of the Convention do not rebut this conclusion and provide no indication that the Framers intended for state legislatures to concern themselves only with total constitutional revision, while Congress alone would initiate specific amendments." *Robert M. Rhodes, A Limited Constitutional Convention*, 26 U. Fla. L. Rev. 1, 9 (1973).

"I think the convention can be limited. * * * [T]he fact is that the majority of the scholars in America share my view." — *Hon. Griffin Bell, Attorney General of the United States, Issues and Answers*, February 11, 1979.

"While this question then has never been directly decided by the Congress or by the courts, it seems that the whole scheme, history and development of our government, its laws and institutions, require the control of any convention and the most logical place for exercising that control would be in the enabling act convening it, or in some other federal statutory law. Under Article V, Congress calls the convention after the required number of states have submitted petitions. It has the duty to announce the will of the state legislatures in relation to the scope of the convention's business and, under the necessary and proper clause, it may set the procedures and conditions so that the convention may not only function, but that it may control the convention's actions to make certain that it conforms to the mandates and directives of the Congress, the state legislatures, and ultimately the people. This does not mean that the convention may not exercise its free will on the substantive matters before it; it means simply that its will shall be exercised within the framework set by the Congressional act calling it into being." — *Cyril Brickfield, Problems Relating to a Federal Constitutional Convention*, reprinted by House Judiciary Committee, 85th Congress, 1st Session (1957), p. 18.

"The argument that an Article V convention is sovereign and therefore beyond control is specious. The convention is but a constitutional instrumentality of the people, deriving all its powers from Article

V . . . an agreement that a convention ought to be held is required among two-thirds of the state legislatures before Congress is empowered to convene such a body. If the agreement contemplates a convention dealing only with a certain subject matter, as opposed to constitutional revision generally, then the convention must be logically limited to that subject matter. To permit such a body to propose amendments on any other subject would be to recognize the convention's right to go beyond that specific consensus which is the absolute prerequisite for its creation and legitimate action." — *Professor Arthur Earl Bonfield, The Dirksen Amendment and the Article V Convention Process*, 66 Mich. L. Rev. 949, 994 (1968).

"It would seem to be consistent with, if not compelled by, the article for Congress to limit the convention in accordance with the express desires of the applicant states. If Article V requires that a convention be called by Congress only when a consensus exists among two-thirds of the states with regard to the extent and subject matter of desired constitutional change, then the convention should not be free to go beyond this consensus and address problems which did not prompt the state applications." — *Note, The Proposed Legislation on the Convention Method of Amending the United States Constitution*, 85 Harv. L. Rev. 1612, 1628 (1972).

"The most natural reading of the history behind Article V supports the view that the framers wished to assure the people that even if the central government were unresponsive to defects in the Constitution, the people have another option . . . This [constitutional convention] check on the central government . . . is not effective if people have only the option of an all or nothing approach. The convention method was supposed to be an equal means of amending the Constitution." — *Professor Ronald Rotunda, University of Illinois Law School, Letter to Subcommittee on Constitution*, Sept. 27, 1979, Hearing Record, p. 507.

Written Testimony Against Wisconsin AJR16 (Article V Convention / Term Limits)

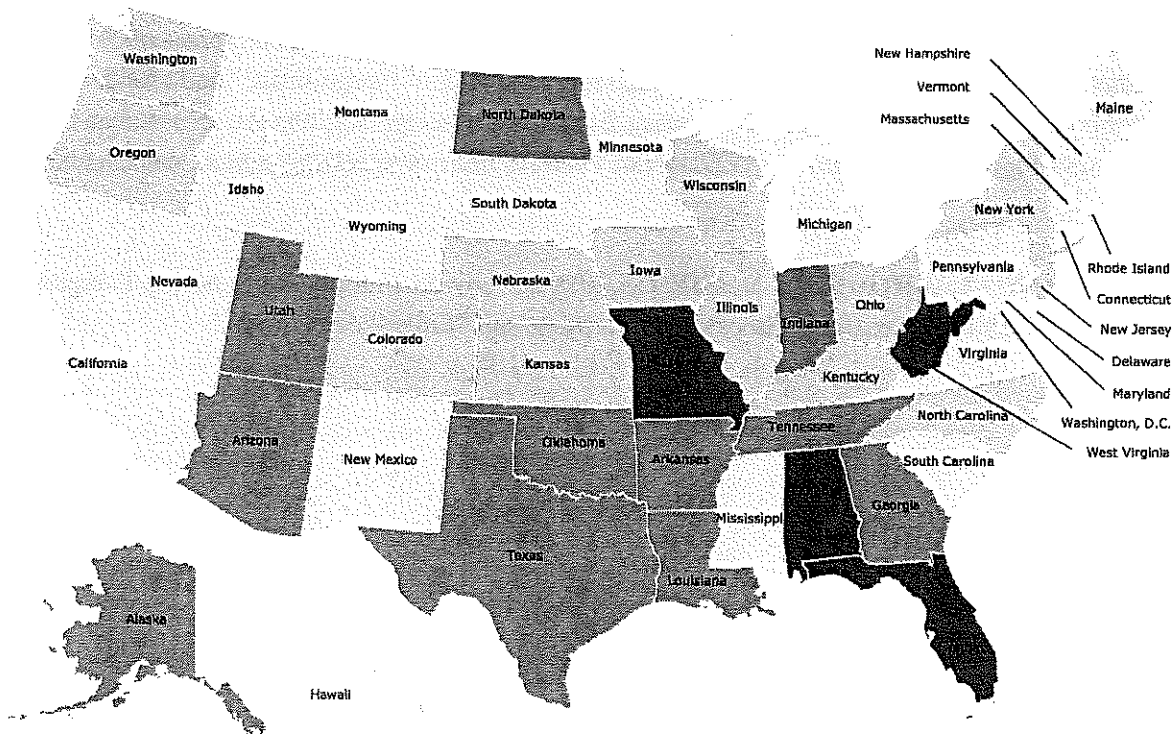
By Judi Caler

April 20, 2021

To: The Honorable Rep. Wichgers, Chair; Rep. Thiesfeldt, Vice-Chair; and Members of the Assembly Committee on Constitution and Ethics:

My name is Judi Caler, and I'm President of Citizens Against an Article V Convention. Thank you for the opportunity to present written testimony.

If you think you're voting on a single-subject term limits application for a limited convention, you're mistaken. US Term Limits representatives testify that they're applying to Congress for a very specific convention for proposing a single-subject amendment, and that congressional term limits will be the only subject on the table at the convention. But look at the color-coded progress map below taken from the USTL website:



The **Bright Blue** States are the only 4 states that have passed the single-subject term limits application: FL, AL, and MO, & WV.

The **Medium Blue** States reflect the 11 states that passed the multi-subject Convention of States Project (COS) application that include term limits, like Wisconsin's AJR9. COS purports to

cover just 3 subjects: Fiscal Restraints, Limiting the Power & Jurisdiction of the Federal Government, and Term Limits for federal officials. "Limiting the Power & Jurisdiction of the Federal Government" alone, covers "amending" almost the entire Constitution!

In addition, USTL has added the 13 states in ~~██████████~~ to their total. ***These states have NOT passed term limit applications in any form!*** The "USTL 13" include applications on unrelated and obsolete topics such as directly electing US Senators (1901), averting the Civil War (1861), getting a Bill of Rights (1789) and on NO subject at all (unlimited or plenary applications)! See "USTL Shows Their True Colors" (attached also).

USTL has inflated their numbers by 700%, from 4 to 28 States. They expect Congress to mix and match these applications to get to the requisite 34 States needed to trigger an Article V convention. *How can they expect us to believe the convention would be limited?!* This flyer shows "*How to get a new constitution under the pretext of proposing amendments*" (attached also).

Ken Clark, Northern Regional Director for USTL, falsely assured Wisconsin Senators on March 24, that the convention would be limited to the single subject of "term limits" and couldn't possibly run away. So why is USTL counting 24 states whose applications are so broad as to cover rewriting the Constitution? ***USTL doesn't believe their own talking points, why should you?***

Please **Vote NO** to **AJR16** (SJR12), **AJR9** (SJR8), and any other applications asking Congress to call an Article V convention. There's no such thing as a "limited convention."

To: Assembly Committee on Constitution and Ethics

Re: **Against AJR 16**, Applying to Congress under the provisions of Article V of the Constitution of the United States for a convention to propose an amendment establishing term limits for members of the United States House of Representatives and the United States Senate.

Honorable Representatives,

The Federal government has been operating out of control for decades now, and it is more important than ever for States and counties to defend their citizens from them. All magistrates take an oath to the U.S. and State Constitutions, yet many are ignoring the constitution and allowing trampling of rights to take place, through passing of unlawful edicts and ordinances.

It is my duty as a citizen of this great country to remind you of your elected power and duty before God that you already have. Please listen to this 1 min. 40 sec. testimony talking about it. <https://www.youtube.com/watch?v=MeE0EE0ena8&lc=UgxmdvXs8pp99LJ4a7N4AaABAq>

I urge you to vote "no" to AJR 16 and any other Art V legislation that comes before you.

We need to get things correct in the states first.

With Respect,

Mrs. John Sherrill

Honorable Representatives,

Convention of States Project's Regional Director published an article with false information about the pro Art V convention history leading people to believe that passing Art V resolutions moves Congress to pass the desired amendments to appease the states. Ha! My article below proves what really happened: Congress initiated legislation to organize an Article V convention!

There is also a screenshot of the same COS leader giving direction to keep down opposition. Do the pro convention advocates believe they can get away with such bullying behavior and hiding what they do not like in an Art V convention too? Ha! They are delusional in their ability.

How can anyone trust the COSProject and this process at this time?

I urge you to vote against AJR 16 should it come before you, and work to stop all Article V applications and efforts before it's too late.

Thank you,
Lynette Indiana
Republican
Co-founder of Stop the Art V Convention Facebook Page

COS Leader Misinforms About BBA History And What Congress Did

by Lynette Indiana

Mr. David P. Schneider is a Regional Director for the Convention of States Project (COSP) and registered lobbyist for them in some states. [1][2] Mr. Schneider authored an inaccurate article published by newspapers and the COSP website: "David Schneider: Trust the Constitution to save the republic" [3][4]

Mr. Schneider makes a false statement when he says, "Every previous attempt to initiate an Article V Convention has always moved Congress to act in the passage of amendments to appease the states and alleviate the concerns of the time."

Contrary to Mr. Schneider's claim, here are some actual FACTS: By 1983, thirty-two States had passed applications for Congress to call a convention supposedly limited to proposing a Balanced Budget Amendment (BBA). Only two more applications were needed, and Congress would call a convention. But Congress did NOT propose a BBA! [5] Instead, Congress initiated legislation to organize an Article V convention. [6]

Among the legislation so initiated by Congress was Republican Senator Orrin Hatch's 1984 legislation to assign Delegates to an Article V convention based on population. [7]

So Mr. Schneider's claim that the States "...will each only get a sum total of one vote no matter their number of commissioners or population.", is also false and contrary to Congress' actions in the past. Only Congress has the power to determine such matters.

Repeating the claims of former law professor and COSP Newspeak guru, Rob Natelson [8], Mr. Schneider uses the COSP angle saying that various past state conventions allegedly conducted throughout our history show us exactly how a convention called by Congress under Article V of our federal Constitution would operate. Scholars agree Natelson's claim is absurd and unsupported by the facts. [9]

And if we diagram the subject, verb, and direct object of the wording of Article V, it reads, "Congress...shall call a Convention..." . So it's a federal convention, called by the federal government, for the federal purpose of addressing a federal Constitution. Pursuant to Article I, Section 8, last clause, Congress has the power to make all the laws necessary and proper to set up and organize the convention. [10]

The terms "convention of states" and "interstate convention" don't appear in Article V. Those terms are used by COSP and their Newspeak gurus to conflate this issue and create the false impression that the convention Congress "calls" (organizes and sets up) under Article V is controlled by the States.

As time passes, more and more people are seeing that COSP is using "Newspeak" to mislead the people and state Legislators.

When considering all the misinformation put out by COSProject, *how can anyone trust them and this process at this time?*

[1] "Regional Director to Tour Wyoming - Town Halls Scheduled"

Published on July 2020, on the Convention of States website

Here: https://conventionofstates.com/news/wy_town_halls

[2] Iowa Lobbyist Declaration 2017-2019 for COS's application

Here: <https://www.legis.iowa.gov/lobbyist/reports/declarations?ga=87&ba=SJR8>

[3] "David Schneider: Trust the Constitution to save the republic"

Published on March 29, 2018 by Minnesota's Twin Cities Pioneer Press

Here: <https://www.twincities.com/2018/03/29/david-schneider-trust-the-constitution-to-save-the-republic/>

[4] "David Schneider: Trust the Constitution to save the republic"

Published on March 29, 2018 by Convention Of States

Here: <https://conventionofstates.com/news/david-schneider-trust-the-constitution-to-save-the-republic>

[5] “The New BBA Con-Con Threat”

Published on Sept. 22, 2015 by The New American Magazine .com

Here: <https://www.thenewamerican.com/usnews/constitution/item/21626-the-new-bba-con-con-threat>

[6] “Congress has not, in general, embraced the theory that its role is purely ministerial or clerical, and that its work is done once a convention has been called. On the contrary, it has traditionally asserted broad and substantive authority over the full range of the Article V Convention’s procedural and institutional aspects from start to finish.”

Published by the Congressional Research Service. Report #R42589, p. 18

Here: <https://fas.org/sgp/crs/misc/R42589.pdf>

[7] “S.119 — 98th Congress (1983-1984)” Constitutional Convention Implementation Act of 1984 - Sets forth procedures for holding constitutional conventions for proposing amendments to the Constitution.

