STATE SENATOR KATHY BERNIER
TWENTY-THIRD SENATE DISTRICT

State Capitol • P.O. Box 7882 • Madison, WI 53707
Office: (608) 266-7511 • Toll Free: (888) 437-9436
Sen.Bernier@legis.wi.gov • www.SenatorBernier.com

From: **Senator Kathy Bernier**

To: **Senate Committee on Government Operations, Legal Review and Consumer Protection**

Re: **Testimony on Senate Joint Resolution 8**
Relating to: Convention of the States for one or more Constitutional amendments restraining abuses of power by the federal government.

Date: **March 24, 2021**

Good morning, Chairman Stroebel and committee members, and thank you for holding this hearing today.

States have been the bulwark of liberty since our nation's birth. When the founders of the United States of America created the Constitution, they did so as representatives of their home states. Forethinking that they were, they built a safety valve into the Constitution itself, charting out the ways to change the document should that need ever arise. Furthermore, with the adoption of the first ten amendments to the Constitution, they cemented the primacy of the states, declaring that any powers not expressly given to the national government are reserved for the individual states or to the people.

In February of 2020, before we knew that the novel coronavirus would upend our world, the public debt of the United States sat at nearly $23.5 trillion. It is difficult for the human mind to comprehend a number that large. But as one could imagine, it gets worse. Massive stimulus spending to combat the effects of the pandemic pushed the national debt to more than $28 trillion as of yesterday evening.

The national government is out of control. There are no incentives to rein in spending, and Congress has been derelict in its duty time and time again. Like a B-movie horror film, the tendrils of the administrative state continue to reach further into our daily lives as the bloat of the "*Thing from D.C.*" accelerates.

It is time for Wisconsin to join states around the country – 15 so far – in passing an Article V application to call a convention of states strictly limited to proposing amendments to the Constitution that:

- Impose fiscal restratints on the federal government
- Limit the power and jurisdiction of the federal government
- Limit the terms of office for its officials and for members of Congress

Without thinking boldly, without massive structural reforms, we will remain at the precipice of national disaster. Thankfully we have a well mapped out and legal option to back us away from the edge. It is time that We the People use it.

I would like to thank Representative Knodl for his work, and to thank you again for your time. I would be happy to answer any questions you may have.

ASSEMBLY DISTRICT
TWENTY • FOUR

DAN KNODL

STATE REPRESENTATIVE • 24TH ASSEMBLY DISTRICT

Senate Joint Resolution 8
Public Testimony
Senate Committee on Government Operations, Legal Review, and Consumer Protection
March 24, 2021

Thank you Chairman Stroebel and members of this committee for holding this hearing on Senate Joint Resolution 8.

This proposal would add Wisconsin to the 15 other states that have already submitted an Article V application to Congress regarding the Convention of States Project. This application would restrict such a convention to three main points:

1. Imposing fiscal restraints on the federal government
2. Limiting the power and jurisdiction of the federal government; and
3. Limiting the terms in office for federal officials and members of Congress

When we first introduced this resolution less than two years ago, the debt stood at $22.5 trillion. Today, the federal debt is nearly $28 trillion and growing.

While our Founders gave us a remarkably durable Constitution, over time we have experienced the federal government and the administrative state creep into every corner of our lives. It is time we reassert the rights we have as a state and reaffirm the age old tradition of federalism. Proposals such as a balanced budget amendment and federal term limits enjoy broad public support and deserve the due diligence that an Article V convention would provide.

The process outlined in Article V of the U.S. Constitution requires the applications of 34 states in order to call a convention. Be advised that simply because an item is included within the scope of such a convention does not mean that the convention must ultimately pass that amendment to the states for ratification. Furthermore, any amendments proposed at a convention would require the approval of 38 state legislatures in order to be ratified. As you can see, these hurdles are extremely high by design.

A balanced budget is not a radical thing to require of our federal government. We are constitutionally required to balance our state budget in Wisconsin, along with 49 other states that either have a similar constitutional or statutory requirement.

Our state passed an Article V application relating to a balanced budget amendment during the 2017 session. There are two reasons why we need to pass this resolution as well. The first is that all applications for Article V conventions must be uniform across the states, so it will do us well to have both resolutions passed. The second is that the language of the 2017 resolution comes short of fixing the problems we face as a nation. The added language of restraining the power of the federal government in this resolution would allow us to prevent the possibility of Washington simply passing along unfunded mandates to the states to avoid addressing the true cost of their fiscal irresponsibility.

Thank you for your time and attention to this matter, and I would be happy to take any questions.

Capitol Office: Post Office Box 8952 • Madison, WI 53708-8952 • (608) 266-3796 • Toll-Free: (888) 529-0024 • Fax: (608) 282-3624
District: N101 W14475 Ridgefield Ct. • Germantown, WI 53022 • (262) 502-0118 • Rep.Knodl@legis.wi.gov

WISCONSIN
1848

CONVENTION *of* STATES ACTION
WISCONSIN

Dear Committee Members,

We have been asking constituents around the state to write their representatives and explain why this Convention of States movement is important to them. As committee members deciding whether our resolution should move forward or not, we felt it may be important for you to read the reasons why Wisconsin citizens feel the idea of a Convention is the way to keep our country moving forward.

We have also included several articles addressing common questions, issues and objections. Thank you for taking the time to read these letters and moreover, thank you for your consideration.

Joanne Laufenberg
State Director
Lake Geneva, WI
414-750-0327

Thank you for your time. After six years of talking to Wisconsinites, while researching history, the constitution and this article v debate, I've come to one conclusion. We need my husband. He will sit through a two hour discussion with family, friends, a Bible study or seminar and crystallize the most important point in one phrase or sentence. It will summarize, clarify, mend fences and impart wisdom. It's a beautiful gift I do not have.

Nevertheless, here is my attempt on his behalf. If we restore the original meaning of the constitution, reestablish the enumerated powers, and get the federal government (along with it's deep state minions in our state and local departments) to follow the declaration of independence by obtaining amendments of the proper kind; we can have a bright future free of quadrupled health insurance premiums, thought police, medical mandates, mass business closures, power grid failures, hyperinflation, and frightening elections.

There will be trials. There's no getting around it in this fallen world; but there will also be seasons of freedom and victory for everyone who works toward it.

Every single argument against this convention process has been debunked, when examined within factual historic and legal context. I am happy to handle any objection anytime. Most of us can agree that electing good people and refusing to comply with illegal regulations is the right thing to do. However, it is quite simply NOT enough.

We can legally restore freedom and root out all of this destructive dysfunction by using the method the framers of the constitution designed for state legislators to restrain our out of control, unaccountable, runaway, oppressive federal government.

We are behind you all the way. Lead us into victory. You are our only hope. Thank you.

Godspeed

March 3, 2021

Wisconsin Assembly
Committee on Constitution and Ethics
Subject: Hearing testimony regarding AJR 9

Dear Committee Members:

Thank you for allowing me the opportunity to testify today. I will keep my remarks short and focus on one of the main reasons I strongly support calling an Article V convention of states.

Attached to this written statement is a current graph of the M1 Money Supply that is available on the Federal Reserve's website. I am not a trained economist, and I am not competent to testify about the intricacies of the different measurements of the money supply. However, from a layperson's perspective, the graph simply shows a fact that most Americans already know to be true: that the amount of new U.S. currency created in 2020 is unprecedented. Most Americans already know that because nobody is complaining about a sudden drastic increase in their federal tax obligations despite the multiple rounds of multi-trillion dollar spending bills passed last year.

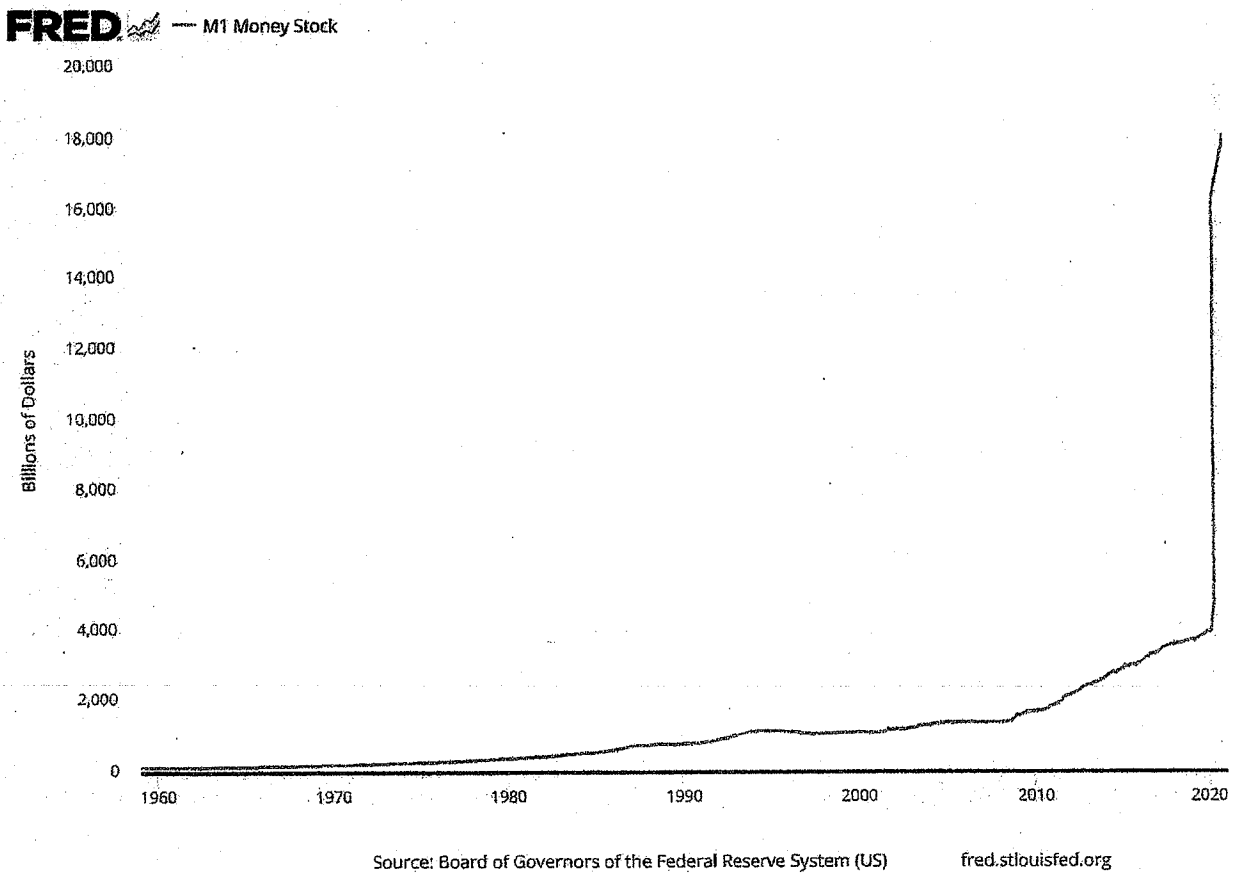
State governments must finance their spending with tax revenues, borrowing, or grants from the federal government. The federal government's ability to finance large amounts of government spending by creating new money, instead of raising taxes or borrowing, gives it a fiscal advantage over states. Although that fiscal advantage has always existed, it has historically been constrained by inflation concerns. Now, it appears like concerns about inflation are much less constraining on federal spending than they were before.

In my opinion, an Article V convention of states provides the only path to reestablishing somewhat of a balance between the fiscal power of state governments versus the federal government. Absent such a rebalancing, our system of federalism—and therefore, our system of self-government—is likely to soon fail.

Thank you again for your time.

Sincerely,

Taylor Rens
5321 Middleton Drive
Greendale, WI 53129



Taylor Rens grew up living on some of the finest topsoil on earth in Newton, Iowa. After high school, he graduated from Winona State University *cum laude* with a B.A. in political science and was selected by the political science department's faculty as the most outstanding political science graduate of his class. After college, Taylor worked in production control at Alliance Laundry Systems in Ripon, Wisconsin before attending law school at the University of Wisconsin-Madison on an academic scholarship. While in law school, Taylor interned for Justice Michael Gablemen and the Office of Governor Scott Walker. In 2019, Taylor argued a case before the Wisconsin Supreme Court, which resulted in a victory for his client on one of the two issues presented. Taylor currently lives in Greendale, Wisconsin and practices law with a focus on real estate related matters.

Vince Gorichan

Wauwatosa

I give my thanks to the committee for hearing from my fellow citizens and me. My fellow supporters have studied the history of the Constitution and the why's and wherefores and wisdom of that document. I trust and know that they will and have done a fine job explaining the details to you. I would like to approach this issue from a little different angle.

The wise ones often told me you should learn from your mistakes. Maybe that is why I have learned so much over the years. I have learned that if you think something should be done, you shouldn't dilly-dally about it and later be sorry. Rather, you should take care of the problem now and later be glad you did.

Did you ever hear a funny noise coming from your car and think----I will have to get that looked at? And time goes on. Then one day - you're driving to Madison to attend an important committee meeting or to vote on a bill. All of a sudden you hear an awful noise come from your car and you find yourself stranded along the freeway. You say to yourself. Why didn't I get that looked at when I had a chance?

This is what can happen when you choose inaction instead of action. It works the other way as well. We have all heard of the stories where a person felt something on their body. A lump, a bump, or feeling that did not seem right. They decided to go to the doctor to have it checked out. After the tests, scans, inspections etc., the doctor says----it's lucky you came in. It's bad but we can fix it. If you would have waited it would have been really bad. This is the case where action vs. inaction saved the day.

We are now at a point where we are hearing some noises coming out of our federal government. We have heard them for some time. We hear and see that they want to control more of our day to day life. We hear they want to control our schools. They want to write our election laws. They want to dictate how our State spends the tax money we have sent to them We are feeling something that does not seem right. I get a knot in my stomach when I hear how much money is being printed. I feel queasy when the independent economists predict future financial disaster if we do not do something now.

I get a headache when I see how long our federal representative have been in office. Now is the time when the issue before us must be addressed. It is time to choose between action or inaction. Are we going to put it off until something really bad happens and be teary eyed and guilty feeling because we missed our chance to make a difference? Better yet, are we going to confront the problem now and be glad later that we did? Are we going to rise up against government overreach, disastrous spending, and rule by a modern-day federal aristocracy steered by lifelong federal politicians? The authors of the Constitution knew that a time may come when the People and the States may need to intervene into our Constitution via amendments to assert our right to freedom and independence.

Please confront this problem now by making use of Article V of the U.S. Constitution and approving our Convention of States Resolution SJR-8. Choose action over inaction. You will be glad you did.

Thank You

Thank you, chairman and distinguished members of this committee. My name is Doug Dorn and I am here today as a concerned Husband, Father, United States Citizen, Army Veteran, Son of a Veteran and Tax Payer. A portion of the money I earn **every day,** enables my local, state and federal government to function. Millions like me fund the greatest nation this world has ever seen.

After years of watching people speak **BOLDLY** on the campaign trail and act **WEAKLY** once taking office, I searched for a way to truly affect the positive change I believe our nation needs. I stumbled across an organization called Convention of States. Through them I learned about the power of Article V of the U.S. Constitution. Article V gives American Citizens the power to directly influence the future of our great nation – Of the People, By the People, For the People. Article V is what our nation needs NOW. Our federal government is out of control in many ways and so over-grown, our founders would never recognize it.

The issue I would like to speak about is the overreach of the federal government. Here are two of the most egregious examples:

Blowing up the healthcare system with Obamacare.

1) Our monthly healthcare plan premiums have increased from around $20 per paycheck to $225 per paycheck.
2) Our annual deductibles have increased from around $200 per year to $6000 per person and $13000 per family.
3) While the prices go up, the quality of services has gone down and we are waiting longer for appointments.

This government overreach is little more than redistribution of wealth.

Forcing Common Core curriculum into all public and parochial schools

Common Core removed classic literature from classrooms and replaced it with Diversity, Equity & Inclusion dogma. Sophisticated writing by world-class authors and elevated, interesting vocabulary disappeared, replaced by colloquial, dumbed-down language that elevates no one's thinking and repeats the same tired, politically correct dogma in book after book.

Common Core also dumbed-down math while making it much less fun to learn or teach. Math facts are now not as important as "flexible thinking." "Diverse" math strategies became the focus - such as five different ways to do multiplication and long division.

This complicates problem-solving and confuses kids by focusing on "choosing the strategy that is right for you" rather than solving problems simply, accurately, and consistently. The right answer is not as important as having choices in how to arrive at an answer.

The Chinese, Japanese, South Koreans and other nations are leaps and bounds ahead of us in math excellence - both in teaching strategy and in sophisticated student outcomes.

Thank you for the opportunity to speak today.

Hi, I have a genetic disorder which causes slow and slurred speech, so bear with me.

My name is Tom Ward, district 12, about 10 miles from the MI border.

I want a Convention of States for you and all Americans. I have no children who will inherit generations of debt bondage and I can live the rest of my life in the woods when the unrestrained growing tyranny takes firm control, but what about everyone else?

I like this quote by Thomas Jefferson.

"I think myself that we have more machinery of government than is necessary, too many parasites living on the labor of the industrious. Government big enough to supply everything you need is big enough to take everything you have...The course of history shows that as government grows, liberty decreases. The two enemies of the people are criminals and government, so let us tie down the second with the chains of the constitution so the second will not become the legalized version of the first." – This was in 1824, when the govt. had 8500 civilian employees, there are now over 4 million.

Before I go, I thought you ought to know how the opposition regards our state legislators.

From Article V:" ...in either case, shall be valid...as part of THIS Constitution when ratified by...three fourths of the several states...".

Based on that passage a runaway convention, or a con-con, can only happen if the legislators in 38 states will blindly ratify anything put before them... Any sane person knows this is not going to happen.

Thank you for your time and indulgence.

Art Binhack Testimony
Before Wisconsin Senate Hearing on SJR8 - Version 5
Scheduled for March 24, 2021 at 10 am CST

Thank you for this opportunity to speak before the Wisconsin Senate. I am truly grateful and honored. I am going to keep my testimony short so others may share their concerns. But I must tell you it was difficult to pare my comments down. Our Federal Government is a large entity which is committed to gathering power and control. It has over reached its boundaries in many ways. I believe the more power our Government has, the fewer rights freedoms I experience.

My personal experience with Big Government Over Reach concerns my profession. Which was selling Technology. After 16 years of success in my field, I found myself, unemployed, with the country mired in a deep recession. At that time there were few employment opportunities. Alan Greenspan the Chair of the Federal Reserve had increase interest rates 17 times to end stock market speculation and growth. He labeled it the "Internet bubble" Mr. Greenspan a Quasi-Federal Government Official changed monetary policy based on his opinion.

For the next 20 years until I recently retired, I was either unemployed or under employed. I found it very tough. During the last 20 years I tried to start 3 different small businesses. None were successful.

In 2017 I had an epiphany. I heard a news item about the Small Business Spyder Stock which had recovered from a 17 year low! Small business hit major economic head winds since Mr. Greenspan tanked the economy in 2000. Initially this fact gave me some emotional relief. Then I got angry. I realized Big Centralized Government, which regulates so much of our economy played a part of my career failure. It seems our Federal Government is conducting a war on small business.

A component of the war on Small Business the Federal Government wages is funding our own Healthcare. My wife and I were paying over $1,000 per month with high deductibles when I had my small business. I believe shifting Healthcare costs have disrupted the Healthcare market since a huge Government Top Down Program was signed into law in 1965. Medicare forces Healthcare providers to shift costs to such a degree that there is no creditable price list for Healthcare Services. The notorious and mis named Affordable Healthcare Act. For the first time forced Americans to buy a product, and for men to pay for paternity services. And it was not affordable, it increased premiums and deductibles significantly. Americans need a functioning free market for Healthcare, not more Top Down Centrally Planned Government Overreach.

As a small business person, expenses were significantly increased with the increase in gas prices. I worked in outside sales, driving in Wisconsin, Chicago, and Indianapolis. I have paid over four dollars per gallon for fuel. The increase in fuel expense came directly out of any meager profit I was able to scrape together. After achieving energy independence in 2019, President Biden issued an Executive Order to close the Keystone Pipeline and to stop Natural Gas (a very clean fuel by the way) from being extracted from public lands. Ostensibly President Biden did this to save the planet and slow carbon emissions. Even though he also has entered America back into the Paris ClimateAccord which will curtail the United States energy production, but do nothing to limit polluting countries like China.

I sadly conclude our government is using our own tax dollars to grow government out of a Republic that celebrates Freedom to a Centrally Controlled Socialist System.

Please support vigorously Senate Joint Resolution 8 to reduce the size and scope of government, and create term limits for our Federal Professional Politicians.

Again, I want to express my sincere gratitude to the Wisconsin Senate for listening to my testimony. Thank you very much.

Good morning. Senator Stroebel & members of the Senate Committee on Government Operations, Legal Review and Consumer Protection

My name is Vicky Ostry and I live in Germantown, Wisconsin. I support this resolution to call for a Convention of States.

The challenges of 2020 have underlined the importance of strong state and local governments as well as the importance of personal involvement. These things are key to a successful, long lived republic and to its enabling its citizens to pursue the unalienable rights set out in the Declaration of Independence, including Life, Liberty and the pursuit of Happiness."

I've spent some time deciding what to say today.

I thought to explain that the Framers of the Constitution were not supernatural beings – they were farmers, bankers, merchants and lawyers, just good people who cared, like you and I.

I thought to explain how federalism works -- with a strong balance of power between the States and the Federal government.

I thought to discuss how this is not a left vs right question. This is not a democrat vs republican question. This is Power issue, a People vs a government-moving-toward-tyranny issue. But you already know all of this. You've likely heard all of the arguments for and against this; and if by chance you haven't, I'm sure you'll hear many of them today.

So, what could I say that would sway you? What can I say to help you see that calling a Convention of States is the right solution to the problem of an increasingly unaccountable federal government?

I concluded it's just this. There are only two questions that really matter.

Question #1: Who can fix the problem of a federal government heading toward tyranny? The first answer echoes through history and into this chamber. Are WE so naïve as to think the federal government will restrain its own power? The precise and only solution the Framers gave us is in the Article 5 Convention of States.

Question #2: Did the Founders, who included the 2nd option in Article V, make an error by placing their trust in you? I don't think so. You are one of us, elected by us to represent the interests of Wisconsinites, tens of thousands of whom have signed on to support our efforts to put in place restrictions that constrain the power & jurisdiction of the federal government.

I hope that you will pass SJR 8 so that we can get on with calling a convention of the states. We have a nation to fix and we are running out of time.

The freedoms – financial, personal, and property rights -- of our children and grandchildren are at stake and we can little afford to waffle longer.

We must act, and we must act now.

And with that, I thank you for hearing me out today.

Lisa Thompson Bingenheimer

4000 W Lincoln Ave

West Milwaukee, WI 53215

I have been self employed for 25 years. My husband says I work to support my volunteer habit, which brings us to why I am here today.

In 2016, I like many other Americans were shocked to learn our country had just elected a Reality TV Star to the highest position in the free world. I knew OUR Country and Washington had issues, however, this made me realize just how deep those issues had gone. As a most self-employed people do, when I see a problem, I look for fixes, not for excuses, but how to actually change things for the better.

What I found was the most powerful members of our House and Senate had been in government for almost as long or longer than I had been working for myself. I will admit, I have made a career out of what I do, however, our Founders never intended for our representatives to have full time positions living in a land far from their constituency but it appears that is what it has become. I also found that our President was making unilateral decisions by Executive Order, our House and Senate were run by folks that opposed what he did no matter what he did just because it was him. Appointed bureaucrats in Washington making decisions with no direct accountability. Our government had become an over-reaching, over-spending, over-bearing entity doing business with the Beltway. Things needed to change and that change needed to wake people up from the lack of interest they had grown accustomed to. That change I found was the "Convention of States Movement" that has petitioned this body for this hearing.

Fast forward to 2021, we are now represented by two parties that are so far left and right of center, we may never find center again. This Convention of States Movement is motivated by grassroots volunteers, people that have taken their own time to talk to their family and friends and educate them on government, how it currently works and how it was intended to work. An educated constituency makes choices based on what is best for them and their community regardless of party. An informed constituency can no longer ignore the center of power Washington has become. That is why you have heard from so many constituents about the Convention of States Movement. We want change and a way to start that change is to call a Convention of States to propose amendments. Amendments that bring power back to the states, BACK TO YOU, the people that we live with, shop with and do business with us, not Washington.

Your vote for this resolution will be the first step in that process. Thank you for your time!

Findings of Court Cases Related to Article V of the United States Constitution

Rev. 0 - 2 Mar 2014

Covering relevant state, federal and US Supreme Court cases that either involved or apply to Article V of the US Constitution. Written in laymen's language for the general public with the key findings in each case as it relates to an Article V Convention in bold print. The name and reference of the case itself is the citation, the footnotes provide additional information pertinent to the case reference.

1) *AFL-CIO v. Eu*, 686 P. 2d 609 (Cal. 1984)

Financial penalties on delegates or legislators are invalid. Article V "envisions legislators must be free to vote their best judgment." Rejected the "political question doctrine" (see *Coleman v. Miller* below). Also held **that ballot initiatives to force an Article V Convention are not permissible**.

