

DAN KNODL

STATE REPRESENTATIVE • 24TH ASSEMBLY DISTRICT

Assembly Joint Resolution 135
Public Testimony
Assembly Committee on State Affairs
February 21, 2022

Thank you Chairman Swearingen and members of this committee for holding this hearing on Assembly Joint Resolution 135.

This proposal would formally submit Wisconsin's Article V application to Congress for a convention to discuss term limits for Congress. This proposal enjoys wide bipartisan support nationwide. According to a recent Rasmussen poll, 87% of Republicans, 83% of Democrats, and 75% of independents support congressional term limits.

The process outlined in Article V of the U.S. Constitution requires the applications of 34 states in order to call a convention. 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.

Our state previously passed an Article V application relating to a balanced budget amendment during the 2017 session, and this year we passed an application for a convention that would provide for discussion of a balanced budget amendment, term limits for federal officials, and limits on the federal government in general.

All applications for Article V conventions must be uniform across the states, so it will do us well to have all three of these resolutions passed. Each of these important issues merits the scrutiny and due diligence that an Article V convention offers.

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



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on Assembly Joint Resolution 135

February 21, 2022

Thank you Chairman Swearingen for holding a public hearing on AJR 135, a measure I've authored alongside Representative Knodl to use the Article V state-application-and-convention process to propose an amendment to the United States Constitution imposing term limits on members of U.S. Congress.

National surveys and opinion polls on congressional term limits routinely garner strong majority support. One of the more notable examples over the past decade was a 2013 Gallup poll in which 75 percent of respondents voiced their support for imposing term limits on members of Congress. As someone who has introduced and advocated for legislation across multiple sessions to implement term limits for elected officials at the state level, I have become familiar with the inertia surrounding this issue at each level of government.

Simply put, elected officials on both sides of the aisle are reluctant to voluntarily impose restraints on their own power. Past constitutional amendments have been proposed to limit congressional terms of office, and these proposals have garnered majority support. However, none of the proposals secured the necessary two-thirds supermajority vote in both houses of Congress to move forward.

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

Since our nation's founding, term limits have served as a mechanism for ensuring accountability and respecting the principle of "rotation in the offices" that is fundamental to maintaining the citizen legislature envisioned by the Framers. The 19th and 20th centuries featured an abandonment of this principle that has carried into the 21st century. Over the past 130 years, the tenure of members of U.S. Congress has continued on an upward trajectory, with the average years of service doubling in the Senate and tripling in the House of Representatives. As the average tenure has increased, the public approval rating of the citizen legislature formed at our nation's founding has commensurately decreased.

In passing AJR 135 and adding Wisconsin to the list of states seeking to propose a constitutional amendment for congressional term limits, we will be one step closer to creating a mechanism to allow for positive turnover, increased accountability, and fresh perspectives on Capitol Hill. Thank you for your consideration.

An Article V Convention Made Easy

Those pushing for an Article V Convention promise that nothing can come out of a Convention *except* proposed Amendments to our existing Constitution, & that the Amendments will rein in the fed gov't.

But Robert P. George, a member of Mark Meckler's "Convention of States" Legal Advisory Board,¹ has already co-authored a **NEW Constitution** which grants massive powers to a new fed gov't & imposes gun control with red flag confiscations!



"That's not a concern", you say, "because the phrase, 'a Convention for proposing Amendments', which appears within Article V, restricts Delegates to 'proposing Amendments', right"?

Not so! Our Declaration of Independence recognizes that a People have the "self-evident Right" "to alter or to abolish" their gov't & set up a new one.² And in *Federalist No. 40*, James Madison, a Delegate to the federal "amendments" Convention of 1787, invoked the Declaration of Independence as justification for the Delegates' ignoring their instructions to propose Amendments to the Articles of Confederation & writing a new Constitution which created a new Form of Government.³

And the new Constitution had an easier mode of ratification: it would be ratified when only 9 of the 13 States approved it; whereas amendments to the Articles of Confederation had to be approved by the Continental Congress & all of the 13 States.⁴ Today, ratification of a new Constitution could be by popular vote, as in the proposed **Constitution for the Newstates of America** (Art. 12): those who *control the voting machines will determine the outcome.*

Now you see the real agenda behind the push for an Article V convention: It provides the opportunity (*under the pretext of seeking amendments*) to replace our existing Constitution with a new Constitution which moves us into a new system of gov't such as in the gun-grabbing Constitution co-authored by Robert P. George. And since it will have its own mode of ratification, it will be approved.

