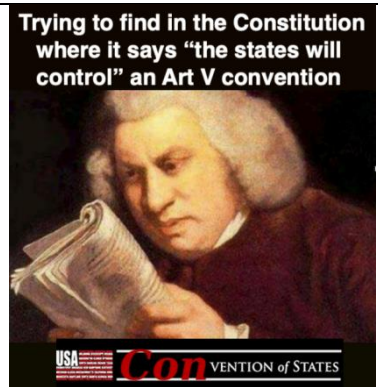


**HJR 0008: US Term Limits' Application for Congress to call an Article V Convention**  
**Response to Representative Chris Todd's Remarks on the House Floor on April 8, 2021.**



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<p><b>Rep. Todd said:</b> Congress has no power respecting an Art. V Convention except to set the time &amp; place for the Convention. State Legislatures send the Delegates. (He cites no constitutional authority.)</p>	<p><b>Fact:</b> Art. V grants <i>to Congress</i> the power to “call” the Convention. Art. I, §8, last clause, grants <i>to Congress</i> the power to make the laws necessary &amp; proper to carry out its power to organize and set up the convention. The only power over the convention the States have is to “apply” to Congress. Accordingly, <a href="#">the Congressional Research Service Report of April 11, 2014</a> recognizes:</p> <p>“First, Article V delegates important and exclusive authority over the amendment process to Congress...”</p> <p>“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)</p> <p>Congress may appoint the Delegates – they may select themselves! After the convention convenes, Delegates can do whatever they like.</p>
<p><b>Rep. Todd said:</b> With “faithful delegate laws”, State Legislatures have total control over Delegates.</p>	<p><b>Fact:</b> An Art. V convention is a <i>federal</i> function called by the <i>federal</i> gov’t to address our <i>federal</i> Constitution; it is not a State function. Delegates represent <i>The People</i>, not the States. As such, they are not subject to State law.</p> <p>The Delegates are the Sovereign Representatives of the People, and have the power to create a new system of gov’t. Our sole precedent for a federal convention called to address our federal constitution is the convention of 1787: our first Constitution, the <a href="#">Articles of Confederation</a> had defects. So on <a href="#">February 21, 1787</a>, the Continental Congress called a convention “...<i>for the sole and express purpose of revising the Articles of Confederation...</i>” The States gave similar instructions <a href="#">[link]</a>. But the Delegates <i>ignored</i> the instructions &amp; wrote a new Constitution which created a new gov’t.</p>
<p><b>Rep. Todd said:</b> Madison shows in Federalist No. 40 that the Delegates to the federal convention of 1787 were charged by their States to create a constitution out of what we had. They did not run away.</p>	<p><b>Fact:</b> In <a href="#">Federalist No. 40</a> (15<sup>th</sup> para), James Madison invoked the right of the people (recognized in our Declaration of Independence) to abolish their gov’t &amp; set up a new one as justification for the Delegates’ ignoring their instructions. He said the Delegates knew that sometimes great &amp; momentous changes in established gov’ts are necessary – &amp; a rigid adherence to the old gov’t takes away the “transcendent and precious right” of a people to “abolish or alter their governments”... “<b>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...</b>” [caps are Madison’s].</p>