2) *Barker v. Hazeltine*, 3 F. Supp. 2d 1088 (D.S.D. 1998)

Article V is the only constitutional method of amending the US Constitution. Initiatives and referenda are not permissible (the case involved setting congressional term limits) as citizens do not possess a direct role in amending. Use of ballot notation of either the support or non-support of term limits constituted a violation of the Speech and Debate Clause in the US Constitution.

3) *Coleman v. Miller*, 307 U.S. 433 (1939)

This case has been called "an aberration" by law professors and constitutional scholars such as Walter Dellinger.[1] Dictum in this case **produced the "political question doctrine"** wherein the Supreme Court will not address an issue that the Court sees as of a political nature and not of a constitutional law nature and is therefore, not justiciable. The political question doctrine has been applied erratically. Decision included the topic of the time limitation for ratification. Ruling held, "But it does not follow that, whenever Congress has not exercised that power, the Court should not take it upon itself the responsibility of deciding what constitutes a reasonable time and determine accordingly the validity of ratifications." Also, disavowed the "staleness" language of the prior *Dillon* decision.

[1] Walter Dellinger, *The Legitimacy of Constitutional Change: Rethinking the Amendment Process*. 97 Harvard Law Review 386, 389 (1983)

[2] Robert G. Natelson, Amending the Constitution by Convention: Practical Guidance for Citizens and Policymakers (Part 3 of 3), Goldwater Institute Report No. 11-02, 22 Feb 2011, p.19

4) *Dillon v. Gloss*, 256 U.S. 368 (1921)

Ratifications, to be valid, must occur within the time frame that Congress has specified. This stipulation, however, appears to apply only to those proposed amendments that congress has made and sent to the States and **not to those proposed amendments that originate in an Article V Convention.**[2] 2 The day that the last required state ratifies the proposed amendment, that amendment becomes part of the Constitution and takes effect.

5) *Dodge v. Woolsey*, 59 U.S. 331 (1855)

Amendatory conventions may be single issue. The Court determined that the amendment process was an act by the States and not the people, who are represented by the delegates/commissioners or by the Congress depending on the mode of consideration and passage.[3] The usual interpretation of the ruling is that **the States and/or the people cannot dictate the amendments** as that power rests in the hands of either Congress or the convention delegates. Dodge is often cited as an early proof of the inviolable validity of state applications as no branch is empowered to overrule the Constitution. Therefore, **a state application is valid solely because it was made by the state.**[4]

[3] Found at p.348

[4] James Madison, *The Federalist*, No. 85.

6) *Donovan v. Priest*, 931 S.W. 2d 119 (Ark. 1996)
Ruling requires that any assembly be more than a rubber stamp for pre-written amendment. **The assembly must engage on "intellectual debate, deliberation, or consideration" of any proposed amendment.** Applies to an Article V Convention. Also, rejected ballot labeling similar to *AFL-CIO v. Eu* and *League of Women Voters of Maine.*

7) *Dyer v. Blair*, 390 F. Supp. 1291 (N.D. Ill. 1975)
Per now Justice Stevens, who presided over the case and wrote the opinion, "the delegation [from Article V] is not to the States but rather to the designated ratifying bodies." Stevens explicitly rejected the "political question" portion of *Coleman* in this decision. Thus, **state constitutional provisions that cover legislative supermajorities and referenda do not apply to Article V applications**; only the Article V convention itself may impose such restrictions on itself.

8) *Gralike v. Cooke*, 191 F. 3d 911 (8th Cir. 1999) affirmed on other grounds sub nom. *Cook v. Gralike*, 531 U.S. 510 (2001)
"Article V envisions legislatures acting as freely deliberative bodies in the amendment process and resists any attempt by the people of a state to restrict the legislature's actions." Thus, **Article V Conventions cannot be prohibited from deliberation and consideration of a proposed amendment and thereby limited to pre-written wording.**

9) *Hawke v. Smith*, (I) 253 U.S. 221 (1920), (II) 253 U.S. 231 (1920)
Article V is a bestowal of power on the state legislature for ratification and for the selection of delegates. **The legislative ratification method cannot be replaced by public referendum.** No legislature of convention itself has the power to alter the ratification procedure – that is fixed by Article V. 3

10) *Hollingsworth v. Virginia*, 3 U.S. (3 Dall.) 378 (1798)
Since the Constitution does not specify a role for the executive in the amendment process, the Presentment Clause does not apply. **No signature of the President is required for a constitutional amendment to be valid and complete.** The precedent was established with the passage and adoption of the Bill of Rights in 1791.[5]
[5] Robert G. Natelson, Learning from Experience: How the States Used Article V Applications in America's First Century (Part 2 of 3), Goldwater Institute, 4 Nov 2010, p.7

11) *Idaho v. Freeman*, 529 F. Supp. 1107 (D. Idaho 1981) vacated as moot by *Carmen v. Idaho*, 459 U.S. 809 (1982)
Congress may not manipulate or change the ratification process. Article V makes clear that there are only two methods of ratification and Congress must choose one or the other mode. The ruling is similar to that of *U.S. v. Sprague*. Congress had first set a time limit of seven years for ratification of the Equal Rights Amendment, then, failing to achieve the necessary ¾ of the States ratifications, extended the time period. Also, **a state may withdraw its application any time before two-thirds of the states have applied.**

12) *In Re the Opinion of the Justices*, 132 Me. 491, 167 A. 176 (1933)
The state may rely on custom to select commissioners to ratifying conventions. By implication, they may also rely on their own particular customs to choose how to select their commissioners to Article V Conventions. Along with this power is the ability to establish the convention's rules, elect its own officers, fix the hours of sitting, judge the credentials of the members, and other housekeeping. Held that the ratification convention has the power to determine questions relating to the qualifications of

the commissioners and to fill vacancies. Case stems from the attempt to use a public referendum to bind a ratifying convention and prevent deliberation.

13) *In Re Opinion of the Justices,* 204 N.C. 306, 172 S.E. 474 (1933)
An Article V Convention may be limited in purpose to a single issue or to a fixed set of issues. Thus, the state may limit the authority of the ratifying convention.

14) *Jarrolt v. Moberly*, 103 U.S. 580 (1880)
Any attempt to suppress a state application due to its timeliness, age, subject matter, or any other reason is in violation of Article V. "A constitutional provision should not be construed so as to defeat its evident purpose, but rather so as to give it effective operation and suppress the mischief at which it was aimed."

15) *Kimble v. Swackhamer*, 439 U.S. 1385, appeal dismissed 439 U.S. 1041 (1978)
Held that **any public referendum was advisory only** and could not dictate to the commissioners. (See also *AFL-CIO v. Eu.*) 4

16) *League of Women Voters of Maine v. Gwadosky*, 966 F. Supp. 52 (D. Me. 1997)
Similar to *AFL-CIO v. Eu* in the attempt to force term limits by ballot initiative. Court rejected claim saying that, "**A direct role in the constitutional amendment process for "citizens" was not envisioned by the Framers**. The citizen's function is to elect competent legislators, who in turn, when necessary, can amend the Constitution pursuant to the authority granted under Article V."

17) *Leser v. Garnett,* 258 U.S. 130 (1922)
The Supreme Court held that the ratification of the 15th Amendment was no longer open to question. This was addressed in relation to the validity of the 19th Amendment. Additionally, **the state legislature's discretion could not be supplanted by the rules imposed by a third party.** When a convention acts under Article V, it performs a "federal function" and this transcends any state limitations.

18) *Miller v. Moore,* 169 F. 3d 1119 (8th Cir. 1999)
Another ballot labeling case with the twist that a First Amendment claim to the right to influence elected representatives through 'popular instructions' is made. Court found that this issue was addressed in the Grand Convention of 1787 and **rejected as stifling debate and compromise**.

19) *National Prohibition Cases*, 253 U.S. 350, 40 S. Ct. 486, 64 L. Ed. 946 (1920)
Congress is empowered to set the threshold in vote percentage for passage of an amendment within the houses of Congress. Covered seven cases lumped together that all involved the 18th Amendment and the Volstead Act. Also, referendum provisions of state constitutions and statutes do not apply in the ratification and rejection of proposed amendments.

20) *Opinion of the Justices to the Senate*, 373 Mass. 877, 366 N.E. 2d 1226 (1977)
The governor plays no role in the approval process of an Article V Convention application from the state. He cannot therefore veto the application. The Article confers powers on the assemblies not the executives. Additionally, the Founders expected that the States would specify the purpose and subject matter of the applications.

21) *Prigg v. Commonwealth of Pennsylvania*, 41 U.S. 539 (1842)
No one is authorized to question the validity of a state's application for an Article V Convention. To attempt to do so is an attempt to circumvent the Convention Clause. "The Court may not construe the Constitution so as to defeat its obvious ends when another construction, equally accordant with the words and sense thereof, will enforce and protect them."

22) *Prior v. Noland*, 68 Colo. 263, 188 P. 727 (1920)
Referendums may not be used to ratify amendments. 5

23) *Smith v. Union Bank of Georgetown*, 30 U.S. 518 (1831)
An Article V Convention is a "convention of the States" and is therefore endowed with the powers of an interstate convention as were all of its many predecessors. The case itself dealt with a probate issue but specifically referred to changing the existing law through an amendment by a convention of the states.6
6 Found at p. 528 of the record in 30 U.S. (5 Pet.) 518.

24) *State ex rel. Donnelly v. Myers*, 127 Ohio St. 104, 186 N.E. 918 (1933)
Other enumerated powers in the Constitution have certain "incidental" authority or implied powers, likewise, so do the powers of Article V. This can be understood as an application of the "Necessary and Proper Clause" which grants the power requisite to carry out the Article V Convention. This includes, but is not limited to, the ability to set its hours, judge credentials of delegates, determine its agenda and order of business, elect its own officers and establish its own rules, among other powers.

25) *State ex rel. Harper v. Waltermire*, 213 Mont. 425, 691 P. 2d 826 (1984)
The people of the state have no power to limit the deliberative process of the convention, therefore any limitations imposed by an initiative or referendum is invalid.

26) *State ex rel. Tate v. Sevier*, 333 Mo. 662, 62 S.W. 2d 895 (1933) cert denied 290 U.S. 679 (1933)
When Congress proposes ratification by conventions for an amendment, though it does not provide how and by whom such conventions shall be assembled, **Congress' direction necessarily implies authority to provide for assembling of such conventions.**

27) *State of Ohio ex rel. Erkenbrecher v. Cox*, 257 F. 334 (D. Ohio 1919)
There is no duty on the part of the governor of a state to forward the proposed amendment promulgated by Congress and accompanied by the ratification method prescription on to the state legislature. It is for this reason that the Congress usually sends a copy of the Joint Resolution of Congress to the state legislatures.

28) *State of Rhode Island v. Palmer*, 253 U.S. 320 (1920)
This is one of the National Prohibition Cases. The two-thirds vote required in Congress for proposing amendments is two-thirds of a quorum present and voting, not of the entire membership of the legislative body. Therefore, **the Article V Convention will require only two-thirds of the quorum present to conduct business.**

29) *Trombetta v. State of Florida*, 353 F. Supp. 675 (M.D. Fla. 1973)
An action by a state to delay consideration of a proposed constitutional amendment until after some criterion is met by the legislature is unconstitutional. 6

as what is expressed. *Dillon v. Gloss*, 256 U.S. 368 (1921). In other words, courts apply the same rules of interpretation to Article V as elsewhere.

* Just as other enumerated powers in the Constitution bring with them certain incidental authority, so also do the powers enumerated in Article V. *State ex rel. Donnelly v. Myers*, 127 Ohio St. 104, 186 N.E. 918 (1933). This point and the one previous are important in determining the scope of such Article V words as "call," "convention," and "application."

* The two thirds vote required in Congress for proposing amendments is two thirds of a quorum present and voting, not of the entire membership. *State of Rhode Island v. Palmer*, 253 U.S. 320 (1920).

* A convention for proposing amendments is, like all of its predecessors, a "convention of the states." *Smith v. Union Bank*, 30 U.S. 518, 528 (1831). The national government is not concerned with how Article V conventions or state legislatures are constituted. *United States v. Thibault*, 47 F.2d 169 (2d Cir. 1931).

* No legislature or convention has power to alter the ratification procedure. That is fixed by Article V. *Hawke v. Smith*, 253 U.S. 221 (1920); *United States v. Sprague*, 282 U.S. 716 (1931). Some "runaway" alarmists have suggested that a convention for proposing amendments could decree ratification by national referendum, but the Supreme Court has ruled this out. *Dodge v. Woolsey*, 59 U.S. 331 (1855). Neither can a state mutate its own ratifying procedure into a referendum. *State of Rhode Island v. Palmer*, 253 U.S. 320 (1920).

* And Congress may not try to manipulate the ratification procedure otherwise than by choosing one of two specified "modes of ratification." *Idaho v. Freeman*, 529 F. Supp. 1107 (D. Idaho 1981), judgment vacated as moot by Carmen v. Idaho, 459 U.S. 809 (1982); compare *United States v. Sprague*, 282 U.S. 716 (1931).

* A convention meeting under Article V may be limited to its purpose. *In Re Opinion of the Justices*, 204 N.C. 306, 172 S.E. 474 (1933).

* But an outside body may not dictate an Article V assembly's rules and procedures. *Leser v. Garnett*, 258 U.S. 130 (1922); *Dyer v. Blair*, 390 F. Supp. 1291 (N.D. Ill. 1975) (Justice Stevens).

* Nor may the assembly be compelled to resolve the issue presented to it in a particular way. *State ex rel. Harper v. Waltermire*, 691 P.2d 826 (1984); *AFL-CIO v. Eu*, 686 P.2d 609 (Cal. 1984); *Miller v. Moore*, 169 F.3d 1119 (8th Cir. 1999); *Gralike v. Cook*, 191 F.3d 911, 924-25 (8th Cir. 1999), affirmed on other grounds sub nom. Cook v. Gralike, 531 U.S. 510 (2001); *Barker v. Hazetine*, 3 F. Supp. 2d 1088, 1094 (D.S.D. 1998); *League of Women Voters of Maine v. Gwadosky*, 966 F. Supp. 52 (D. Me. 1997); *Donovan v. Priest*, 931 S.W.2d 119 (Ark. 1996).

* Article V functions are complete when a convention or legislature has acted. There is no need for other officials to proclaim the action. *United States ex rel. Widenmann v. Colby*, 265 F. 398 (D.C. Cir. 1920), affirmed 257 U.S. 619 (1921).

30) *Ullmann v. United States*, 350 U.S. 422 (1956)
The amendment and ratification processes cannot be changed to circumvent the Article V Convention. "Nothing new can be put into the Constitution except through the amendatory process, and nothing old can be taken out without the same process."

31) *United State v. Chambers*, 291 U.S. 217 (1934)
The Supreme Court considers it to the "province and duty" of the Court to determine what the Constitution is including amendments. If an amendment is putative, or alleged, the Court will determine its validity. In this case, the ratification of the 21st Amendment was questioned and the Court settled the issue. This case serves as a counter point to *Coleman*.

32) *United States ex rel. Widenmann v. Colby,* 265 F. 398 (D.C. Cir. 1920) affirmed 257 U.S. 619 (1921)
The functions of an Article V Convention are complete when the convention has fulfilled its stated purpose. There is no requirement for any other officials to proclaim that completion or closure of the convention.

33) *United States v. Sprague,* 282 U.S. 716 (1931)
The power granted by Article V is to the Congress specifically and not to the federal government as a whole. Similarly, the power granted by Article V is to the amendatory convention. "The fifth article does not purport to delegate any governmental power to the United States...On the contrary... that article is a grant of authority by the people to the Congress, and not to the United States." It should be noted that "Sprague addressed specifically not the entirety of Article V, but only unambiguous language where no construction or supplement was necessary."[7] Also, the congressional authority over calling a convention is less than that over ratification process. **The selection by Congress of the mode of ratification is unreviewable.**

7 Robert G. Natelson, Amending the Constitution by Convention: Practical Guidance for Citizens and Policymakers (Part 3 of 3), Goldwater Institute Report No. 11-02, 22 Feb 2011, p.29

34) *United States v. Thibault,* 47 F.2d 169 (2d Cir. 1931)
The federal or national government is not concerned with how an Article V Convention of a state legislature is constituted. Therefore, **the Article V Convention is empowered to organize and conduct its business as the delegates or commissioners see fit.**

Disclaimer: This Findings Summary was compiled and researched by the members of the Wisconsin GrandSons of Liberty. We are not attorneys or professors of law; for the most accurate and current information, consult with legal professionals.

WiGOL/Case-015/Rev_0-3/02/14-/tjd

Article V grants enumerated powers to named assemblies—that is, to Congress, state legislatures, conventions for proposing amendments, and state conventions. When an assembly acts under Article V, that assembly executes a "federal function" different from whatever other responsibilities it may have. *Hawke v. Smith*, 253 U.S. 221 (1920); *Leser v. Garnett*, 258 U.S. 130 (1922); *State ex rel. Donnelly v. Myers*, 127 Ohio St. 104, 186 N.E. 918 (1933); *Dyer v. Blair*, 390 F. Supp. 1291 (N.D. Ill. 1975) (Justice Stevens).

* Where the language of Article V is clear, it must be enforced as written. *United States v. Sprague*, 282 U.S. 716 (1931).

* But that does not mean, as some have claimed, that judges may never go beyond reading the words and guessing what they signify. Rather, a court may consider the history underlying Article V. *Dyer v. Blair*, 390 F. Supp. 1291 (N.D. Ill. 1975) (Justice Stevens). It may also consider what is implied as well

USA OKLAHOMA MISSISSIPPI INDIANA WASHINGTON ILLINOIS WYOMING SOUTH CAROLINA OREGON TEXAS CONNECTICUT ARKANSAS NEW HAMPSHIRE KENTUCKY MICHIGAN ALASKA MASSACHUSETTS CALIFORNIA IOWA MINNESOTA MARYLAND SOUTH DAKOTA GEORGIA OHIO

CONVENTION of STATES

A PROJECT OF CITIZENS FOR SELF-GOVERNANCE

THE JEFFERSON STATEMENT

On September 11, 2014, some of our nation's finest legal minds convened to consider arguments for and against the use of Article V to restrain federal power. These experts specifically rejected the argument that a Convention of States is likely to be misused or improperly controlled by Congress, concluding instead that the mechanism provided by the Founders is safe. Moreover, they shared the conviction that Article V provides the only constitutionally effective means to restore our federal system. The conclusions of these prestigious experts are memorialized in The Jefferson Statement, which is reproduced here. The names and biographical information of the endorsers, who have formed a "Legal Board of Reference" for the Convention of States Project, are listed below the Statement.

The Constitution's Framers foresaw a day when the federal government would exceed and abuse its enumerated powers, thus placing our liberty at risk. George Mason was instrumental in fashioning a mechanism by which "we the people" could defend our freedom—the ultimate check on federal power contained in Article V of the Constitution.

Article V provides the states with the opportunity to propose constitutional amendments through a process called a Convention of States. This process is controlled by the states from beginning to end on all substantive matters.

A Convention of States is convened when 34 state legislatures pass resolutions (applications) on an agreed topic or set of topics. The Convention is limited to considering amendments on these specified topics.

While some have expressed fears that a Convention of States might be misused or improperly controlled by Congress, it is our considered judgment that the checks and balances in the Constitution are more than sufficient to ensure the integrity of the process.

The Convention of States mechanism is safe, and it is the only constitutionally effective means available to do what is so essential for our nation—restoring robust federalism with genuine checks on the power of the federal government.

We share the Founders' conviction that proper decision-making structures are essential to preserve liberty. We believe that the problems facing our nation require several structural limitations on the exercise of federal power. While fiscal restraints are essential, we believe the most effective course is to pursue reasonable limitations, fully in line with the vision of our Founders, on the federal government.

Accordingly, I endorse the Convention of States Project, which calls for an Article V Convention for "the sole purpose of proposing amendments 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." I hereby agree to serve on the Legal Board of Reference for the Convention of States Project.

Signed,

*Randy E. Barnett**	*Charles J. Cooper**	*John C. Eastman**	*Michael P. Farris**
*Robert P. George**	*C. Boyden Gray**	*Mark Levin**	*Nelson Lund*
*Andrew McCarthy**	*Mark Meckler**	*Mat Staver*	

*Original signers of The Jefferson Statement

Continued to back page

LEGAL BOARD OF REFERENCE

Each of the following individuals has signed onto The Jefferson Statement, endorsing the Convention of States Project, and serves as a legal advisor to the Project:

Randy E. Barnett is the Carmack Waterhouse Professor of Legal Theory at the Georgetown University Law Center, where he directs the Georgetown Center for the Constitution. A graduate of Harvard Law School, he represented the National Federation of Independent Business in its constitutional challenge to the Affordable Care Act. Professor Barnett has been a visiting professor at Harvard Law School, the University of Pennsylvania, and Northwestern.

Charles J. Cooper is a founding member and chairman of Cooper & Kirk, PLLC. He has over 35 years of legal experience in government and private practice, with several appearances before the United States Supreme Court. Shortly after serving as law clerk to Justice William H. Rehnquist, Mr. Cooper joined the Civil Rights Division of the U.S. Department of Justice in 1981. In 1985 President Reagan appointed Mr. Cooper to the position of Assistant Attorney General for the Office of Legal Counsel.

John C. Eastman is the Henry Salvatori Professor of Law & Community Service at Chapman University Fowler School of Law. He is the Founding Director of the Center for Constitutional Jurisprudence, a public interest law firm affiliated with the Claremont Institute. Prior to joining the Fowler School of Law faculty in August 1999, he served as a law clerk with Justice Clarence Thomas at the Supreme Court of the United States. Mr. Eastman served as the Director of Congressional & Public Affairs at the United States Commission on Civil Rights during the Reagan administration.

Michael P. Farris, head of the Convention of States Project, is the Chancellor of Patrick Henry College and Chairman of the Home School Legal Defense Association. He was the founding president of both organizations. During his career as a constitutional appellate litigator, he has served as lead counsel in the United States Supreme Court, eight federal circuit courts, and the appellate courts of thirteen states. Mr. Farris has been a leader on Capitol Hill for over thirty years and is widely respected for his leadership in the defense of homeschooling, religious freedom, and the preservation of American sovereignty.

Robert P. George holds Princeton's celebrated McCormick Chair in Jurisprudence and is the founding director of the James Madison Program in American Ideals and Institutions. He is chairman of the United States Commission on International Religious Freedom (USCIRF) and has served as a presidential appointee to the United States Commission on Civil Rights. Professor George is a former Judicial Fellow at the Supreme Court of the United States, where he received the Justice Tom C. Clark Award.

C. Boyden Gray is the founding partner of Boyden Gray & Associates, in Washington, D.C. Prior to founding his law firm, Ambassador Gray served as Legal Counsel to Vice President Bush (1981–1989) and as White House Counsel in the administration of President George H.W. Bush (1989–1993). Mr. Gray also served as counsel to the Presidential Task Force on Regulatory Relief during the Reagan Administration. Following his service in the White House, he was appointed U.S. Ambassador to the European Union and U.S. Special Envoy for Eurasian Energy.

Mark Levin is one of America's preeminent constitutional lawyers and the author of several *New York Times* bestselling books including *Men in Black* (2007), *Liberty and Tyranny* (2010), *Ameritopia* (2012) and *The Liberty Amendments* (2013). Mr. Levin has served as a top advisor to several members of President Ronald Reagan's Cabinet—including as Chief of Staff to the Attorney General of the United States, Edwin Meese.

Nelson Lund is University Professor at George Mason University School of Law. He holds a doctorate in political science from Harvard and a law degree from the University of Chicago. After clerking for Justice Sandra Day O'Connor, he served in the White House as Associate Counsel to President George H.W. Bush. He also served on Virginia Governor George Allen's Advisory Council on Self-Determination and Federalism, and on the Commission on Federal Election Reform chaired by President Jimmy Carter and Secretary James A. Baker III.

Andrew McCarthy is a best-selling author, a Senior Fellow at National Review Institute, and a contributing editor at National Review. Mr. McCarthy is a former Chief Assistant U.S. Attorney in New York, best known for leading the prosecution against the various terrorists in New York City. He has also served as an advisor to the Deputy Secretary of Defense.

Mark Meckler is President of Citizens for Self-Governance, the parent organization of the Convention of States Project. Mr. Meckler is one of the nation's most effective grassroots activists. After he co-founded and served as the National Coordinator of the Tea Party Patriots, he founded Citizens for Self-Governance in 2012 to bring the concept of "self-governance" back to American government. This grassroots initiative expands and supports the ever-growing, bipartisan self-governance movement.

Mat Staver is the Founder and Chairman of Liberty Counsel and also serves as Vice President of Liberty University, Professor of Law at Liberty University School of Law, and Chairman of Liberty Counsel Action.

CONVENTION *of* STATES

A PROJECT OF CITIZENS FOR SELF-GOVERNANCE

Website: ConventionOfStates.com
E-mail: info@ConventionOfStates.com
Phone: (540) 441-7227
www.Facebook.com/ConventionOfStates
Twitter: @COSProject

COS CONVENTION of STATES ACTION

CAN WE TRUST THE CONSTITUTION?