It's a hollow promise that ¾ of the States have to ratify whatever comes out of a convention.

¹ Robert P. George is also a Member of the Council on Foreign Relations. *What could possibly go wrong?*

² The Declaration of Independence is part of the "Organic Law" of our Land.

³ In Federalist No. 40 (15th para), Madison says the Delegates knew that reform such as was set forth in the new Constitution was necessary for our peace & prosperity. They knew that sometimes great & momentous changes in established gov'ts are necessary & a rigid adherence to the old gov't 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..." [caps are Madison's]

⁴ ART. 13 of the Articles of Confederation.

Convention of States - Behind the Hype & Hot Air Phony Petitions & Polls (Part 2)

Phony Polls. *Mark Meckler, President of Convention of States (COS), has testified before numerous legislative committees and said that roughly 2/3 of their states' voters across party lines, as polled, support the COS application asking Congress to call an Article V convention (A5C). He added that this is consistent with COS polling nationwide. **But wait!***



How can a short robocall made up of a few superficial questions measure real opinion on a complicated, unknown issue like an Article V convention?

Polls paid for by clients with agendas and published as **NEWS** yield the results the client wants. Outcomes can be manipulated by the questions asked.

HERE is the script for the Robopoll conducted in Iowa; only questions #8 through #11 addressed an A5C. And here are the same questions and responses from **MICHIGAN** a month later (emphasis added):

- ✓ What best describes your opinion of whether Michigan should join other states in calling for a convention to propose constitutional amendments that **limit federal power**? [45% favor/24% oppose]
- ✓ What best describes your opinion of a constitutional amendment to **limit federal spending**? [54% favor/23% oppose]
- ✓ What best describes your opinion of **placing term limits on members of Congress and/or federal judges**? [71% favor/19% oppose]
- ✓ What best describes your opinion of Michigan calling for a convention of states to propose constitutional amendments **that limit federal spending, limit federal power, and establish term limits for members of Congress and/or federal judges**? [64% favor/22% oppose]

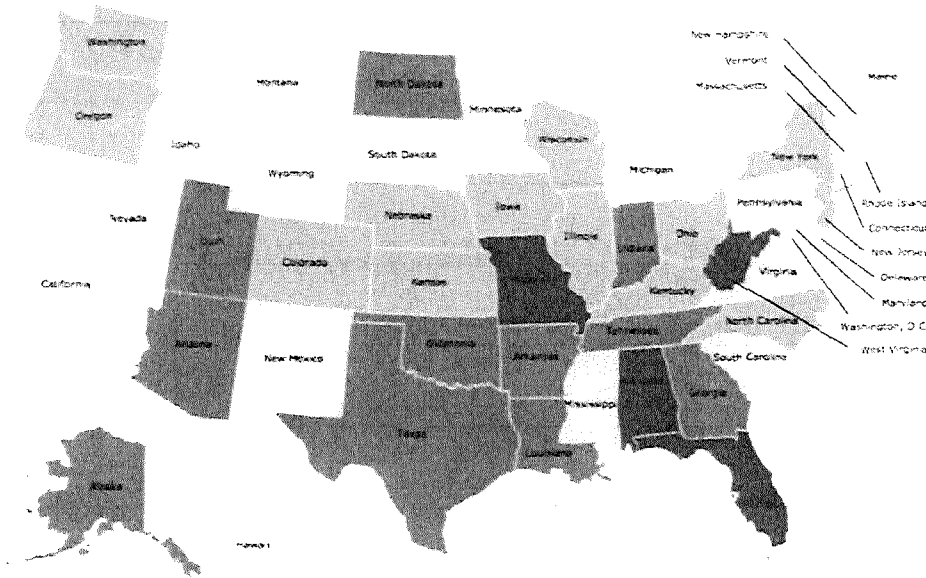
*But these are trick questions! Respondents' attention is focused on the **subject** of the proposed amendments, while ignoring the real danger—triggering an Article V convention where Delegates can't be controlled, and our Constitution is up for grabs. Obviously, what was measured by this survey was the popularity of various constitutional **amendments**—**not** support for a **convention**!*

Would COS's poll results have flipped if the risks of an A5C had been included in the survey? Clearly the poll, as is, is a thinly veiled attempt to influence public policy and sway legislators' votes, rather than an honest attempt to measure where voters stand on this complex and controversial issue.