Published by The Library of Congress

Here: <https://www.congress.gov/bill/98th-congress/senate-bill/119>

[8] “Convention of States adopts Newspeak to sell the Con-Con”

Published on Oct. 7, 2017 by Renew America .com

Here: <http://www.renewamerica.com/columns/calcr/171007>

[9] “Rob Natelson Perverts the Necessary and Proper Clause and Thinks in Circles”

Published on Jan. 5, 2015 by Publius Huldah

Here: <http://www.renewamerica.com/columns/huldah/150105>

[10] “What is 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

Here: <https://thelawdictionary.org/constitutional-convention/>



David Schneider

Join the group first. Keep in mind the group is pro COS. Meckler just spoke at their meeting on Tuesday. These posts are from a member that wasn't there and is pro JBS. Tread lightly to not elevate Rob Wood.

Thursday, at 11:26 AM · Like · 0



Deborah Lee

No comments or likes on those posts. Maybe the better strategy is to bury them with other stuff that's better?

Friday, at 4:19 PM · Like



Tony Gillette

Big thanks to Ken Quinn & Brent Dunklau. You guys did an amazing job silencing Mr. Wood. For now! Time to call of the dogs. Thanks Guys!!!!!!

Yesterday, at 4:45 PM · Like · 0



Ken Quinn

It has been awhile since I have done that, very therapeutic. :)

Yesterday, at 4:51 PM · Like · 0

Testimony in opposition to AJR 9 (COS), AJR 16 (term limits) & all other applications for Congress to call an Article V Convention

Hearing before the Wisconsin Assembly Committee on Constitution and Ethics

On Tuesday, April 20 at 10:01 AM (Central)

By Joanna Martin, J.D.

Mr. Chairman, Vice Chairman, and Honorable Members of the Committee:

I submit this testimony as a private Citizen; but work with a number of organizations which are devoted to protecting our Constitution. I'm a retired litigation attorney, and have an undergraduate degree in philosophy where I specialized in political philosophy. I write under the pen name, Publius Huldah, on the genuine meaning of our federal Constitution and the false remedy of an Article V convention.

Those who don't know how we got *from* our first Constitution (Articles of Confederation) to our present Constitution can be deceived by those who falsely assure them that Delegates to an Article V convention are limited to proposing the amendment(s) described in the States' applications sent to Congress for Congress to call a convention. The convention lobby assures State Legislators that Delegates can do nothing except propose an amendment for a "balanced budget amendment", "term limits", "free & fair elections", "limit the power and jurisdiction of the federal government", or whatever else is set forth in States' applications to Congress. But **nothing** in Article V limits the convention to subjects specified by State Legislatures. So the ostensible subject of a State's application for a convention is nothing more than *bait* designed to attract specific interest groups to get them to support an Article V convention.

And as our *sole* historical precedent shows, the Delegates cannot be controlled and have that "self-evident Right", described in **our Declaration of Independence**¹ to throw off the Constitution we now have and propose a new Constitution which creates a new Form of Government. The flyer **HERE** shows that Delegates have the power to propose a new Constitution *with its own easier mode of ratification* – and this is precisely what was done at the federal "amendments" convention of 1787 which replaced the Articles of Confederation with the Constitution we now have.

New Constitutions are already prepared or waiting in the wings for a convention. The quotes from James Madison's letters and his Journal of the Federal Convention of 1787 (**Appendix A**) prove that **our Framers understood that the purpose of amendments is to correct defects in the Constitution; and the purpose of a Convention is to get another Constitution!** **Appendix A** also links to several of the proposed new constitutions. One of them, the Constitution for the Newstates of America, is *ratified by a national referendum (Art. XII, §1). The States do not vote on it. They are dissolved and replaced by regional governments answerable to the new national government.*

Furthermore, it's impossible to rein in the federal government with amendments because when the federal government usurps powers not delegated, they are ignoring the existing constitutional limits on their powers. Our existing Constitution limits the federal government to a small handful of enumerated powers: **This one page chart** lists the powers. Our problems are caused by a century of *ignoring the existing constitutional limits* on federal power.

¹ The Declaration of Independence is part of the Organic Law of our Land [**link**].

Accordingly, the “Convention of States Project” (COS) cannot produce even one amendment which would fix the federal government’s violations of our Constitution. The 6 amendments approved at COS’s “simulated convention” would INCREASE the powers of the federal government by granting new powers (some Stalinist) to the federal government or by legalizing powers already usurped. The Flyer [HERE](#), “The Nightmare Amendments from COS’s simulated convention”, exposes the harmful amendments approved at COS’s simulated convention.

The simple Truth is that no amendment on the face of this Earth can make those who ignore the Constitution obey the Constitution. But Americans haven’t been educated in Civics - and can be deceived. Hirelings of the globalists who are funding the push for a convention are exploiting this ignorance of Civics.

The Globalists want to complete their coup against us by getting a new Constitution which *legalizes* the totalitarian oligarchy they plan to set up over us. James Madison, Alexander Hamilton, four US Supreme Court Justices, and other eminent jurists and scholars warn against another convention: **James Madison** "trembled" and warned that persons of “insidious views” would be at a convention; **Alexander Hamilton** felt "dread"; and our first **Supreme Court Chief Justice John Jay** said another convention would run an "extravagant risque". Supreme Court **Justices Arthur Goldberg** and **Warren Burger** warned that the convention can't be controlled. **Justice Scalia** said, "I certainly would not want a constitutional convention. I mean whoa. Who knows what would come out of that?" For their words and links to where they said it, see the "Brilliant Men" flyer [HERE](#).

Appendix B shows that COS’s assurances to State Legislators that *they* will control a convention are *contradicted* by the US Constitution. Furthermore, the referenced **Congressional Research Service Report** shows that **Congress is fully aware that it alone has the power to decide the issues which COS falsely assures State Legislators that they will control.**

[HERE](#) is the Legal Policy paper by prominent conservative constitutional litigators and law professors William J. Olson & Herbert W. Titus, who show additional reasons that COS’s "false assurances" are "reckless in the extreme".

So please oppose **AJR 9**, **AJR 16** & any other applications for Congress to call Article V Convention.

Joanna Martin, J.D.
Tennessee
publiushuldah@gmail.com

Appendix A below

How to get a new Constitution *under the pretext* of proposing amendments

1. The Convention of States Project (COS) claims that an Article V convention is the remedy our Framers gave us to “rein in” the fed gov’t when it “violates its constitutional limitations”. Their claim is *absurd* as well as *false*.

Their claim is *absurd* because our Constitution *already limits* the fed gov’t to a handful of powers (see [Chart](#)). Our problem is that everyone *ignores* the existing limitations.

Their claim is *false* because contrary to Michael Farris’ assertion [see 2nd para [here](#)], Mason never said it. Mason was a Delegate to the federal convention of 1787 where our Constitution was drafted. He & the other Framers agreed that the purpose of amendments is *to correct defects* in the Constitution [[link](#)]. Madison’s Journal of the Convention shows that on June 11, 1787, Mason said:

The Constitution now being formed “will certainly be defective,” as the Articles of Confederation have been found to be. **“Amendments therefore will be necessary,** and it will be better to provide for them, in an easy, regular and Constitutional way ... It would be improper to require the consent of the Natl. Legislature, because they may abuse their power, and refuse their consent... The opportunity for such an abuse, may be **the fault of the Constitution [a defect] calling for amendmt.”**

Mason’s concern was that Congress might not agree to amendments needed to fix *defects* in the Constitution; so he didn’t want the Constitution then being drafted to require Congress’ approval of amendments.²

But Mason hated our Constitution & wanted another convention to get rid of it. On Aug. 31, 1787, he declared:

“that he would sooner chop off his right hand than put it to the Constitution as it now stands” and if it weren’t changed, he wanted **“to bring the whole subject before another general Convention.”**³

² Under the Articles of Confederation [[link](#)], amendments had to be approved by Congress and all of the States [Art. 13]. Should the new Constitution also require Congress’ approval of amendments? That was the issue the Framers discussed on June 11.

³ Mason’s [[& Patrick Henry’s](#)] desire for an Article V convention so they could get rid of the Constitution of 1787 was no secret. See, among Madison’s letters:

Ap. 22, 1788 to Jefferson [[link](#) at pp. 121-122]: “Mr. H—y is supposed to aim at disunion. Col. M—n is growing every day more bitter ... I think the Constitution and the Union will be both endangered ... And if a second Convention should be formed ... [i]t will be easy also for those who have latent views of disunion, to carry them on under the mask of contending for alterations...”

Nov. 2, 1788 to Randolph [[link](#) at p. 295], recites how, on Oct. 27, Patrick Henry introduced in the Virginia Assembly an application to the first congress “to call a second convention for proposing amendments to it...” and that Mr. H—y’s “...enmity was levelled, as he did not *scruple* to insinuate agst the *whole system*; and the destruction of the whole system I take to be still the secret wish of his heart, and the real object of his pursuit...”

Dec. 8, 1788 to Jefferson [[link](#) at p. 312]: “... there are others who urge a second Convention with the insidious hope, of throwing all things into Confusion, and of subverting the fabric just established, if not the Union itself...”

“George Mason demanded that this provision [the convention] be included in Article V because he correctly forecast the situation we face today. He predicted that Washington, D.C. would violate its constitutional limitations and the States would need to make adjustments to the constitutional text in order to rein in the abuse of power by the federal government.”



Mason also objected to Madison's proposal that only Congress would propose the amendments – he said people should also be able to propose them. So Gov. Morris & Mr. Gerry moved to add the convention method to Article V [\[link\]](#).

And because a People *always* have the right to meet in convention “to alter or to abolish” a gov't & set up a new one [\[link\]](#), the convention method was added to Art. V; but Madison, Hamilton & Jay began to warn against it.

Today, various factions want a convention so *they* can get a new Constitution for this Country. New Constitutions are already written or in the works: e.g., the [Constitution for the Newstates of America](#), the [Constitution for The New Socialist Republic in North America](#), [George Soros's progressive Constitution](#), & the [new Constitution globalists need](#) to move the United States into the North American Union. *It's the Globalists who are behind the push for an Article V convention* [e.g., [link](#) and [link](#) and [link](#)]⁴

2. State Legislatures can't control the Convention

State Legislatures “apply” to Congress to call a convention. Congress “calls” the convention. Pursuant to Art. I, §8, last clause, Congress makes the laws to carry out its delegated power to “call” the convention.

And when the Continental Congress called the convention of 1787 to “revise” our 1st Constitution, the Delegates ignored the instructions from Congress & the States and wrote a new Constitution with a new & easier mode of ratification [\[link\]](#).

That's why James Madison, Alexander Hamilton, 4 US Supreme Court Justices, and many other legal scholars warn against another convention [\[link\]](#). **Constitutional litigators & law professors William Olson and Herbert Titus recently warned that COS's “false assurances” are “reckless in the extreme” [\[link\]](#).**

3. Why it's urgent for States to rescind their existing applications for an Article V convention

To induce State Legislators to pass applications for a convention, COS and other groups have *falsely assured* them that Delegates can't do anything except draft the amendment(s) specified in the State's application; and have *falsely assured* them that State Legislatures will have control over the convention from start to finish.

In reliance on such *false assurances*, 27 States have applications on file with Congress asking Congress to call a convention to draft a “balanced budget” amendment; 15 States passed the COS application for a convention; 5 States passed George Soros' Wolf-PAC application; & various States have passed other applications throughout the years.

But Congress has the power to count these applications however they want - Congress may aggregate them to get the 34 States needed to call a Convention.⁵ **If Congress calls a Convention, the Delegates will have the power to propose a new Constitution with its own new mode of ratification - COS's “false assurances” to the contrary notwithstanding.** If you aren't worried, read the proposed Constitutions listed above; & note that the Newstates Constitution is ratified *by a national referendum* (Art. XII, §1). Whoever controls the machines determines the outcome.

4. The Real Solution

We must dust off our copies of our Declaration of Independence & Constitution, learn them & adhere to them. Stop taking fed funds to implement unconstitutional fed programs. *And rescind your States' existing applications for a convention.*

⁴ But COS is apparently using [petitions with fake signatures](#), emails which were found to be “[a high-tech fraud](#)”, and [misleading polls](#) to make Legislators believe *the grassroots* wants a convention.

⁵ The [Congressional Research Service Report](#) shows that Congress has traditionally claimed “broad responsibilities in connection with a convention, including (1) receiving, judging, and recording state applications ... (4) determining the number and selection process for its delegates...” (page 4). **Congress is very close to having applications from 34 States – we hang by a thin thread.**

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.⁶

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 Bereans⁷ 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 for proposing Amendments..." [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.

⁶ 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 want to get rid of our Constitution would push for a convention *under the pretext of getting amendments*. The Proof is here.

⁷ 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.⁸

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” [state & fed gov'ts] of Constitutions previously ratified by The People [\[link\]](#).

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!⁹

4. Olson & Titus Legal Policy paper

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

⁸ Page 40 of the Report shows there doesn't seem to be any “. . . constitutional prohibition against [U.S.] Senators and Representatives serving as delegates to an Article V Convention. . .”

⁹ 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)*!

We are being misled! The COS (Convention of States) people suggest that we can “make Congress work” for us by having a convention. Does the Congress work for us NOW? What if a “convention” splits this country apart? What if delegates, within a “convention” do far more than just suggest an amendment? **DO YOU KNOW WHAT CAN HAPPEN? The entire Constitution can be RE-WRITTEN! NOTHING can stop this!!**

Wisconsin must VOTE NO on AJR16, AJR9 and all other Article V Convention applications.

In our politically divided situation, neither extreme would want the “other” re-writing our Constitution. **WE MUST PRESERVE the ORIGINAL!**

The writers of our Constitution were concerned about **Article V being used by "nefarious factions" to rewrite our Constitution**, just as we are today. Consider this: **How to get a new Constitution under the pretext of proposing amendments.** <https://caavc.net/wp-content/uploads/2020/07/COS-Fake-Quote.pdf>

And **NO!** a state **CANNOT** “prevent” a runaway convention: <http://www.renewamerica.com/columns/huldah/170916>

The "False and "Reckless Assurances" flyer **SHOWS YOU** that COS's assurances are contradicted by the Constitution and the Report of the Congressional Research Service. **These folks are LYING to us!!**

We're jeopardizing our Constitution at any convention Congress calls, because **conventions can't be limited.**

Thank you for your consideration of these significant issues.
Wisconsin must VOTE NO on AJR16, AJR9.