Answering The "Runaway Convention" Myth

by Michael Farris, JD, LLM

Some conservatives contend that our Constitution was illegally adopted as the result of a "runaway convention." They make two claims:

> *1. The delegates were instructed to merely amend the Articles of Confederation, but they wrote a whole new document.*
>
> *2. The ratification process was improperly changed from 13 state legislatures to 9 state ratification conventions.*

The Delegates Obeyed Their Instructions from the States

The claim that the delegates disobeyed their instructions is premised on the idea that Congress called the Constitutional Convention. It is claimed that Congress instructed the delegates to solely amend the Articles of Confederation.

A review of legislative history clearly reveals the error of this claim. The Annapolis Convention was the political impetus for calling the Constitutional Convention. The conclusion of the commissioners from the five participating states was that a broader convention should be called. They named the time and date (Philadelphia; second Monday in May). But who was to call the Convention?

They said they were going to work to "procure the concurrence of the other States in the appointment of Commissioners." The goal of the upcoming convention was "to render the constitution of the Federal Government adequate for the exigencies of the Union." What role was Congress to play in calling the Convention? None. The Annapolis delegates merely sent a copy of their resolution to Congress and the executives of all states "from motives of respect."

What authority did the Articles of Confederation give to Congress to call such a Convention? None. The power of Congress under the Articles was strictly limited, and there was no theory of implied powers. The States possessed residual sovereignty which included the power to call this convention. Seven state legislatures agreed to send delegates to the Convention in Philadelphia prior to the time that Congress acted to endorse the Convention.

The States told their delegates that the purpose of the Convention was the one stated in the Annapolis Convention resolution: "to render the constitution of the Federal Government adequate for the exigencies of the Union."

Congress voted to endorse this Convention on February 21, 1787. It did not purport to "call" the Convention or give instructions to the delegates. It merely proclaimed that "in the opinion of Congress, it is expedient" for the Convention to be held in Philadelphia on the date previously informally sanctioned by the Annapolis Convention and formally approved by seven state legislatures.

Ultimately, twelve states appointed delegates. Ten of these states followed the phrasing of the Annapolis Convention with only minor variations in wording ("render the Federal Constitution adequate"). Two states, New York and Massachusetts, followed the formula stated by Congress ("solely amend the Articles" as well as "render the Federal Constitution adequate").

But every student of history should know that the instructions for

delegates came from the states. You will recall that Delaware told its delegates never to agree to a plan that denied equal representation by states in Congress. That impasse had to be resolved.

would have to be approved in this same manner—by Congress and all 13 state legislatures. The reason for this rule can be found in the principles of international law. The States were sovereigns.

But before this change in ratification could be valid, all 13 state legislatures would have to consent to the new method. All 13 state legislatures consented to the new ratification process by calling conventions of the people to vote on the merits of the Constitution.

> "Those who claim to be constitutionalists while contending that the Constitution was illegally adopted are self-conflicted... I stand with the integrity of the Constitution."

In Federalist 40, James Madison answered the question of "who gave the binding instructions to the delegates."

He said: "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."

He then spends the balance of Federalist 40 proving the delegates from all twelve states properly followed the directions they were given by each of their states. He specifically calls the February 21st resolution from Congress "a recommendatory act.

The States, not Congress, called the Constitutional Convention. They told their delegates to render the Federal Constitution adequate for the exigencies of the Union. And that is exactly what they did.

The Ratification Process Was Properly Changed

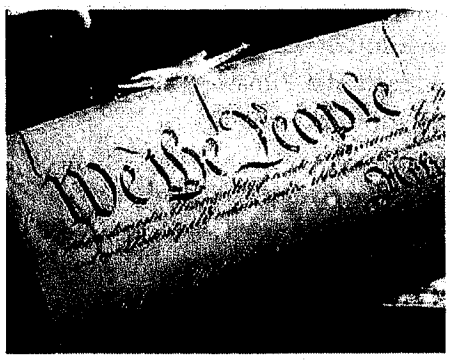
The Articles of Confederation called for approval of any amendments by Congress and ratification by Annapolis Convention document and a clear majority of States stated that any amendments coming from the Constitutional Convention

The Articles of Confederation were, in essence, a treaty between 13 sovereign states. Normally, the only way changes in a treaty can be ratified is by the approval of all parties to the treaty.

However, a treaty can provide for something less than unanimous approval if all the parties agree to a new ratification process before the change in process is effectual.

When the Convention sent its draft of the Constitution to Congress, it also sent a recommendation for a new ratification process. Congress approved both the Constitution itself and the new process.

Along with changing the number of required states from 13 to 9, the new ratification process stated that state conventions would ratify the Constitution rather than the legislatures. This was done in accord with the preamble of the Constitution—the Supreme Law of the Land would be ratified in the name of "We the People" rather than "We the States."



Twelve states held popular elections to vote for delegates. Rhode Island made every voter a delegate and held a series of town meetings to vote on the Constitution. Every state legislature consented to the new process that was aimed at obtaining the consent of the people themselves.

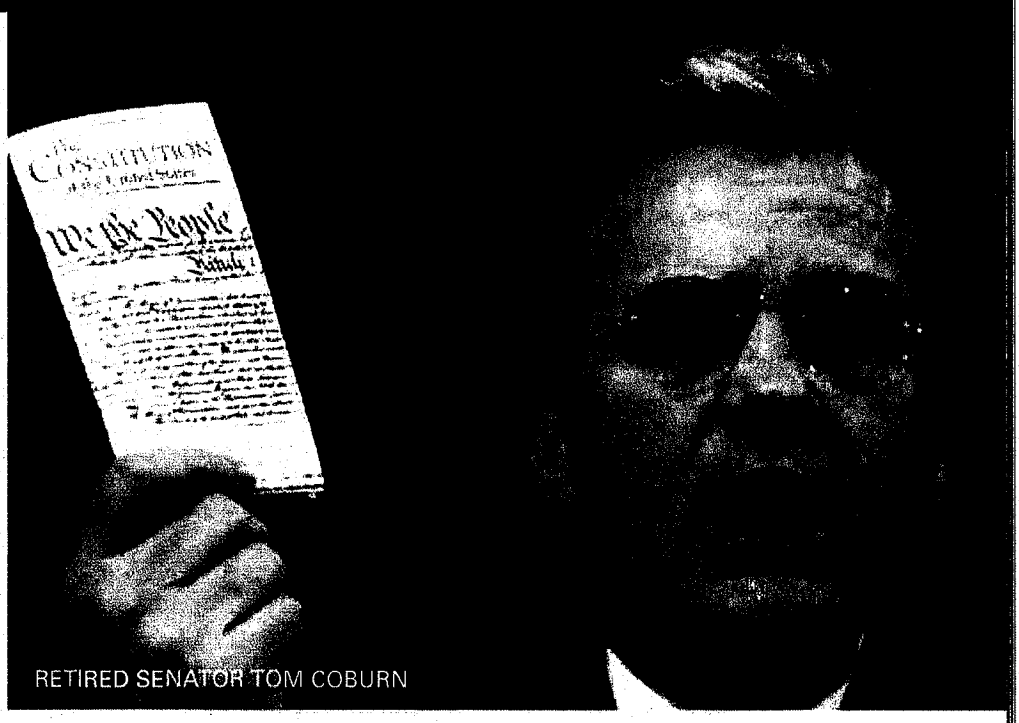
Those who claim to be constitutionalists while contending that the Constitution was illegally adopted are self-conflicted. It is like saying George Washington was a great American hero, but he was also a British Spy. I stand with the integrity of the Constitution. ♦

BREITBART

Former Senator Tom Coburn Joins Convention of States Project

by Dan Riehl | 10 Feb 2015 | Published on Breitbart.com

Retired Senator Tom Coburn (R-OK) has signed on as a senior adviser to the Convention of States Project, a citizen-driven campaign that views the federal government as "increasingly bloated, corrupt, reckless and invasive," and endorses a constitutionally legitimate process to correct America's course.



RETIRED SENATOR TOM COBURN

As part of the announcement, Coburn made the following statement. "Our national soul is being corrupted by Washington's unhindered and unconstitutional overreach," Coburn said.

Our Founders anticipated the federal government might get out of control at some point, and they gave us a Constitutional mechanism to rein it in—it's called a Convention of the States, outlined in Article V of the Constitution. Many in Washington have unfortunately forgotten they work for the American people, and the people have begun to mobilize in this effective effort from coast to coast. I'm enthusiastic about the prospects to make this Convention of the States a reality as well as the resonant benefits it will bring to our country.

Mark Meckler, co-founder of the Convention of States Project, added, "We are beyond pleased that Senator Coburn has joined our effort, he has been a passionate leader for years in the effort to bring Washington under control and be responsive to the American people. This is confirmation that the Article V movement through our project

Continued on back page

Citizens concerned for the future of their country, under a federal government that's increasingly bloated, corrupt, reckless and invasive, have a constitutional option. We can call a Convention of States to return the country to its original vision of a limited federal government that is of, by and for the people.

Continued from front page

is resonating across America and we anticipate even more success going forward with Senator Coburn's leadership."

Additional high profile supporters of the effort include, Sarah Palin, national radio talk show host Mark Levin, former U. S. Ambassador to the European Union C. Boyden Gray, Col. Allen West, Mike Huckabee and Governor Bobby Jindal.

More information on the effort can be found at ConventionOfStates.com

Legal and Constitutional leaders and scholars have endorsed the campaign as well including: former Assistant Attorney General of the United States Chuck Cooper; Randy E. Barnett, Director, Georgetown Law Center for the Constitution; Robert P. George, who holds Princeton University's McCormick chair in jurisprudence; and Dr. John Eastman, former dean of the Chapman University School of Law.

Article V, U.S. Constitution

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

CONVENTION *of* STATES

Website: ConventionOfStates.com
Email: info@conventionofstates.com
Phone: (540) 441-7227
Facebook: www.Facebook.com/ConventionOfStates
Twitter: @COSProject

The Convention of States is a project of

CITIZENS FOR
SELF-GOVERNANCE

Website: SelfGovern.com
Email: info@selfgovern.com
Phone: (512) 943-2014
Facebook: www.Facebook.com/Citizens4sg
Twitter: @Self_Governance

USA OKLAHOMA MISSISSIPPI INDIANA WASHINGTON ILLINOIS WYOMING SOUTH CAROLINA OREGON TEXAS CONNECTICUT ARKANSAS NEW HAMPSHIRE KENTUCKY MICHIGAN ALASKA MASSACHUSETTS CALIFORNIA IOWA MINNESOTA MARYLAND SOUTH DAKOTA GEORGIA OHIO

CONVENTION of STATES

A PROJECT OF CITIZENS FOR SELF-GOVERNANCE

An Open Letter Concerning The Second Amendment and The Convention of States Project

From Charles J. Cooper

Long Time Constitutional Law Litigator for the NRA

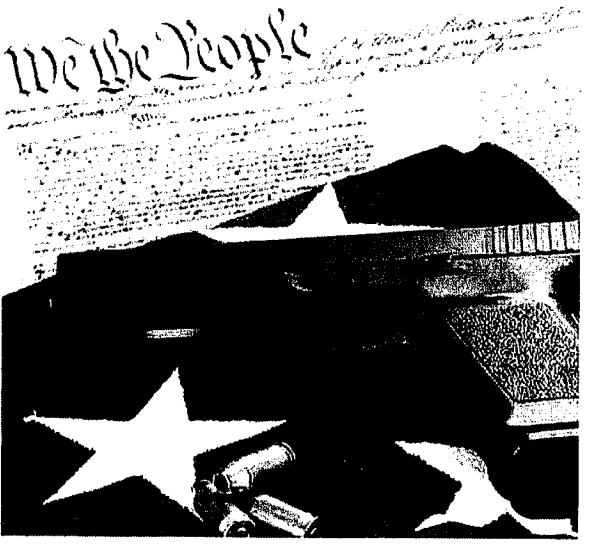
Our constitutional rights, especially our Second Amendment right to keep and bear arms, are in peril. With every tragic violent crime, liberals renew their demands for Congress and state legislatures to enact so-called "commonsense gun control" measures designed to chip away at our individual constitutional right to armed self defense. Indeed, were it not for the determination and sheer political muscle of the National Rifle Association, Senator Feinstein's 2013 bill to outlaw so-called "assault weapons" and other firearms might well have passed. But the most potent threat facing the Second Amendment comes not from Congress, but from the Supreme Court. Four justices of the Supreme Court do not believe that the Second Amendment guarantees an individual right to keep and bear arms. They believe that Congress and state legislatures are free not only to restrict firearms ownership by law-abiding Americans, but to ban firearms altogether. If the Liberals get one more vote on the Supreme Court, the Second Amendment will be no more.

Constitutional law has been the dominant focus of my practice for most of my career as a lawyer, first in the Justice Department as President Reagan's chief constitutional lawyer and the chairman of the President's Working Group on Federalism, and since then as a constitutional litigator in private practice. For almost three decades, I have represented dozens of states and many other clients in constitutional cases, including many Second Amendment cases. In 2001, for example, I argued the first federal appellate case to hold that the Second Amendment guarantees every law-abiding responsible adult citizen an individual right to keep and bear arms. And in 2013 I testified before the Senate in opposition to Senator Feinstein's anti-gun bill, arguing that it would violate the Second Amendment. So I am not accustomed to being accused of supporting a scheme that would "put our Second Amendment rights on the chopping block." This charge is being hurled by a small gun-rights group against me and many other constitutional conservatives because we have urged the states to use their sovereign power under Article V of the Constitution to call for a convention for proposing constitutional amendments designed to rein in the federal government's power.

The real threat to our constitutional rights today is posed not by an Article V convention of the states, but by an out-of-control federal government, exercising powers that it does not have and abusing powers that it does. The federal government's unrelenting encroachment upon the sovereign rights of

Continued on back page

Our constitutional rights, especially our Second Amendment right to keep and bear arms, are in peril.



The real threat to our constitutional rights today is posed not by an Article V convention of the states, but by an out-of-control federal government, exercising powers that it does not have and abusing powers that it does.

Continued from front page

the states and the individual rights of citizens, and the Supreme Court's failure to prevent it, have led me to join the Legal Board of Reference for the Convention of States Project. The Project's mission is to call for an Article V convention limited to proposing constitutional amendments that "impose fiscal restraints on the federal government, limit its power and jurisdiction, and impose term limits on its officials and members of Congress." I am joined in this effort by many well-known constitutional conservatives, including Mark Levin, Professor Randy Barnett, Professor Robert George, Michael Farris, Mark Meckler, Professor Robert Natelson, Andrew McCarthy, Professor John Eastman, Ambassador Boyden Gray, and Professor Nelson Lund. All of us have carefully studied the original meaning of Article V, and not one of us would support an Article V convention if we believed it would pose a significant threat to our Second Amendment rights or any of our constitutional freedoms. To the contrary, our mission is to reclaim our democratic and individual freedoms from an overreaching federal government.

The Framers of our Constitution carefully limited the federal government's powers by specifically enumerating those powers in Article I, and the states promptly ensured that the Constitution would expressly protect the "right of the people to keep and bear arms" by adopting the Second Amendment. But the Framers understood human nature, and they could foresee a day when the federal government would yield to the "encroaching spirit of power," as James Madison put in the Federalist Papers, and would invade the sovereign domain of the states and infringe the rights of the citizens. The Framers also knew that the states would be powerless to remedy the federal government's encroachments if the process of amending the Constitution could be initiated only by Congress; as Alexander Hamilton noted in the Federalist Papers, "the national government will always be disinclined to yield up any portion of the authority" it claims. So the Framers wisely equipped the states with the means of reclaiming their sovereign powers and protecting the rights of their citizens, even in the face of congressional opposition. Article V vests the states with unilateral power to convene for the purpose of proposing constitutional amendments and to control the amending process from beginning to end on all substantive matters.

The day foreseen by the Framers – the day when the federal government far exceeded the limits of its enumerated powers – arrived many years ago. The Framers took care in Article V to equip the people, acting through their state legislatures, with the power to put a stop to it. It is high time they used it.

Charles J. Cooper is a founding member and chairman of Cooper & Kirk, PLLC. Named by The National Law Journal as one of the 10 best civil litigators in Washington, he has over 35 years of legal experience in government and private practice, with several appearances before the United States Supreme Court and scores of other successful cases on both the trial and appellate levels.

USA

CONVENTION *of* STATES

A PROJECT OF CITIZENS FOR SELF-GOVERNANCE

Website: ConventionOfStates.com
E-mail: info@ConventionOfStates.com
Phone: (540) 441-7227
www.Facebook.com/ConventionOfStates
Twitter: @COSProject

COS CONVENTION *of* STATES ACTION

Pass the COS Article V Resolution in 2021

Students of history know that socialist experiments end in a hot mess. Unfortunately, many top-ranking federal officials appear not to be students of history, because they want to push America further and further toward socialist policies.

THE PATTERN

Leftists want to use the power of the state to create a utopian society by giving people what they seem to want: stuff.

- Universal health care coverage
- Free college for everyone
- Drastically increased minimum wage nationwide

These are just a few examples. The more goodies the federal government gives, the fuller the campaign coffers. The fuller the campaign coffers, the easier it is for Washington politicians to keep their jobs.

How can these policies be implemented by our federal government? The Constitution only gives it specific, enumerated powers, which do NOT include any of the above, nor many of D.C.'s other pet policies.

The problem is past interpretations of certain clauses of the Constitution that were wrong, and yet became precedent for allowing federal overreach today. For instance, the General Welfare Clause is applied today to allow Congress to tax and spend for any idea it thinks is good for our "welfare." The Commerce Clause is applied today to allow Congress to regulate every single object that is associated with commerce, even within a single state, including forcing Americans to engage in commerce by buying health insurance.

Today we face the alarming reality that these same precedents--and others--may be harnessed to achieve more and more radical socialist goals that are inconsistent with fundamental American principles.

WHAT CAN WE DO?

Courts rarely reverse landmark precedents, and even if they wanted to, it would take decades. But the state legislatures can correct our nation's course by using their constitutional power under Article V to propose amendments that will limit the scope and power of Washington.

We are not urging particular policy proposals. This issue is not partisan. We are simply saying that states (and their citizens) should have the power to decide, not Washington, D.C. Limited federal government is the essence of the federal system that was designed to allow a wide diversity of governing ideas in a large and diverse country. We must take the power from the federal government and return it to the people.

We, the people, urge you, our state legislators, to pass the COS Resolution this session, applying for a limited Article V Convention to propose amendments that:

- Impose fiscal restraint on Washington,
- Limit federal power and jurisdiction, and
- Set term limits for federal officials.

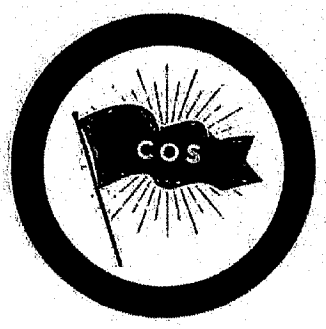
Article V allows the states to call a convention to amend "this Constitution," not throw out the Constitution and start over. The threat of socialism has never been more real. It's time to stand and fight for our constitutional Republic, using the tools the Constitution provides.

CAN WE COUNT ON YOU?

PROCESS OF AN ARTICLE V CONVENTION OF STATES

THE PEOPLE LEAD

Citizens ask state legislators to sponsor and support a resolution for a Convention of States.



STATE LEGISLATORS ACT

A state legislator sponsors the Resolution and files it in his/her state legislature.

The Resolution passes out of committee and floor votes in both chambers of the state legislature.

A CONVENTION IS CALLED

When 34 states pass the Resolution, the state legislatures choose delegates to represent them at the convention.

States send as many delegates as they choose, but each state only gets one vote.

AMENDMENTS ARE PROPOSED

State delegations propose, debate, and vote on amendments limited to the language of the Resolution.

Proposed amendments outside of that agenda would be out of order.

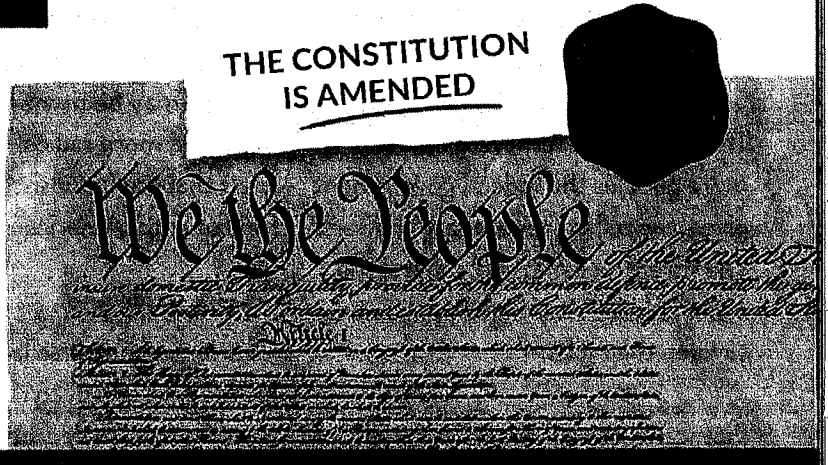
Proposed amendments passed by a majority of state delegations are sent to the states for ratification.

Amendments are Ratified

Proposed amendments only become valid if ratified by 38 states.

It only takes 13 states to stop a bad amendment from being ratified.

THE CONSTITUTION IS AMENDED



Support the only solution that is as big as the problem.

Sign the petition at ConventionofStates.com.

ConventionofStates.com • info@conventionofstates.com • 540-441-7227

COS
CONVENTION of STATES ACTION

COS CONVENTION *of* STATES ACTION

END WASHINGTON'S OVERREACH

Washington, D.C., will never voluntarily relinquish power. Article V of the Constitution offers the single best remedy for the crisis our nation is facing. The most important thing you can do to be a part of the solution is to tell your elected state legislators your position. *Please act now and sign the petition below.*

Thank you for your commitment to restore constitutional government.

Dear [State Legislator],

Almost everyone knows that our federal government is on a dangerous course. The unsustainable debt, combined with crushing regulations on states and business, is a recipe for disaster. What is less known is that the Founders gave state legislatures the power to act as a final check on abuses of power in Washington, D.C. Article V of the U.S. Constitution authorizes the state legislatures to call a convention for proposing needed amendments to the Constitution.

The Convention of States Project seeks to call an Article V convention to propose only amendments that would impose fiscal restraints on the federal government, limit its power and jurisdiction, and impose term limits on its officials and members of Congress. I support this approach. I want our state to be one of the necessary 34 states to pass a resolution calling for this kind of Article V Convention. You can find a copy of the model resolution and the Handbook for Legislators and Citizens (which explains the process and answers many questions) here: http://www.conventionofstates.com/handbook_pdf

I ask that you support the Convention of States Project and consider becoming a co-sponsor of the resolution. Please respond to my request by informing the national COS team of your position, or sending them any questions you may have: info@conventionofstates.com or (540) 441-7227

Thank you for your service to the people of our district.

Respectfully,

Signed _____ Date _____

Please Print

Last Name | First Name | M.I.

Address Line 1 | Address Line 2

City | State | ZIP Code

Phone | E-mail Address

☐ Yes, I would like to get more involved with Convention of States! ☐ I am a U.S. Veteran. PEND

Please mail completed petition to: Convention of States, 5850 San Felipe, Ste. 580A, Houston, TX 77057

Committee on Government Operations, Legal Review and Consumer Protection

Testimony in Support of SJR 9

David A. Certa March 24, 2021

The Covid has impacted each of us professionally and personally in very individual ways.

The fear of the Covid being promoted by government and the media reminds me of the fear of nuclear attack during the cold war. During that time, in 1951 and 1952 our government instituted a program of tattooing of school children with their blood type. As described in the Journal of American Academy of Dermatology March 1, 2008 the plan was to create walking blood banks. The blood of school children could be harvested by the government in case of an emergency. I was 7 when tattooing took place in my school system in Lake County, Indiana. My brother and cousin were 6. Similar action by government could happen again.

I commend you, for your recent work in looking ahead to what an overreaching executive may do during a real or perceived emergency. You are considering legislation to prevent an executive setting proof of Covid vaccination as a precondition of employment and proof of Covid vaccination as a precondition for allowing school children back in school.

Covid has taught you to plan ahead. Under normal conditions disagreements between the legislative and executive could be handled in the courts. That rarely works nowadays. Even when it does work, the time it takes the court system to act, harm to our citizens has already been done.

Through Presidential executive orders, one individual can issue mandates or write rules that have the effect of law. Recent Presidential orders with no legislative backing are already harming Wisconsin citizens and threatening their civil liberties.

Should not the states have something to say about Executive orders? Should not you get ahead of it at the Federal level by limiting the scope and jurisdiction of the Federal Government?

Fear is a powerful motivator. Our opponents would have you believe fear. Fear is not thought. Fear is not reason. Fear is emotion. Fear causes otherwise thoughtful men to do nothing. I enlisted in the Marine Corp in 1965. I was in Vietnam in 1966 and 1967. I have been in firefights. I have seen men gripped with the paralysis of fear do nothing when the situation called for action. Please do not let the fear of doing something paralyze you to do nothing.

When I enlisted in the Marine Corps, I took an oath similar to the one you took to protect and defend the Constitution. I understood that "defend" meant with my life. You are not being asked to defend the Constitution with your life. Just protect and defend the citizens of Wisconsin from and overbearing Federal Government.

