

**Testimony *in opposition to SCR 1607*, Application for an Article V Convention
before the Senate Federal and State Affairs Committee
for the hearing on Monday, March 13, 2023 @ 10:30 AM**

By Joanna Martin, J. D., speaking for herself

To Chairman Thompson and Members of the Committee,

I am a retired litigation attorney and have spent the last many years writing and speaking on our federal Constitution and all issues surrounding an Article V convention. I live in Tennessee.

I

Constitutional Provisions respecting an Article V Convention

Article V, US Constitution, says:

“*The Congress*, whenever two thirds of both Houses shall deem necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, ***shall call a Convention*** for proposing Amendments...” [emphasis added]

Article I, §8, last clause, US Constitution, 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. **State Legislatures have no constitutional powers respecting the convention other than *applying to Congress for Congress to call the convention*.**

II

Even so, the convention lobby gives State Legislators a great many assurances as to what Congress *will do, must do, and can't do* respecting an Article V Convention. But ***the Constitution*** contradicts their assurances. And ***what Congress has actually done*** also contradicts the assurances of the lobbyists. For example:

1. The lobbyists assure State Legislators that *they* will select & control the delegates to the convention.
 - But **what Congress has done in the past** suggests they will provide *for the popular election of delegates*. We don't know what the Congress of today would decide – the sky is the limit. Accordingly, Delegate Bills such as **SB 92**, which pretend that State Legislatures will select and

control Delegates to the Convention, are a sham. Yet they are put forth in order to create *a false sense of security* in the minds of Legislators that *they* can control an Article V Convention.

2. The lobbyists assure State Legislators that Congress "can't" call a convention until they get applications from 34 States asking for the same Amendment; and that delegates to the convention "can't" consider anything other than Amendments requested by 34 State Legislatures.

- But their claim is contradicted by legislation filed in Congress last July which directs the Archivist of the United States *to count all non-rescinded applications together* to get to 34 States - [here's the proof](#). So it doesn't matter what Amendment a State specifies in its application to Congress. Congress will most likely count all applications together to get to 34 States.

3. The lobbyists assure State Legislators that anything which comes out of a Convention "can't" take effect unless it is ratified by $\frac{3}{4}$ of the States; and that a Convention "can't" propose a new Constitution with its own mode of ratification.

- But in **Federalist Paper No. 40** (15th para), James Madison, Father of our Constitution, specifically invoked that "transcendent and precious right" set forth in our Declaration of Independence of a People to throw off one government and set up a new one, as justification for ignoring their instructions to propose amendments to the Articles of Confederation, and writing a new Constitution with an easier mode of ratification. [Here](#) is the Proof.

Furthermore, James Madison warned that those who secretly wish for a new Constitution would push for an Article V Convention under the pretext of getting Amendments. See endnote 3 of #5 on Exhibit List below.

And as shown by ##1 & 12 on Exhibit List, new Constitutions are already prepared and waiting for an Article V Convention.

This is why 4 US Supreme Court Justices (2 Conservatives and 2 Liberals), in addition to James Madison and Alexander Hamilton, and other eminently qualified legal scholars, warn AGAINST an Article V Convention: See their own words (and links) [here](#).

III

No Amendment can fix what ails us

With our Constitution of 1787, we created a federal government which had only a few enumerated powers. But everyone has ignored our Constitution for over 100 years. The solution is to start obeying and enforcing the glorious Constitution we already have.

There is NO amendment which can control those who violate our Constitution.

Accordingly, the amendments which have been proposed by convention supporters would massively *increase the powers of the federal government* by legalizing powers already usurped, by granting new powers, by stripping States of their existing powers, or by transferring powers from individual Citizens to the federal government. See ## 3 & 4 on Exhibit List.

Please [don't buy a pig in a poke](#): Vote against SCR 1607.