Trudy Stamps

Please Read

Presentation to Wisconsin Legislature

April 20, 2021

TO THE WISCONSIN CONGRESS,

DISCLOSURE: I HAVE BORROWED SEVERAL IDEAS WITHIN THIS PRESENTATION FROM [Jay Stanley](#), Senior Policy Analyst, ACLU

Under [Article V of the Constitution](#), there are two methods by which the Constitution can be changed. The first, which has been repeated 27 times, requires approval of a specific amendment by two-thirds of the House and Senate and three-fourths of the states. The other, never-before-used method is the convening of a convention, which Congress "shall call" upon "the application of the legislatures of two thirds of the states." Any changes to the Constitution passed by that constitutional convention must then be approved by three fourths of the states.

The problem is that there is too little reason to believe that such a convention would not result in a weakening of civil liberties, perhaps disastrously so. There are no standards to govern how a constitutional convention would be convened and conducted, so there is no way to ensure that the delegates to the convention are representative, and that the rules governing the convention's conduct are fair. Most significantly, perhaps, there is no way to ensure that the convention would confine itself to whatever subject inspired its creation, without veering off into dangerously impetuous rewriting of our nation's foundational legal document.

And there is too much evidence that contemporary policymakers have forgotten the wisdom of the Founders, particularly when it comes to the need for checks and balances on government power. Congress, for example, has allowed the NSA and other national security agencies to balloon to giant size while failing to create oversight mechanisms [anything close](#) to proportional to those agencies' powers. It has allowed executive branch [secrecy](#) to spiral out of control and be used repeatedly to protect abuses of power.

And our lawmakers have enacted civil [asset forfeiture laws](#) that [fail](#) obvious tests of attention to incentive structures and institutional counterbalances. Where our Founders had a sophisticated and healthy distrust of power, such distrust is today too often forgotten by supporters of our giant security state, and ironically we must rely on just such reverence to obtain what protections we can.

These are some of the reasons why I am opposing the calling of a constitutional convention. Jefferson warned of "lethargy, the forerunner of death to the public liberty," and thought it was healthy that rulers be "warned from time to time that their people preserve the spirit of resistance, however, I am NOT willing to risk our Constitution to the present congress now in Washington DC. We see the blatant disregard for the LAW of the Constitution in the daily Executive Orders that are coming out of the White House by the same party that holds the majority in the Congress..... AND who has threatened again and again to do away with the

Dd2

Filibuster..... which should be a warning to ALL States that a new game is in town.... One that doesn't abide by the RULES that were.... Rather the Game is making up their OWN rules which should scare you ALL to the depths of your souls. The Majority party has already told you they will change the "odd's" of the game by stacking the Supreme Court which seems by the very thought of doing something so heinous, it should be illegal and contested BY the Constitution for violating FAIR and EQUAL treatment for ALL under the laws of this United States AND Since there is NO "Floor Plan" for this Constitutional Convention BUT there is PRECEDENCE of the first Constitutional Convention - 1787 -which also had no ground rules and resulted in the trashing of the ENTIRE Federalist papers AND CREATION OF AN ENTIRELY new document which in this case WILL BE A MARXIST PLAN TO DISTRIBUTE THE WEALTH AND INSTITUTE RACISM AND EQUITY AS THE RULE OF THE LAND Even though it was called by the SAME parameters you are all believing must be followed Addressing ONLY what YOU submit..... and working with people YOU have chosen to send into the ring. Please READ THE ACTUAL ACCOUNT OF THE Convention of 1787 and see that the door wasn't even closed behind the last person into the room when the Radicals from Virginia had the DISECTED Federalist papers on the table and refused to "amend" them instead opted for rewriting the entire document. They did NOT stick to the "rules" and instead made NEW rules.... May I ask one question in closing..... What "Chance" do you think any people sent by YOU to Washington DC would have against the likes of Chuck Schumer.... Nancy Pelosi..... Jerry Nadler.... Adam Schiff.... And I could go on... all of them have histories of lying and ignoring Constitutional "rights". REMEMBERING President Obama saying many times our Constitution needs to be CHANGED..... Do you really think they would vote FOR limiting their tenures OR balancing a budget when within the first 4 months of the Presidency the Majority party has spent over \$8 TRILLION dollars and they still have MORE proposals that will cost taxpayers into the 22nd century and they are trying to insure their party's control in perpetuity? You ARE being lulled into a false sense of confidence with NO guarantees from the people who will profit the most from this. How can anyone in this chamber THINK your honest approach would come out on top? PLEASE.... JUST SAY "NO" TO THE CON-CON..... YOU CAN DO IT.... THE PEOPLE OF WISCONSIN ARE DEPENDING ON YOU.

Respectfully submitted,

Diane Rehm

4125 Janz Drive

West Bend, WI 53095

rehm@charter.net

1-262-644-9925

② of 2

Diane Rehm
West Bend, WI 53095

Please Read

Special interest groups from the right and left are seeking to limit the power of the federal government, impose restraints on federal spending, and change campaign finance law. Spurred by these efforts, the Maryland Legislature is debating whether or not to apply to Congress to call a constitutional convention to propose amendments to the United States Constitution.

Article V of the U.S. Constitution sets forth two methods for proposing amendments to the Constitution. The first method requires that two-thirds of both the House and the Senate vote to pass proposed amendments to the Constitution (hereinafter 'amendments at the request of Congress'). The second method requires that Congress hold a constitutional convention if two-thirds of state legislatures pass resolutions to call a convention (hereinafter 'amendments via an Article V Convention'). In both methods, amendments are adopted if three-fourths of state legislatures ratify the amendments. So far in American history, the first method has been used 18 times; while the second method has never been convened.

Currently, the advocacy group Balance Budget Amendment Task Force claims that 28, of the minimum required 34 state legislatures, have called for an Article V Convention with the specific goal of balancing the federal budget. Legislators in Maryland should be cautious when considering whether to call for an Article V Convention, because the likelihood of a runaway convention is high and the repercussions of such a convention are not well understood. The following questions may help legislators decide whether to vote for or against a resolution that calls for a constitutional convention to change the U.S. Constitution, the oldest working national constitution in the world.

What is an Article V Convention?

There are at least two ways to understand an Article V Convention. First, a convention called by the states can be understood as a means of initiating constitutional reforms Congress is reluctant to support. If states view certain changes to the U.S. Constitution as necessary, but members of Congress are reluctant to initiate those amendments, an Article V Convention would be states' only path to initiate specific constitutional changes. In this view, Congress may call an Article V Convention to address those specific state proposals.

A second understanding assumes that an Article V Convention cannot be limited beforehand and, once installed, can decide the scope of its own amendment powers. In this view, an Article V Convention may reaffirm that it is acting within the scope of previously suggested state proposals or it may decide that it will go beyond that scope.

In both of these understandings, however, most legal scholars hold that an Article V Convention has its power derived from the existing U.S. Constitution, meaning a convention could not go beyond the current core framework of the Constitution. For example, most would argue that changing the republican form of government to an authoritarian one, repealing fundamental civil rights, or modifying Article V of the Constitution itself would be beyond the power of an Article V Convention. If an Article V Convention went to these lengths, it could then be scrutinized under the current U.S. Constitution for what is called "unconstitutional constitutional amendments." In brief, an Article V Convention method assumes the notion of a political will

that will constrain the convention to improving the original Constitution by correcting the shortcomings of an unresponsive Congress.

Absent that political will, however, an Article V Convention could extend its powers and become a runaway Constitutional Convention changing key principles organizing society and its political regime. And given the current polarized political climate, that scenario is likely.

Do the Proposed Amendments Outweigh the Risks of Calling a Constitutional Convention?

Opponents of an Article V Convention correctly warn about the constitutional impossibility of limiting the scope of an Article V Convention once it has been called. An Article V Convention may feel the need and have the capacity to break the bounds of the specific proposals for which it was convened. For instance, strong policy-factions within the convention may seek to set aside accepted rights such as early-term abortion or to add new rights to a variety of benefits like health care, housing, or a minimum income. A convention could adopt changes that would be disastrous for the country. Although unthinkable in the 21st century, to emphasize the risks of a runaway convention, a Maryland Legislator said, “An Article V Convention could reinstate slavery.”

Given the uncertainty of how a convention derives its powers and the perils of it becoming a runaway Convention, the Maryland legislature should apply to Congress for an Article V Convention to amend the Constitution only in the most serious of circumstances and only for essential amendments. A reform may be considered essential if it is unlikely to be achieved at the request of Congress or through judicial review, and if it is necessary to update a failing institutional component of the Constitution. Yet, as James L. Sundquist pointed out on his classical *Constitutional Reform and Effective Government*, “the necessity to experience government failure, in order to prepare for it, is not a happy prospect.” Whether any of the currently proposed amendments merit an Article V Convention should be answered by weighing the seriousness of the consequences of inaction.

An Article V Convention is a Dangerous Path

In these contentious times, democratic institutions, norms, and views are under unprecedented stress. When debating whether to adopt a resolution to apply to Congress to call for an Article V Convention, Maryland legislators should keep in mind the possibility that the call could add to a widespread perception of national disarray and push the American Republic closer to a breaking point. The perils of an Article V Convention running amok and altering the core framework of the American Republic are high. This method of reform should therefore be used only as a last resort.

<https://scholars.org/contribution/need-caution-amidst-calls-national-constitutional-convention>

Wow, there is a lot going on out there. There are opinions everywhere, but do opinions make it so? Now we have this situation where we are trying to add amendments to the Constitution by a convention of states and Article V of the Constitution. Today's event in particular is discussing adding a term limits amendment. So you, the committee, will vote on this to get it out of committee and passed through the full Assembly. The Senate has also passed it through committee and will be putting it to a full Senate vote. So when that happens, Wisconsin will be ready to apply to the US Congress to call for an Article V convention. Now, we will just be waiting for that 34th state to apply to Congress to trigger the call for a convention to amend the Constitution. While we are waiting for the last State to apply to Congress to make the call, let's select our Delegates for Wisconsin to send to D.C. This is exciting! We are finally going to hold Congress accountable for their overreach of power.

Representative Scott Allen represents my district and he is conservative, and we agree on so much, so I think we should send him there to represent us. Second, I would say we send Representative Thiesfeld to D.C., because like he said to us at the last committee hearing that we would probably agree on 95% of the issues. And to have a former civics teacher there who understands government and how it should be run, would be a big bonus for Wisconsin. After that, I would think it would be good to have Representative Wichgers there, because as he mentioned when he voted on the Convention of States resolution AJR 9, Quote "we have to do something", and we really need people there who will get things done. Next, Representative Ramthun could represent us, because he seems like a good conservative and will probably hold the line on our conservative values. Lastly, I think we should send Representative Murphy. He has some really good conservative ideas on the 16th & 17th amendments, but for this convention he would have to just stick to talking about "term limits", because everything else is off limits in the whole convention, because that is what our Wisconsin bill says.

OK, so finally, we get that 34th state to apply to the US Congress to trigger the call for a convention. Now, you are really going to be able to get the Federal Government in ship shape. It has been so long and they have run outside their bounds on so many issues that it will be good to put them back in their Constitutional box. So, Congress calls for the convention, according to Article V, and sets the rules for the convention and wants to get started right away. They then begin selecting Delegates. From Wisconsin, they select Gwen Moore, Tammy Baldwin, and Tony Evers.....

Immediately you here is this Assembly say "what do they think they are doing? We state legislators are to select the Delegates from Wisconsin! Congress replies, "According to Article V, the States apply for the convention and we the Congress, call the convention. Further, Article I section 8 says that Congress shall "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". So, we the Congress are going to set the rules of the convention, which includes the calling of delegates to the convention. Then, our Wisconsin State legislators tell Congress that "we are withdrawing our application". Congress replies that "it's too late to withdraw, we have already called the convention and we have your delegates selected. The convention will go on! And by the way, we have chosen option b in Article V, to let the delegates we have chosen for your state convention ratify the changes,-NOT the state Legislatures. Thank you for applying!!

There is no power left for you in this situation. You gave that over to Congress with your application for an Article V convention.

Now, before we go off the deep end, let me explain to you that you have a lot of “power” granted to you by the Constitution, and this is a fantastic thing for the situation we find ourselves in right now. With the Federal Government coming up with all kinds of bills that are unconstitutional, the State Legislatures have been given “power” to handle the Federal Government overreach. This “power” is derived from the 10th amendment which supports the wording in Article VI, which states “the laws of the United States (the Congress) which shall be made in pursuance thereof”. The laws must agree with, not violate the Constitution. All laws that violate the Constitution are not the Supreme law of the land, and you, the State legislators have the “power” to stand against these unlawful acts of the US Congress. This power is reiterated by the 10th amendment where it states very clearly that “the powers not delegated to the United States are reserved to the States”. The “power” is yours to stand against those laws that are unconstitutional. Your “power” as States Legislators that the Constitution gives you allows you to stand and make laws here in our State that will override anything that the US Congress comes up with that does not adhere to the Constitution. For instance, the current mass of bills making their way through Congress that are written to void the 1st, 2nd, and 4th amendments, can be cancelled out by laws here in our State. Also, Congress’s attempt to legalize all the different ways of getting around the States being able to run their own elections to be free and fair, can be voided. Congress is attempting to federalize voting laws and you have the “power” to make laws here that will tell the Fed’s, “that is not happening in our State”. Today, another segment of the documented proof of electronic votes being switched by foreign enemies, is being released to the public. Step one, watch the last ½ hour of the documentary “Absolute Proof”, which had 150 million views in its first month alone. That is more people than voted in the general election. Step two, then watch today’s release of “Absolute Interference” on frankspeech.com. Undisputable evidence that the electronic voting machines in our state need to be removed and we need to go back to a paper ballot system, hand counting the votes in the precincts where they were cast. You Republican representatives should know, that this is in your best interest, if you want to continue to be elected. Because many conservatives won’t vote if those electronic voting machine are still in use. Don’t let mass fraud continue to happen here by allowing the machine to be used for voting. They need to be removed before the next election.