David Alerton

The use of blood-type tattoos during the Cold War

Elizabeth K. Wolf, BA, and Anne E. Laumann, MBChB, MRCP(UK)
Chicago, Illinois

Background: We have seen a number of individuals who received blood-type tattoos on the left side of the chest as schoolchildren in northwest Indiana during the 1950s.

Objective: To investigate the history of blood-type tattooing.

Methods: Historical research was conducted using newspaper and journal articles found in medical libraries, online archives, American Medical Association archives, Chicago Historical Society records, local medical society documents, in addition to personal interviews.

Results: Blood-type tattoos were used during the Cold War to enable rapid transfusions as part of a "walking blood bank" in case of atomic attack. Nationwide blood-typing programs occurred to inform individuals of their own blood types and to provide local communities with lists of possible donors. The blood-type tattooing program was part of this effort, but community-wide tattooing occurred only in two parts of the United States: Lake County, Indiana, and Cache and Rich counties, Utah. In these communities, during 1951 and 1952, schoolchildren were tattooed to facilitate emergency transfusions.

Limitations: Events occurred more than 50 years ago, so we relied on original documents and interviews from individuals involved in the program who are still alive.

Conclusions: The use of blood-type tattoos was short lived, lasting less than a year, and ultimately failed because physicians did not trust tattoos for medical information. (J Am Acad Dermatol 2008;58:472-6.)

It won't hurt! And it may save a life.[1]

Tattoos have been used for thousands of years for decoration, status identification, and occasionally for practical purposes. Blood-typing originated in 1901, when Karl Landsteiner discovered the ABO blood groups after observing that red blood cells clumped when one individual's red cells were mixed with another's serum.[2] He noted that serious reactions could occur with blood transfusions when these blood types were not properly matched. Another important advance in blood grouping occurred in 1937, with the discovery of the Rh factor by Landsteiner and Wiener through the immunization of rabbits with rhesus monkey red blood cells. In the United States during the Cold War, there was a movement to imprint blood types permanently on the skin for rapid identification to avoid these hemolytic transfusion reactions. We have observed a number of individuals with blood-type tattoos on the left side of the chest that display both the ABO blood group and Rh factor (Fig 1). These people received the tattoos as schoolchildren in Northwest Indiana during the 1950s. Blood-type tattoos were anticipated to save thousands of lives following an atomic bomb attack because this information could enable rapid blood transfusions.[3]

Blood-type tattooing occurred as a response to the increased need for blood during the Korean Conflict (June 1950 through July 1953). Most of the blood collected by the Red Cross was sent overseas, creating a shortage at home. A proposed solution was the establishment of "walking blood banks" in which people were pretyped so that they could give on-the-spot transfusions. The nationwide blood-typing programs that followed had two aims: informing individuals of their own blood types and providing the local medical communities with lists of people with specific blood types as possible donors.[4]

From the Feinberg School of Medicine, Northwestern University.
Funding sources: None.
Conflicts of interest: None declared.
Presented at an all-faculty research day within Northwestern University in poster format. It was presented again in poster format at the World Congress of Dermatology in October 2007.
Reprint requests: Anne Laumann, MBChB, MRCP(UK), FAAD, Associate Professor of Dermatology, Department of Dermatology, Feinberg School of Medicine, Northwestern University, 676, North St. Clair, Chicago, IL 60611. E-mail: a-laumann@northwestern.edu.
0190-9622/$34.00

doi:10.1016/j.jaad.2007.11.019

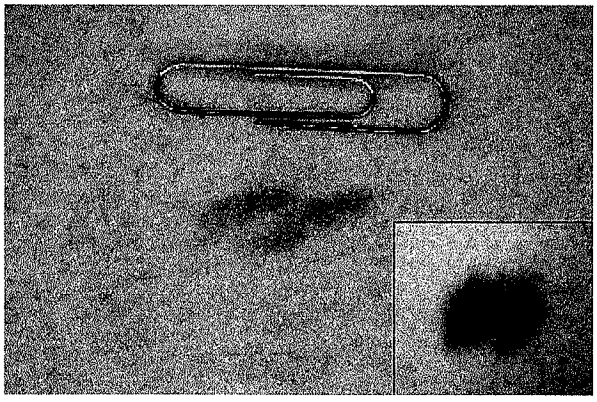


Fig 1. This illegible 55-year-old tattoo was placed during fourth grade at St Casimir's school in Hammond, Indiana. The class stood in single file. A separate room was used for the procedure. People were crying. *Insert* is of a better preserved O+ tattoo.

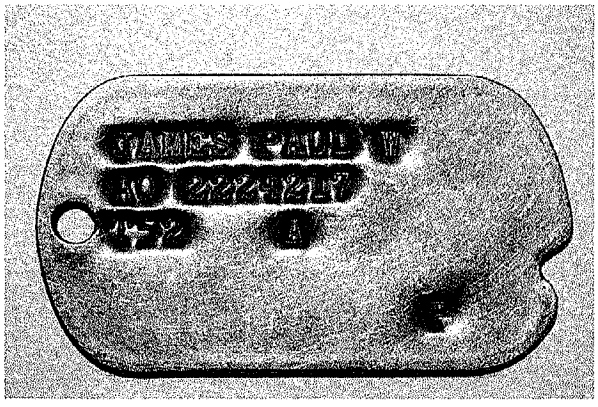


Fig 2. GI dog tag used during the Korean Conflict showing blood type "A" without Rh factor designation. Dog tags used for civilian blood-type identification included both blood group and Rh factor.

The blood-type tattooing program was part of this effort, but community-wide tattooing was short lived and only occurred in two small parts of the country.

NATIONWIDE BLOOD TYPING CIVIL DEFENSE PROGRAMS

The national need for blood was anticipated to be especially acute following an atomic bomb attack when normal stocks would be insufficient, completely destroyed, or unusable because of radioactivity. By 1948, the Committee on Blood Banks of the American Medical Association (AMA) had concluded that an integrated plan was needed to organize donors since "thousands of donors in (adjacent and) remote communities would have to be bled for the emergency."[5] In June 1950, Dr Theodore Curphey of the New York State Medical Society pushed for blood-type tattooing as part of a large-scale effort to identify potential donors, and by August, Pennsylvania State Civilian Defense officials approved plans to blood-type every resident of the state.[6,7] Neither of these programs was carried out. Mass blood-typing of the general population for possible disaster was rejected related to (1) error rate of approximately 10%, (2) "the probable utilization of universal Type O (universal) blood donors in such a disaster,"[8] (3) lack of competent technicians and sufficient typing serum, and (4) cost.[9]

In 1951, the Secretary of Defense charged the American Red Cross to coordinate the blood needs of the armed forces and the nationwide civil defense blood program, leaving local control for blood banking to the county medical societies. The Red Cross plan was to use hospital blood banks for 60%, regional blood centers for 12%, and non-hospital blood banks for 8%, of needed blood, and "walking blood banks" would supply the remaining 20%.[10]

Two feasibility studies of mass blood-typing were performed during the winter of 1950-1951. One was in Jackson, Michigan (45% of the >100,000 population over 80 days), coordinated by the Civil Defense Office, which distributed "dog tags" similar to those worn by GIs (Fig 2), and the other concentrated on industrial plants around Boston and Amherst, Massachusetts, where cards or tags were distributed.[11,12] Later, a survey of 665 selected respondents, performed in Jackson, found that 72% of those typed carried the dog tags with them, and 60% said they would refuse tattooing.[13]

By December 1952, the Civil Defense Office had blood-typed more than 1,500,000 people in Michigan. Methods were greatly improved and each person had received a small plastic tag with their blood type and Rh factor, color-coded so that blood types could be identified even if the tags were burned.[14] By June 1953, Illinois, Indiana, Massachusetts, and Utah had adopted programs for blood-typing all residents, using either dog tags or tattooing for identification.[15]

CHICAGO CIVIL DEFENSE TATTOOING PROGRAM

In July 1950, the Chicago Medical Civil Defense Committee (CCDC), led by Dr Andrew C. Ivy, approved a policy of blood-type tattooing for all residents. It was estimated that an atomic bomb in the Chicago Loop would cause 61,000 deaths and 231,000 injuries, resulting in the need for 825,000 pints of blood within 36 hours.[16,17] Typing and tattooing would be virtually painless, take less than 5 minutes, cost $1.00 a person (free for the needy),

Fig 3. Dr Andrew C. Ivy in 1940, during his tenure as the Nathan Smith Davis Professor and Chair of Physiology and Pharmacology at Northwestern University. Later he became infamous for his belief in Krebiozen, a purported but never proven anticancer drug, eluted from horse serum. (Courtesy of the Galter Health Sciences Library, Northwestern University, Chicago, Ill.)

and might save a life.[18,19] Chest placement was chosen because arms and legs could be lost in an explosion.[20] Dr Ivy (Fig 3), who was vice president of the University of Illinois and a highly respected physician and physiologist, was the main proponent of the blood-type tattooing program. Among his many honors and achievements, he was chosen as the AMA's principal consultant to testify at the Nuremberg Tribunal on War Crimes (1947).[21] He formulated a code of conditions for the use of human subjects in medical experiments that foreshadowed the Declaration of Helsinki. Each member of the Waffen-SS had a blood-type tattoo under the left axilla on the inner arm or chest wall.[22,23] It is probable that seeing these tattoos at Nuremberg influenced Dr Ivy to use tattooing as a means for identification of blood types.

Despite the fact that in December 1950, the blood-type tattooing plan was ratified by the Chicago Medical Society and the Board of Health, the program itself was never carried out in Chicago.[24] The plans of the CCDC, however, were closely integrated with those in Lake County, Indiana.[16]

BLOOD-TYPE TATTOOS IN NORTHWEST INDIANA

As the Chicago program faltered, interest moved to nearby Lake County, Indiana where the Lake County Medical Society (LCMS) gave support to community-wide blood-typing and tattooing efforts.[25] In the spring of 1951, 5000 citizens were typed over a 6-week period by using trained technicians, volunteer workers, and the Tuberculosis Association's mobile x-ray unit. With the help of Dr Ivy and Dr S. Levinson, the chairman of the Blood Committee for the CCDC, plastic cards were substituted for glass slides so that the actual blood smear specimen could be carried, but the concern still was that this card might not be available at the time of a disaster.[26]

Operation Tat-Type was born. The Burgess Vibratool instrument carrying 30 to 50 needles and an antiseptic ink were used to place an indelible, but pale enough not to be objectionable, 3/8-inch blood type and Rh factor symbol on the left side of the chest.[26] One thousand people, of whom two thirds opted for tattooing, were typed at the county fair during the summer. Dr Ivy visited and gave praise to Lake County for its "tat-typing" leadership role.[27] Illegibility was a problem, so the ink was changed to india ink. By December, 15,000 citizens had been typed and 60% also received tattoos.[28]

Encouraged by this success, the LCMS and the local civil defense committee sponsored a tat-typing program for all schoolchildren. The tat-typing unit started its work in January 1952 with the children in the 5 elementary schools in Hobart, then moved to the area high schools and continued throughout the year.*[,29,30]

This program piqued the interest of both the Pentagon and the Army. Donald Compton, a personal representative for the general of the 5th Army, headquartered in Chicago, not only wanted to know the percentage breakdown of blood types of the 30,000 residents typed by May 1952, but also received a blood-type tattoo of his own.[31] The Army, however, never adopted Operation Tat-Type.

BLOOD-TYPE TATTOOS IN UTAH: LED BY DR BUDGE

In 1951, Dr Omar Samuel Budge was the civil defense coordinator working with the Cache Valley Medical Society. His brother, Dr Oliver Wendell Budge (Fig 4) had graduated from Northwestern Medical School in 1931, during the time that Dr Ivy was a physiology professor at the institution. Dr Omar Samuel and Dr Oliver Wendell Budge practiced together in Logan, Utah. Dr Omar Samuel Budge helped to promote a plan to tattoo blood types on all residents of the adjacent Cache and Rich counties to establish a "walking blood bank."[32] Similar to the Lake County program, the cost was $1 per person, blood-typing was coordinated by the

*A. E. L. has seen a card dated 11/11/52.

Fig 4. Dr Oliver Wendell Budge in 1930. Using the slogan "It won't hurt and it may save a life," his brother led the project of the Cache Valley Medical Society to blood-type tattoo all the residents of Cache and Rich counties. (Courtesy of the Galter Health Sciences Library, Northwestern University, Chicago, Ill.)

local Red Cross, and tattooing occurred under the left arm.[33]

Residents of Utah received special approval for this "permanent imprint" from the Church of Jesus Christ of Latter-day Saints' influential theologian, Bruce R. McConkie, who wrote, "Tattoos are permanent marks or designs made on the skin by puncturing it and filling the punctures with indelible ink. The practice is a desecration of the human body and should not be permitted, unless all that is involved is the placing of a blood type or an identification number in an obscure place."[34]

THE DECLINE OF BLOOD-TYPE TATTOOING PROGRAMS

The reasons for mass blood-typing included the creation of donor lists to assure immediate blood availability and to allow for rapid citizen identification in an emergency. Standard medical practice mandated cross-matching at the time of whole blood transfusion. Doctors would not rely on pretyping.[35] The AMA and the Federal Civil Defense Administration supported emergency plasma administration, regardless of blood type, to avoid typing errors.

Citizens had to decide whether to use dog tags or tattoos for identification and other information. Tattooing is prohibited in the Bible[36] and was rejected by most cities for a number of other reasons. The Milwaukee Civil Defense Committee echoed a general feeling that tattooing would not help in the presence of severe burns.[37] The Jackson pilot study found that dog tags were preferred for blood-typing purposes. Other problems identified were the danger of infection, in addition to the time, effort, and expense required.[38,39]

In conclusion, the use of blood-type tattoos was a short-lived phenomenon and was limited to two small communities. The problems with blood-type tattooing were discussed across the United States, so why did Lake County, Indiana, and Cache and Rich counties, Utah go ahead with the tattooing program? Maybe they both attest to Dr Ivy's substantial influence. Maybe they were test sites for the Army and for the rest of the country.[31] Maybe the Lake County program was part of a walking blood bank, in which neighboring communities would be "bled" in case of an attack on Chicago. Civilians were persuaded to participate in these programs because of the idea that the tattoos would protect them in the event of an atomic attack.

With the end of the Korean conflict, the international demand for blood decreased. This may account for the 1953 dissolution of the tat-typing programs. The trial of tattoos for blood-type designation was unsuccessful as doctors did not trust tattoos for medical information because of the errors associated with pretyping.[8] Despite its ultimate failure, thousands of people were lured by the promise, "It won't hurt, and it may save your life."

We thank many of those who were in school in and around Whiting, Indiana, during the period 1951-1953 and who willingly gave us leads and told their stories.

REFERENCES

1. Walking blood bank slates typing day. The Herald Journal May 22, 1951:1.
2. Erskine AG. The principles and practice of blood grouping. St. Louis: CV Mosby; 1973.
3. Kaufman W. Tattooing. Science Digest October 1952:71-3.
4. Double aim in plan of health dept. The News. September 9, 1949:1.
5. Giordano AS, Green JW, Larson LW, Ramsey HP, Todd RTB. Statement on the national need for blood transfusion. JAMA 1948(May 8);178-9.
6. Blood type tattoo urged by physician. Syracuse Herald Journal June 7, 1950:24.
7. State to attempt mass blood typing. New Castle News. August 9, 1950.
8. American Medical Association; American Red Cross; National Security Resources Board. Suggested statement on mass typing programs; 1950.
9. Smith A. Blood procurement. JAMA 1950;144(7):550-1.
10. Survey of blood banks in the United States and possessions: A report to the committee on blood banks. Chicago: American Medical Association; 1950.
11. Jackson first to type blood. Record-Eagle Traverse City. October 9, 1950.
12. Blood typing in civil defense. N Engl J Med 1951;245(13): 509-12.

13. Ahronheim JH. Mass blood typing. Summary and analysis of the Jackson, Mich., blood typing program. JAMA 1951;147(11): 1034-6.
14. Michigan has been guinea pig for mass blood-typing plan in nation. The Holland Michigan Evening Sentinel. December 3, 1952.
15. Stetler CJ. Council on national emergency medical service medical civil defense preparedness. JAMA 1953(June 27):872.
16. Chicago Civil Defense Committee. Chicago: Civil Defense Corps; 1950.
17. Offer Chicago people tattoo of blood type. The Vidette-Messenger August 2, 1950:10.
18. Gibbons R. O.K. blood type tattoo as aid in atom attack. Chicago Daily Tribune. August 1, 1950.
19. Medics to rule who gets aid after a blast. Chicago Daily Tribune. Aug 3, 1950.
20. 10 doctors to aid state on defense. New York Times. August 1, 1950.
21. Andrew C. Ivy. The Physiologist. February 1974;17(1):1-4.
22. Stent GS. Nazis, women and molecular biology: memoirs of a lucky self-hater. Boca Raton (FL): Emerson-Adams Press; 1998.
23. *U.S. v Demjanjuk*, 2002 WL 544622 (N.D. Ohio, Feb. 21, 2002). Northern District, Ohio.
24. Booklet tells what to do if city is bombed. Chicago Daily Tribune Dec 7, 1950:7.
25. Mass tattoo of 200,000 on in Lake County. Chicago Daily Tribune August 26, 1951:S1.
26. Lake County Medical Society, TB Association. Auxiliary completes 5000 CD blood typings. Lake County Medical News Midsummer 1951:13.
27. Tat-typing added to blood typing at county fair. Lake County Medical News Midsummer 1951:11.
28. Lake County Medical Society. Minutes of annual meeting. Lake County Medical News. December 12, 1951:8-9.
29. Civilian Defense blood typing is out temporarily. Hammond Times January 17, 1952.
30. To type blood for students. The Hammond Times March 26, 1952.
31. Army may adopt county tat-typing blood plan. The Hammond Times. May 21, 1952.
32. Kite L. Sign of the times. The Herald Journal. August 2, 2006.
33. Walking blood bank drive starts Friday. The Herald Journal May 17, 1951.
34. McKonkie BR. Mormon Doctrine. 2nd ed. Salt Lake City: Bookcraft Inc; 1966.
35. Supervisors' ok of project is scuttled. Herald Press. March 19, 1953.
36. Leviticus 19:28. (King James version.)
37. Lamers WM. Identification for school children. NEA Journal 1952;41:99.
38. Mass blood typing and the Connecticut regional blood program. Conn State Med J 1951(June):513-4.
39. Blood-typing not practical. Traverse City Record Eagle. October 13, 1950.

Bernier

Senator B., Committee members, Ladies and Gentlemen,

My name is James Buhrow, and I have been many things to many people in my lifetime. I am a Steamfitter and proud Union Tradesmen. I am an alumnus of both a 4-year college and the Wisconsin Technical School System. I am a Husband, a father, a son, a brother, a student, and a teacher. One of the things I am most proud of though, is my time as a soldier. For nearly 22 years I have served our nation on Active Duty as well as the Wisconsin National Guard and Army Reserve with the last 12 years of my service as a Drill Sergeant.

I have trained hundreds if not thousands of young men and women. They look to my peers and I to teach, coach and mentor them into tomorrow's warriors and leaders. They know us by iconic hats and our badge emblazoned with the words "This We'll Defend". When they enlist, they swear an oath to "support and defend the Constitution of the United States against all enemies, foreign and domestic; that we will bear true faith and allegiance to the same". I have always implored my soldiers to read and understand the Constitution, after all, they have sworn to uphold it. When soldiers retire, are discharged or otherwise complete their service, they are never absolved of this oath.

I'm here today to uphold that oath, to uphold our Constitution, by insisting that Wisconsin proclaim that the abuses perpetrated by our federal government will no longer be tolerated. To join with the 15 other states in calling for a Convention of States to remind the Federal Government that it is We the People from which their powers are granted, not vice versa.

When our founders wrote the Constitution, they came together as statesmen, leaving behind their farms, their businesses, their trades. They could scarce imagine that anyone would be able to, let alone want to, make a career out of politics. We now have politicians that have decades in office far removed from their constituencies. They appear less concerned with representing and more concerned with politicking, using their positions for personal gain and profit, by pedaling influence without

recourse, by doling out mega sized omnibus and relief bills that are literally giving away the wealth of our nation without coming close to balancing the federal budget. Of course, it is not all of them, but it is enough of them and it is time for them to make way for those that would better represent their people's interests

The opening statement in the US Constitution states: "We the people of the United States, in order to form a more perfect union..." "More Perfect Union" Our founding fathers were not so vain as to think that they had perfected government. They left us room to refine and continually strive towards excellence. They recognized that they were all fallible but from The laborious task of arguing merits and faults produced a document unlike anything the world had ever seen. It is up to us to safe guard it. It is up to say

Our Constitution, We'll Defend!

Our Nation, We'll Defend!

Our People, We'll Defend!

This is our line in the sand...and This We Will Defend!

Please ~~Vote~~ Support in favor of SJR-8.

SJR-8 – Article V – Convention of States Hearing

Eric Buhrow – March 23, 2021

Thank you for allowing me to speak with you today. My name is Eric Buhrow, I am a software engineer from central Wisconsin, and I am here to speak in favor of Senate Joint Resolution 8.

During the Constitutional Convention, our founding fathers weighed various options when it comes to amending our Constitution. The initial method that was proposed was to allow for the application of the legislatures of two-thirds of the states to call for a convention for the purpose of amendment. Concerned that such a provision would allow two-thirds of the states to subvert the others, and that Congress itself would be the first to perceive the need for amendment, some at the convention thought that leaving amendment power to the state alone meant that no alterations would occur but those increasing the powers of the states. Thus, James Madison, the namesake of the city in which we sit, proposed empowering Congress to propose amendments on its own. In the end, both provisions were added to Article V of the Constitution. Since that time, seventeen amendments plus the Bill of Rights have been ratified, all of which utilized the latter method of amendment.

In recent years, it has become increasingly evident that political discourse has become highly polarized for a variety of reasons, however, there are several concerns in which my political conversations with others has resulted in near complete consensus. The first of these is that spending within our Federal government has reached a point where the federal debt is at risk of plunging the United States into a fiscal crisis, one from which our country may take decades to recover.

The second is contrary to the expectations of our founding fathers, our country has created a sort of permanent political class, or ruling elite. One in which members of said class enjoy a lifetime of power that is often only surrendered to severe illness, death, or in rare cases extreme political controversy. These elite members of the ruling class are often funded and controlled through pools of vast wealth from outside parties that seek to obscure their involvement with the political process, and ultimately obligate the member to support measures they may find morally objectionable, or divergent from the best interest of their constituents, lest they lose their seat of power.

While these issues are often pointed at as being greatly important to many citizens of this country, our politicians, especially those at the federal level, do little more than pay simple lip-service to the problems, as addressing them would place limitations on the power that so many of them seem to seek. It is precisely because they are unwilling to address these concerns that it is time to call for an Article V Convention and consider amendments for items such as a Balanced Budget, Term Limitations, and Campaign Finance Reform, so that the people may wrest back the power they were promised by our great Constitution.

My name is Christian Gomez, resident of Appleton, Wisconsin; Research Project Manager for The John Birch Society; currently the host of the JBS' *Anarchy & America* web-series, and also contributor for the leading-constitutional conservative *The New American* magazine and video. I am testifying in *opposition* to both SJR 8 and SJR 12, the "Convention of States Project"-worded application for an Article V constitutional constitution[1] and the single-subject constitutional convention for term-limits application, respectively.

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

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

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

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

---

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

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

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

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

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

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

---

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

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

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

---

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

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

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

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

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

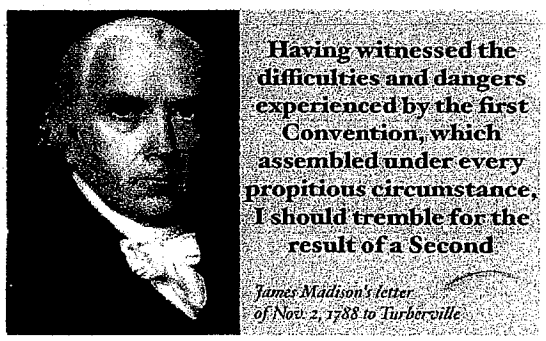
---

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

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

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

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



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

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

This is what happened:

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

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

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

---

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

[2] See ART. 13 of the Articles of Confederation **[link]**.

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

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

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

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

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

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

---

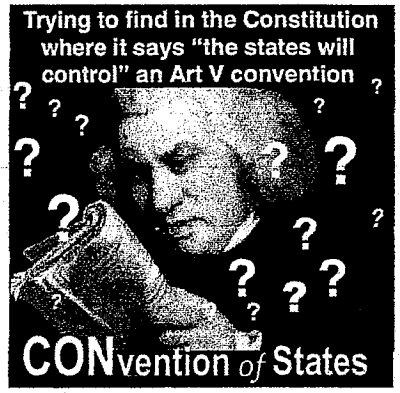
[3] In Federalist No. 40 (15th para), **James Madison says the Delegates knew that reform such as was set forth in the new Constitution was necessary for our peace and prosperity. They knew that sometimes great and momentous changes in established governments are necessary – and a rigid adherence to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

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

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

Contact Joanna Martin, J.D. at publiushuldah@gmail.com or https://publiushuldah.wordpress.com/

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



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

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

So State Legislators must be like the Bereans [2] and demand that COS prove their assurances.