Exhibit List

1. [HERE](#) is the proposed **Constitution for the Newstates of America**. Article XII, §1 thereof provides for ratification by *a referendum initiated by the President*. The States are dissolved and replaced by regional governments answerable to the new national government.¹ This Constitution sets up a totalitarian dictatorship. Pursuant to Article I, Part B, §8, *we are to be disarmed*.
2. The Chart which illustrates our Declaration of Independence, Constitution, & federal structure, and lists the enumerated powers is [HERE](#).
3. To see how six of Mark Levin's "liberty amendments" do the opposite of what he claims, go [HERE](#). [His other amendments are just as bad.]
4. The Nightmare Amendments from "Convention of States Project's" (COS) simulated convention are [HERE](#).
5. The Flyer which shows that our Framers said the purpose of *amendments* is to correct defects in the Constitution; and knew that the purpose of a *convention* is to get a new Constitution, is [HERE](#). **"COS" has been misrepresenting what the Delegates to the Convention said.**
6. [HERE](#) is the **April 11, 2014 Report of the Congressional Research Service** which shows that Congress recognizes that it has *exclusive authority* over "calling" - organizing - the convention provided for at Article V, US Constitution. A Summary is on page 4.
7. [States have no Power to Control Delegates to an Article V Convention](#) shows that those who promise that State Legislators will select and control the Delegates are making stuff up! Furthermore, Delegates have the self-evident Right "to alter or to abolish" the existing state & federal governments. Thus no one has power over Delegates.

¹ US Supreme Court Chief Justice Warren Burger described this proposed Constitution in his letter of April 8, 1986 to Phyllis Schlafly [LINK](#). Note that in his last paragraph, Justice Burger refers to the professors who "would like to abolish the states, and reorganize the federal structure along the lines of the division of circuits for the Federal Judicial system, or even on a more rigid regional basis."

8. [HERE](#) are the **Articles of Confederation**, our first Federal Constitution. **Article XIII required approval of amendments by the Continental Congress and by every State Legislature.**

9. [HERE](#) is the Resolution of the Continental Congress dated Feb. 21, 1787, to call a convention to be held at Philadelphia,

“...for the sole and express purpose of revising the Articles of Confederation...”

10. [HERE](#) are the Credentials of the Delegates to the Federal Convention of 1787 and instructions from the States. The *operative words* of the instructions encompassed:

- **“alterations to the Federal Constitution which, when agreed to by Congress and the several States, would become effective”**: Virginia, Pennsylvania, Delaware, Georgia, S. Carolina, Maryland, & New Hampshire.
- **“for the purpose of revising the Federal Constitution”**: Virginia, Pennsylvania, North Carolina, Delaware, and Georgia.
- **“for the sole and express purpose of revising the Articles of Confederation”**: New York, Massachusetts, and Connecticut.
- **“provisions to make the Constitution of the federal Government adequate”**: New Jersey.

[Rhode Island did not send Delegates to the convention.]

11. In Federalist Paper No. 40 (15th para), James Madison, Father of our Constitution, invoked that “transcendent and precious right” set forth in our Declaration of Independence of a People to throw off one government and set up a new one, as justification for ignoring their instructions and writing a new Constitution. [HERE](#) is the Flyer.

12. **Here are additional Constitutions which can be imposed at a Convention called by Congress pursuant to Article V, US Constitution:**

- Read [HERE](#) about the proposed **Constitution for the New Socialist Republic in North America**. It was prepared by **the Revolutionary Communist Party, USA**. [HERE](#) is the text of their Constitution.
- Read [HERE](#) of The Constitution 2020 movement funded by George Soros & supported by Marxist law professors, Cass Sunstein, Eric Holder, etc. See also [THIS](#) article. They want a Marxist Constitution.
- Read [HERE](#) the **globalist Council on Foreign Relations’ Task Force Report on the North American Union (NAU)**. Under this scheme, Canada, the US, and Mexico are to be integrated politically and *a Parliament & a militarized and unified police force* are to be set up over the three countries. [This is the “New World Order” which the Bush family & others have been planning. Heidi Cruz was on the Task Force which wrote the Report.]
- The **National Constitution Center’s Constitution Drafting Project** has released three proposed new Constitutions to replace our existing Constitution. You can read the proposed new

Constitutions [HERE](#). These proposed Constitutions would transfer massive new powers to a new federal gov't, and (among other horrors) would legalize the unconstitutional acts which have been going on for 100 years. *The National Constitution Center is a quasi-official agency of the federal gov't – its website address is <https://www.usa.gov/federal-agencies/national-constitution-center>*

One of these Constitutions, the so-called “Conservative” Constitution, was co-authored by Robert P. George, who is a member of Mark Meckler’s COS Legal Advisory Board. His proposed Constitution transfers new powers to a new federal government: See [THIS](#) & [THIS](#).