The Congress has limited power given to it by the Constitution (Article 1, section 8), and the State Legislators need to hold it to that limit. That being said, Congress is not going to give up power delegated to them by the Constitution. So, it is not going to give states the power to run an Article V convention, therefore the States need to rein Congress in, not give it more power through and Article V convention.

I have heard from a proponent of an Article V convention that the States are just getting together to talk. Then get together and talk. Don’t get Congress involved. I don’t have to ask any of you for permission if I want to get together with 49 of my neighbors! Neither do you have to apply to Congress to get together with other States and talk. If Congress is involved, it is an Article V convention. And that is when you give up your “power” to Congress. Instead, use your “power” to protect our state from out-of-state lobbyist who come in here peddling their ware’s and affecting our security.....and our pursuit of happiness.

Again, Article VI states that the laws must be in pursuance of (agree with) the Constitution. If not, then States reject those laws with the “power” given to them by the Constitution. You have the “power” to stand up and take away the usurped power from the Fed’s. Protect our State and Country. Propose resolutions that hold to constitutional principles. It is happening all over the Nation, in many different

States and counties within States. The groundwork is already laid by the Constitution and now other States are using the Constitution to take back "power" that is rightfully and Constitutionally theirs. As an example, States such as Wyoming, Alabama, Arkansas, Florida, Georgia, Iowa, Minnesota, Missouri, North Carolina, Ohio, and West Virginia are nullifying unconstitutional gun laws-past, present and future. Other States are nullifying any executive order from the oval office that defy our Constitution. And the list goes on. The States interpose between the Fed's unconstitutional bills and orders and their people. Nullifying the Fed's overreach. Your oath of office requires you to oppose all laws not made in pursuance of the Constitution. All laws not made in pursuance are not the Supreme law of the land and not enforceable.

The States and the people, have the most "power" given to them by the Constitution. Let's not give that up for anything! All applications for an Article V convention should be rescinded as soon as possible. The Globalists don't care how they get access to the Constitution, as long as they get access. Then they will take it from there. There is nothing in the Constitution holding the delegates at the convention to only deal with those items proposed. Nothing. Besides, Congress would be completely against limiting any power that they have including power to run the convention. And Congress will run it as they see fit.

If Congress were interested in any of these ideas, such as term limits, BBA, limiting power of the Federal Government, there would have been bills or amendments proposed on these topics and given to the States to ratify.

A convention is not going to make Congress more docile, but more radical, if that's possible. And it is.

Right now, you have a lot of "power" given to you by Article VI and the 10th amendment, which you give up to Congress if you give them a convention. Representative Allen, how many constituents do you have here today telling you to vote FOR this convention.....we are representing your District. You should represent us, and vote against this convention.

Keep us free. Keep us out of an Article V convention. Propose bills to keep the Fed's in check and tell them "not in our State". Shrink Federal Government by standing up to them. We control them, not the other way around.

Several amendments are already not good. 16th income tax, 17th direct election of senators, 18th , prohibition, 21st, repeal of 18th.

Many bills are unconstitutional. HR1, HR5, HR8, etc.

Many Federal Dept are unconstitutional.

1. Education. 10% funding form fed`s. fed`s tell how to educate.
2. Federal Reserve. Private bankers.
3. IRS. Taxes to be equal throughout country. No need for most of IRS.
4. Military for defense, not nation building
5. HUD
6. HHS
7. FEMA

Curtis Uhl in opposition to AJR 16.

I am a sixteen-year old patriotic girl who cherishes the Constitution of the United States of America. When I began to hear once again how the Constitution is at risk to be brought into a convention through Term Limits amendment, I felt my freedoms and rights threatened.

Around the same time that the Constitution was being ratified over 230 years ago, the French Revolution was raging across the ocean. Yes, the French wished for freedom from the monarchy, but they ignored the fact that God governs the affairs of man. During the French Revolution nightmare, over 17,000 were slaughtered at the guillotine, chaos raided the city of Paris, and mob rule reigned in the streets. France forgot God, and mass turmoil resulted. They were a people who wished for freedom in a country that ignored the very Deity who established civil government. Sounds like modern-day America.

About 2 and a half centuries ago, the story was very different in the United States of America which had recently gone through the Great Awakening toward God. Our statesmen were men of character. Men who acknowledged Providence and its hand in their fight for liberty. When it seemed as if the Constitutional Convention were to fall apart and the new-born country was about to collapse, those men asked God to help them. And He did. Ben Franklin said during that time: "The longer I live the more convincing proof I see that God governs in the affairs of men; and if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?" The Almighty intervened on this country's behalf.

Today, when our nation is in deep turmoil, why would any of you want to take the most dangerous route to "add amendments" to the Constitution if there is already a safe, proven process to add these said amendments through the first method described in Article V, just like its been done the last 17 times for the last 27 amendments? Why would we mess with the founding document of our entire system of government? And for those of you who believe that you would be able to rein in those who wished to do the Constitution harm, you are misled.

It seems to me that the first and second amendments are those rights under the most bombardment. The government cannot take away those rights, for the Constitution has been established as the supreme law of the land. Article 6 tells the States they're only bound to obey the Federal government laws that follow the Constitution. However, if she were exposed, we all know who would really be in charge of that process: individuals who have proven themselves as our Constitution's enemies. I can guarantee you: the first and second amendments (actually, probably the entire Bill of Rights) would be the first to be thrown into the fire.

Three weeks ago, I spoke against a Term Limits Convention to the Senate Committee. Vice chair Senator Felzkowski questioned me for nearly twice the time it took to actually read my speech. About half way through the questioning, she said, "You have testified, on, um a constitutional convention... these resolutions are, relating to an Article V convention." At this point, I asked her, "Where in the Constitution does it differentiate between a constitutional convention and an Article V convention?" She answered, "In Article V." While still sitting before the committee, I opened my copy of the Constitution to Article V. As I was reading it to myself, she attempted to dismiss me with, "Thank you for your testimony." But after I looked up with the answer, "There is no difference.", the senator proceeded with the rest of her questions, and during that time, I ended up reading at least a portion of Article V aloud to the committee.

Since being questioned by the Senate committee, I have read through the entire U. S. Constitution, and my answer to my question to Chair Felzkowski, "Where in the Constitution does it differentiate

between a Constitutional Convention and an Article V convention?" is still the same. I am even stronger in my answer. There. Is. No. Difference. No matter the reason, if CONGRESS calls a convention, as a result of the application of 2/3 of the state legislatures, there is only ONE kind of convention. You can call it an Article V convention, convention of states, bba convention, term limits convention, etc – all of these terms are simply synonyms for a Constitutional Convention. They are. The. Exact. Same. Thing.

When a huge movement for Constitutional Convention was sweeping across the country in the 1980s, patriots stopped it at 32 states, thank the Lord, only 2 states short of a dreaded turn of events. Because of this, the word "Constitutional Convention or Con-con" became accurately known as something dangerous. So in this modern movement, they've purposefully separated themselves from the term "Constitutional Convention", and state that it is NOT a Constitutional Convention, its an Article 5 Convention or COS or BBA or USTL. Clever – but not true.

In fact, the most revered law dictionary in our country, Black's Law Dictionary, defines Constitutional Convention as, quote:

"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." unquote.

To my knowledge, this AJR 16 bill is asking to apply to Congress to assemble delegates or representatives together for the purpose of amending the constitution, so it IS a Constitutional Convention according to the most revered law dictionary in our land. If there is any doubt, the dictionary goes on to site an example, quote: "**Article V** of the US Constitution provides that a Constitutional Convention may be called on application of the legislatures of two-thirds of the states." unquote

I have heard a few veteran soldiers at the prior senate committee hearing talk about how when they joined the U. S. military, they swore to protect and defend the Constitution against all enemies, both foreign and domestic. And I really appreciate their commitment. But when they suddenly urge the legislators to vote for an Article V convention, I realize they've been listening to the advertisements of the lobbyists and may be mislead, flattered, or manipulated. These few veterans do not know that they will aid in destroying the very document that they swore to protect and defend!

Personally, I have also sworn to protect and defend the Constitution of the United States, from all enemies, both foreign and domestic. And I intend to fulfill that promise. That's why I'm here today testifying against this bill. You representatives have also taken a very similar oath to protect our Constitution, which surpasses any previous support of the false claims of the lobbyists.

Attorney Joanna Martin, J.D. said, quote -

"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." unquote

Convention advocates are even using resolutions today - from a couple centuries ago - to attempt to add up the required 34 state mark for a current, modern-day issue!

For example resolutions still being counted today:

In Illinois, Kentucky, and New Jersey from **1861** to *get us out of the Civil War*

In New York from **1789** to *add a Bill of Rights*,

In Colorado, Iowa, Kansas, Nebraska, North Carolina & Oregon from the **early 1900s**, *for direct election of senators*.

Seriously, I just turned sixteen, and to me that's not honest. And horror of horrors, WI passed a plenary, or unlimited, convention application in **1911**. Please look into this. If this unlimited convention application is still active in Congress, please rescind it.

A Convention today would only end in disaster. The proven Constitution that has stood the test of time for hundreds of years would be destroyed. How will freedom continue if the declaration and laws protecting those freedoms are snatched away and burned to ashes by those who wish to do our country harm through their unleashed power? I am begging you, please vote against AJR 16 as well as against AJR 9 in the full Assembly. I hope every freedom-loving American patriot would cherish these words said about liberty:

quote: "To be born free is an incredible privilege;
to die free is a sacred responsibility." unquote

Thank you, Elayna Uhl
In opposition to AJR 16

Hi, I am eleven years old and proud to be an American and Wisconsinite. I believe that a Convention 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 want to stop freedom of speech or election integrity and want to wrong our Country and seize our rights.

If we place our perfectly wonderful Constitution in the hands of these people through a Convention, 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. 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 tells the government “Thou shalt not.” Our Constitution hasn’t done anything wrong, so why are we trying to punish it by risking 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 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.

Correcting the Constitution because Congress isn’t obeying it, is like saying that since people don’t obey the Ten Commandments, they ought to be changed, so people will obey them. And honestly, if we redid the Ten Commandments so people would obey them, can you imagine what the revised commandments would be like? Because if people who are violating the Ten Commandments will be obeying the revised ones, they must be pretty bad. The same thing with a new Constitution. If this Congress is going to obey a new Constitution, it also must be bad.

This new constitution won’t be like what people are lead to believe it will be. It will be filled with things that will take away our freedoms. Please vote against AJR 16 in committee and also AJR 9 in the Assembly; don’t let our Country be ruined before your eyes. Instead, 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 AJR 16

Hi, I am a twelve-year old patriot. I believe the Constitutional way to fix term limit problems is to vote out the bad guys with paper ballot and hand counted votes, so we can have free elections. And we can keep in the good guys for unlimited terms as long as they follow the Constitution.

I see a very big problem with a convention in our country today; a problem that will forever change the course of the United States of America. I mean, when they get their hands on our Constitution through a Convention, it will be bait for a whole lot of terrible laws and amendments. They will **not** hesitate. They will reach for the opportunity with eagerness and not even care for **anything**, but getting their way.

To me, I only see destruction in the path ahead. 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, James Madison, and Thomas Jefferson, desired freedom and they restrained their power in the Constitution.

Even if we did have modern day delegates like the Founding Fathers, I can promise you that they would be largely outnumbered. Our current politicians care about their own special interests and winning the next election. The Founding Fathers were risking everything, fighting with their lives for freedom and liberty for generations to come. There is no comparison.

It is believed that

Five signers of the Declaration were captured by the British as traitors, and tortured before they died. Twelve had their homes ransacked and burned. Two lost their sons in the revolutionary army, another had two sons captured. Nine of the 56 fought and died from wounds or hardships of the Revolutionary war.

In the Declaration of Independence, they said, quote "And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor." THESE are the statesmen we had!

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 modern politicians *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 protects my rights, 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?

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, because of the brave.

I need you to be brave to stand up against your colleagues and vote no on Term Limits Convention and no on COS in the Assembly Vote.

God bless you and God bless the United States of America.

Thank you, Alise Uhl,
In opposition to AJR 16

We have made a lot of sacrifices to be here with our time in preparing, as well as this day my husband had to get off work, financial costs, as well as the resulting suffering from my health issues, but this is so important. I'm a homemaker who loves my God, my family, and my Country. And I'm sure everyone of us in the room wants to preserve our freedom.

First off, term limits. At its heart, term limits is not a representative form of government. I can't imagine what harm a senator serving his final 6 YEARS in office could do, completely unaccountable to the electorate.

Do you know why term-limits is so opposite a Constitutional Representative Republic? Because that was one of the reasons the Founders convened in a Convention in 1787 in the first place, to remove the term limits in the Articles of Confederation! Because term limits prevented voters from always sending their best representatives to Congress. And for us to be here even considering opening our Constitution to re-instate what the Founders were opposed to, is due in large part to the incredible salesmanship abilities of Mark Meckler on COS. So even though we are not technically discussing COS, which includes term limits, you have bought his assurances for convention in general, you have crossed a threshold where you feel that an Article 5 Convention is a safe solution that the Founding Fathers intended, and you are at peace with Convention, but that's the real danger of this bill.