US Term Limits and the Art. V Convention Lobby Show Their True Colors

Dear Legislator,

If you think you'll be voting on an application asking Congress to call an Article V convention (A5C) to propose an amendment to the US Constitution on the single subject of term limits, you're mistaken. **Look at the color-coded progress map below taken from the US Term Limits (USTL) website!**¹ USTL is the lobbying group sponsoring the A5C application "limited" to congressional term limits.



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

The Medium Blue States *are the 11 states* that passed the multi-subject Convention of States Project (COS) application, but not the single-subject term limits application. COS purports to cover three subjects: impose fiscal restraints, limit the power and jurisdiction of the federal government, and *limit the terms of office for its officials and Congress*. "**Limit the power and jurisdiction of the federal government**" alone covers "amending" the bulk of the Constitution!

USTL has also added the **13 states** in **Light Blue** to their total. **These states have NOT passed term limits applications in any form!** USTL counts applications on *unrelated and obsolete topics*, such as directly electing US Senators (1901), averting the Civil War (1861), getting a Bill of Rights (1789), and on **NO** subject at all (unlimited or plenary applications)! That totals 28 states--a 700% increase over what they actually passed.

This Chart details the 13 states USTL is combining with the broad COS applications and single-subject term limits applications toward the 34 states needed to trigger a convention:

State counted toward an unlimited convention	Year passed	Description of application being aggregated with applications on any subject:
<u>Colorado</u>	1901	<u>Direct Election of Senators</u>
<u>Illinois</u>	1861	<u>Avert the Civil War</u>
<u>Iowa</u>	1904	<u>Direct Election of Senators</u>
<u>Kansas</u>	1907	<u>Direct Election of Senators</u>
<u>Kentucky</u>	1861	<u>Avert the Civil War</u>
<u>Nebraska</u>	1907	<u>Direct Election of Senators</u>
<u>New Jersey</u>	1861	<u>Avert the Civil War</u>
<u>New York</u>	1789	<u>Bill of Rights</u>
<u>North Carolina</u>	1907	<u>Direct Election of Senators</u>
<u>Ohio</u>	1861	<u>Plenary (Unlimited)</u>
<u>Oregon</u>	1901	<u>Direct Election of Senators</u>
<u>Washington State</u>	1901	<u>Plenary (Unlimited)</u>
<u>Wisconsin</u>	1911	<u>Plenary (Unlimited)</u>

Representatives from USTL continually testify that their group is asking for a specific convention for proposing a single-subject amendment, and that congressional term limits will be the only item on the table at the convention. Because of these constraints, they assure legislators that the convention can't possibly run away.

So why is USTL counting 24 states whose applications are so broad as to cover rewriting the Constitution?

The Chart shows that USTL believes neither that Congress must aggregate the applications by subject, nor that the convention will stick to the subject of the application. Other A5C lobby groups agree. Their Strategists acknowledge what is true: that Congress lacks authority to limit in any way what the Delegates to a convention can do.

There's no such thing as a "limited" convention under Article V. In order to get their votes, the convention lobby is falsely assuring legislators that a convention can't run away; while running a PR campaign to create the phony impression among legislators that their constituents are demanding a convention.

The convention lobby doesn't believe their own talking points; Why should you?!

Please Vote "No" on all applications for an A5C, and rescind the applications your State has already sent to Congress.

¹ HERE is a link to the interactive version of the map that was available on the USTL website until we exposed the truth! Click on CO, IL, IA, KS, KY, NE, NJ, NY, NC, OH, OR, WA, & WI in the gray area and verify the state applications in the above chart are being aggregated with single-subject term limits applications. Also verify that states in medium blue which passed the broad COS multi-subject, "inclusive" applications, but not single-subject applications, are being claimed by USTL as well.

Our Declaration of Independence says Rights come from God.

To secure *those Rights*, we established the Constitution for the United States of America wherein we *created* the federal gov't: an alliance of States associated in a "federation" for the *limited purposes* enumerated in the Constitution.