13. **Warnings of Brilliant Men (Madison, Hamilton, 4 US Supreme Court Justices, and other jurists and legal scholars) against an Article V convention are [HERE](#).**

14. [HERE](#) is the Pew Report: Click on your State to find out what percentage of your *State government’s* revenue was from federal funds. And that’s a pittance compared to the additional federal funds poured into your State to local gov’ts, NGOs, research grants, price supports, welfare programs, social security, Medicare, etc., etc., etc. And all that spending is unconstitutional as outside the scope of the enumerated powers.

15. [HERE](#) is the archived edition of an unofficial source which listed applications for an Article V convention already submitted to Congress by the various State legislatures.

16. [HERE](#) is where James Madison said our Constitution depends on the people having the “virtue and intelligence to select men of virtue and wisdom” to office [scroll down to text at 223].

17. Thomas Jefferson, James Madison, and Alexander Hamilton always said that because the States *created* the federal government [when they ratified the Constitution], the States are the final authority on whether their “creature” has violated the constitutional compact the States made with each other; and that when the fed gov’t usurps powers not delegated, each State has *the natural right* to nullify *of their own authority* all such acts of the fed gov’t. **The refusal to go along with unconstitutional acts is the remedy our Framers advised when the fed gov’t violates the Constitution.**

This is not a mere “constitutional right” created by our Constitution of 1787 – this is the GOD-GIVEN NATURAL RIGHT OF SELF-DEFENSE which pre-dates and pre-exists the Constitution! See [THIS](#).

18. **Who is behind the push for an Article V convention? It is the globalists, primarily the Koch Foundations and George Soros, who are funding the push for an Article V convention.** See, e.g.,

- [Kochs Bankroll Move to Rewrite the Constitution](#)
- [George Soros assault on U.S. Constitution](#)
- [Soros in Vermont: Leftist billionaire behind state’s call to keep money out of politics](#)

- [Citizens for Self-Governance](#) This goes into detail about the funding and expenditures for one of Mark Meckler’s organizations, “Citizens for Self-Governance”
- [Koch brothers from Conservapedia](#)

19. Mark Meckler tells State Legislators that his organizations are funded by grandmas sending him \$5.00 checks out of their paltry monthly incomes. But this paper, [Dark Money—Not the Grassroots—Is Behind the Convention of States Organizations \(COS\)](#), proves that almost 2/3 of the money driving Meckler’s effort to get State Legislatures to apply to Congress for a convention under Article V of the US Constitution is coming from major donors *annually* giving Meckler’s organizations \$5,000 to \$2,000,000 *each* over the latest 3 years of reporting available. **Why are multi-billionaires trying to get their hands on our Constitution?**

20. [HERE](#) is a Chart from *letusvoteforbba.org* where, by aggregating applications from 1789, 1861 to avert the Civil War, and 1901 for popular election of US Senators *with* later applications for a balanced budget amendment, they claim to have 33 States with active Applications for an Article V convention.

21. [Con-Con legislation filed in Congress is a wake-up call to convention supporters](#) explains & links to [H.C.R. 101](#) and [H.R. 8419](#) (filed July 19, 2022) re calling an Art. V Convention & how the States’ applications will be counted. *It’s not what the convention pushers have been telling State Legislators.*

22. States better rescind ASAP their existing applications. See: [Bluffing their way to an Article V Convention; Part 1: Validation schemes](#) and [Part 2: The best PR money can buy.](#)

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