95%

Conservative legislators on both the assembly and senate committees have stated to our family that while we probably agree on 95% of other bills, we don't agree on this. But I would like to point out that this 5% will make the other 95% obsolete. Because our protected liberties won't be there. Because the Constitution won't be there to protect them. I truly believe by the end of convention, whether it was called for term limits or COS or limiting the Federal Government, or BBA, our Constitution will have been crucified on the altar of good intentions all the way to purposeful intent. And if you are thinking, "No way, she is so dramatic." Don't rob me of my opinion. My opinion is based on what the Constitution actually says - or doesn't say - instead of what the lobbyists say it says. Do you realize that much of your opinion that you publicly state as reasons for why you are voting in favor of these Convention bills is repeating the dreamt-up promises of traveling salesmen?

On March 3, standing 10 ft away from him, I watched Mark Meckler's flattery to you on this very Committee – on how you were the most powerful people in the US Government. WE the PEOPLE are the most powerful people in the US government, and we choose to employ you to represent us. That being said, State legislatures do have a lot of power to protect their citizens from the overreach of the federal government, and my husband talked about some of that. But your state power is NOT in Convention.

As a side note, I heard Mark Meckler 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, church closures, etc. and they thought it was going to start at 10 am so that's why they were there. In

my opinion, I didn't think it was right that Mark Meckler took credit for that. 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 conversed 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 also think its wrong how some of these convention pushers conduct their surveys with the emphasis on balancing the budget or restricting the power of the federal government, not on whether a convention should be the process by which its done. That is completely different, so even their support they claim isn't accurate. Incidentally, I've only met one person outside of this capitol that thinks a convention is a good idea and they repeated the lobbyist's sale's pitch.

On March 3, Mark Meckler went on and on talking about how much power and 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 and limit them to the wording in your bills. What a con game. Listen to his exact words that he said in my presence in the hearing room to the you, quote, "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." unquote

On March 24th, before we testified at the Senate Committee hearing, we watched from the overflow room as Mark Meckler set a huge book on the table. I commented outloud to the overflow room, "Oh, look, that must be Mark Meckler's Constitution". And moments later, he confirmed it was. But even though Mark Meckler seems amused that the people still think this pocket constitution is the real constitution – I'm going to read from the real Constitution.

Let me repeat what he just said: "Only YOU have the power to call a convention (that's not true according to Art 5 only Congress has the power to call a convention, you & other states are just an application number), He goes on, "Only you have the power... to **ratify** the Constitution (that's not true according to Art 5, there are 2 modes of ratification and it is Congress's choice which one they want. If they choose option B, the state legislatures are soundly shut out of the ratification process. But listen to what he also said – ratify the **Constitution**, he didn't say ratify amendments). Then what he says next enforces that. It doesn't sound to me like he even believes that the convention will stick to just the amendments you're limiting yourself to, and a convention that goes beyond its intended scope is a runaway convention. I'm actually surprised he said this outloud, quote, "YOU have the power to alter the structure of the Federal Government." unquote.

Read Article V & **congressional power**.

You all think you're sending some contingency of Republican founding fathers to this thing? In your dreams...

Never fear, however, someone is awake -

The Report

REVIEW:

Congress is given the power to CALL the convention, which would include according to Article 1, sec 8, setting the location, date, delegate selection process, delegate pay, immunity, and apportionment of votes of the delegates (eg one-state/one-vote, by population, a combination of the two, or by the number of votes in the Electoral College).

So Congress can select the delegates, can appoint themselves and/or their cronies as delegates. Then, Congress gets to choose the ratification process, and option b is especially enticing, to give control to those said delegates at Convention to ratify either the changes or a new Constitution, leaving the State Legislatures soundly out.

Again, states HAVE power, but NOT in any Convention calls. So really the statements to you the legislature should not be "YOU have the power" but rather, quote "You ONLY have power to apply to Congress to call a convention. That's it." ANY other involvement you have beyond applying, is at Congress's mercy.

Once the Convention is started, neither the states nor Congress can technically control the delegates, because they are the sovereign representatives of the people

Sovereign Representatives of the People from the Report

...just like in 1787. These delegates were sent with specific instructions, severely limited to only the amendments they were sent to make to the Articles of Confederation, and they were reminded, that whatever they came up with when they convened, it would have to pass 100% state legislature & Congress to be ratified. But as Sovereign Reps, they drafted a new Constitution, a wonderful constitution, we would not get that today, and changed the rule from 100% state approval to 75% state approval. I would imagine many of the proponents of sending convention applications to Congress will be floored when the modern delegates change the rules yet again and require only 51% state approval. Or 51% majority citizen vote on the electronic voting machines proven to be infiltrated by communist China. That would be lovely.

OR what if Congress had selected the electoral college numbers? If they do that, some heavy population states would have an advantage of a larger influence over a convention. New York = 29

delegates, California = 55, Idaho = 4, North Dakota = 3. and once the convention started, the delegates could decide it just needs to be a simple majority vote amongst the delegates to ratify the new constitution? Again, they are the sovereign representatives of the people. Faithful Delegate laws do not supersede the Declaration of Independence that simply states the truth: We the People have the right to alter or abolish our government.

Young Turks & Wolf PAC liberals are also pushing for a COS. Liberals are pushing for a new progressive Constitution that has a bill of rights to a decent house and always to be employed, to have medical care, etc, total socialism with full reliance on the Government for everything.

Some of these replacement constitutions that are already drafted have their mode of ratification built in, like the Newstates of America... Listen to this from Attorney Joanna Martin, J.D,

Other Constitutions

Freedoms under Attack

We just witnessed a brazen foreign interference election hijacking. Why would we think a convention would have a protective bubble around it from these same globalists and deep state, enemies both foreign and domestic?

No health edict, not even smallpox with a 60% survival rate supersedes the US Constitution. We are on the front lines, fighting an entire takeover of our 1st & 2nd amendment rights of free speech, freedom of assembly, freedom of religion, freedom to buy, own, bear arms. We are under attack on our 4th amendment rights of being secure in our persons & property including not being forced to shut down, wear masks, be injected with experimental biologicals, or having to “show our papers” with a vaccine passport to get groceries for our family or earn a living. Our daughters should be safe in their locker rooms, showers, bathrooms, and sports, our people free to live out their religion in their jobs and communities without lawsuits against them. These people pushing this assault on our Constitutionally protected rights are American traitors, or *domestic* traitors. We need to vote these traitors to our constitution who swore to defend it, out of office. In order for the voting system to be trusted, and for conservatives to vote again, we must get rid of the electronic voting machines!! Paper ballots, hand counted. Beautiful. Fight HR1, which is misnamed For the People Act, should be “For the Corrupt Politicians Act”. Why do you think Congress is pushing to federalize our elections, which is completely against the Constitution? Because, if the vote was true, the majority of them would lose their next election on both sides of the aisle!

Think about it, the states will be asking the same Senate to open the Constitution that is trying to get rid of the filibuster rule so that they can grant superior super-rights to the one group to dominate all other American’s rights to religious expression, privacy, safety, liberty. THIS is the Congress that will be in charge of the Convention and the Ratification choices. Anyone who says differently is lying. And whether its an intentional lie or an ignorant lie, its still a lie.

That is a complete betrayal of the people's trust.

The very last thing we need as we fight EVERY battle based on our God-given rights protected by our Constitutional authority, is for our States to hand over our Constitution on a silver platter TO those American traitors, to complete their agenda of all of the above – and more!!

Globalists at Convention Mock-up

The globalists and deep state, without and within Congress, need you. Need you to give them one of the 34 states. Please realize this push for a COS is a covert plan of the same enemy to disarm our fight for freedom by pulling the foundation of our Constitution out from underneath us. EVERY fight that is happening right now is against our constitutionally protected freedoms!

We cannot be ignorant of how the deep state domestic traitors operate by bribery, blackmail, threat, why would it be any different with the delegates they've appointed and commissioned? Do you think these people who have their orders to fulfill this agenda are going to say, well, we sure would walk out of this convention accomplishing what we were sent to do, but we have a problem. WI is here, and Meckler and Quinn told them they'd be able to control the convention to sticking only with their amendments. AND they drafted a definition of what limited is, can you believe that? Yeah, I know they couldn't even rein in their one Governor with his unconstitutional edicts, but man they sure have a handle on all these delegates from all 50 states, wow - and did you see how they whipped Congress, Pelosi, Schumer, everyone into shape to gain control of this convention? Whooo! If only WI wasn't here to limit us...

This is a mock-up of the things you've been promised. And I think you're good people, but you hadn't thought it through. There is NO WAY they will be limited by WI's little piece of legislation or what some lobbyist promised them before Congress called the Convention. They will never let WI and our bills, whatever amendment we add to define "limited" to limit THEM. Well then, the lobbyist tell us we can withdraw! So? The Convention will go on without you, you can't stop it at this point. The only place you can stop it is now.

Truly what I foresee is that this Committee, this Assembly, this Legislature, will be horrified at what happens to our beloved Constitution. And it will be. Too. Late. You will have NO control then. You have finally realized that what we are pleading with you now was true. At this point, you despise every lobbyist - and their false promises. Or maybe you despise yourself that you believed them. 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 Convention, if only we had passed legislation to rescind our involvement, if only we had communicated with other states the dangers so they didn’t reach that horrible 34 number, if only, if only...”

The Proverbs say,

“The simple believeth every word, but the prudent man looketh well to his goings...
The prudent man forseeth the evil, and hideth himself, but the simple pass on, and are punished.”

This decision about an Article V convention for term limits or COS really boils down to asking ourselves: are we choosing to be simple and believe every word of the lobbyists to let ourselves be used to further the deep state agenda? Or are we going to choose prudence, to see the coming evil, and stop the COS now while we still can?

And the conservatives aren’t the only ones who’ve been hoodwinked.

According to the Constitutional Principles series, quote

“In 2017 COS supporters worked to convince the heavily Democratic-controlled Massachusetts legislature to approve the COS model application for an Article V Convention by agreeing to delete the Term Limits provision from its model application. They also led the Democratic state legislators to believe that some of their cherished goals could be accomplished through an Article V convention, such as repeal of the Electoral College, overturning of *Citizens United*, and revising of the Second Amendment.”

The Bible says in the last days people will be turned from the truth unto fables.

Master Plot

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*. The Founder’s answer to taming the beast was nullification through article 6 (and don’t forget we have the 10th amendment now too that reserves most things to the individual state and to the People) Article 5 is there to correct defects in our Constitution, not defects in our politicians, the beast. It was never put there for that, it will never work for that. You can’t go to the very beast you advertise you will chain with this convention to get permission from said beast to have said convention to put it in said chains!!

This is a master plan, a plot that if not stopped, will take down America.

But what if this is the very reason?

What if this blatant federal attack on our liberties and the threats of more attacks to come are actually intentional to channel conservative people who are incensed enough, to play right into their hand and give the enemy the very thing they want more than anything - access to our Constitution. They don’t care who gives it to them!

What if their end goal is to get good conservatives so alarmed at their freedoms being taken that they believe the sales pitch that the only solution is a constitutional convention, or term limits Convention, "Oh, is this what the founding fathers planned for us to do? You can control the convention and make Congress behave? Yes, let's do it. Give me a pin! Where do I sign?" They are desperate enough to latch on to a hope that is not substantiated by any proof. I'm serious, I think the lobbyists can take something that is completely fabricated, completely dangerous, and package it to look like it is the answer.

At one point, Nevada rescinded their application for Convention from Congress because they realized they had been, quote, "induced by fraud" to apply.

Just because there are some good conservatives that truly believe the Term Limits con-con or COS is safe and a solution does NOT make it safe and a solution. Sincerity is no barometer of truth. The only thing their sincerity shows us is a tribute to the incredible salesmanship abilities of the lobbyists. They are promising you things that aren't theirs to give.

Freedom is falling in America *while* the state legislatures are asking Congress to put the very Constitution that protects those freedoms in peril. If this **incredible plot** were in a book it would be a bestseller. If this was a movie it would be sold out and viewers would be on the edge of their seat, rooting for the good guys, We the People, to stop such an evil cartel so monstrous and so powerful it seemed impossible that freedom will not be lost. Viewers would be rooting for the state legislatures to awaken in time from the COS deception to realize that they were playing right into the evil cartel's hand, and instead withdraw all convention applications in any form and win the day for freedom!

We cannot allow states to lose their protective power of the people by exposing the 10th amendment and article 6 for a redraft in a Constitutional Convention or COS or A5C. The states think you are flexing your power in Convention, but in reality you will lose it all. Signing over our state's rights with a blank check, and all other rights.

And I want to thank you, Dave Murphy, I believe you may have used that term, blank check when you voted against the COS in committee. Thank you. As for the rest of you, PLEASE vote against this bill because its also a convention bill and vote against all convention bills in full assembly vote. Just because you thought you were doing the right thing all along, now that you realize you've been induced by fraud, please, please be honest with yourself and your families and plead with your fellow representatives and senators that you made a mistake. Tell them of the dangers BEFORE the full Assembly and Senate votes. Its not too late for Wisconsin!

Greatest Solution

Its not too late for America! We need to petition the God of Heaven with corporate prayer and fasting to resolve these issues!

There are liberals and conservatives who want a Convention. There are liberal & conservative Supreme Court justices alike that warn against EVER doing a convention. This isn't really a fight between liberals and conservatives.

And this SHOULDN'T be a fight between conservatives and conservatives, the last thing we need is to divide the conservatives where part of them are unwittingly aiding the enemies of our Constitution! And I believe with a little education we can stop fighting each other and focus on the real battle.

This is a battle between America patriots against domestic traitors.

President Ronald Reagan said, "If the lights go out here, they go out everywhere."

This is a battle between those who want to maintain American sovereignty and the light of freedom to the world,

Against the globalists who want to destroy the most incredible freedom documents ever written by men.

Remember who you are. Americans! True Americans have always fought against tyranny in all its forms, both foreign and domestic – even when its being disguised and packaged as a conservative solution.

Recognize the lie for what it is, share the truth with everyone, including your fellow assembly members, and let's fight for freedom to withdraw all WI applications for Convention to Congress.

This is it, Patriots, by all means, raise the standard high & turn the battle. God has placed us here in history for such a time as this.