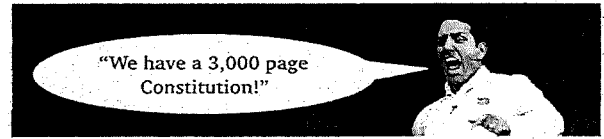
39 THAN 2000 *FED'9 POWER*
Fed gov't of 3 branches: Legislative, Executive & Judicial:

1. Has lawful power *only* over these objects (for the Country at large):

- International trade & diplomacy
- War – national defense
- Make Treaties, but *only* on objects authorized by Constitution!
- Establish uniform commercial system:
 - weights & measures
 - patents & copyrights
 - money system (gold & silver)
 - bankruptcy laws
 - mail delivery & *some* road building
- Laws on naturalization & immigration
- Certain civil rights (in the Amendments)
- Make & enforce only a few criminal laws
- Federal courts for specific purposes only
- Miscellaneous "housekeeping": census, etc.
- May borrow money & levy taxes, but only for purposes authorized by Constitution!

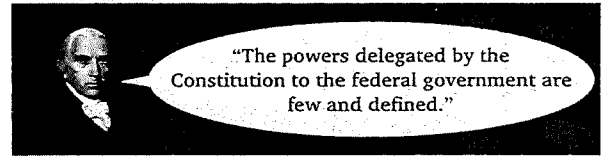
2. God given Rights secured by federal gov't:

- **Life:** military, pirates, traitors, secure borders
- **Property rights:** honest money, weights & measures, patents & copyrights, bankruptcy law
- Limited & enumerated powers secure **right to be left alone!**
- **Fair trials in federal courts:** Dt 1:16-17; Dt 19:15-20 & Mt18:16; Ex 18:13-26; don't bear false witness; 5th - 8th Amendments



"We have a 3,000 page Constitution!"

Convention of States cofounder, Mark Meckler



"The powers delegated by the Constitution to the federal government are few and defined."

James Madison, Father of the Constitution

The States or the People:

1. Retain all powers except those delegated *exclusively* to fed gov't or prohibited to the States by Art. I, § 10:

- Federalist Paper No. 45 (3rd para from end) by James Madison, Father of our Constitution:

"The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce ... the powers reserved to the several States will extend to all the objects which ... concern the lives, liberties, and properties of the people, and the internal order ... and prosperity of the State."

- Tenth Amendment.

2. State gov'ts secure rights God demands that gov'ts honor (e.g., fair trials) & protect us from those who seek to deprive us of God given rights. E.g.,

- **Life:** prosecute murderers, ban abortion, euthanasia, drunk driving; quarantines for dangerous diseases, etc.
- **Sanctity of our persons:** prosecute rapists, muggers, kidnappers, child molesters, etc.
- **Property rights:** prosecute robbers; punish negligence, fraud, & breach of contract; courts available for dispute resolution; etc.

The fed gov't. & State gov'ts. have **different spheres of operation**. The fed gov't. is "supreme" *only* in those few & enumerated powers delegated *exclusively* to it. **The States or the People retain supremacy in all other matters.** When the fed gov't. usurps powers retained by the States or the People, it becomes unlawful & illegitimate: Nullification is the "rightful remedy". Contact Joanna Martin, J.D., publiushuldah@gmail.com

Some of the Founders warned that those who would want to replace our Constitution in the future would do it under the guise of "amendments". And sure enough...

"[Council on Foreign Relations] Robert P. George, a Member of [Mark Meckler's] Convention of States Legal Advisory Board, has co-authored a new "conservative" Constitution which grants massive powers to a new federal government and imposes gun control!" - Publius Huldah

<https://www.thestandardsc.org/joanna-r-martin/cos-board-member-drafted-new-constitution-that-imposes-gun-control/>

Not to mention all the other drafted constitutions that all sides are writing, 3 of them:
Constitution for the Newstates of America,
Constitution for The New Socialist Republic in North America,
George Soros's Progressive Constitution, etc.

If you would like access to these other constitutions, I can email them to you.

"And since any new Constitution will have its own *new mode of ratification* (such as a national referendum), it's sure to be approved." - Constitutional attorney Joanna Martin

You're not going to be looked at as one who saved our Constitution,
but one who betrayed our Constitution.

In conclusion,

A yes vote today will haunt you. Either because it set the wheels in motion for your undoing in a future election, or because Congress calls the Convention and you can regret for the rest of your life why your decedents do not live free.

Article V convention has NEVER been activated, because it's the nuclear option). It is the opportunity of a lifetime for the Elite Globalists (and some have waited that long). A5C, or con-con, is the access door to replace our Constitution. The time is ripe: the people are worked into a panic, and the globalists are deceptively funneling them down into their planned "solution": convention. Masquerading as a "conservative" movement serves the globalist's purposes -- for now. You watch how quickly this becomes a "liberal" movement once the conservatives wake up. Their playing us. We need to join together to protect the Constitution that protects us. The globalists don't care HOW they get access to our Constitution, so long as they get access. **The ONLY thing the Globalist Elite need the states to do - Republican or Democrat, makes no difference - is to be one of a number that reaches 34. That's it. Just a number. And freedom dies.**

Prov 22:28 Remove not the ancient landmark, which thy fathers have set.

