

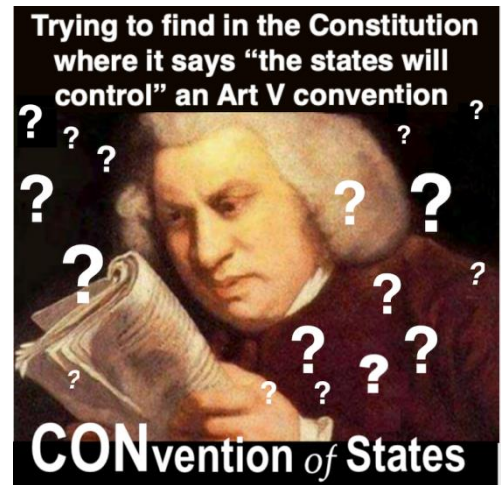
**Rebuttal to Senator Steve Halloran’s “Dear Colleagues”  
Letter of 4/16/21 wherein he responds to an earlier letter from  
Nebraska Citizen, Ms. Wilmot**

Prepared by Joanna Martin, J.D.

**1A Point 1 of Sen. Halloran’s letter**

Here he makes the following assertions:

- that Article V provides for a “convention of states”  
*controlled by the States*;
- that Congress has no authority on the subject;
- that Delegates to the convention are restricted by the subject matter of the States’ applications for a convention; and
- that our Constitution can’t be replaced at a convention called by Congress under Article V.



**1B The Truth**

1. Article V, US Constitution, doesn’t provide for a convention controlled by States. Instead, it provides for a convention called and organized *by Congress*; and thereafter *in the hands of the Delegates*.

The text of Article V shows that the convention is a *federal* function called by the *federal* government to address our *federal* Constitution. It is not a State function - and can’t be controlled by the States. The only power over the convention the States have is to “apply” to Congress for *Congress* to “call” it.

The Constitution is explicit:

- **Art. V** grants *to Congress* the power to “call” the Convention.
- **Art. I, §8, last clause**, grants *to Congress* the power to make the laws necessary & proper to carry out its power to organize and set up the convention.

Accordingly, the Congressional Research Service Report of April 11, 2014 [\[link\]](#) recognizes:

**“First, Article V delegates important and exclusive authority over the amendment process to Congress...”**

**“Second...Congress has traditionally laid claim to broad responsibilities in connection with a convention, including... (4) determining the number and selection process for its delegates...” (p.4)**

So, among other powers, Congress may appoint the Delegates – they may appoint themselves!

2. The Constitution *doesn’t say* that Delegates are restricted to the subject of the States’ applications for an Article V convention; or that State Legislatures may dictate amendments to be considered.

To the contrary, Article V grants *to the Convention* the power to “propose amendments” - the *Convention* is the deliberative body. So even if Congress graciously permits States to select Delegates, State

Legislatures violate the Constitution when they pass laws which purport to strip Delegates of their power, granted by Article V, to be the ones who “propose amendments”: see “supremacy clause” at Article VI, cl. 2.

3. Senator Halloran has failed to consider “the rest of the story”:

Delegates to an Article V Convention represent The People, not the States. The Delegates are the Sovereign Representatives of the People, and have the power to create a new system of government. Our sole precedent for a federal convention called to address our federal constitution is the convention of 1787. Our first Constitution, the [Articles of Confederation](#), had defects. So on [February 21, 1787](#), the Continental Congress called a convention “**...for the sole and express purpose of revising the Articles of Confederation...**” The States gave similar instructions [\[link\]](#). But the Delegates ignored the instructions and wrote a new Constitution which created a new government.

In [Federalist No. 40](#) (15<sup>th</sup> para), James Madison invoked the right of the people (recognized in our Declaration of Independence) to abolish their government & set up a new one as justification for the Delegates’ ignoring their instructions. **He said the Delegates knew that sometimes great & momentous changes in established gov’ts are necessary – & a rigid adherence to the old government takes away the “transcendent and precious right” of a people to “abolish or alter their governments”... “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...”** [caps are Madison’s].

**New Constitutions are already prepared & waiting for a convention.** Any Constitution has its own mode of ratification: The Articles of Confederation provided (at Art. 13) that amendments are approved by Congress and all of the then 13 States. But the Constitution of 1787 which replaced it, provided (at Art. VII) that it would be ratified when only 9 States approved it.

The proposed [Constitution for the Newstates of America](#) dissolves the States & replaces them with regional governments answerable to the new national government. *Article XII, §1 provides for ratification by a national referendum.* Various other factions are pushing for an Article V convention: Soros wants [a Marxist constitution](#). The Globalists want a constitution which puts us under the [North American Union](#). If the mode of ratification set forth in a new Constitution is a national referendum, the States won’t get to vote on it; and those who control the voting machines will determine the outcome.

So, even though Article V speaks of a “convention for proposing amendments”, the Declaration of Independence, as part of [the “organic law” of our Land](#), may be invoked again to impose a new constitution which creates a new government.