Thank you
Dominique Uhl
In opposition to AJR 16

Testimony to the Wisconsin Assembly Committee on Constitution and Ethics
Peter Rykowski
4/20/2021

I am Peter Rykowski. I am a resident of Appleton, Wisconsin. I am here in opposition to AJR 16, as I believe an Article V convention is a bad idea that could have disastrous consequences for our country.

Rather than discussing the many reasons why an Article V convention is a bad idea, I will use my testimony to point out alternatives to term limits or a convention.

Although term limits might sound appealing, it will do nothing to rein in Congress or the federal government. Overreach and abuses of power by the president have only grown worse since the 22nd Amendment was ratified in 1951, so why should we expect congressional term limits to constrain Congress? It is a band aid that fails to address a much deeper problem.

The real problem is not how long our congressmen have been in office, but the amount of power they hold. For decades, Congress, along with the presidency and the judiciary, has willfully ignored the text and the original meaning of the Constitution to assume powers that it does not legally have. Unfortunately, the states have largely been complacent. Not only have they allowed the federal government to violate the Constitution and infringe upon state sovereignty, but they have simultaneously become dependent on federal money for their budgets. [1][2] In FY 2017 (the latest year I could find), over a quarter of Wisconsin's revenue came from the federal government, which is far too much. [3] The solution then is for states to reclaim the power they constitutionally hold and to restore the constitutional balance of power between them and the federal government.

If we properly enforced the Constitution, over 80% of the federal government would immediately be declared unconstitutional and abolished. 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.” Opponents of state nullification often claim that Article VI allows the federal government to do nearly anything it wants, but this is false. Article VI clearly implies that all 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, you 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. I have submitted a copy of Texas’s HB 1215, which is a good example of this type of legislation. [4]

You can also pass a State Sovereignty and Federal Tax Funds Act. This bill, a copy of which I have also submitted for you to review, would require that all federal taxes are first sent to the state, in this case the Wisconsin Department of Revenue. A panel of legislators would then assess the percentage of the budget that is constitutional and send the federal government that percentage of funds. This is an excellent bill to pass if you want to rein in federal spending and protect Wisconsin from federal retaliation. [5]

Related to this is the need to protect Wisconsin from the Federal Reserve and its monopoly on monetary policy. The Federal Reserve’s ability to create money has encouraged Congress to engage in fiscally irresponsible spending. You have multiple options to nullify the

Federal Reserve,[6][7][8] including passing legislation to enforce the Gold and Silver Clause (Article I, Section 10), legislation ending taxes on gold and silver as states including Utah, Alabama, and Oklahoma have recently done, [9] and legislation creating a state gold depository as Texas has done.

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 just this year, the Arizona and Arkansas legislatures also passed legislation nullifying unconstitutional federal gun controls, while Missouri is likely to pass its own legislation in the coming weeks. I have submitted copies of the two bills just passed by the Arkansas legislature. [6][7]

I have only mentioned a small sample of nullification examples. There are many other effective ways that you can push back against and nullify unconstitutional federal overreach. For example, you can pass legislation nullifying unconstitutional presidential executive orders as Utah, Montana, and Arkansas have done just in the past few weeks, or you can prohibit unconstitutional federal deployments of National Guard units. Unlike an Article V convention, these laws will take effect immediately, and they don't have the risk of a runaway convention.

Nullification will remedy the problems with Congress and the federal government in a way that term limits or any Article V convention will not. Why push for an unnecessary and incredibly risky convention when much more effective methods of limiting the federal government exist?

In summary, I urge you to reject AJR 16, and to pursue nullification instead. Thank you.

SOURCES

1. <https://thenewamerican.com/term-limits-are-not-the-answer/>
2. <https://thenewamerican.com/term-limits-a-restraint-on-liberty-not-on-corruption/>
3. <https://taxfoundation.org/state-federal-aid-reliance-2020/>
4. <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01215I.pdf>
5. http://webserver1.lsb.state.ok.us/cf_pdf/2011-12%20INT/hB/HB2069%20INT.PDF
6. <https://blog.tenthamentcenter.com/2017/02/nullify-chapter-18-taking-on-the-federal-reserve/>
7. <https://blog.tenthamentcenter.com/2017/02/nullify-chapter-19-end-the-fed-from-the-bottom-up/>
8. <https://blog.tenthamentcenter.com/2018/03/use-sound-money-and-help-nullify-the-federal-reserve/>
9. <https://thenewamerican.com/alabama-bill-would-encourage-use-of-gold-and-silver-in-trade/>
10. <https://thenewamerican.com/texas-launches-gold-backed-bank-challenging-federal-reserve/>
11.
<https://www.arkleg.state.ar.us/Bills/FTPDocument?path=%2FBills%2F2021R%2FPublic%2FSB298.pdf>
12.
<https://www.arkleg.state.ar.us/Bills/FTPDocument?path=%2FBills%2F2021R%2FPublic%2FSB59.pdf>

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 2069

By: Key

4
5
6 AS INTRODUCED

7 An Act relating to public finance; enacting the State
8 Sovereignty Act; defining terms; making findings
9 regarding the Tenth Amendment to the United States
10 Constitution; making findings regarding impermissible
11 exercises of federal power; making declaration of
12 sovereignty; creating the Federal Tax Fund; providing
13 for deposit of interest and penalty amounts; imposing
14 remitting responsibilities upon certain taxpayers;
15 providing for credits to Federal Tax Fund; providing
16 for transfer of monies to the Internal Revenue
17 Service; prescribing procedures; providing for
18 suspension of payment from Federal Tax Fund based
19 upon certain actions of the federal government;
20 prescribing procedures for release of monies;
21 authorizing surcharge; prescribing civil penalty
22 amount; providing for deposit of monies into Federal
23 Tax Fund; providing for codification; and declaring
24 an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 7001 of Title 62, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "State
Sovereignty Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 7002 of Title 62, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in this act, "person" means natural persons,
5 corporations, partnerships, limited liability companies,
6 associations, and other legal entities.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 7003 of Title 62, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The Tenth Amendment of the United States Constitution
11 defines the total scope of federal power as being that specifically
12 granted by the federal Constitution and no more. The Legislature
13 recognizes that the United States Congress has the right to levy and
14 collect taxes under the federal Constitution. The Legislature
15 finds, however, that the Congress does not have the right under the
16 federal Constitution to withhold from the states the benefits of
17 those taxes through unconstitutional mandates.

18 B. The Legislature further finds that most unconstitutional
19 mandates prohibit Oklahoma from implementing programs of excellence
20 that would exceed federal expectations. Oklahoma has significant
21 technical expertise in resource management in the areas of air,
22 earth, and water, but the persistent threat of sanctions renders
23 that expertise ineffective.

1 C. In light of the continuing unconstitutional withholding of
2 the benefits of the taxes, the State of Oklahoma hereby asserts its
3 claim of sovereignty.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 7004 of Title 62, unless there
6 is created a duplication in numbering, reads as follows:

7 A. There is created in the Oklahoma State Treasury the Federal
8 Tax Fund, which shall be an escrow account. Any interest earned on
9 the deposit of monies in the fund along with any civil penalties
10 assessed under Section 5 of this act shall remain in the fund and
11 shall not revert to the General Revenue Fund of the state at the end
12 of any fiscal year. The interest earned on the deposit of monies
13 and any civil penalties shall be used to pay any necessary
14 administrative costs incurred under this act and any excess interest
15 and penalties shall be transferred to the State Highway Construction
16 and Maintenance Fund.

17 B. Any person liable for any excise tax shall remit the tax
18 when due along with the person's federal taxpayer number to the
19 Oklahoma Tax Commission for deposit into the fund.

20 C. All monies collected under subsection B of this section
21 shall be transmitted to the State Treasurer who, as a fiduciary
22 agent, shall credit the same to the Federal Tax Fund on behalf of
23 the person that remitted the tax.

1 D. 1. Except as provided in paragraph 2 of this subsection,
2 the State Treasurer shall transfer at the end of each month the
3 monies held in the Federal Tax Fund less any interest earned on the
4 deposit to the Internal Revenue Service in payment of the tax
5 obligation of those persons who remitted the tax to the Oklahoma Tax
6 Commission. As a part of the transfer, the State Treasurer shall
7 identify the federal taxpayer number and amount received from each
8 person who remitted any tax to the Oklahoma Tax Commission.

9 2. If the federal government imposes any sanctions on the State
10 of Oklahoma for failing to enact legislation required by federal
11 law, which the Legislature deems to be unconstitutional, by
12 withholding or reprogramming any federal aid monies from, among
13 other things, highway construction to highway safety or other
14 programs, the State Treasurer shall not transfer any taxes held in
15 the Federal Tax Fund but shall retain the monies in the fund until
16 such time as the sanctions are lifted. If the lifting of the
17 sanctions occurs within ninety (90) days, the State Treasurer shall
18 transfer the amounts held in the fund to the Internal Revenue
19 Service within ten (10) days of the lifting of the sanctions. If
20 the sanctions are not lifted within ninety (90) days, the state
21 shall impose a surcharge on the monies in the fund to be used for
22 payment to continue highway project funding.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 7005 of Title 62, unless there
3 is created a duplication in numbering, reads as follows:

4 Any person who fails to comply with Section 4 of this act is
5 subject to a civil penalty in an amount equal to one hundred fifty
6 percent (150%) of the tax owed for each day the person fails to
7 comply with Section 4 of this act. Any civil penalties assessed
8 under this section shall be deposited into the Federal Tax Fund
9 established in Section 4 of this act.

10 SECTION 6. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14

15 53-1-5174 MAH 01/10/11

16

17

18

19

20

21

22

23

24

By: Bell of Montgomery

H.B. No. 1215

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the Texas Sovereignty Act.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. (a) This Act may be cited as the Texas
5 Sovereignty Act.

6 (b) The legislature finds that:

7 (1) The people of the several states forming the
8 United States of America created the federal government to be their
9 agent for certain enumerated powers delegated by the states and the
10 people to the federal government through the United States
11 Constitution.

12 (2) The Tenth Amendment to the United States
13 Constitution confirms the intent and understanding of the people of
14 the United States that all powers not delegated to the United States
15 by the Constitution, or prohibited by it to the states, are reserved
16 to the states respectively, or to the people.

17 (3) Each power delegated to the federal government by
18 the United States Constitution is constitutionally limited to that
19 power as it was understood and exercised at the time it was
20 delegated. An amendment to the Constitution as ratified by the
21 states is required to expand or limit a constitutionally delegated
22 power.

23 (4) The United States Constitution authorizes the
24 United States Congress to exercise only those specific powers

1 enumerated in Section 8, Article I, United States Constitution, and
2 those other powers as may be delegated to Congress through
3 amendments to the Constitution as ratified by the states.

4 (5) Article VI, United States Constitution, makes
5 supreme the Constitution and federal laws enacted pursuant to the
6 Constitution, further requiring that public officials at all levels
7 and in all branches of government support the Constitution.

8 (6) The power delegated to the United States Congress
9 to regulate commerce among the several states under Section 8,
10 Article I, United States Constitution, is limited to federal
11 regulation of actual commerce between the states and among foreign
12 nations. Regulation of intrastate commerce is reserved to the
13 states and to the people of the states. The Commerce Clause of the
14 Constitution constrains the legislative, executive, and judicial
15 branches of the federal government.

16 (7) The power delegated to the United States Congress
17 to make all necessary and proper federal laws under Section 8,
18 Article I, United States Constitution, allows Congress to enact
19 only those laws necessary and proper to execute the
20 constitutionally delegated powers vested in the federal
21 government, all other powers being reserved to the states and to the
22 people of the states.

23 (8) The power delegated to the United States Congress
24 to provide for the general welfare of the United States under
25 Section 8, Article I, United States Constitution, in the General
26 Welfare Clause constitutionally constrains Congress when
27 exercising a delegated power to act in a manner that serves the

1 states and the people of the states well and uniformly.

2 (9) Sections 1 and 2, Article I, Texas Constitution,
3 provide that this state and the people of this state retain the
4 sovereign power to regulate the affairs of Texas, subject only to
5 the United States Constitution.

6 (c) The federal government does not have the power to take
7 any legislative, executive, or judicial action that violates the
8 United States Constitution.

9 (d) The contract with the State of Texas has been willfully
10 violated by the federal government and must be constitutionally
11 restored.

12 (e) This Act calls on all officials in federal, state, and
13 local government, in all branches and at all levels, to honor their
14 oaths to preserve, protect, and defend the United States
15 Constitution and its ratified amendments against any federal action
16 that:

17 (1) would unconstitutionally undermine, diminish, or
18 disregard the balance of powers between the sovereign states and
19 the federal government established by the United States
20 Constitution and its ratified amendments; or

21 (2) is outside the scope of the power delegated to the
22 federal government by the United States Constitution.

23 SECTION 2. Subtitle Z, Title 3, Government Code, is amended
24 by adding Chapter 394 to read as follows:

25 CHAPTER 394. ENFORCEMENT OF UNITED STATES CONSTITUTION

26 Sec. 394.001. DEFINITIONS. In this chapter:

27 (1) "Committee" means the Joint Legislative Committee

1 on Constitutional Enforcement.

2 (2) "Federal action" includes:

3 (A) a federal law;

4 (B) a federal agency rule, policy, or standard;

5 (C) an executive order of the president of the

6 United States;

7 (D) an order or decision of a federal court; and

8 (E) the making or enforcing of a treaty.

9 (3) "Unconstitutional federal action" means a federal
10 action enacted, adopted, or implemented without authority
11 specifically delegated to the federal government by the people and
12 the states through the United States Constitution.

13 Sec. 394.002. JOINT LEGISLATIVE COMMITTEE ON
14 CONSTITUTIONAL ENFORCEMENT. (a) The Joint Legislative Committee
15 on Constitutional Enforcement is established as a permanent joint
16 committee of the legislature. The committee is established to
17 review federal actions that challenge the sovereignty of the state
18 and of the people for the purpose of determining if the federal
19 action is unconstitutional.