Defend our Constitution in your state "from all enemies, both foreign and domestic, so help me God."
Join us.

Please Vote no on AJR 135 and start the process to rescind all applications to Congress.

Dominique Will

Opposition to AJR 135

base to convince some legislators to vote in favor of convention). **I have some flyers with more info on that.** Here are **only 3** of the many lies you may have heard presented as truth:

Lobbyist Lie #1

"When we get to a Convention of States, Congress will be forced to obey our amendments and we will limit the power and jurisdiction of the federal government."

TRUTH:

I find this one SHOULD be a hard sell. They aren't obeying the Constitution that ALREADY limits the power and jurisdiction of the federal government."

Seriously, there should be no convention movement on that point alone, because even if it wasn't dangerous, it won't work.

Lobbyist Lie #2

"Convention of States"

TRUTH:

We all know how very important terminology is. This deceptively implies the States have power in Convention. How far would the COS movement have gotten if they called it what it really is, "Convention of Congress"

Lobbyist Lie #3

"The Founders placed STATE POWER in Article 5 to use the Constitution to save the Constitution".

TRUTH:

The Founders placed state power in Article 6 and the 10th Amendment (nullification, where states ignore or resist unconstitutional federal dictates, which automatically and quickly reins in the power and jurisdiction of the federal government). We've recently seen some great states nullifying against unconstitutional federal mandates.

The Founders most certainly DID NOT place state power in Article 5 with a Convention of Congress. That's where states will lose their power -- and our Constitution.

Why would the convention lobbyists intentionally LIE to their followers about where the Founders placed state power?

Why did Hitler lie that the Jews were a health hazard to the rest of the country? Why does Fauci lie? **Because they have something sinister to gain by deception.**

Historian James MacGregor Burns said of the Framers of our Constitution,

"Let us face reality.

The Framers have simply been too shrewd for us.

They have outwitted us.

They designed separate institutions that cannot be unified by mechanical linkages and frail bridge tinkering.

If we are to turn the Founders upside down we must directly confront the Constitutional structure they erected."

Let me tell you what I appreciate about the Democrats and the Republicans. I appreciate that some Republicans are leading the charge on election integrity and protecting my 1st, 2nd, 4th Amendment rights from federal overreach. I appreciate the Democrats for protecting my Constitution as a whole by voting against Convention bills.

For a few minutes, I would like to ask you all to ignore the mainstream narrative that the Convention will be completely controlled by the states and nothing can go wrong and if anything does, the state legislatures have veto power over ratifying whatever comes out of it. NONE of that sentence is true, and I need you to apply your critical thinking skills as I continue.

"You will never know how much it has cost my generation
to preserve your freedom.

I hope you will make good use of it."

-- John Adams, 220 years ago

"The world still believes in the American experiment in self-governance. The Davos oligarchs [World Economic Forum] have demonstrated their gross incompetence to all the world over the last 2 years. They have neither right nor ability to govern America and Americans. We are a free people. And we have governed ourselves for almost 250 years now based on a Constitution developed by self-reliant farmers, tradesmen, shop owners, and landholders. These forefathers rejected a foreign monarchy and oligarchy and instead created and fought for a political structure which remains an inspiration for the world... a shining city on the hill... This is OUR country. We own this amazing gift. But we must defend it if we wish to keep it."

- Dr. Robert Malone speech at the DC Rally on Jan 23, 2022, 10 days ago

Our Founding Fathers gave their lives, their fortunes, and their sacred honor to ensure the blessings of liberty for countless generations.

The Elite oligarchs are sacrificing *other people's* lives in medical malfeasance, obliterating *other people's* fortunes while amassing unimaginable wealth for themselves. They have no integrity, no honor, and do conspire to enslave humanity under the chains of tyranny for countless generations.

Standing between We the People and tyranny is the United States Constitution that protects us.

If we protect her.

Prov 22:28 Remove not the ancient landmark, which thy fathers have set.

My speech is about that very battle.