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

1. Two Constitutional provisions respecting an Article V Convention

Article V, US Constit., says:

> "*The Congress*, whenever two thirds of both Houses shall deem necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, *shall call a Convention…*" [italics added]

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

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

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

---

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

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

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

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

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

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

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

And as the Report states on page 27:

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

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

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

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

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

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

4. Olson & Titus Legal Policy paper

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

---

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

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

Brilliant men warned *Against* an Article V convention

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

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

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

- **In Federalist No. 85 (last para),** Hamilton said he "dreads" the consequences of another convention because the enemies of the Constitution want to get rid of it.

- **Justice Arthur Goldberg** said in **his 1986 editorial in the Miami Herald** that **"it cannot be denied that"** the Philadelphia convention of 1787 **"broke every restraint intended to limit its power and agenda"**, and **"any attempt at limiting the agenda [at an Article V convention] would almost certainly be unenforceable."**

- **Chief Justice Warren Burger** said in his **June 1988 letter to Phyllis Schlafly:** "...there is no effective way to limit or muzzle the actions of a Constitutional Convention... After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda... A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn..."

- **Justice Scalia** said on April 17, 2014 **at the 1:06 mark of this video: "I certainly would not want a Constitutional Convention. I mean whoa. Who knows what would come out of that?"**

- **Other eminent legal scholars have said the same – Neither the States nor Congress can control the Delegates. See THIS.**

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

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

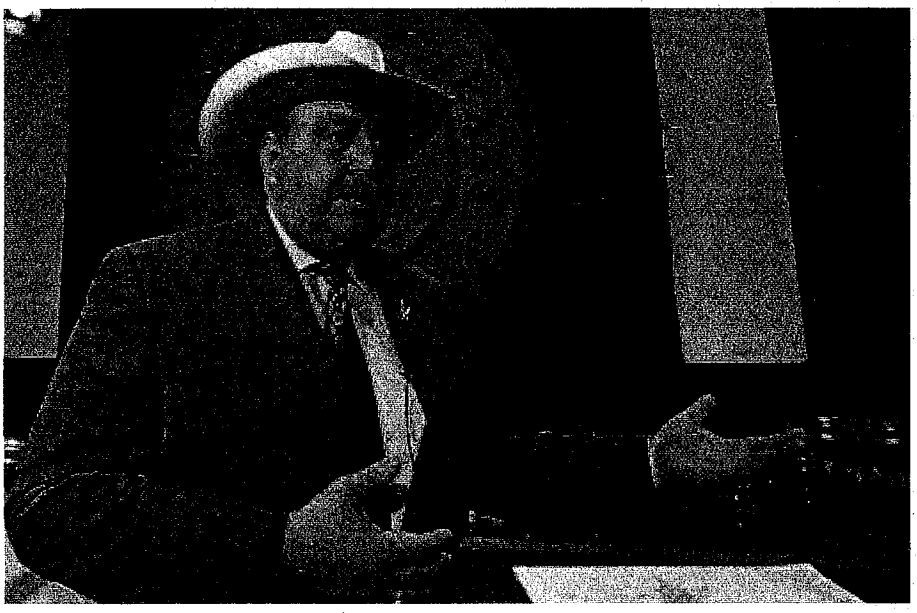
Contact Joanna Martin, J.D. at publiushuldah@gmail.com

Jan. 3, 2020

NULLIFICATION

What State Legislatures Are Doing

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



AP Images

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

by Peter Rykowski

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

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

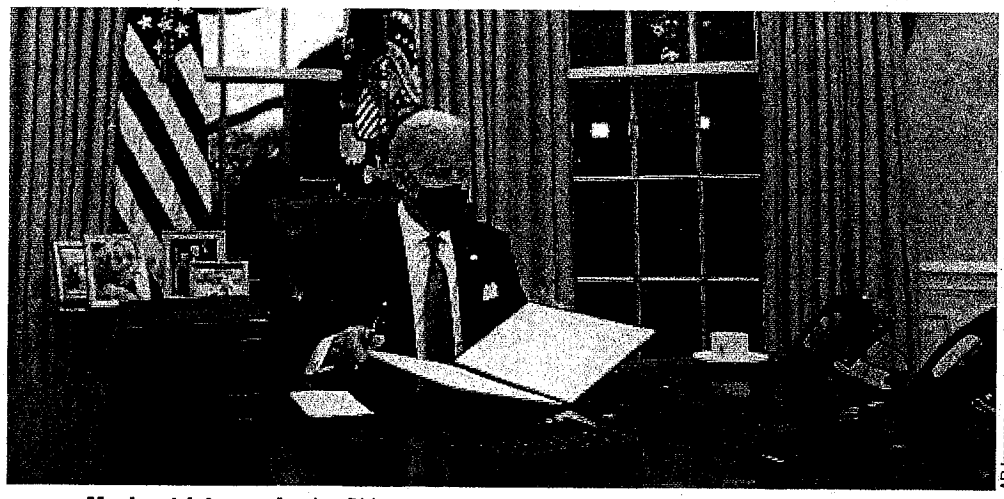
Fortunately, the Constitution contains the tools necessary to push back against these federal overreaches. For example, Article VI states: "This Constitution, and the Laws of the United States which *shall be made in Pursuance thereof* ... shall be the supreme Law of the Land." (Emphasis added.) That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

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

Comprehensive Nullification

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

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



AP Images

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

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

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

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

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

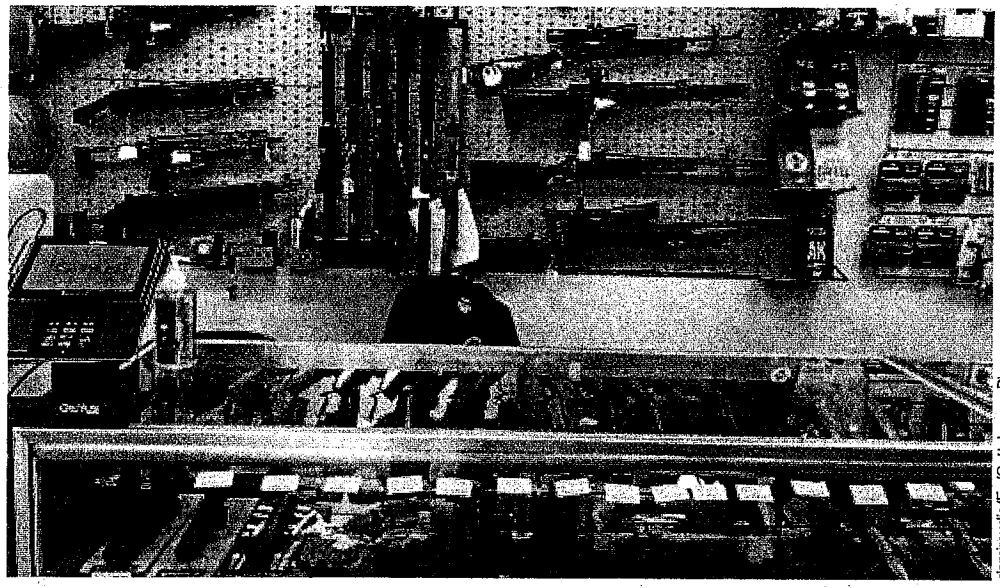
Importantly, SF 81 nullifies both past and future unconstitutional firearm restrictions. While not naming any specific federal laws, the bill's effect would be wide-ranging, nullifying even the 1934 National Firearms Act and the 1968 Gun Control Act.

The remainder of SF 81 primarily ensures 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), Mississippi (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.



damircudic/E+/GettyImagesPlus

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.

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

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 National 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. ■

AP Images

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

Historical Precedent: Was the 1787 Convention a "runaway" convention?

#1. Some said, "We don't have the power and should not proceed."

Patrick Henry

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

Robert Whitehill

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

William Paterson (New Jersey delegate)

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

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

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

John Lansing (New York delegate)

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

Luther Martin (Maryland delegate)

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

#2. Others said, "We don't have the power but should proceed anyway."

Edmund Randolph (Virginia delegate)

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

Alexander Hamilton (New York delegate)

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

James Madison (Virginia delegate)

"...it is therefore essential that such changes be instituted by some informal and unauthorized propositions...."[10]

George Mason (Virginia delegate)

Mr. Mason justified exceeding their powers, "there were besides certain crisises, in which all the ordinary cautions yielded to public necessity."[11]

James Wilson (Pennsylvania delegate)

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

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

No such citations exist from the Founding era.

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

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

"I think the calling another continental Convention should not be delayed . . . for [the] single reason, if no other, that it was done by men who exceeded their Commission, and whatever may be pleaded in excuse from the necessity of the case, something certainly can be done to disclaim the dangerous president [i.e., precedent] which will otherwise be established."[13]

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

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

"The people were in fact, the fountain of all power, and by resorting to them, all difficulties were got over. They could alter constitutions as they pleased."[15] - Madison

"a rigid adherence in such cases to the former [limits of power imposed by the states], would render nominal and nugatory the transcendent and precious right of the people to 'abolish or alter their governments as to them shall seem most likely to effect their safety and happiness'"[16] - Madison

"The plan to be framed and proposed was to be submitted to the people themselves, the disapprobation of this supreme authority would destroy it forever. . . "[17]- Madison

"Col. Mason: The Legislatures have no power to ratify it. They are the mere creatures of the State Constitutions, and cannot be greater than their creators . . . Whither then must we resort? To the people with whom all power remains that has not been given up in the Constitutions derived from them."[18]

---

[1] Virginia Ratifying Convention, June 4, 1788
[2] Pennsylvania Ratifying Convention, 28 Nov. 1787
[3] Madison's notes of the 1787 convention, 16 June 1787
[4] Madison's notes of the 1787 convention, 30 May 1787
[5] Madison's notes of the 1787 convention, 16 June, 1787, comments of Delegate John Lansing, Jr. from New York, who LEFT the Convention July 10th after realizing they exceeded their authority.
[6] Letter by Luther Martin, opposing ratification of the 1787 Constitution, http://oll.libertyfund.org/titles/1905#Elliot_1314-01_3767

[7] Madison's notes of the 1787 convention, 16 June 1787
[8] Farrand's Records of the 1787 convention, 16 June 1787
[9] Madison's notes of the 1787 convention, 18 June 1787
[10] Madison, Federalist 40
[11] Madison's notes of the 1787 convention, 20 June 1787
[12] Pennsylvania Ratifying Convention, 26 Nov. 1787

[13] Judge Caleb Wallace to William Fleming, 3 May 1788
[14] Madison, Federalist 40
[15] Madison's notes of the 1787 convention, 31 Aug 1787
[16] Madison, Federalist 40
[17] Madison, Federalist 40
[18] George Mason, Madison's notes of the 1787 convention, 23 Jul 1787

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

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

Corpus Jurus Secundum (a legal summary of 5 court decisions)
"The members of a Constitutional Convention are **the direct representatives of the people** and, as such, they may exercise all sovereign powers that are vested in the people of the state. They derive their powers, not from the legislature, but from the people: and, hence, **their power may not in any respect be limited or restrained by the legislature**. Under this view, it is a Legislative Body of the Highest Order and may not only frame, but may also enact and promulgate, [a] Constitution."
- Corpus Jurus Secundum 16 C.J.S 9, Cases cited: Mississippi (1892) Sproule v. Fredericks; 11 So. 472, Iowa (1883) Koehler v. Hill; 14 N.W. 738, West Virginia (1873) Loomis v. Jackson; 6 W. Va. 613, Oklahoma (1907) Frantz v. Autry; 91 p. 193, Texas (1912) Cox v. Robison; 150 S.W. 1149

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

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

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

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

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

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

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

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

Thus, a "limited" convention is a myth.

THE JOHN BIRCH SOCIETY

Belmont, Massachusetts 02178

WEST COAST REGIONAL OFFICE

2627 Mission Street

San Marino, California 91108

April 24, 1967

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

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

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

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

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

April 24, 1967

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

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

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

Sincerely,

Carl Danielson
West Coast Regional Office

CD:lb

enclosure

cc: Herb Joiner

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For our America,
Thank you.
Christy Uhl

In opposition to SJR 8 & 12

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

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

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

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

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

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

Thank you,
Alise Uhl

In opposition to SJR 8 & 12

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

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

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

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

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

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

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

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

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

Just to reiterate, the Constitution has no provision for limiting the scope of a convention of States. None. Those who claim there is, are lying. The only reason to open up a convention of States is to form a new government. Congress sets the rules for the convention and determines how the delegates are selected. Congress also decides whether the Constitution will be ratified by the state legislatures or by conventions in ¾ of the states. When a convention is called, the people no longer have a say. Look it up. That is how it works.

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

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

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

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

Curtis Uhl

opposition of SJR 8&12

The Testimony of Dr. Wayne C Sedlak

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

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

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

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

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

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

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

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

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

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

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

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

The Testimony: "I Rejoice!"

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

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

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

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

Why is that I wonder?

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

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

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

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

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

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

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

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

> You wish to know my sentiments on the project of another general Convention as suggested by New York. I should give them to you with great frankness, though I'm aware that they may not coincide with those in fashion at Richmond or even with your own. I'm not of the number… who think our Constitution, lately adopted, a faultless work…
>
> 2. **A convention cannot be called without the unanimous consent of the parties who are to be bound by it…** Or without the previous application of the state legislatures if the forms of the Constitution are to be pursued…
>
> 3. If a General Convention were to take place for the … sole purpose of revising the Constitution, it would naturally consider itself as having a greater latitude than

> the Congress appointed to administer and support [it]… It would consequently give greater agitation to the public mind…
>
> Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a Second…

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

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

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

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

Respectfully submitted,

Dr. Wayne C. Sedlak

Pastor, Linguist, Professor, Missionary

(submitted, as instructed, March 25, 2021)

Testimony from Kenn Quinn with U.S. Term Limits in Support of SJR8

Bridgton, Maine | Tel. (207) 713-8700 Email. kquinn@termlimits.com

Dear Chairman Stroebel and distinguished committee members,

My name is Kenn Quinn and I am a Regional Director with U.S. Term Limits and I am testifying today in support of SJR8. I would like to begin by reading a quote by George Washington as he described the tactics of the Anti-Federalists to stop the ratification of the Constitution;

*"**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, Nov 9th, 1787.

I shared that quote because the same tactics are being used today against the Constitution's amending provision. On a personal note, I used to believe in the false narrative of the "runaway" convention because I was received information from an organization that uses fear to oppose the States from using their authority under Article V to introduce needed reforms. I believed this false propaganda because I never bothered to take the time to read the writings of the Framers nor research the history of Article V. Once I did, I quickly realized I was misled and immediately embraced the Article V convention as the very tool our state legislators need to use to check the power our runway federal government.

Article V Myth Busting: The Historical Evidence and Truth About the Article V Convention

1. The 1787 Federal Convention was not called by Congress to solely revise the Articles of Confederation.
2. The state legislatures unanimously approved the new ratification requirement by calling state conventions.
3. Federalist 40: Madison refutes the charge that the Convention exceeded its authority (runaway convention).
4. The Framers intent was a limited convention only for the amendment applied for by 2/3s of the legislatures.
5. The Framers voted against giving Article V the power of a Constitutional Convention (Con Con).
6. Federalist 85: The Article V convention was designed to allows the Stats to propose a single amendment.
7. Federalist 85: The difference between a Con-Con and an Article V convention are described.
8. Madison's opposed (tremble) a 2nd Constitutional Convention Not an Article V Convention.
9. Madison letters describes the two types of conventions; a Con-Con (first principles) and Article V (forms).
10. The Debate in Congress in regard to the 1st Article V application proves the convention is limited.
11. The Article V convention simply gives the States same opportunity Congress has used over 12,000 times.
12. The 400 + Article V applications submitted by the States to Congress prove a limited convention.
13. The legislatures passing Article V applications were the impetus to seventeen of our amendments.
14. The States have a long rich history of meeting in conventions to propose solutions to problems.
15. The Washington Peace Conference of 1861 proposed an amendment to the Constitution.
16. The States have held 233 conventions, adopting 143 constitutions and ratifying 6,000 amendments.
17. The ULC is a convention of the states is held annually and functions as an Article V convention.
18. The 2017 Phoenix Convention adopted rules for an Article V convention. We Know How the Rules Work.

In closing, I encourage you to please research this issue yourself by reading the writings of the Framers and the historical documents to know the truth and to see the wisdom they had in giving you, our state legislators, the authority to use Article V as a check against our runaway federal government. I hope that you will vote to pass SJR8 which includes the subject of a Congressional Term Limits Amendment which is overwhelmingly supported by 82% of the American people across all party lines.

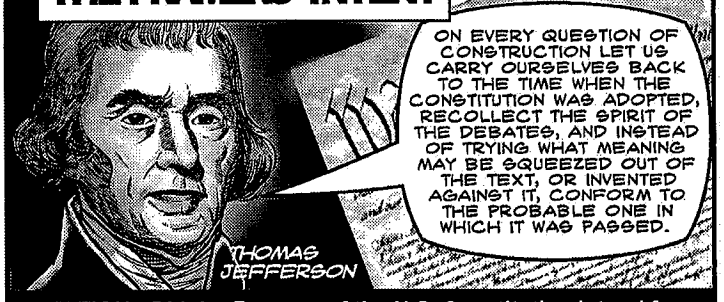
Sincerely,
Kenn Quinn

I have attached several documents for you to review

- The Article V Limited Convention: The Framers Intent
- Proceedings of Commissioners to Remedy Defects of the Federal Government; 1786
- Report of Proceedings in Congress; February 21, 1787
- James Madison to George Turberville, November 2, 1788
- 13.55 Commission on uniform state laws.

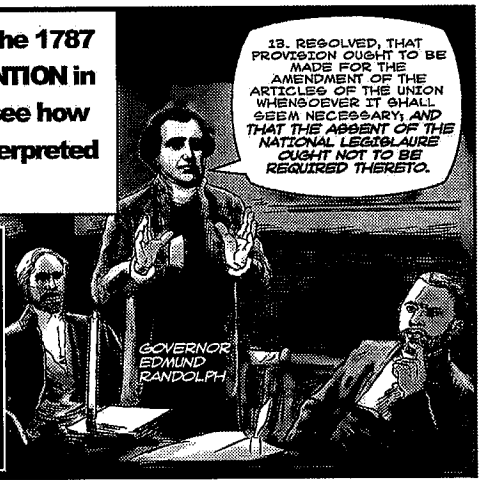
The Article V Limited Convention :

THE FRAMERS' INTENT



QUESTION: Did the Framers of the U.S. Constitution intend for an Article V convention to be limited to the subject agreed to by two-thirds of the states or an open convention?

Let's go back to the 1787 FEDERAL CONVENTION in Philadelphia to see how THE FRAMERS interpreted Article V!

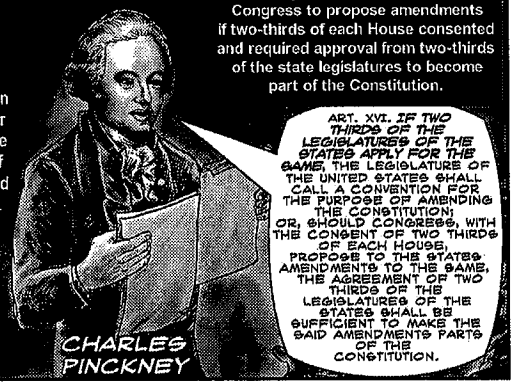


ON MAY 29, THE FIRST WORKING DAY OF THE 1787 FEDERAL CONVENTION, GOVERNOR EDMUND RANDOLPH INTRODUCED FIFTEEN RESOLUTIONS KNOWN AS THE VIRGINIA PLAN WHICH CONTAINED A PROVISION TO AMEND THE CONSTITUTION WITHOUT THE APPROVAL OF THE CONGRESS.

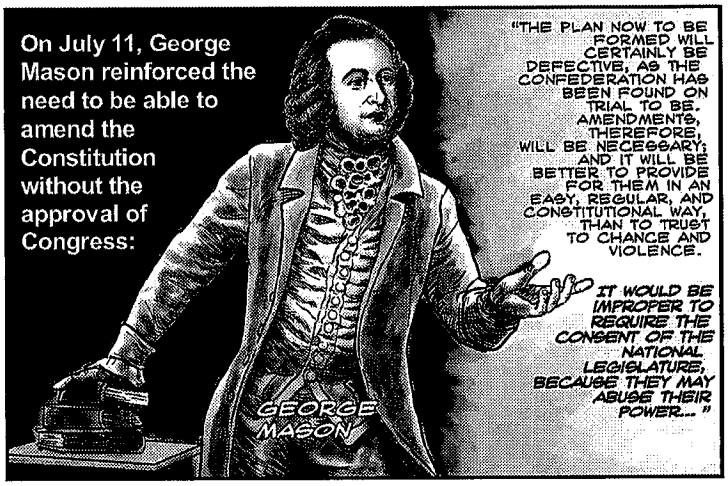
Immediately afterwards, Charles Pinckney of South Carolina laid before the House a draft of a federal government which he read. Pinckney's draft included a detailed provision which required a convention to be called by Congress for the purpose of amending the Constitution, if two thirds of the state legislatures applied for the same amendment(s).

This established the understanding from the very beginning that a convention for amending the Constitution was limited to the subject agreed to by two-thirds of the states.

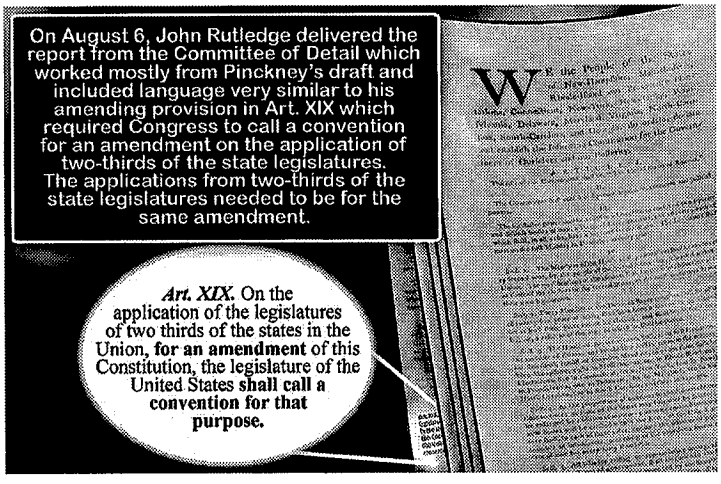
Pinckney's provision also allowed Congress to propose amendments if two-thirds of each House consented and required approval from two-thirds of the state legislatures to become part of the Constitution.



On July 11, George Mason reinforced the need to be able to amend the Constitution without the approval of Congress:

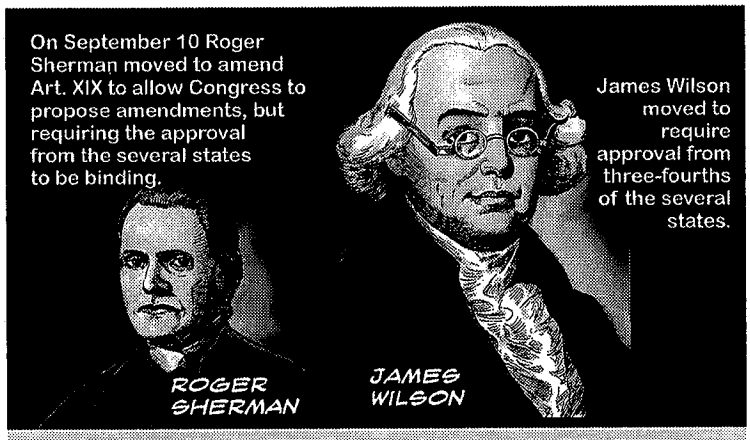


On August 6, John Rutledge delivered the report from the Committee of Detail which worked mostly from Pinckney's draft and included language very similar to his amending provision in Art. XIX which required Congress to call a convention for an amendment on the application of two-thirds of the state legislatures. The applications from two-thirds of the state legislatures needed to be for the same amendment.

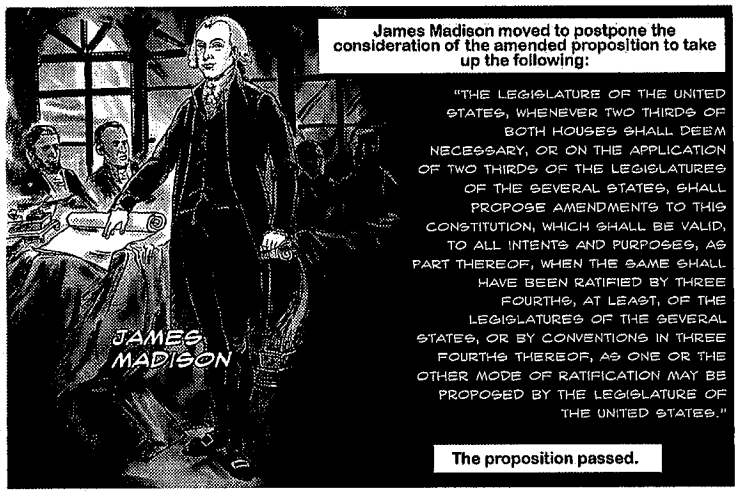


On September 10 Roger Sherman moved to amend Art. XIX to allow Congress to propose amendments, but requiring the approval from the several states to be binding.