20 (b) The committee consists of the following 12 members:

21 (1) six members of the house of representatives
22 appointed by the speaker of the house; and

23 (2) six members of the senate appointed by the
24 lieutenant governor.

25 (c) Not more than four house members of the committee may be
26 members of the same political party. Not more than four senate
27 members of the committee may be members of the same political party.

1 (d) Members of the committee serve two-year terms beginning
2 with the convening of each regular legislative session.

3 (e) If a vacancy occurs on the committee, the appropriate
4 appointing officer shall appoint a member of the house or senate, as
5 appropriate, to serve for the remainder of the unexpired term.

6 (f) The speaker of the house and the lieutenant governor
7 shall each designate one member of the committee as a joint chair of
8 the committee.

9 (g) The committee shall meet at the call of either joint
10 chair.

11 (h) A majority of the members of the committee constitute a
12 quorum.

13 Sec. 394.003. COMMITTEE REVIEW OF FEDERAL ACTION. (a) The
14 committee may review any federal action to determine whether the
15 action is an unconstitutional federal action.

16 (b) When reviewing a federal action, the committee shall
17 consider the plain reading and reasoning of the text of the United
18 States Constitution and the understood definitions at the time of
19 the framing and construction of the Constitution by our forefathers
20 before making a final declaration of constitutionality, as
21 demonstrated by:

22 (1) the ratifying debates in the several states;

23 (2) the understanding of the leading participants at
24 the constitutional convention;

25 (3) the understanding of the doctrine in question by
26 the constitutions of the several states in existence at the time the
27 United States Constitution was adopted;

1 (4) the understanding of the United States
2 Constitution by the first United States Congress;

3 (5) the opinions of the first chief justice of the
4 United States Supreme Court;

5 (6) the background understanding of the doctrine in
6 question under the English Constitution of the time; and

7 (7) the statements of support for natural law and
8 natural rights by the framers and the philosophers admired by the
9 framers.

10 (c) Not later than the 180th day after the date the
11 committee holds its first public hearing to review a specific
12 federal action, the committee shall vote to determine whether the
13 action is an unconstitutional federal action.

14 (d) The committee may determine that a federal action is an
15 unconstitutional federal action by majority vote.

16 Sec. 394.004. LEGISLATIVE DETERMINATION. (a) If the
17 committee determines that a federal action is an unconstitutional
18 federal action, the committee shall report the determination to the
19 house of representatives and to the senate during:

20 (1) the current session of the legislature if the
21 legislature is convened when the committee makes the determination;
22 or

23 (2) the next regular or special session of the
24 legislature if the legislature is not convened when the committee
25 makes the determination.

26 (b) Each house of the legislature shall vote on whether the
27 federal action is an unconstitutional federal action. If a

1 majority of the members of each house determine that the federal
2 action is an unconstitutional federal action, the determination
3 shall be sent to the governor for approval or disapproval as
4 provided by Section 14, Article IV, Texas Constitution, regarding
5 bills.

6 (c) A federal action is declared by the state to be an
7 unconstitutional federal action on the day:

8 (1) the governor approves the vote of the legislature
9 making the determination; or

10 (2) the determination would become law if presented to
11 the governor as a bill and not objected to by the governor.

12 (d) The secretary of state shall forward official copies of
13 the declaration to the president of the United States, to the
14 speaker of the House of Representatives and the president of the
15 Senate of the Congress of the United States, and to all members of
16 the Texas delegation to Congress with the request that the
17 declaration of unconstitutional federal action be entered in the
18 Congressional Record.

19 Sec. 394.005. OTHER DETERMINATIONS OF UNCONSTITUTIONAL
20 FEDERAL ACTS. (a) This chapter does not limit or alter the
21 authority of the governor, the attorney general, a statewide
22 elected official, a state or federal court, a judge or justice, a
23 state or local appointed or elected official, or the governing body
24 of a political subdivision of this state to issue a verbal or
25 written opinion determining a federal action to be
26 unconstitutional.

27 (b) An opinion issued under Subsection (a) may be referred

1 to the committee for review under this chapter.

2 Sec. 394.006. EFFECT OF DECLARED UNCONSTITUTIONAL FEDERAL
3 ACTION. (a) A federal action declared to be an unconstitutional
4 federal action under Section 394.004 has no legal effect in this
5 state and may not be recognized by this state or a political
6 subdivision of this state as having legal effect.

7 (b) The state and a political subdivision of the state may
8 not spend public money or resources or incur public debt to
9 implement or enforce a federal action declared to be an
10 unconstitutional federal action.

11 (c) A person authorized to enforce the laws of this state
12 may enforce those laws, including Section 39.03, Penal Code,
13 against a person who attempts to implement or enforce a federal
14 action declared to be an unconstitutional federal action.

15 (d) This chapter does not prohibit a public officer who has
16 taken an oath to defend the United States Constitution from
17 interposing to stop acts of the federal government which, in the
18 officer's best understanding and judgment, violate the United
19 States Constitution.

20 (e) Texas officials in federal, state, and local government
21 shall honor their oaths to preserve, protect, and defend the United
22 States Constitution and shall act to constitutionally defend this
23 state and the people of this state.

24 Sec. 394.007. AUTHORITY OF ATTORNEY GENERAL. (a) The
25 attorney general may defend the state to prevent the implementation
26 and enforcement of a federal action declared to be an
27 unconstitutional federal action.

1 (b) The attorney general may prosecute a person who attempts
2 to implement or enforce a federal action declared to be an
3 unconstitutional federal action using Section 39.03, Penal Code, or
4 another provision of law.

5 (c) The attorney general may appear before a grand jury in
6 connection with an offense the attorney general is authorized to
7 prosecute under Subsection (b).

8 (d) The authority to prosecute prescribed by this chapter
9 does not affect the authority derived from other law to prosecute
10 the same offenses.

11 SECTION 3. Chapter 37, Civil Practice and Remedies Code, is
12 amended by adding Section 37.0056 to read as follows:

13 Sec. 37.0056. DECLARATIONS RELATING TO UNCONSTITUTIONAL
14 ACTS OF THE FEDERAL GOVERNMENT. (a) In this section, "federal
15 action" and "unconstitutional federal action" have the meanings
16 assigned by Section 394.001, Government Code.

17 (b) Any court in this state has original jurisdiction of a
18 proceeding seeking a declaratory judgment that a federal action
19 effective in this state is an unconstitutional federal action.

20 (c) A person is entitled to declaratory relief if the court
21 determines that a federal action is an unconstitutional federal
22 action.

23 (d) In determining whether to grant declaratory relief to a
24 person under this section, a court:

25 (1) may not rely solely on the decisions of other
26 courts interpreting the United States Constitution; and

27 (2) must rely on the plain meaning of the text of the

1 United States Constitution and any applicable constitutional
2 doctrine as understood by the framers of the constitution.

3 (e) Section 37.008 does not apply to relief sought under
4 this section.

5 SECTION 4. (a) Not later than the 30th day following the
6 effective date of this Act:

7 (1) the speaker of the house of representatives and
8 the lieutenant governor shall appoint the initial members of the
9 Joint Legislative Committee on Constitutional Enforcement
10 established under Section 394.002, Government Code, as added by
11 this Act; and

12 (2) the secretary of state shall forward official
13 copies of this Act to the president of the United States, to the
14 speaker of the House of Representatives and the president of the
15 Senate of the Congress of the United States, and to all members of
16 the Texas delegation to Congress with the request that this Act be
17 officially entered in the Congressional Record.

18 (b) Not later than the 45th day following the effective date
19 of this Act, the speaker of the house of representatives and the
20 lieutenant governor shall forward official copies of this Act to
21 the presiding officers of the legislatures of the several states.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2021.

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: S2/8/21 S2/22/21 S3/31/21
2 93rd General Assembly **A Bill**
3 Regular Session, 2021

SENATE BILL 59

4
5
6
7
8

By: Senators B. Ballinger, T. Garner, B. Johnson
By: Representatives Gonzales, Pilkington, McCollum, Dotson

For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS THE "INTRASTATE FIREARMS
10 PROTECTION ACT"; TO PREVENT THE UNITED STATES
11 GOVERNMENT FROM REGULATING THE MANUFACTURE, ASSEMBLY,
12 AND TRADE OF FIREARMS AND AMMUNITION WITHIN THE
13 BORDERS OF ARKANSAS; AND FOR OTHER PURPOSES.

14
15
16

Subtitle

17 TO BE KNOWN AS THE "INTRASTATE FIREARMS
18 PROTECTION ACT"; AND TO PREVENT THE
19 UNITED STATES GOVERNMENT FROM REGULATING
20 THE MANUFACTURE, ASSEMBLY, AND TRADE OF
21 FIREARMS AND AMMUNITION WITHIN THE
22 BORDERS OF ARKANSAS.

23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27
28

SECTION 1. Arkansas Code Title 4 is amended to add an additional
chapter to read as follows:

29
30

Chapter 21 – Jurisdiction Over Firearm Regulation

31
32

4-21-101. Scope.

33
34
35
36

(a)(1) The Tenth Amendment to the United States Constitution
guarantees to the states and their people all powers not granted to the
United States Government elsewhere in the United States Constitution and
reserves to the State of Arkansas and its people certain powers as those



1 powers were understood at the time that Arkansas was admitted into statehood
2 in 1836.

3 (2) The guaranty of those powers is a matter of contract between
4 the State of Arkansas and its people and the United States as of the time
5 that the compact with the United States was agreed upon and adopted by
6 Arkansas and the United States in 1836.

7 (b)(1) The Ninth Amendment to the United States Constitution
8 guarantees to the people rights not granted in the United States Constitution
9 and reserves to the people of Arkansas certain rights as they were understood
10 at the time that Arkansas was admitted into statehood in 1836.

11 (2) The guaranty of those rights is a matter of contract between
12 the State of Arkansas and its people and the United States as of the time
13 that the compact with the United States was agreed upon and adopted by
14 Arkansas and the United States in 1836.

15 (c) The regulation of intrastate commerce is vested in the states
16 under the Ninth and Tenth Amendments to the United States Constitution.

17 (d) The Second Amendment to the United States Constitution reserves
18 the right to keep and bear arms to the people as that right was understood at
19 the time that Arkansas was admitted into statehood in 1836, and the guaranty
20 of the right is a matter of contract between the State of Arkansas and its
21 people and the United States as of the time that the compact with the United
22 States was agreed upon and adopted by Arkansas and the United States in 1836.

23 (e)(1) Arkansas Constitution, Article 2, § 5, clearly secures to
24 Arkansas citizens and prohibits government interference with the right of
25 individual Arkansas citizens to keep and bear arms.

26 (2) This constitutional protection is unchanged from the 1836
27 Arkansas Constitution, which was approved by the United States Congress and
28 the people of Arkansas, and the right exists as it was understood at the time
29 that the compact with the United States was agreed upon and adopted by
30 Arkansas and the United States in 1836.

31
32 4-21-102. Definitions.

33 As used in this chapter:

34 (1) "Borders of Arkansas" means the boundaries of Arkansas
35 described in Arkansas Constitution, Article 1;

36 (2) "Firearms accessory" means an item that is used in

1 conjunction with or mounted upon a firearm but is not essential to the basic
2 function of a firearm, including without limitation telescopic or laser
3 sights, magazines, flash or sound suppressors, folding or aftermarket stocks
4 and grips, speedloaders, ammunition carriers, and lights for target
5 illumination;

6 (3) "Generic and insignificant part" means a small component
7 used in the manufacture of a firearm, including without limitation a spring,
8 a screw, a nut, or a pin; and

9 (4) "Manufactured" means that a firearm, a firearm accessory, or
10 ammunition has been created from basic materials for functional usefulness,
11 including without limitation forging, casting, machining, or other processes
12 for working materials.

13
14 4-21-103. Prohibitions.

15 (a) A personal firearm, a firearms accessory, or ammunition that is
16 manufactured commercially or privately in Arkansas and that remains within
17 the borders of Arkansas is not subject to federal law or federal regulation,
18 including registration, under the authority of the United States Congress to
19 regulate interstate commerce, as those items have not traveled in interstate
20 commerce.

21 (b)(1) This chapter applies to a firearm, a firearms accessory, or
22 ammunition that is manufactured in Arkansas from basic materials and that can
23 be manufactured without the inclusion of any significant parts imported from
24 another state.

25 (2) Generic and insignificant parts that have other
26 manufacturing or consumer product applications that are not firearms,
27 firearms accessories, or ammunition that are imported into Arkansas and
28 incorporation into a firearm, a firearm accessory, or ammunition manufactured
29 in Arkansas do not subject the firearm, firearm accessory, or ammunition to
30 federal regulation.

31 (3) Basic materials, such as unmachined steel and unshaped wood,
32 are not firearms, firearms accessories, or ammunition and are not subject to
33 congressional authority to regulate firearms, firearms accessories, and
34 ammunition under interstate commerce as if they were actually firearms,
35 firearms accessories, or ammunition.

36 (4) The authority of the United States Congress to regulate

1 interstate commerce in basic materials does not include authority to regulate
2 firearms, firearms accessories, and ammunition made in Arkansas from the
3 materials contained in this subsection as long as the firearm is not taken or
4 sold outside the boundaries of the State of Arkansas.

5 (c) Firearms accessories that are imported into Arkansas from another
6 state and that are subject to federal regulation as being in interstate
7 commerce do not subject a firearm to federal regulation under interstate
8 commerce because they are attached to or used in conjunction with a firearm
9 in Arkansas.

10 (d) This section does not apply to:

11 (1) A firearm that cannot be carried and used by one (1) person;

12 (2) A firearm that has a bore diameter greater than one and one-
13 half inches (1 1/2") and that uses smokeless powder, not black powder, as a
14 propellant;

15 (3) Ammunition with a projectile that explodes using an
16 explosion of chemical energy after the projectile leaves the firearm; or

17 (4) Other than shotguns, a firearm that discharges two (2) or
18 more projectiles with one (1) activation of the trigger or other firing
19 device.