Constitutional Conventions movements are raging in their dangerous deception and passage all across America. Today, we're talking about USTL, but it could be any one of them, because its about the *method* of calling a convention. **That being said, I'm personally against term limits.** The Founders solution to Term Limits was a fair and free election. **A yes vote today to USTL is risking everything the Founding Fathers did so we can put back in something they purposefully took out.**

The convention movement takes advantage of good people who are rightly frustrated with federal overreach to make them feel they are doing something to save our Country. As for the **legislators**, there are some who really bought into the scam of **promised** power/positions/control at Convention, compliments of the lobbyists. The traveling salesman (aka lobbyists) use flagrant flattery and outright lies to do that, and they also hoodwink the voters (because they have to have a "grassroots" constituent

Testimony from Kenn Quinn with U.S. Term Limits in Support of AJR135

Bridgton, Maine

Email: kquinn@termlimits.com

Dear Chairman Swearingen and distinguished committee members,

My name is Kenn Quinn and I am a Regional Director with U.S. Term Limits. I am here today to testify in support of AJR135 not only on behalf of our organization, but more importantly on behalf of the 82% of the American people who want Congressional Term Limits (*see attached survey*). I would like to draw your attention to the attached documents to support my testimony.

The American people do not approve of the job Congress is doing. The latest approval rating of Congress is only at 18% and this has been the average for the past ten years. I would like to provide you an analogy that I heard one of our volunteers use to describe the current situation. When we travel or dine out, do we intentionally choose a one-star hotel or restaurant? Of course not, we will choose one that has good ratings and this is only for a temporary need of a hotel room or a meal. Now, if we were to choose a Congress, would we intentionally choose a one-star Congress? Of course not, but that is what we have, in fact, it is less than a one-star Congress, and we have had it for a decade now.

The American people deserve better and we demand better. Simply put, we demand term limits for Congress. We placed term limits on the President by ratifying the 22nd Amendment in 1951. It is time that we impose them for members of the U.S. House and Senate by having the state legislatures propose an amendment under Article V.

Some of the Many Benefits of a Congressional Term Limits Amendment:

- Provide fair and competitive elections making it possible for ordinary people to win seats.
- Allow more people from a variety of backgrounds to participate in our government.
- Give voters more choices at the ballot box which will also help to increase voter participation.
- Send new people with fresh ideas to Congress to fix the problems that Congress refuses to fix.
- Reduce big money in politics since 97% of corporate PAC money goes to incumbents.
- Fulfill the will of the American people who have been demanding Congressional Term Limits for decades.

Congress has ignored the American people by refusing to propose a Term Limits Amendment and that is why we are turning to you, our state legislators to do it. I encourage you to please support AJR135 so that Wisconsin can join with other states to have this discussion on behalf of the American people.

I have provided a resource at termlimits.com/debunkingmyths that addresses many of the false claims made by the opponents. For a list of them please see the backside of this page.

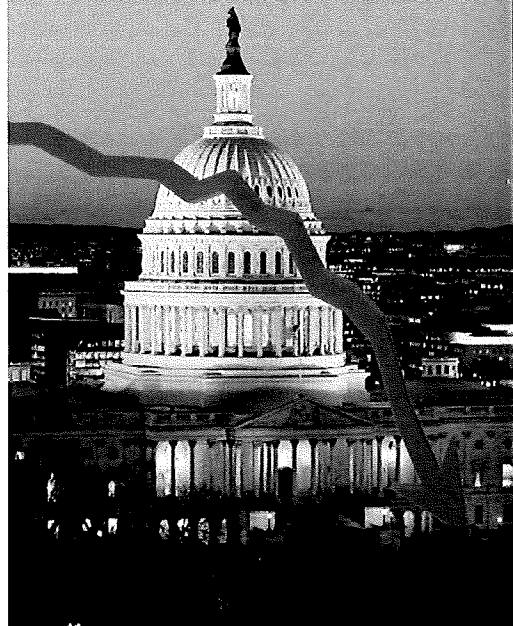
Sincerely,

Kenn Quinn
U.S. Term Limits

Congressional Job Approval

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?