James Wilson moved to require approval from three-fourths of the several states.



Note: Allowing Congress to propose amendments and requiring the approval from the states were originally in Pinckney's Article XVI amending provision.

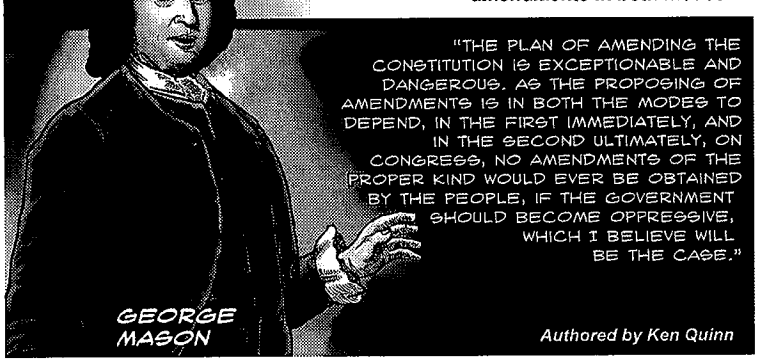


James Madison moved to postpone the consideration of the amended proposition to take up the following:

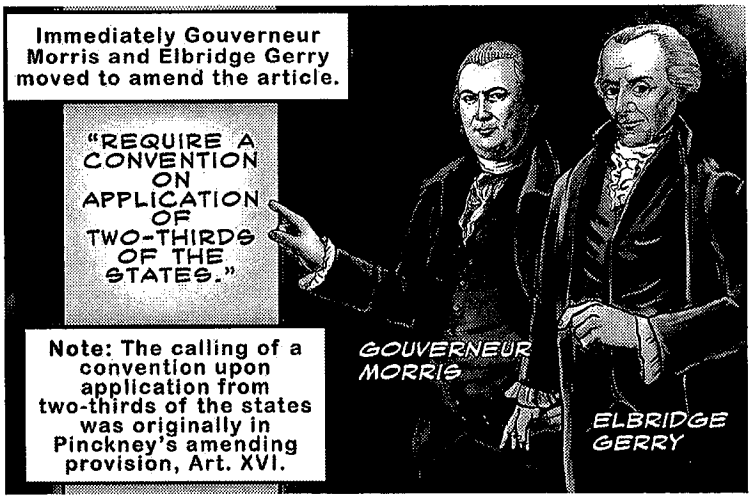
"THE LEGISLATURE OF THE UNITED STATES, WHENEVER TWO THIRDS OF BOTH HOUSES SHALL DEEM NECESSARY, OR ON THE APPLICATION OF TWO THIRDS OF THE LEGISLATURES OF THE SEVERAL STATES, SHALL PROPOSE AMENDMENTS TO THIS CONSTITUTION, WHICH SHALL BE VALID, TO ALL INTENTS AND PURPOSES, AS PART THEREOF, WHEN THE SAME SHALL HAVE BEEN RATIFIED BY THREE FOURTHS, AT LEAST, OF THE LEGISLATURES OF THE SEVERAL STATES, OR BY CONVENTIONS IN THREE FOURTHS THEREOF, AS ONE OR THE OTHER MODE OF RATIFICATION MAY BE PROPOSED BY THE LEGISLATURE OF THE UNITED STATES."

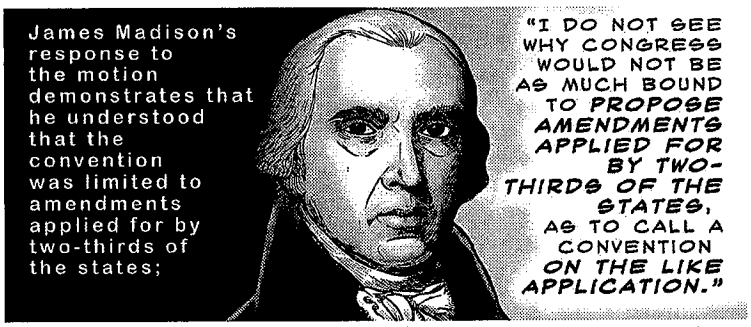
The proposition passed.

On September 15 the last working day of the Convention, the delegates worked to finalize the Constitution. When they reviewed the amending provision, now titled Article V, George Mason vehemently objected to the wording because it only gave Congress the authority to propose amendments in both modes.



Authored by Ken Quinn





Madison thought it would be redundant for Congress to call a convention because it was already bound to propose the amendments applied for by two-thirds of the states, otherwise Madison's response makes no sense. How could Congress propose amendments applied for by the states without specifying those amendments in their applications?

The motion for "a convention on application of two-thirds of the states" was agreed to unanimously.

ANSWER: The Framers of the Constitution intended that an Article V Convention was limited to the subject agreed to by two-thirds of the states in their applications

CONCLUSION:

Throughout the entire course of the debates, the delegates clearly understood that a convention called to amend or propose amendments would be limited to the amendment(s) applied for by two-thirds of the state legislatures. The vote to add "a convention on application of two-thirds of the states" only removed the dependence on Congress to propose those amendment(s) that were applied for and transferred that authority exclusively to the states. It did not change the requirement that applications from two-thirds of the states had to be for the same amendment(s), nor the purpose of the convention, to propose those specific amendments.

Not a single delegate during the debates claimed that the convention was an "open" convention, capable of proposing any amendment, they only understood it to be a limited convention that two-thirds of the state legislatures agreed to. This was the clear intention of the Framers as they formulated the text of the amending provision, which is now embodied in Article V.

Sources

1. From Thomas Jefferson to William Johnson, 12 June 1823," Founders Online, National Archives, version of January 18, 2019, https://founders.archives.gov/documents/Jefferson/98-01-02-3562.

2. The Debates on the Adoption of the Federal Constitution in the Convention held at Philadelphia in 1787, with a Diary of the Debates of the Congress of the Confederation as reported by James Madison, revised and newly arranged by Jonathan Elliot. Complete in One Volume. Vol. V. Supplement to Elliot's Debates (Philadelphia, 1836). https://oll.libertyfund.org/titles/1909#Elliot_1314-05_1595

*Authored by **Ken Quinn***

Proceedings of Commissioners to Remedy Defects of the Federal Government : 1786

PROCEEDINGS OF COMMISSIONERS TO REMEDY DEFECTS OF THE FEDERAL GOVERNMENT (1)

ANNAPOLIS IN THE STATE OF MARYLAND

SEPTEMBER 11th 1786

At a meeting of Commissioners, from the States of New York, New Jersey, Pennsylvania, Delaware and Virginia-

Present

New York
ALEXANDER HAMILTON
EGBERT BENSON

New Jersey
ABRAHAM CLARK
WILLIAM C. HOUSTON
JAMES SCHUARMAN

Pennsylvania
TENCH COXE

Delaware
GEORGE READ
JOHN DICKINSON
RICHARD BASSETT

Virginia
EDMUND RANDOLPH
JAMES MADISON, Junior
SAINT GEORGE TUCKER

Mr Dickinson was unanimously elected Chairman.

The Commissioners produced their Credentials from their respective States; which were read.

After a full communication of Sentiments, and deliberate consideration of what would be proper to be done by the Commissioners now assembled; it was unanimously agreed: that a Committee be appointed to prepare a draft of a Report to be made to the States having Commissioners attending at this meeting- Adjourned 'till Wednesday Morning.

WEDNESDAY SEPTEMBER 13th 1786

Met agreeable to Adjournment.

The Committee, appointed for that purpose, reported the draft of the report; which being read, the meeting proceeded to the consideration thereof, and after some time spent therein, Adjourned 'till tomorrow Morning.

THURSDAY SEPTEMBER 14th 1786

Met agreeable to Adjournment.

The meeting resumed the consideration of the draft of the Report, and after some time spent therein, and amendments made, the same was unanimously agreed to, and is as follows, to wit.

To the Honorable, the Legislatures of Virginia, Delaware, Pennsylvania, New Jersey, and New York-

The Commissioners from the said States, respectively assembled at Annapolis, humbly beg leave to report.

That, pursuant to their several appointments, they met, at Annapolis in the State of Maryland, on the eleventh day of September Instant, and having proceeded to a Communication of their powers; they found that the States of New York, Pennsylvania, and Virginia, had, in substance, and nearly in the same terms, authorised their respective Commissioners " to meet such Commissioners as were, or might be, appointed by the other States in the Union, at such time and place, as should be agreed upon by the said Commissioners to take into consideration the trade and Commerce of the United States, to consider how far an uniform system in their commercial intercourse and regulations might be necessary to their common interest and permanent harmony, and to report to the several States such an Act, relative to this great object, as when unanimously ratified by them would enable the United States in Congress assembled effectually to provide for the same."

That the State of Delaware, had given similar powers to their Commissioners, with this difference only, that the Act to be framed in virtue of those powers, is required to be reported "to the United States in Congress assembled, to be agreed to by them, and confirmed by the Legislatures of every State."

That the State of New Jersey had enlarged the object of their appointment, empowering their Commissioners, " to consider how far an uniform system in their commercial regulations and other important matters, might be necessary to the common interest and permanent harmony of the several States," and to report such an Act on the subject, as when ratified by them " would enable the United States in Congress assembled, effectually to provide for the exigencies of the Union."

That appointments of Commissioners have also been made by the States of New Hampshire, Massachusetts, Rhode Island, and North Carolina, none of whom however have attended; but that no information has been received by your Commissioners, of any appointment having been made by the States of Connecticut,

Maryland, South Carolina or Georgia.

That the express terms of the powers to your Commissioners supposing a deputation from all the States, and having for object the Trade and Commerce of the United States, Your Commissioners did not conceive it advisable to proceed on the business of their mission, under the Circumstance of so partial and defective a representation.

Deeply impressed however with the magnitude and importance of the object confided to them on this occasion, your Commissioners cannot forbear to indulge an expression of their earnest and unanimous wish, that speedy measures may be taken, to effect a general meeting, of the States, in a future Convention, for the same, and such other purposes, as the situation of public affairs, may be found to require.

If in expressing this wish, or in intimating any other sentiment, your Commissioners should seem to exceed the strict bounds of their appointment, they entertain a full confidence, that a conduct, dictated by an anxiety for the welfare, of the United States, will not fail to receive an indulgent construction.

In this persuasion, your Commissioners submit an opinion, that the Idea of extending the powers of their Deputies, to other objects, than those of Commerce, which has been adopted by the State of New Jersey, was an Improvement on the original plan, and will de serve to be incorporated into that of a future Convention; they are the more naturally led to this conclusion, as in the course of their reflections on the subject, they have been induced to think, that the power of regulating trade is of such comprehensive extent, and will enter so far into the general System of the federal government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a correspondent adjustment of other parts of the Federal System.

That there are important defects in the system of the Federal Government is acknowledged by the Acts of all those States, which have concurred in the present Meeting; That the defects, upon a closer examination, may be found greater and more numerous, than even these acts imply, is at least so far probable, from the embarrassments which characterize the present State of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion, in some mode, which will unite the Sentiments and Council's of all the States. In the choice of the mode, your Commissioners are of opinion, that a Convention of Deputies from the different States, for the special and sole purpose of entering into this investigation, and digesting a plan for supplying such defects as may be discovered to exist, will be entitled to a preference from considerations, which will occur, without being particularized.

Your Commissioners decline an enumeration of those national circumstances on which their opinion respecting the propriety of a future Convention, with more enlarged powers, is founded; as it would be an useless intrusion of facts and observations, most of which have been frequently the subject of public discussion, and none of which can have escaped the penetration of those to whom they would in this instance be addressed. They are however of a nature so serious, as, in the view of your Commissioners to render the situation of the United States delicate and critical, calling for an exertion of the united virtue and wisdom of all the members of the Confederacy.

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; and to report such an Act for that purpose to the United States in Congress assembled, as when agreed to, by them, and afterwards confirmed by the Legislatures of every State, will effectually provide for the same.

Though your Commissioners could not with propriety address these observations and sentiments to any but the States they have the honor to Represent, they have nevertheless concluded from motives of respect, to transmit Copies of this Report to the United States in Congress assembled, and to the executives of the other States.

By order of the Commissioners.
Dated at Annapolis
September 14th, 1786

Resolved, that the Chairman sign the Foregoing Report in behalf of the Commissioners.

Then adjourned without day-

New York
Egb[t] Benson
Alexander Hamilton

New Jersey
Abra: Clark
W[m] Ch[ll] Houston
J[a] Schureman

Pennsylvania
Tench Coxe

Delaware
Geo: Read
John Dickinson
Richard Bassett

Virginia
Edmund Randolph
J[a] Madison J[r]
S[t] George Tucker

(1) From the original in the Library of Congress.

Notwithstanding the order to the chairman to sign the address it was signed by all the members of the Convention. Back

Source:
Documents Illustrative of the Formation of the Union of the American States.
Government Printing Office, 1927.
House Document No. 398.
Selected, Arranged and Indexed by Charles C. Tansill

Report of Proceedings in Congress; February 21, 1787

REPORT OF PROCEEDINGS IN CONGRESS,(1)
WEDNESDAY FEBY 21, 1787

Congress assembled as before.

The report of a grand comee consisting of Mr Dane Mr Varnum Mr S. M. Mitchell Mr Smith Mr Cadwallader Mr Irwine Mr N. Mitchell Mr Forrest Mr Grayson Mr Blount Mr Bull & Mr Few, to whom was referred a letter of 14 Septr 1786 from J. Dickinson written at the request of Commissioners from the States of Virginia Delaware Pensylvania New Jersey & New York assembled at the City of Annapolis together with a copy of the report of the said commissioners to the legislatures of the States by whom they were appointed, being an order of the day was called up & which is contained in the following resolution viz

"Congress having had under consideration the letter of John Dickinson esqr chairman of the Commissioners who assembled at Annapolis during the last year also the proceedings of the said commissioners and entirely coinciding with them as to the inefficiency of the federal government and the necessity of devising such farther provisions as shall render the same adequate to the exigencies of the Union do strongly recommend to the different legislatures to send forward delegates to meet the proposed convention on the second Monday in May next at the city of Philadelphia "

The delegates for the state of New York thereupon laid before Congress Instructions which they had received from their constituents, & in pursuance of the said instructions moved to postpone the farther consideration of the report in order to take up the following proposition to wit

" That it be recommended to the States composing the Union that a convention of representatives from the said States respectively be held at on for the purpose of revising the Articles of Confederation and perpetual Union between the United States of America and reporting to the United States in Congress assembled and to the States respectively such alterations and amendments of the said Articles of Confederation as the representatives met in such convention shall judge proper and necessary to render them adequate to the preservation and support of the Union "

On the question to postpone for the purpose above mentioned the yeas & nays being required by the delegates for New York.

Massachusetts	Mr. King	ay	ay
	Mr. Dane	ay	
Connecticut	Mr. Johnson	ay	d
	Mr. S. M. Mitchell	no	
New York	Mr. Smith	ay	ay
	Mr. Benson	ay	
New Jersey	Mr. Cadwallader	ay	no
	Mr. Clarke	no	
	Mr. Schurman	no	
Pensylvania	Mr. Irwine	no	no
	Mr. Meredith	ay	
	Mr. Gingham	no	
Delaware	Mr. N. Mitchell	no	x
Maryland	Mr. Forest	no	x
Virginia	Mr. Grayson	ay	ay
	Mr. Madison	ay	
North Carolina	Mr. Blount	no	no
	Mr. Hawkins	no	
South Carolina	Mr. Bull	no	no
	Mr. Kean	no	
	Mr. Huger	no	
	Mr. Parker	no	
Georgia	Mr. Few	ay	no
	Mr. Pierce	no	

So the question was lost.

A motion was then made by the delegates for Massachusetts to postpone the farther consideration of the report in order to take into consideration a motion which they read in their place, this being agreed to, the motion of the delegates for Massachusetts as taken up and being amended was agreed to as follows

Whereas there is provision in the Articles of Confederation & perpetual Union for making alterations therein by the assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the States and particularly the State of New York by express instructions to their delegates in Congress have suggested a convention for the purposes expressed in the following resolution and such convention appearing to be the most probable mean of establishing in these states a firm national government.

Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union.

(1) Journals of the Continental Congress, vol. 38 (manuscript), Library of Congress. Back

Source:
Documents Illustrative of the Formation of the Union of the American States.

From James Madison to George Lee Turberville, 2 November 1788

To George Lee Turberville

Dear Sir N. York Novr. 2. 1788.

Your favor of the 20th. Ult: not having got into my hands in time to be acknowledged by the last mail, I have now the additional pleasure of acknowledging along with it your favor of the 24. which I recd. yesterday.

You wish to know my sentiments on the project of another general Convention as suggested by New York.[1] I shall give them to you with great frankness, though I am aware they may not coincide with those in fashion at Richmond or even with your own. I am not of the number if there be any such, who think the Constitution, lately adopted, a faultless work. On the Contrary there are amendments wch. I wished it to have received before it issued from the place in which it was formed. These amendments I still think ought to be made according to the apparent sense of America and some of them at least I presume will be made. There are others, concerning which doubts are entertained by many, and which have both advocates and opponents on each side of the main question. These I think ought to receive the light of actual experiment, before it would be prudent to admit them into the Constitution. With respect to the first class, the only question is which of the two modes provided be most eligible for the discussion and adoption of them. The objections agst. a Convention which give a preference to the other mode in my judgment are the following. 1. It will add to the difference among the States on the merits, another and an unnecessary difference concerning the mode. There are amendments which in themselves will probably be agreed to by all the States, and pretty certainly by the requisite proportion of them. If they be contended for in the mode of a Convention, there are unquestionably a number of States who will be so averse and apprehensive as to the mode, that they will reject the merits rather than agree to the mode. A convention therefore does not appear to be the most convenient or probable channel for getting to the object. 2. A convention cannot be called without the unanimous consent of the parties who are to be bound by it, if first principles are to be recurred to; or without the previous application of ⅔ of the State legislatures, if the forms of the Constitution are to be pursued. The difficulties in either of these cases must evidently be much greater than will attend the origination of amendments in Congress, which may be done at the instance of a single State Legislature, or even without a single instruction on the subject. 3. If a General Convention were to take place for the avowed and sole purpose of revising the Constitution, it would naturally consider itself as having a greater latitude than the Congress appointed to administer and support as well as to amend the system; it would consequently give greater agitation to the public mind; an election into it would be courted by the most violent partizans on both sides; it wd. probably consist of the most heterogeneous characters; would be the very focus of that flame which has already too much heated men of all parties; would no doubt contain individuals of insidious views, who under the mask of seeking alterations popular in some parts but inadmissible in other parts of the Union might have a dangerous opportunity of sapping the very foundations of the fabric. Under all these circumstances it seems scarcely to be presumeable that the deliberations of the body could be conducted in harmony, or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a Second, meeting in the present temper of America and under all the disadvantages I have mentioned. 4. It is not unworthy of consideration that the prospect of a second Convention would be viewed by all Europe as a dark and threatening Cloud hanging over the Constitution just established, and perhaps over the Union itself; and wd. therefore suspend at least the advantages this great event has promised us on that side. It is a well known fact that this event has filled that quarter of the Globe with equal wonder and veneration, that its influence is already secretly but powerfully working in favor of liberty in France, and it is fairly to be inferred that the final event there may be materially affected by the prospect of things here. We are not sufficiently sensible of the importance of the example which this Country may give to the world; nor sufficiently attentive to the advantages we may reap from the late reform, if we avoid bringg. it into danger. The last loan in Holland and that alone, saved the U. S. from Bankruptcy in Europe; and that loan was obtained from a belief that the Constitution then depending wd. be certainly speedily, quietly, and finally established, & by that means put America into a permanent capacity to discharge with honor & punctuality all her engagements. I am Dr. Sir, Yours

Js. Madison Jr

Wisconsin

13.55 Commission on uniform state laws.

(1) Creation.

(a)

1. There is created a commission on uniform state laws to advise the legislature with regard to uniform laws and model laws. Except as provided under par. (b), the commission shall consist of all of the following:

a. The director of the legislative council staff or a professional employee of the legislative council staff designated by the director.

b. The chief of the legislative reference bureau or a professional employee under s. 13.92 (1) (b) designated by the chief.

d. Two senators and 2 representatives to the assembly from the 2 major political parties appointed as are members of standing committees for 2-year terms.

e. Two public members appointed by the governor for 4-year terms.

f. Members having the status of life members of the national Uniform Law Commission as delegates of this state, appointed by the commission members specified in subd. 1. a. to e., for 4-year terms.

2. The terms of members appointed under subd. 1. e. or f. shall expire on May 1 of an odd-numbered year.

(b)

1. Except as otherwise provided in subds. 2. and 3., only senators and representatives to the assembly who are members of the bar association of this state may be appointed to seats designated for the offices of senator and representative to the assembly under par. (a).

2. A seat designated for the office of senator or representative to the assembly under par. (a) that cannot be filled because of the requirement under subd. 1., or because a senator or representative to the assembly is unwilling or unable to serve on the delegation, may be filled by a former senator or representative to the assembly from the applicable political party who served on the commission during his or her term as a senator or representative to the assembly and who is a member of the bar association of this state.

3. A seat designated for the office of senator or representative to the assembly under par. (a) that cannot be filled as provided in subd. 1. or 2. because there is no individual meeting the described eligibility criteria who is able or willing to serve on the delegation may be filled by any member of the bar association of this state.

4. A former senator or representative to the assembly or other person may be appointed as provided in subd. 2. or 3. as are members of standing committees and shall serve for a 2-year term as provided under par. (a).

5. This paragraph does not apply if the national Uniform Law Commission permits individuals to become voting commissioners or associate members of the national Uniform Law Commission without regard to membership in the bar of the state that the individual represents.

(c) Except as provided in sub. (2), members of the commission appointed under par. (a) 1. f. shall have the same rights and responsibilities as all other members, including voting rights.

(2) Quorum; scheduled meetings. Any 5 members of the commission shall constitute a quorum. For purposes of determining whether a quorum exists, members appointed under sub. (1) (a) 1. f. may not be counted. The commission shall meet at least once every 2 years.

(3) National conference. Each commissioner may attend the annual meeting of the national Uniform Law Commission and shall do all of the following:

(a) Examine subjects on which uniformity of legislation is desirable.

(b) Ascertain the best methods to effect uniformity.

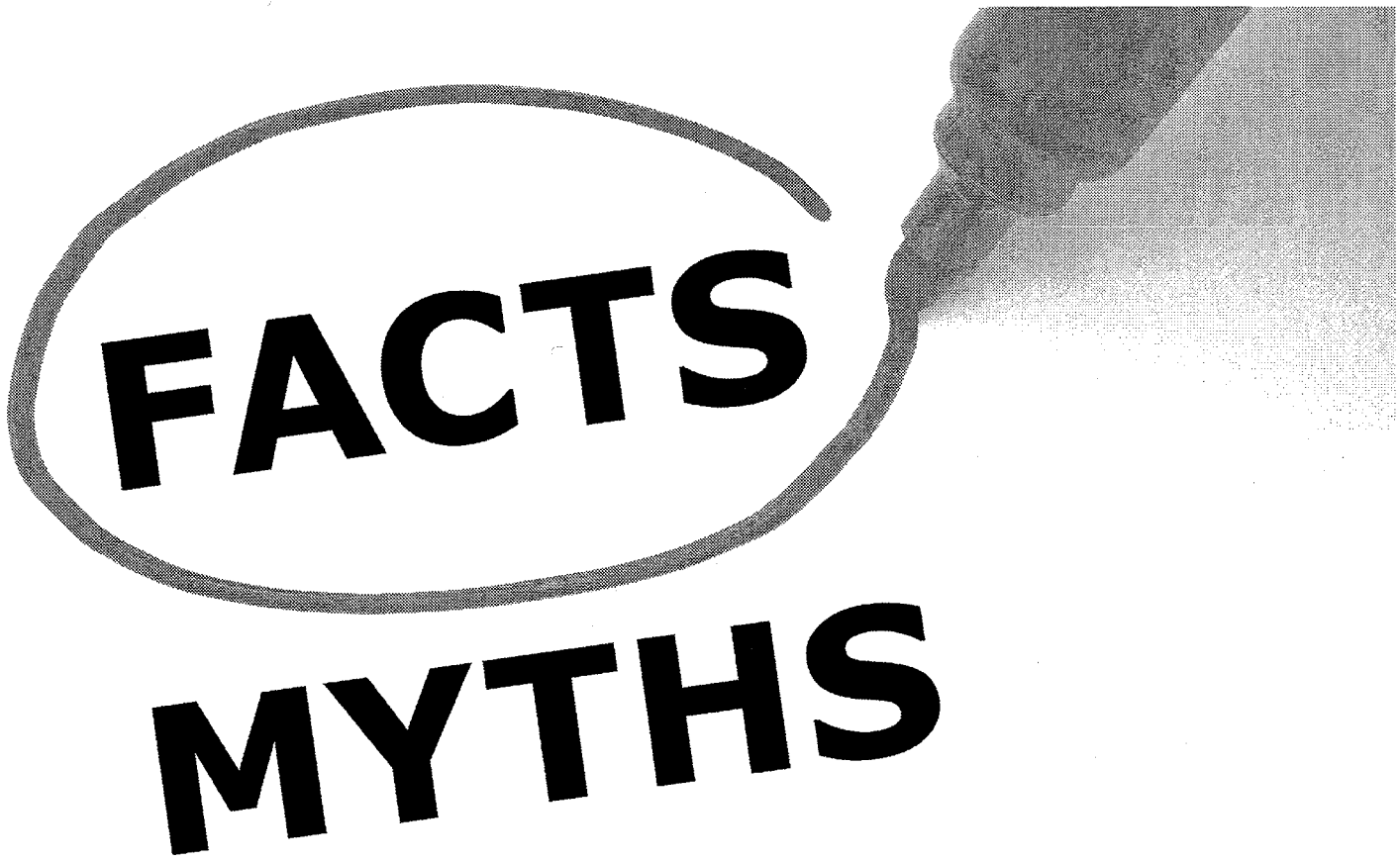
(c) Cooperate with commissioners in other states in the preparation of uniform acts.