## 2A Point 2 of Sen. Halloran’s letter

Senator Halloran accuses Ms. Wilmot of “deceptively cherry-pick[ing]” a quote by Robert Kelly, general counsel for the Convention of States Project (COS), out of context; and further asserts that Ms. Wilmot took her “deceptive quote” from a speech Kelly gave at the COS Leadership Summit during **August 22-25, 2019**.

## 2B The Truth

The video Ms. Wilmot referred to is [this one](#) (at 0:40) and is of a debate five years earlier on **March 15, 2014** between Robert Kelly and Jeff Lewis: At that debate, Mr. Kelly admitted that the COS application is “so broad” and opens up Articles I, II, III, & V [Articles VI & VII not being relevant].

### 3A Point 3 of Sen. Halloran’s letter

Senator Halloran accuses Ms. Wilmot of “deceptively edit[ing]” her quote of Justice Scalia’s words spoken during 2014, to “remove the context” wherein Scalia allegedly also said that a convention was necessary for some purposes and he was willing to accept the “minimal risk”, etc.

### 3B The Truth

At a forum conducted on **May 23, 1979**, *law professor* Scalia indicated support for an Article V convention [[link](#)] at pp 5-6 et seq. [The date is on the Title (3<sup>rd</sup>) page]. But by **April 17, 2014**, 35 years later, *Justice* Scalia had changed his mind: at the 1:06 mark of this video, he said,

“I certainly would not want a Constitutional Convention. I mean whoa. Who knows what would come out of that? But, if there were a targeted amendment that were adopted by the states, I think the only provision I would amend is the amendment provision. ...” [i.e, one presented to the States by Congress].

Senator Halloran quoted words Scalia spoke in **1979**; implied that Scalia spoke them in **2014**; and accused *Ms. Wilmot* of deception!

### 4A Point 4 of Sen. Halloran’s letter

Senator Halloran accuses Ms. Wilmot of “deceptively remov[ing]” context from her mention of Federalist No. 49, and John Jay’s warning that another convention would run an “extravagant risque”. Senator Halloran insists that Madison & Jay warned against a “constitutional convention”- not an Article V convention.

### 4B The Truth

The “context” which Sen. Halloran accuses Ms. Wilmot of removing doesn’t exist: **Our Constitution doesn’t provide for a convention controlled by the States to address our federal Constitution.** Article V of our Constitution provides for a convention called and organized *by Congress*; and once the Convention convenes, all powers of deliberation are vested in the Delegates.

The convention lobby **fabricated** the concept of a convention controlled by the States. ***It doesn’t exist - the convention lobby made it up!***

At a speech he gave on September 16, 2010, COS's Newspeak guru, Rob Natelson, said he'd no longer call it a "constitutional convention"; but would put our concepts on "reset" and call it a "convention of states" [top of 2<sup>nd</sup> page of speech [link](#)].

Then, after *renaming* the convention provided for at Article V as a "convention of states", COS *redefined* it as a "convention controlled by the States"!

James Madison, Alexander Hamilton, 4 US Supreme Court Justices, & other legal scholars warn against **the Article V Convention** [link](#). **Furthermore, Madison warned that those who secretly want to replace our Constitution would push for a convention under the pretext of getting amendments!** See, among Madison's letters:

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

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

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

**Do not be fooled by the convention lobby's mythical convention which they claim is controlled by the States – it doesn't exist!**

### **5A Point 5 of Sen. Halloran's letter**

Senator Halloran accuses *Ms. Wilmot* of "deceptively edit[ing] Madison's letter of Nov. 2, 1788 to Turberville.

### **5B The Truth**

It is Sen. Halloran who misrepresented what Madison said in his letter to Turberville.

In his [letter to Turberville](#), Madison said there were amendments he wanted; and he launched into a discussion of the best way to get them. He explained the difficulties attendant to a convention; and warned of the dangers of a convention. He wrote:

“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 [300] foundations of the fabric. Under all these circumstances it seems scarcely to be presumable 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;...** [emphasis added]

Yet Senator Halloran omitted mention of Madison’s warnings.

As shown in the quoted text, Madison advised that when States want amendments, they instruct their Congressional delegation to pursue it. That is the mode we have followed ever since – beginning with the “bill of rights”.

On [May 5, 1789, Rep. Bland](#) (pp 258-261) introduced into Congress the application from the State of Virginia for an Article V Convention.<sup>1</sup> But on [June 8, 1789, Madison](#) (pages 448-460) circumvented Virginia’s application for an Article V convention and introduced 12 amendments for Congress to propose to the State Legislatures [these were refined & eventually ratified as the first Ten Amendments].

Yours truly,

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<sup>1</sup> This is the same application for an Art. V convention which Madison mentioned in his Nov. 2, 1788 letter to Randolph quoted (in part) under the discussion of Paragraph 4.