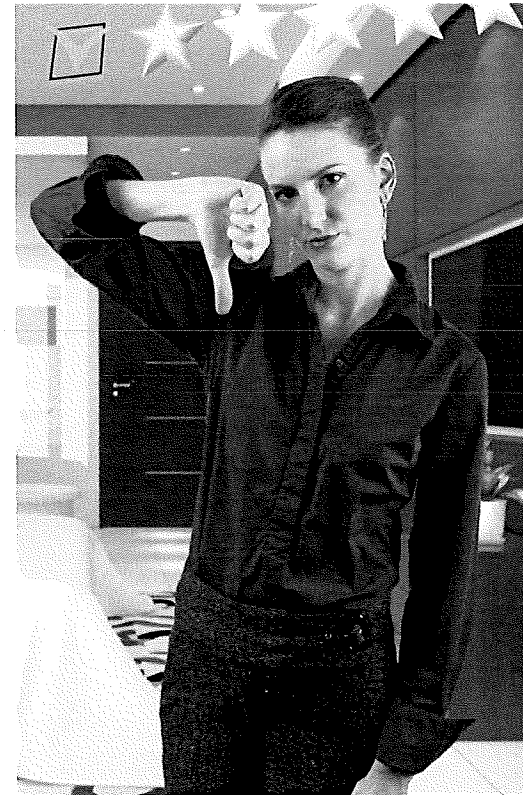
If the members of Congress were running your company would you keep them as your employees or hire someone better qualified for the job? If you were being honest with yourself you know what the answer is. If you asked voters this question, I have a feeling they would prefer to fire them and hire new 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 Director Nick Tomboulides testify before the Senate Judiciary Subcommittee.



U.S.
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LIMITS

You wouldn't settle for a one-star hotel room for one night, so why settle for a one-star Congress for decades?

Congress' job approval rating has averaged just 18% over the past decade - this is less than a one-star rating.

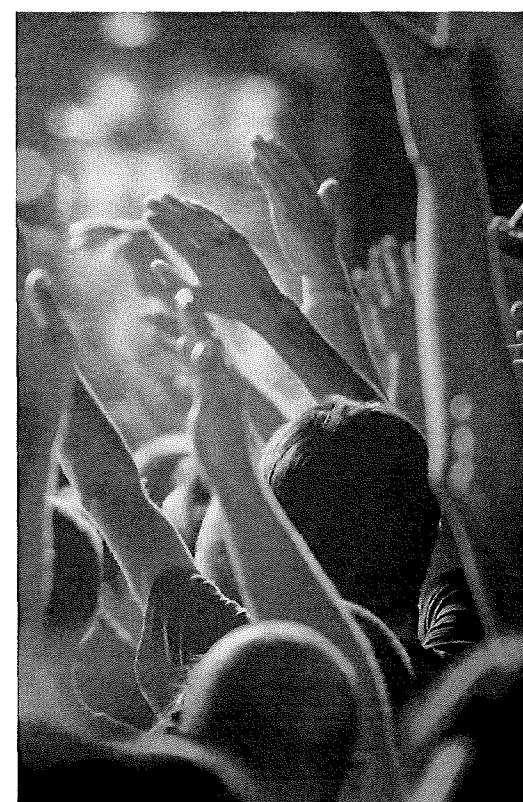
The following excerpt is testimony from USTL's Pennsylvania Legislative Advocate Mike Riley before the House State Government Subcommittee on Campaign Finance and Elections;

"A typical argument I hear is that we will inadvertently remove the good people while we are implementing these term limits. Based on polling reported in the mainstream media, Congress has had a miserable approval rating for over the last 10 + years. So my question is how does an approval rating this low show that there are any good people working in the US Congress?"

Let me put this a different way. Based on a typical 5-star rating scheme, Congress has less than 1 star. Would you consider eating at a 1-star restaurant? Would you stay at a 1-star hotel? In both of these examples, we are talking about a temporary impact – a single meal or short-term lodging. Congress has a less than a 1-star rating that has permanent or long-term impacts on our lives and people are good with the level of service we are getting? Sorry that is a ridiculous argument."

U.S.
TERM
LIMITS

A 2021 Poll shows that 82% of the American people support Term Limits for Congress.



U.S.
TERM
LIMITS

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

Term Limits for Congress!

82% FAVOR TERM LIMITS FOR MEMBERS OF CONGRESS

"This is one of the few political issues that unites voters from every corner of the nation. Term limits are supported by at least two-thirds (68%) of every measured demographic group.

From a partisan perspective, **87% of Republicans** favor term limits along with **83% of Democrats** and **78% of Independent voters**.

Methodology: The survey of 1,200 Registered Voters was conducted online by Scott Rasmussen on October 5-6, 2021. Field work for the survey was conducted by RMG Research, Inc. Certain quotas were applied, and the sample was lightly weighted by geography, gender, age, race, education, internet usage, and political party to reasonably reflect the nation's population of Registered Voters. Other variables were reviewed to ensure that the final sample is representative of that population. The margin of sampling error for the full sample is +/- 2.8 percentage points."