(d) Prepare bills adapting such uniform acts to the Wisconsin statutes, for introduction in the legislature.

(4) Report. The commission shall make a biennial report to the law revision committee of the joint legislative council.

History: 1973 c. 243; 1977 c. 29; 1979 c. 110, 204, 294, 355, 357; 1989 a. 31; 1993 a. 52, 490; 2001 a. 107; 2003 a. 2; 2005 a. 23, 149; 2007 a. 20; 2017 a. 200.

U.S. TERM LIMITS

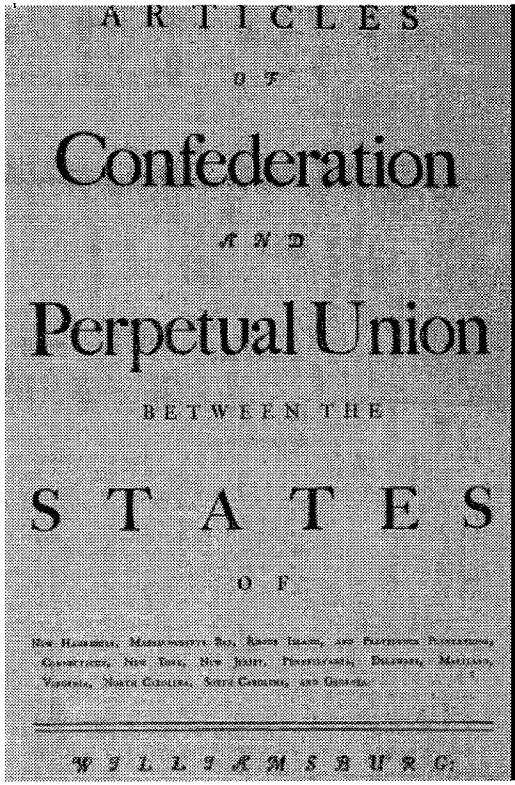


Debunking Myths Against an Article V Convention

SJR8/SJR12

Scan me

For more information



U.S. TERM LIMITS

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

FALSE!

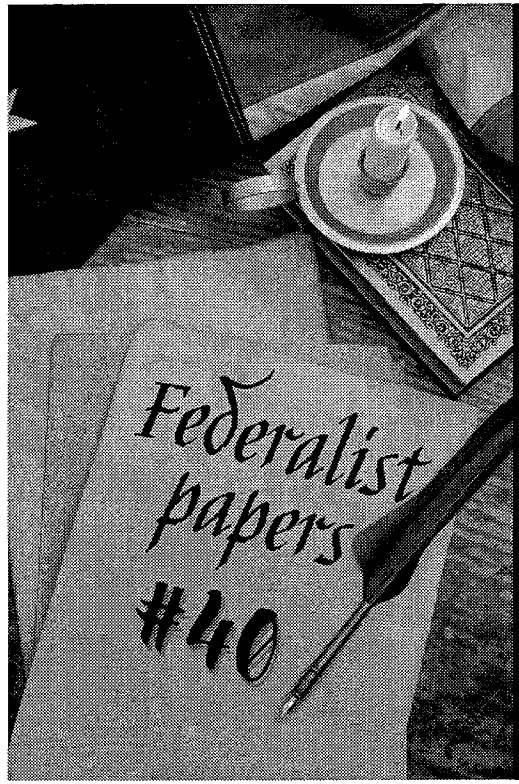
The 1787 Federal Convention was not called by Congress for the sole and express purpose of revising the Articles of Confederation.

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 me

Scan to read the commissions issued by the state legislatures.



U.S. TERM LIMITS

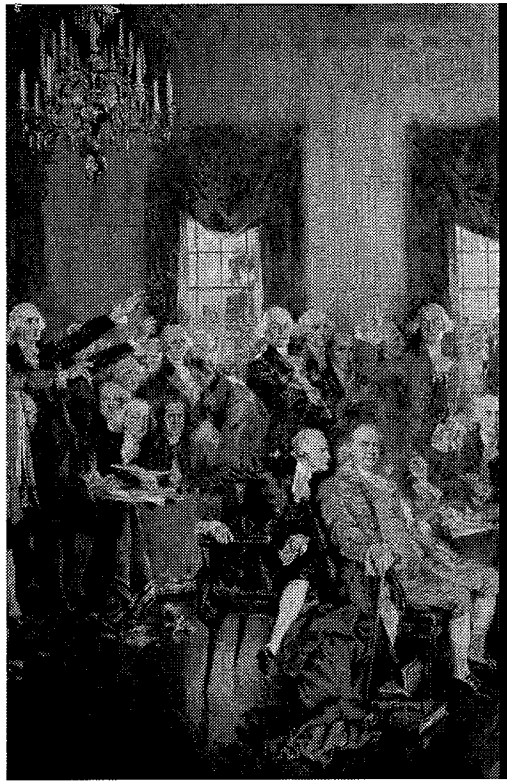
In Federalist 40 James Madison refutes the charge that the 1787 Federal Convention exceeded its authority to draft a new Constitution.

Scan me

Scan to read Federalist 40.

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

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



U.S. TERM LIMITS

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

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

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

"Mr. SHERMAN moved to strike out of article 5, after "legislatures" the words, "of three fourths," and so after the word "conventions," leaving future conventions to act in this matter, like the present convention, according to circumstances."
This motion was defeated by a vote of seven to three (one divided).

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

Scan me

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

U.S. TERM LIMITS

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

Scan me

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

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

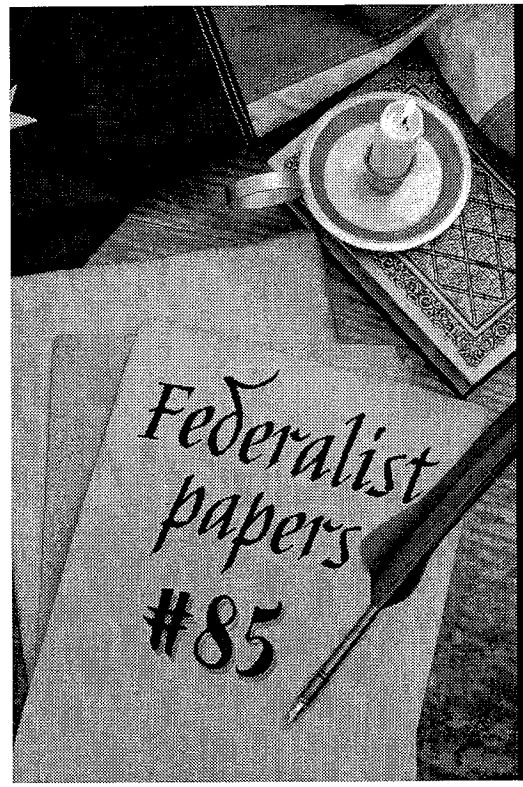
DIFFERENCES BETWEEN A CONSTITUTIONAL CONVENTION AND AN ARTICLE V CONVENTION		
ACTION	CONSTITUTIONAL CONVENTION	ARTICLE V CONVENTION
Propose	Propose New Constitution	Propose Amendments to Current Constitution
Power	Full Powers, Unlimited	Limited to Subject of State Applications
Authority	Outside of the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

U.S. TERM LIMITS

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

Scan me

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



U.S. TERM LIMITS

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

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

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

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

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

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.

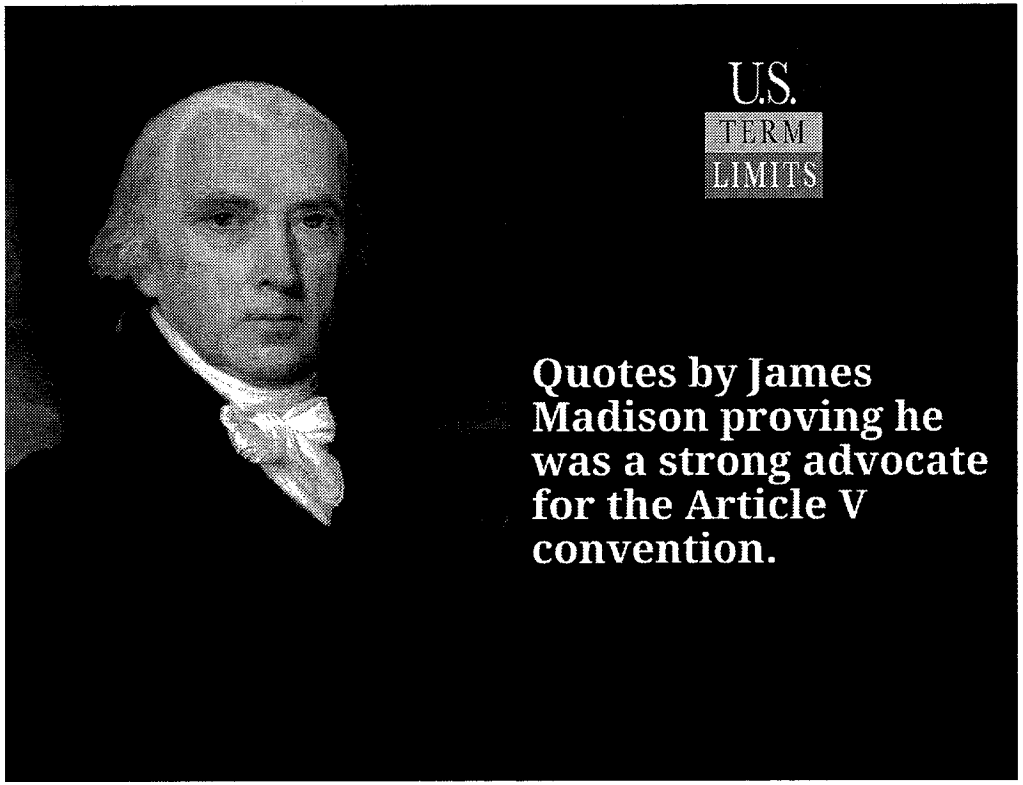
*"But every **amendment** to the constitution, if once established, would be a **single proposition, and might be brought forward singly**. There would then be no necessity for management or compromise, in relation to any other point, no giving nor taking. The will of the requisite number would at once 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)*



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

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

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

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

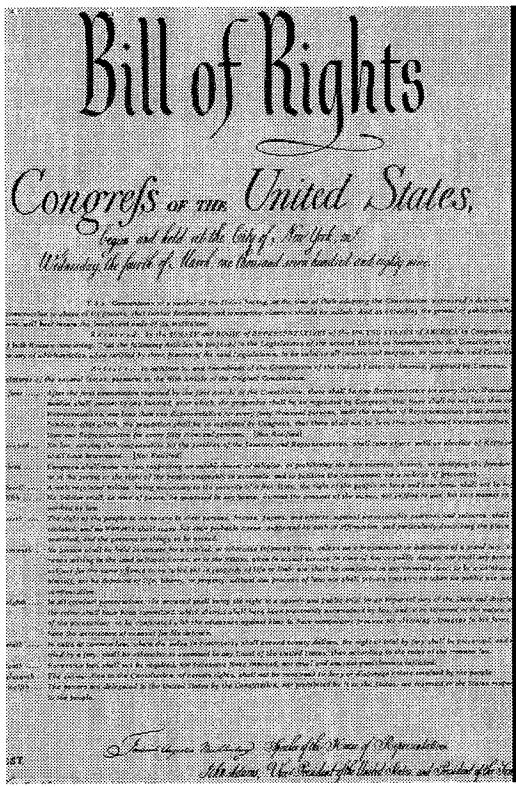
"or two-thirds of themselves, if such had been their option, might, by an application to Congress, have obtained a Convention for the same object." Madison Report 1800

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

"Nothing of a controvertible nature can be expected to make its way thro' the caprice & discord of opinions which would encounter it in Congs. when ⅔ must concur in each House, & in the State Legislatures, ¾ of which will be requisite to its final success." Madison to Randolph

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

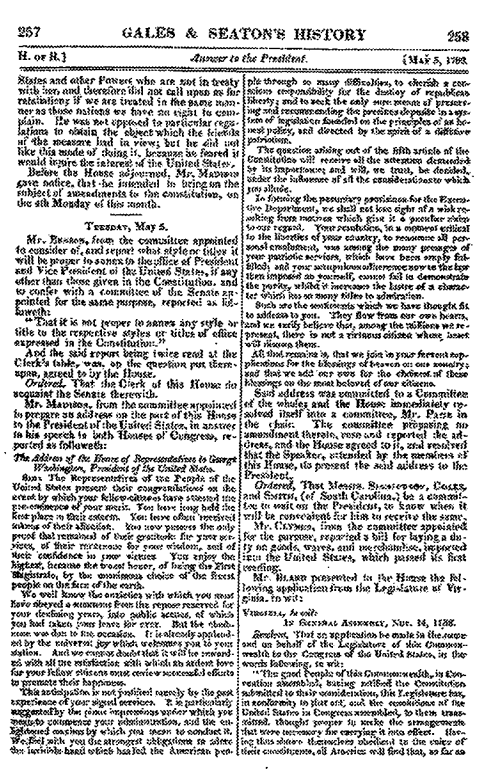
"The final resort within the purview of the Constitution lies in an amendment of the Constitution, according to a process applicable by the states." - Madison to Edward Everett


Bill of Rights

Congress of the United States,

U.S. TERM LIMITS

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


257 GALES & SEATON'S HISTORY 258

H. OF R.] Answer to the President. [MAY 5, 1789.

States and other Powers who are not in treaty with her; and therefore feel not call upon us for retaliations; if we are treated in the same manner as those nations we have no right to complain. He was not opposed to particular regulations to obtain the object which the friends of the measure had in view; but he did not like this mode of doing it, because so feared it would injure the interest of the United States.

Before the House adjourned, Mr. MADISON gave notice, that he intended to bring on the subject of amendments to the constitution, on the 8th Monday of this month.

TUESDAY, May 5.

Mr. BENSON, from the committee appointed to consider of, and report what style or titles it will be proper to annex to the office of President and Vice President of the United States, if any other than those given in the Constitution, and to confer with a committee of the Senate appointed for the same purpose, reported as follows:

"That it is not proper to annex any style or title to the respective styles or titles of office expressed in the Constitution."

And the said report being twice read at the Clerk's table, was, on the question put thereupon, agreed to by the House.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

Mr. MADISON, from the committee appointed to prepare an address on the part of this House to the President of the United States, in answer to his speech to both Houses of Congress, reported as follows:

The Address of the House of Representatives to George Washington, President of the United States.

SIR: The Representatives of the People of the United States present their congratulations on the event by which your fellow-citizens have secured the independence of your merit. You have long held the first place in their esteem. You have often received tokens of their affection. Your country now proves the only proof that remained of their gratitude: for your services, of their reverence for your wisdom, and of their confidence in your virtues. You enjoy the highest, because the truest honor, of being the First Magistrate, by the unanimous choice of the freest people on the face of the earth.

We well know the anxieties with which you must have obeyed a summons from the repose reserved for your declining years, into public scenes, of which you had taken your leave for ever. But the obedience was due to the occasion. It is already applauded by the universal joy which welcomes you to your station. And we cannot doubt that it will be rewarded with all the satisfaction with which an ardent love for your fellow citizens must crown successful efforts to promote their happiness.

This anticipation is not justified merely by the past experience of your signal services. It is particularly suggested by the prime impressions under which you mean to commence your administration, and the enlightened conclusion by which you mean to conduct it. We feel with you the strongest obligations to adore that invisible hand which has led the American people through so many difficulties, to cherish a conscious responsibility for the destiny of republican liberty; and to seek the only sure means of preserving and recommending the precious depositie in a system of legislation founded on the principles of an honest policy, and directed by the spirit of a just and liberal patriotism.

The question arising out of the fifth article of the Constitution will receive all the attention demanded by its importance; and will, we trust, be decided, under the influence of all the considerations which you state.

In forming the necessary provisions for the Executive Department, we shall not lose sight of a wish resulting from motives which give it a peculiar claim to our regard. Your revolution, in a moment critical to the liberties of your country, to reconcile all personal considerations, was among the many presages of your patriotic services, which have been amply fulfilled; and your scrupulous adherence now to the line then imposed on yourself, cannot fail to demonstrate the purity, while it increases the lustre of a character which has so many titles to admiration.

Such are the sentiments which we have thought fit to address to you. They flow from our own hearts, and we easily believe that, among the millions we represent, there is not a virtuous citizen whose heart will disown them.

All that remains is, that we join in your fervent supplications for the blessings of heaven on our country; and that we add our vows for the choicest of those blessings on the most beloved of our citizens.

Said address was committed to a Committee of the whole; and the House immediately resolved itself into a committee, Mr. PAGE in the chair. The committee proposing no amendment thereto, rose and reported the address, and the House agreed to it, and resolved that the Speaker, attended by the members of this House, do present the said address to the President.

Ordered, That Messrs. SHERMAN, COLES, and SMITH, (of South Carolina,) be a committee to wait on the President, to know when it will be convenient for him to receive the same.

Mr. CLYMER, from the committee appointed for the purpose, reported a bill for laying a duty on goods, wares, and merchandise, imported into the United States, which passed its first reading.

Mr. BLAND presented to the House the following application from the Legislature of Virginia, to wit:

VIRGINIA, *to wit:*

In GENERAL ASSEMBLY, Nov. 14, 1788.

Resolved, That an application be made in the name and on behalf of the Legislature of this Commonwealth to the Congress of the United States, in the words following, to wit:

"The good People of this Commonwealth, in Convention assembled, having ratified the Constitution submitted to their consideration, this Legislature has, in conformity to that act, and the resolutions of the United States in Congress assembled, to them transmitted, thought proper to make the arrangements that were necessary for carrying it into effect. Having thus shown themselves obedient to the voice of their constituents, all Americans will find that, so far as

U.S. TERM LIMITS

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

Scan me

Scan to read the debate in Congress.

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.

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.***

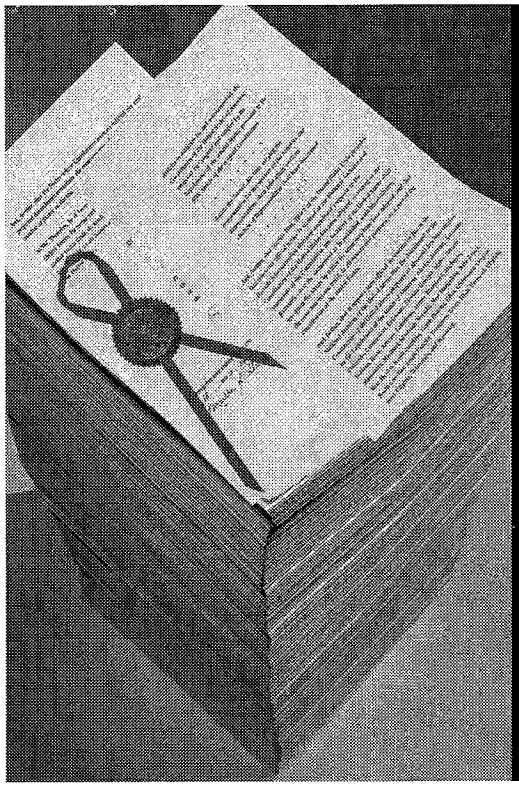
Mr. BOUDINOT *According to the terms of the constitution, the business cannot be taken up until a certain number of states have* ***concurred in similar applications;***

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.***

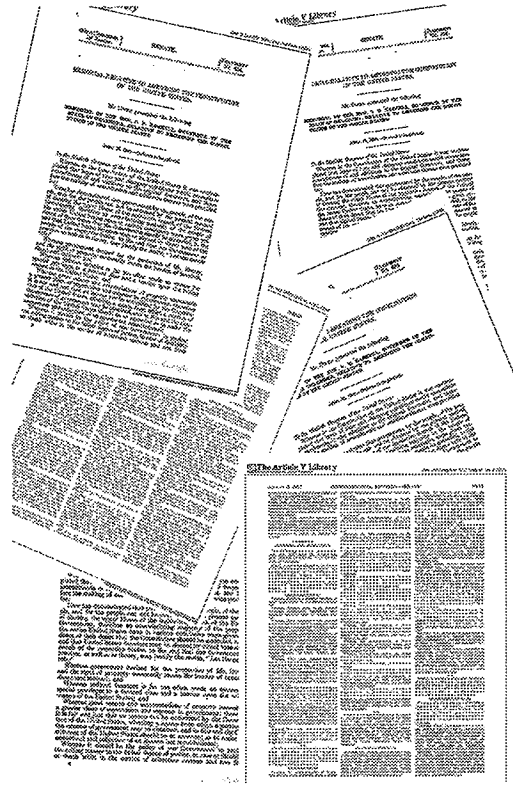


U.S. TERM LIMITS

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.

Scan me



U.S. TERM LIMITS

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

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.

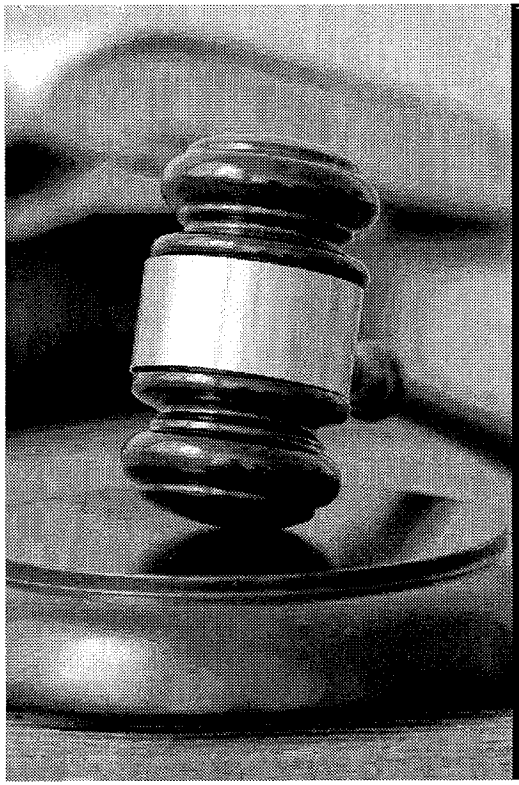
An Article V convention simply allows the States the same opportunity that Congress has taken advantage of over 12,000 times, to introduce an amendment to the Constitution to provide a needed reform.

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.

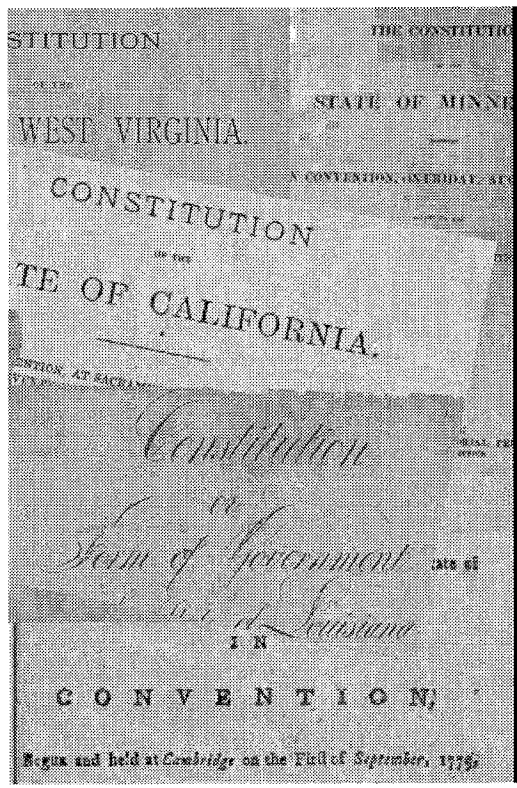
Scan me

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



U.S. TERM LIMITS

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



U.S. TERM LIMITS

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

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

"During the founding era, there were more than 30 conventions of states held capped off by the Philadelphia Convention of 1787, which drafted the United States Constitution. Since our founding, at least seven conventions of states have been held, including the first national convention of states called since1861 held in Phoenix during September 2017.