20
21 4-21-104. Marketing of firearms.

22 A firearm manufactured or sold in Arkansas that is subject to this
23 chapter must have the words "Made in Arkansas" or other words that state that
24 Arkansas is the point of origin of the firearm clearly and conspicuously
25 stamped on a central metallic part such as the receiver or frame.

26
27 4-21-105. Unlawful enforcement of federal statutes.

28 (a) An employee of a state agency, a public servant of the state, or
29 an agent or employee of the United States Government shall not knowingly
30 enforce or attempt to enforce any act, law, statute, rule, or regulation of
31 the United States Government created or effective on or after January 1,
32 2021, and relating to a personal firearm, firearm accessory, or ammunition
33 that is owned or manufactured commercially or privately in Arkansas so long
34 as the personal firearm, firearm accessory, or ammunition is within the
35 borders of Arkansas.

36 (b) A person who violates this section upon conviction is guilty of a

1 Class A misdemeanor.

2

3

4

/s/B. Ballinger

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/17/21

A Bill

SENATE BILL 298

5 By: Senator G. Stubblefield
6 By: Representative B. Smith
7

For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS THE "ARKANSAS SOVEREIGNTY ACT
10 OF 2021"; CONCERNING THE RIGHT TO BEAR ARMS IN THE
11 STATE OF ARKANSAS; CONCERNING OTHER CONSTITUTIONAL
12 RIGHTS; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO BE KNOWN AS THE "ARKANSAS SOVEREIGNTY
16 ACT OF 2021"; CONCERNING THE RIGHT TO
17 BEAR ARMS IN THE STATE OF ARKANSAS; AND
18 CONCERNING OTHER CONSTITUTIONAL RIGHTS.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 1 is amended to add an additional
25 chapter to read as follows:

CHAPTER 6

ARKANSAS SOVEREIGNTY ACT OF 2021

1-6-101. Title.

29 This chapter shall be known and may be cited as the "Arkansas
30 Sovereignty Act of 2021".
31

1-6-102. Legislative findings.

32 The General Assembly finds that:

33 (1) The State of Arkansas is firmly resolved to support and
34 defend the United States Constitution against every aggression, either
35
36



1 foreign or domestic, and the General Assembly is duty bound to watch over and
2 oppose every infraction of those principles that constitute the basis of the
3 United States because only a faithful observance of those principles can
4 secure the nation's existence and the public happiness;

5 (2) Acting through the United States Constitution, the people of
6 the several states created the United States Government to be their agent in
7 the exercise of a few defined powers, while reserving to the state
8 governments the power to legislate on matters that concern the lives,
9 liberties, and properties of citizens in the ordinary course of affairs;

10 (3) The limitation of the United States Government's power is
11 affirmed under the Tenth Amendment to the United States Constitution, which
12 defines the total scope of federal power as being that which has been
13 delegated by the people of the several states to the United States
14 Government, and all power not delegated to the United States Government in
15 the United States Constitution is reserved to the states respectively, or to
16 the people themselves;

17 (4) Whenever the United States Government assumes powers that
18 the people did not grant it in the United States Constitution, its acts are
19 unauthoritative, void, and of no force;

20 (5)(A) The several states of the United States are not united on
21 the principle of unlimited submission to the United States Government.

22 (B) The United States Government created by the United
23 States Constitution is not the exclusive or final judge of the extent of the
24 powers granted to it by the United States Constitution, because that would
25 have made the United States Government's discretion, and not the United
26 States Constitution, the measure of those powers.

27 (C) To the contrary, as in all other cases of compacts
28 among powers having no common judge, each party has an equal right to judge
29 itself, as well of infractions as of the mode and measure of redress.

30 (D)(i) Although the several states have granted supremacy
31 to laws and treaties made under the powers granted in the United States
32 Constitution, such supremacy does not apply to various federal statutes,
33 orders, rules, regulations, or other actions that restrict or prohibit the
34 manufacture, ownership, and use of firearms, firearm accessories, or
35 ammunition exclusively within the borders of Arkansas.

36 (ii) Such statutes, orders, rules, regulations, and

1 other actions exceed the powers granted to the United States Government
2 except to the extent that they are necessary and proper for the United States
3 Government and regulation of the land and naval forces of the United States
4 Armed Forces or for the organizing, arming, and disciplining of militia
5 forces actively employed in the service of the United States Armed Forces;

6 (6) The people of the several states have given the United
7 States Congress the power "to regulate commerce with foreign nations, and
8 among the several states, and with the Indian tribes", but regulating
9 commerce does not include the power to limit citizens' right to keep and bear
10 arms in defense of their families, neighbors, persons, or property or to
11 dictate what sort of arms and accessories law-abiding, mentally competent
12 Arkansas citizens may buy, sell, exchange, or otherwise possess within the
13 borders of this state;

14 (7)(A) The people of the several states have also given the
15 United States Congress the power "to lay and collect taxes, duties, imposts
16 and excises, to pay the debts and provide for the common defense and general
17 welfare of the United States" and "to make all laws which shall be necessary
18 and proper for carrying into execution ... the powers vested by this
19 Constitution in the Government of the United States, or in any department or
20 officer thereof".

21 (B)(i) These federal constitutional provisions merely
22 identify the means by which the United States Government may execute its
23 limited powers and ought not to be so construed as themselves to give
24 unlimited powers because to do so would be to destroy the balance of power
25 between the United States Government and the state governments.

26 (ii) The General Assembly denies any claim that the
27 taxing and spending powers of the United States Congress can be used to
28 diminish in any way the people's right to keep and bear arms; and

29 (8) The people of Arkansas have vested the General Assembly with
30 the authority to regulate the manufacture, possession, exchange, and use of
31 firearms within this state's borders, subject only to the limits imposed by
32 the Second Amendment to the United States Constitution and Arkansas
33 Constitution, Article 2, § 5.

34

35 1-6-103. Firearm rights.

36 (a) All acts, laws, orders, rules, and regulations of the United

1 States Government, whether past, present, or future, that infringe on the
2 people's right to keep and bear arms as guaranteed by the Second Amendment to
3 the United States Constitution and Arkansas Constitution, Article 2, § 5, are
4 invalid in this state, shall not be recognized by this state, are
5 specifically rejected by this state, and shall be considered null and void
6 and of no effect in this state.

7 (b) Such federal acts, laws, orders, rules, and regulations that are
8 null and void in this state under subsection (a) of this section include
9 without limitation:

10 (1) The National Firearms Act, 26 U.S.C. § 5801 et seq.;

11 (2) The Gun Control Act of 1968, 18 U.S.C. § 921 et seq.;

12 (3) Any tax, levy, fee, or stamp imposed on firearms, firearm
13 accessories, or ammunition not common to all other goods and services that
14 could have a chilling effect on the purchase or ownership of those items by
15 law-abiding citizens;

16 (4) Any registering or tracking of firearms, firearm
17 accessories, or ammunition that could have a chilling effect on the purchase
18 or ownership of those items by law-abiding citizens;

19 (5) Any registering or tracking of the owners of firearms,
20 firearm accessories, or ammunition that could have a chilling effect on the
21 purchase or ownership of those items by law-abiding citizens;

22 (6) Any act forbidding the possession, ownership, or use or
23 transfer of any type of firearm, firearm accessory, or ammunition by law-
24 abiding citizens; and

25 (7) Any act ordering the confiscation of firearms, firearm
26 accessories, or ammunition from law-abiding citizens.

27 (c) It is the duty of the courts and law enforcement agencies of this
28 state to protect the rights of law-abiding citizens to keep and bear arms
29 within the borders of this state from the infringements described under
30 subsection (b) of this section.

31 (d)(1) The following persons shall not enforce or assist federal
32 agencies or officers in the enforcement of any federal statute, executive
33 order, or federal agency directive that conflicts with Arkansas Constitution,
34 Article 2, § 5, or any Arkansas law:

35 (A) A public officer or employee of this state;

36 (B) A law enforcement officer; or

1 (C) A representative, agent, or employee of a
2 municipality, a county, or the state, acting under the color of law, with all
3 the rights, grants, and assignments of a law enforcement officer in the
4 state.

5 (2) The persons and prohibitions described under subdivision
6 (d)(1) of this section include personnel, agents of the state or local
7 government, including volunteers, the use of tax dollars, and persons having
8 authority to enforce or attempt to enforce any of the infringements on the
9 right to keep and bear arms described under subsection (b) of this section.

10 (e)(1) A person described under subsection (d)(1) of this section who
11 knowingly assists or provides support or information to federal agents or
12 agencies in the enforcement of federal law, an executive order, or a federal
13 agency directive that conflicts with Arkansas Constitution, Article 2, § 5,
14 or other Arkansas law is upon conviction guilty of an unclassified
15 misdemeanor.

16 (2) The penalty for violating this subsection is a fine of five
17 hundred dollars (\$500) for each offense.

18 (f)(1) A supervisory officer or elected official who knowingly directs
19 any law enforcement officer to assist a federal law enforcement agency in
20 violating the rights of a person as described under subsection (d) of this
21 section is upon conviction guilty of an unclassified misdemeanor.

22 (2) The penalty for violating this subsection is a fine of not
23 less than five hundred dollars (\$500) nor more than one thousand dollars
24 (\$1,000) for each offense.

25 (g) A person described under subsection (d) of this section who
26 knowingly attempts to enforce any of the infringements on the right to keep
27 and bear arms described under subsection (b) of this section forfeits all
28 immunity otherwise provided him or her under the laws of this state.

29 (h) An Arkansas citizen who has been subject to an effort to enforce
30 any of the infringements on the right to keep and bear arms described under
31 subsection (b) of this section shall have a cause of action, including
32 declaratory judgment and for monetary damages, against a person or entity
33 attempting such enforcement.

34
35 1-6-104. Enumerated rights.

36 (a) All federal acts, laws, orders, rules, and regulations, whether

1 past, present, or future, that infringe on the following enumerated rights
2 found in the Arkansas Constitution are invalid in this state, shall not be
3 recognized by this state, are specifically rejected by this state, and shall
4 be considered null and void and of no effect in this state:

5 (1) The right to peacefully assemble as found in Arkansas
6 Constitution, Article 2, § 4;

7 (2) The right to enjoy freedom of speech and of the press as
8 found in Arkansas Constitution, Article 2, § 6;

9 (3) The right to remain free from self-incrimination and have a
10 right to due process as found in Arkansas Constitution, Article 2, § 8;

11 (4) The right to be free from excessive bail, cruel and unusual
12 punishment, and unreasonable detention as found in Arkansas Constitution,
13 Article 2, § 9;

14 (5) The right to be free from unreasonable searches and seizures
15 as found in Arkansas Constitution, Article 2, § 15;

16 (6) The right to be free from ex post facto laws as found in
17 Arkansas Constitution, Article 2, § 17;

18 (7) The right not to be taken, imprisoned, disseized of his or
19 her estate, freehold, liberties or privileges, outlawed, or in any manner
20 destroyed, or deprived of his or her life, liberty or property, except by the
21 judgment of his or her peers, or the law of the land as found in Arkansas
22 Constitution, Article 2, § 21; and

23 (8) The right to worship as found in Arkansas Constitution,
24 Article 2, § 24.

25 (b) It is the duty of the courts and of the law enforcement agencies
26 of this state to protect the rights of law-abiding citizens within the border
27 of this state from infringement of any of the rights enumerated under this
28 section and as found in Arkansas Constitution, Article 2.

29 (c)(1) The following persons shall not enforce or assist federal
30 agencies or officers in the enforcement of any federal statute, executive
31 order, or federal agency directive that conflicts with Arkansas Constitution,
32 Article 2, § 4, or any Arkansas law:

33 (A) A public officer or employee of this state;

34 (B) A law enforcement officer; or

35 (C) A representative, agent, or employee of a
36 municipality, a county, or the state, acting under the color of law, with all

1 the rights, grants, and assignments of a law enforcement officer in the
2 state.

3 (2) The persons and prohibitions described under subdivision
4 (c)(1) of this section include personnel, agents of the state or local
5 government, including volunteers, the use of tax dollars, and persons having
6 authority to enforce or attempt to enforce any of the infringements on the
7 rights described under subsection (a) of this section.

8 (d)(1) A person described under subsection (c) of this section who
9 knowingly assists or provides support or information to federal agents or
10 agencies in the enforcement of federal law, an executive order, or a federal
11 agency directive that conflicts with the rights outlined under subsection (a)
12 of this section or Arkansas law is upon conviction guilty of an unclassified
13 misdemeanor.

14 (2) The penalty for violating this subsection is a fine of five
15 hundred dollars (\$500) for each offense.

16 (e)(1) A supervisory officer or elected official who knowingly directs
17 any law enforcement officer to assist a federal law enforcement agency in
18 violating the rights described under subsection (a) of this section is upon
19 conviction guilty of an unclassified misdemeanor.

20 (2) The penalty for violating the rights described under
21 subsection (a) of this section is a fine of not less than five hundred
22 dollars (\$500) nor more than one thousand dollars (\$1,000) for each offense.

23 (f) A person described under subsection (c) of this section who
24 knowingly attempts to enforce any of the infringements on the rights
25 described under subsection (a) of this section forfeits any immunity
26 otherwise provided him or her under the laws of this state.

27 (g) A person who is an official, agent, or employee of the United
28 States Government who knowingly enforces or attempts to enforce any
29 infringements under subsection (a) of this section upon conviction is guilty
30 of a Class A misdemeanor.

31 (h) An Arkansas citizen who has been subject to an effort to enforce
32 any of the infringements on the rights described under subsection (a) of this
33 section shall have a cause of action, including declaratory judgment and for
34 monetary damages, against a person or entity attempting such enforcement.

35
36

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36

s/G. Stubblefield

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.



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