<p><b>Rep. Todd said:</b> A convention can't run away and propose a new Constitution. It takes 38 States to ratify anything that comes out of an Art. V convention.</p>	<p><b>Fact:</b> New Constitutions are already prepared &amp; 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.</p> <p>The proposed <a href="#">Constitution for the Newstates of America</a> dissolves the States &amp; replaces them with regional gov'ts answerable to the new national gov't. Art. XII, §1 provides for ratification <i>by a national referendum</i>. Various factions are pushing for an Art. V convention: Soros wants <a href="#">a Marxist constitution</a>. The Globalists want a constitution which puts us under <a href="#">the North American Union</a>.</p> <p><b>If the mode of ratification set forth in a new Constitution is a national referendum, the States won't get to vote on it; &amp; those who control the voting machines will determine the outcome.</b></p> <p>Even though Art. V speaks of a "convention for proposing amendments", the Declaration of Independence, as part of <a href="#">the "organic law" of our Land</a>, may be invoked <i>again</i> to impose a new constitution which creates a new gov't.</p>
<p><b>Rep. Todd said:</b> There is a difference between a "constitutional convention" and an Art. V Convention. HJR 8 asks for an Art. V convention. When our Constitution was formed, <i>that</i> was a "constitutional convention".</p>	<p><b>Fact:</b> On Sep. 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" [<a href="#">link</a> at top of p.2].</p> <p>Then, after <i>renaming</i> the convention provided for at Art. V as a "convention of states", they <i>redefined</i> it as a "convention controlled by the States".</p> <p>Madison, Hamilton, 4 US Supreme Court Justices, &amp; other legal scholars warn against an Article V Convention – don't be fooled by <a href="#">Newspeak!</a></p>
<p><b>Rep. Todd said:</b> he doesn't believe there is anything unconstitutional with State Legislatures directing Delegates and holding them accountable.</p>	<p><b>Fact:</b> Art. V grants <i>to the Convention</i> the power to "propose amendments". So the Convention is the deliberative body. Even if Congress permits States to select Delegates, <i>State Legislatures violate the US Constitution when they pass laws which purport to strip Delegates of their power, granted by Art. V, to be the ones who "propose amendments"</i>. See "<i>supremacy clause</i>" Art. VI, cl.2</p>
<p><b>Rep. Todd said:</b> An Art. V convention gives us the ability to take back some of the powers we lost from the fed gov't.</p>	<p><b>Fact:</b> Our Framers said the purpose of amendments is to correct <i>defects</i> in the Constitution; &amp; the purpose of a convention is to <i>get another Constitution</i> [<a href="#">link</a>]</p> <p>George Mason was a Delegate to the Convention of 1787 – he <b>hated our Constitution and wanted another convention to get rid of it</b>. On <a href="#">Aug. 31, 1787</a>, he declared "that he would sooner chop off his right hand than put it to the Constitution as it now stands" and if it weren't changed, he wanted "to bring the whole subject before another general Convention." [Accordingly, he refused to sign the Constitution of 1787.]</p> <p><b>Madison warned that those secretly wanting to get rid of our Constitution would seek an Art. V convention under the pretext of getting amendments.</b> See his letters quoted <a href="#">here</a> at footnote 2.</p>

<p><b>Rep. Todd said:</b> Voting for the term limits application is a shot across the bow to Congress that we're serious about this. What we do today tells Congress we want to hold you responsible.</p>	<p><b>Fact:</b> Our problems are caused by a century of <i>ignoring the existing constitutional limits</i> on fed power. A frequent turnover of Congress can't fix that. And with term limits, elected members of Congress would become like train cars passing in the night – the real power would be solidified in the unelected bureaucrats in the Executive Branch. It thus transfers power <i>from</i> the People <i>to</i> the Deep State.</p>
<p><b>Rep. Todd said:</b> The complete Justice Scalia quote of April 17, 2014 shows he supported an Art. V convention.</p>	<p><b>Fact:</b> During 1979, <i>law professor</i> Scalia indicated support for an Art. V convention. By April 17, 2014, <i>Justice</i> Scalia had changed his mind: <a href="#">at the 1:06 mark of this video</a>, he said,</p> <p><i>“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> [emphasis added.]</p> <p><i>In context</i>, it's clear that the “targeted amendment” Scalia favored would be one presented to the States by Congress (as with the existing 27 Amendments).</p>
<p><b>Rep. Todd said:</b> The polls show high support for Term Limits in this State.</p>	<p><b>Fact:</b> The "<a href="#">Phony Petitions &amp; Polls</a>" flyer shows how the convention lobby uses polls to sway legislators, rather than measure true voter opinion. A poll which focuses on <i>the subject</i> of a proposed amendment, <i>while ignoring the danger of an Art. V convention</i>, is not a true measure of public opinion on this controversial &amp; complex issue. Would the results be the same if people were informed of the dangers of an Art. V Convention?</p>
<p><b>Rep. Zachery</b> commented from the Floor: In Federalist No. 85, Hamilton said State Legislatures were given power to erect barriers against encroachments by the federal gov't, and that's exactly what HJR 8 does.</p>	<p><b>Fact:</b> <a href="#">Federalist No. 85</a> was published during Aug. 1788, a few months after our Constitution was ratified. The antifederalists were already agitating for an Article V Convention so they could get rid of it [<a href="#">link</a> at footnote 2].</p> <p>In the next to the last paragraph of No. 85, Hamilton said we may rely on the state legislatures <i>to stop amendments</i> which would permit encroachments of the national gov't.</p> <p>Hamilton did <i>not</i> say an Article V Convention is the way to stop such encroachments! To the contrary, in the very next paragraph, he makes it clear that he “dreads” the consequences of another convention because he knows that enemies of our Constitution [the antifederalists] want to get rid of it.</p>