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

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

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

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

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

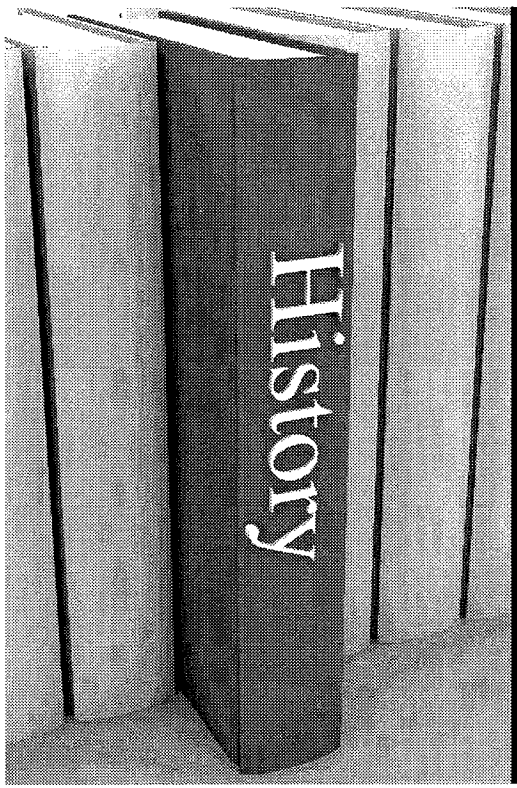
Sounds a lot like Congress, doesn't it?

Scan me

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

Scan me

Scan to view amending state constitutions at Ballotpedia.



U.S. TERM LIMITS

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

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

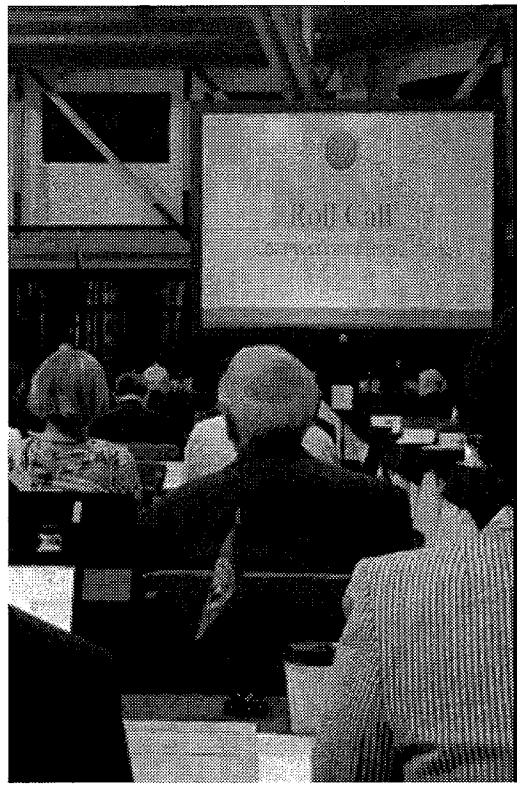
Founding-Era Conventions and the Meaning of the Constitution's "Convention for Proposing Amendments"

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

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

Scan me

Scan to read article by Rob Natelson.



U.S. TERM LIMITS

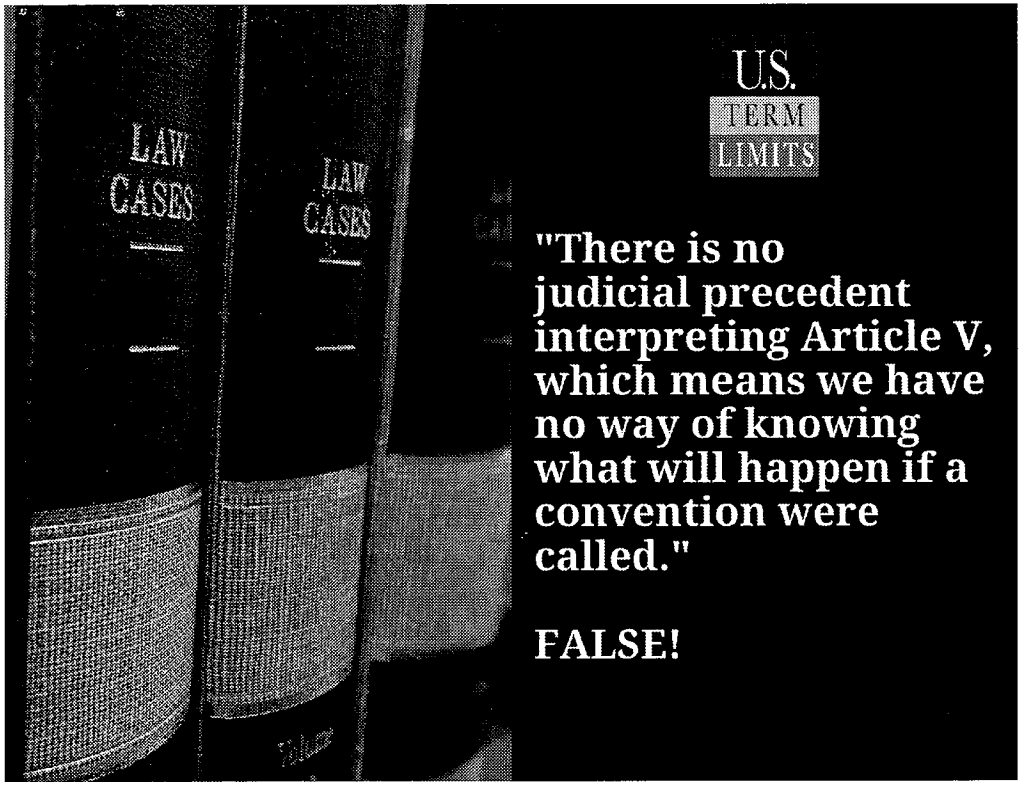
The States have been meeting in a convention every year since 1892 to propose needed reforms, and the rules work.

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

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

Scan me

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



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

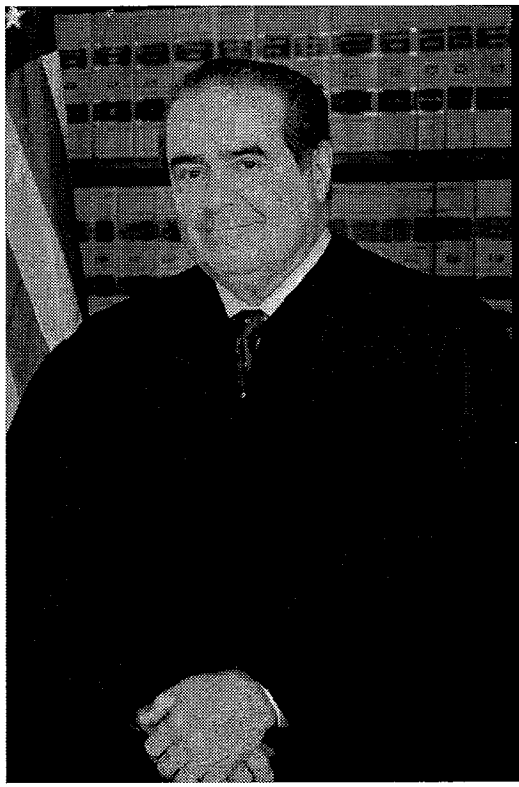
- **Hollingsworth v. Virginia,** 3 U.S. 381 (1798) (following the practice used in proposing the first ten amendments to uphold the 11th).
- **Hawke v. Smith**, 253 U.S. 221 (1920) (citing Founding-Era evidence to define what the Framers meant by the Article V word "legislature")
- **Barlotti v. Lyons,**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

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

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

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

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



U.S. TERM LIMITS

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

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

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

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

Scan me

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 me

Scan to watch AEI Forum video.

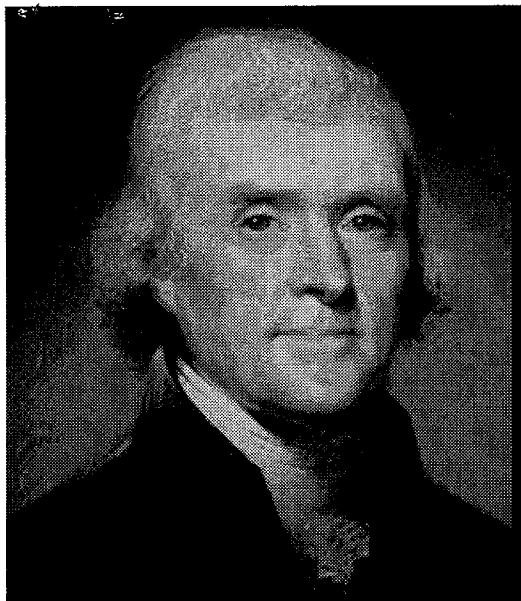
Scalia wanted the States to propose an amendment in an Article V convention.

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

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

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

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



U.S. TERM LIMITS

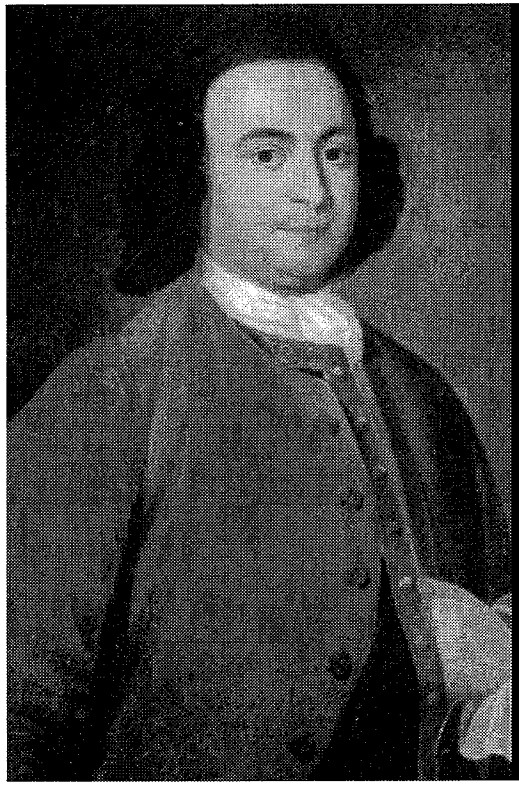
Thomas Jefferson disliked that the Framers did not put Term Limits (rotation of office) in the Constitution.

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

~ Thomas Jefferson to James Madison, 20 December 1787

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

~ Thomas Jefferson to Sarsfield, 3 April 1789

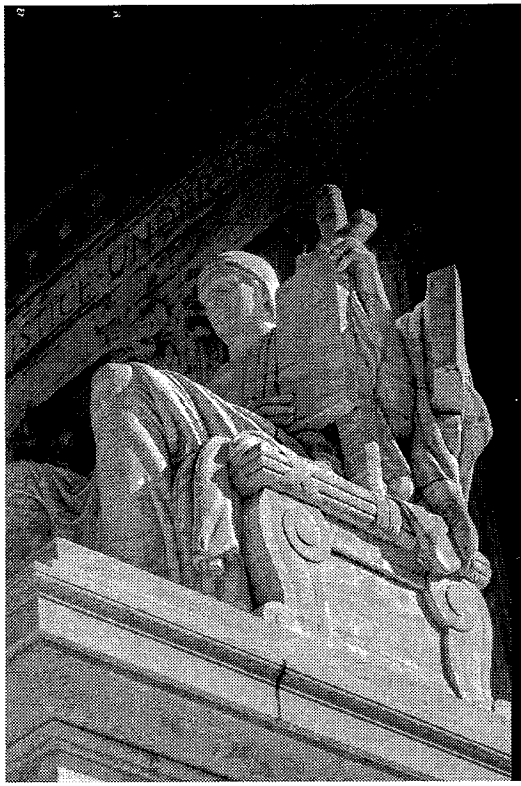


U.S. TERM LIMITS

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

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

~ George Mason Debate in Virginia Ratifying Convention



U.S. TERM LIMITS

U.S. Term Limits v. Thornton

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

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

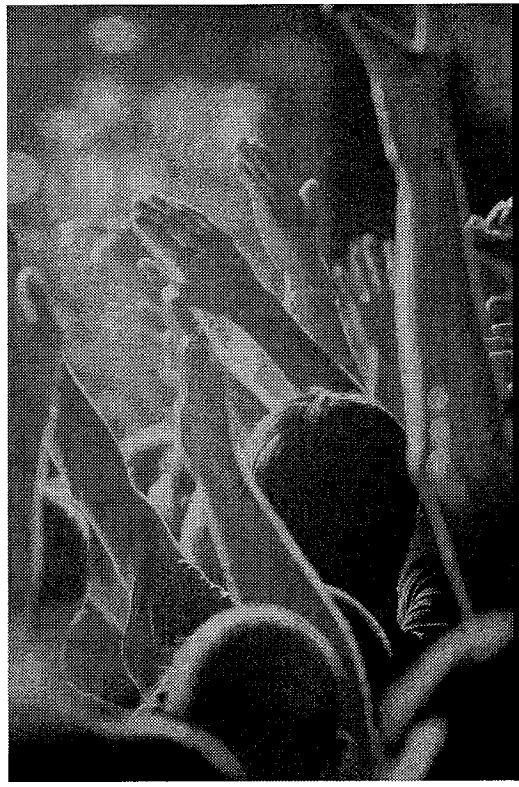
The year was 1995, and the case was U.S. Term Limits v. Thornton. With assistance from USTL, **the citizens of 23 states had just passed laws putting term limits on their members of Congress**. That meant just under half of all congressmen were term-limited, and Congress would soon be forced to propose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

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

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

Scan me

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



U.S. TERM LIMITS

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

Term Limits for Congress!

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

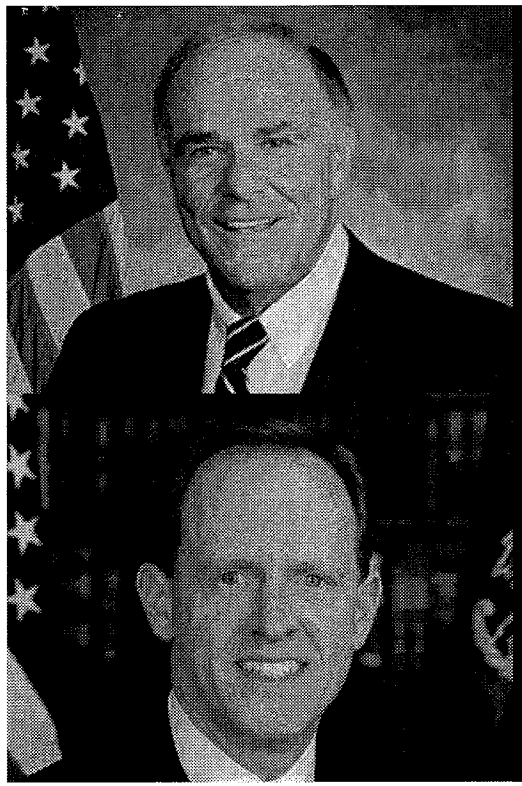
Do you approve or disapprove of a Constitutional Amendment that will place term limits on members of Congress?

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

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

Scan me

Scan to view the survey.



U.S. TERM LIMITS

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

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

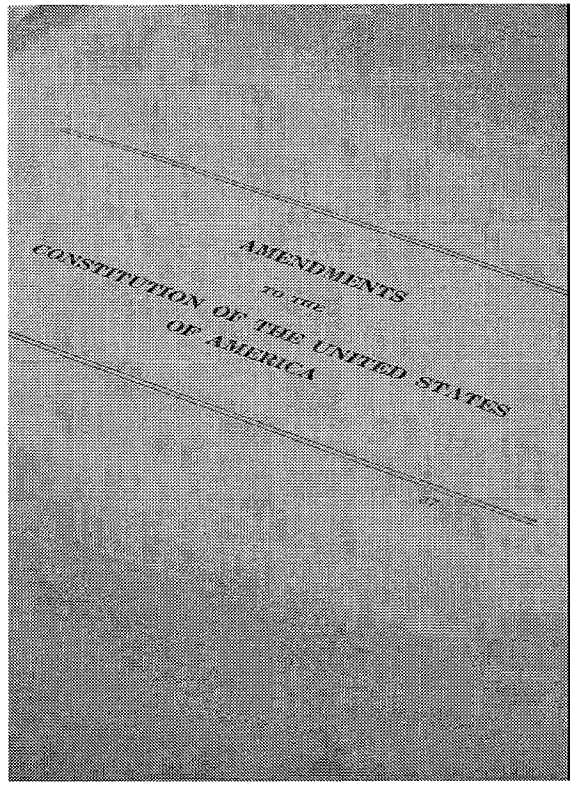
Ed Rendell and Pat Toomey, For The Inquirer

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

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

Scan me

Scan to read the the Op-Ed.



U.S. TERM LIMITS

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

Single Amendment v. Multiple Amendments

U.S. TERM LIMITS

Single Amendment

Term Limits for Congress

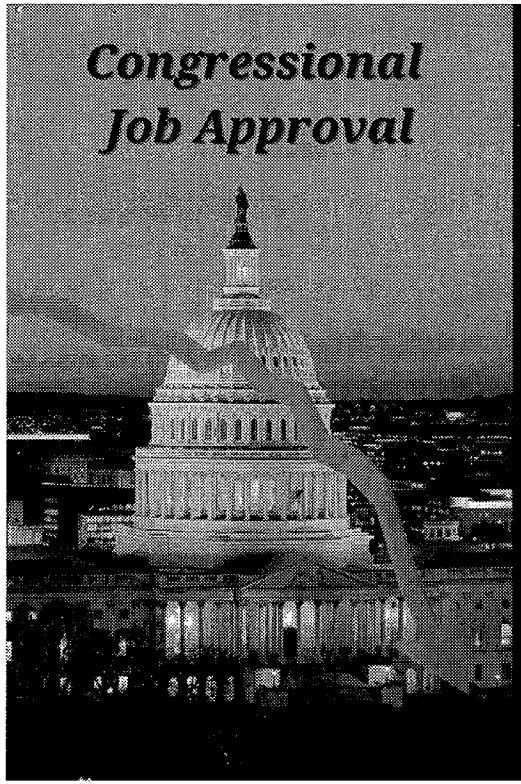
*"...to call a convention limited to **PROPOSING AN AMENDMENT** to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives and to set a limit on the number of terms that a person may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

COS CONVENTION of STATES ACTION

Multiple Amendments - 3 Subjects

Impose Fiscal Restraints, Limit Power and Jurisdiction, and Term Limits for officials and Congress

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



U.S. TERM LIMITS

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

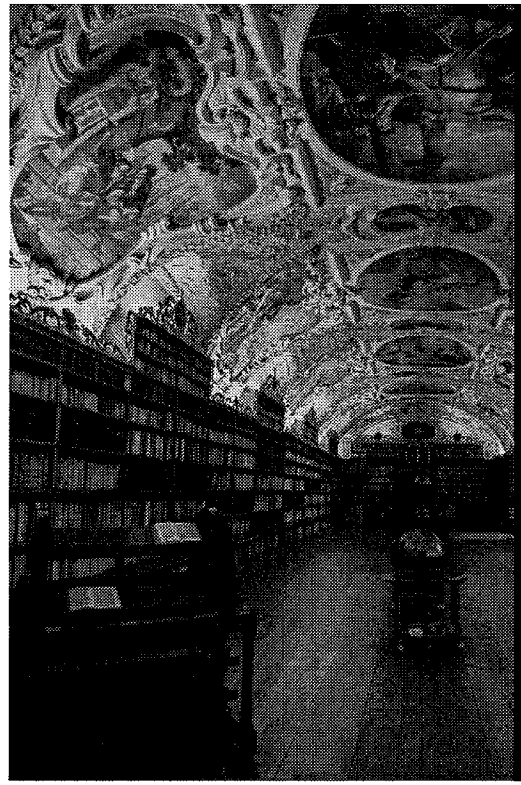
The job approval ratings of Congress have been consistently low for decades, yet their reelection rate during the same period has been high at approximately 95%! What is wrong with this picture?

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

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

Scan me

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



U.S. TERM LIMITS

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

FALSE!

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

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

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

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

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

U.S. TERM LIMITS

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

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

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

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

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

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

U.S. TERM LIMITS

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

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

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

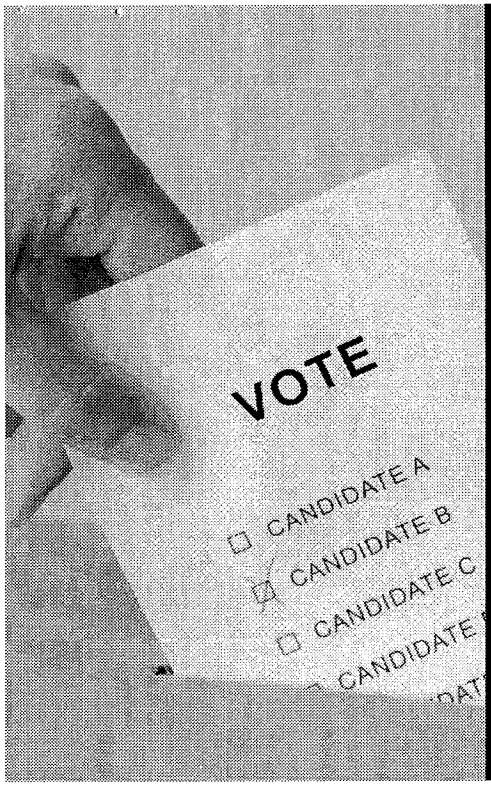
"Both parties have told newly elected members of the Congress that they should spend 30 hours a week in the Republican and Democratic call centers across the street from the Congress, dialing for dollars," Rick Nolan, a Minnesota Democrat who retired from Congress this year, said recently, adding: "The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

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

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

Scan me

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



U.S. TERM LIMITS

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

Scan me

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

U.S. TERM LIMITS

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

Term limits provide voters more choices at the ballot box

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

~ How Term Limits Enrich Democracy by Nicolas Tomboulides.

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

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

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

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

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

U.S. TERM LIMITS

Term Limits for Congress will provide Fair and Competitive elections.

Scan me

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

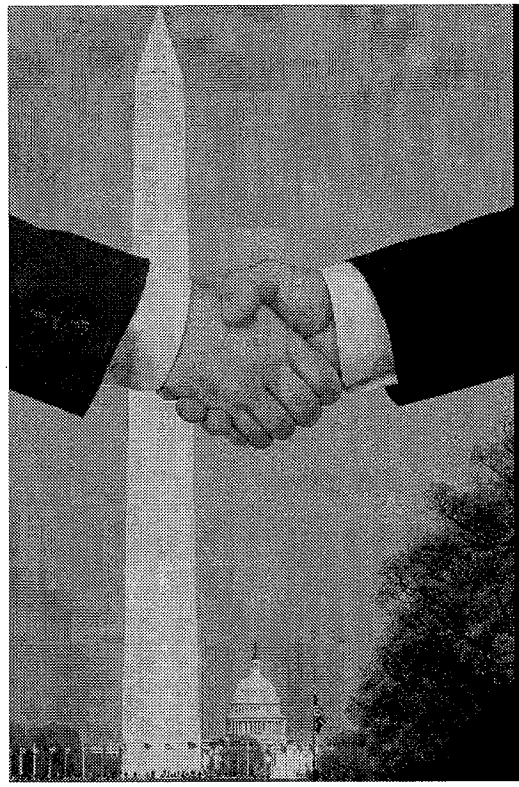
"First, incumbents guarantee themselves a constant flow of campaign cash by catering to the funders. Less than one half of 1 percent of Americans give more than $200 to candidates, political parties or political action committees. Experts tell us this weakens representation. According to a study by Princeton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

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

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

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

~ How Term Limits Enrich Democracy by Nicolas Tomboulides



U.S. TERM LIMITS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* Declaration paper page 1 paragraph 3:
“But today, various factions are lobbying State Legislators to ask Congress to call an Article V convention. They use various "hooks" - proposed amendments on such appealing subjects as “congressional term limits”, “balancing the federal budget”, “taking money out of politics”, or “limiting the power and jurisdiction of the federal government”. But nothing in Article V limits the convention to subjects specified by State legislatures [link]. So the subject of a state’s application for a convention is nothing more than bait designed to attract specific groups of people to get them to support an Article V convention.”
https://mail.google.com/mail/u/0?ui=2&ik=bab8c84903&attid=0.2&permmsgid=msg-f:1693870022687293203&th=1781d5cfa5f57f13&view=att&disp=safe

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

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

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

THE REPORT
“And nothing in the Constitution requires Congress to permit States to select Delegates. Congress“ determ[ines] the number and selection process for its delegates”;so Congress is free to select the Delegates. Congress may appoint themselvesas Delegates.”
see:
https://mail.google.com/mail/u/0?ui=2&ik=bab8c84903&attid=0.1&permmsgid=msg-f:1693870022687293203&th=1781d5cfa5f57f13&view=att&disp=safe

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

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

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

* Declaration paper page 2 – please read
https://mail.google.com/mail/u/0?ui=2&ik=bab8c84903&attid=0.2&permmsgid=msg-f:1693870022687293203&th=1781d5cfa5f57f13&view=att&disp=safe

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

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

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

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

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

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

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

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

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

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

SOLUTION:
Senate Joint Resolution 8 states,
"Whereas, the Founders of our Constitution empowered state legislators to be the guardians of liberty against the future abuses of power by the federal government," let me tell you what that meant.

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

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

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

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

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

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

Also see Trevor Loudon's 9 steps to saving American
https://www.trevorloudon.com/2021/03/opinion-a-new-zealanders-9-starter-steps-to-save-america-from-socialism/

and Alex Newman's video on State nullification:
https://thenewamerican.com/nullifying-deep-state-evil-at-the-state-level/

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

To paraphrase Patrick Henry,

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

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

I closed my testimony last time with this:

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

Thank you

Dominique Uhl

In opposition to SJR 8 & 12