* <https://scottrasmussen.com/82-favor-term-limits/>

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

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

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

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



Scan to view the survey.

Article V

U.S.
TERM
LIMITS

Article V of the U.S. Constitution allows two-thirds of both Houses of Congress or two-thirds of the state legislatures to propose amendments.



U.S.
TERM
LIMITS

In 2021, the 117th Congress introduced over 50 amendments to the Constitution.

Scan to see the amendments introduced by the 117th Congress in 2021.



Article V

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.

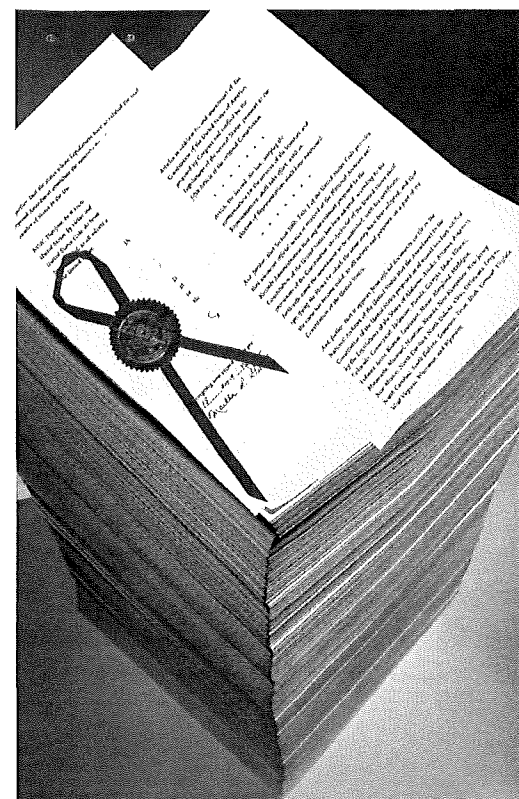
An Article V convention works like this:

1. Two-thirds (34) of the state legislatures must apply to propose the same amendment(s).
2. Congress calls the convention (time & place and invites the States to send commissioners).
3. Passage of an amendment is a majority vote by state; one state, one vote.
4. Congress determines the mode of ratification; state legislatures or state conventions.
5. Three-fourths (38) of the States must ratify the amendment to become part the Constitution.

Number of Amendments by Decade

Decade	Amendments Introduced	Amendments Ratified
1780s	196	0
1790s	42	1
1800s	65	1
1810s	93	0
1820s	111	0
1830s	102	0
1840s	59	0
1850s	22	0
1860s	518	3
1870s	177	0
1880s	264	0
1890s	265	0
1900s	269	0
1910s	467	3
1920s	393	1
1930s	646	2
1940s	404	0
1950s	793	1
1960s	2,598	3
1970s	2,019	1
1980s	827	0
1990s	774	1

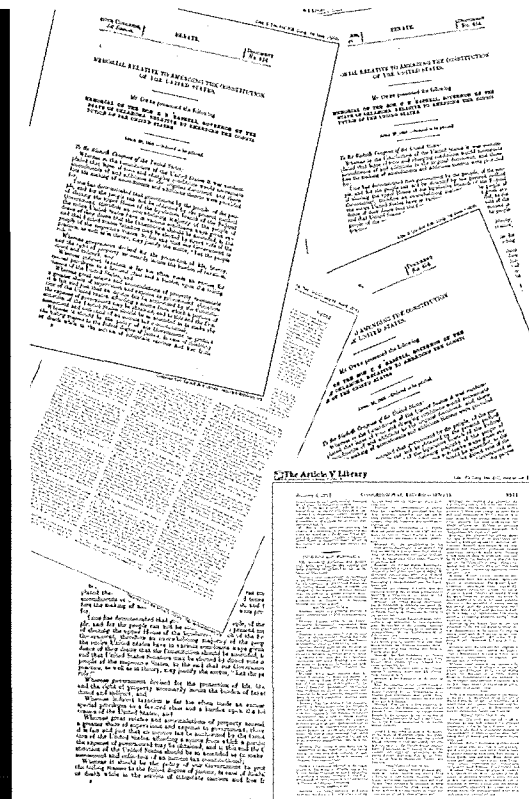
* Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2002. Second Edition. John R. Vile. Appendix C.



U.S.
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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.



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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.

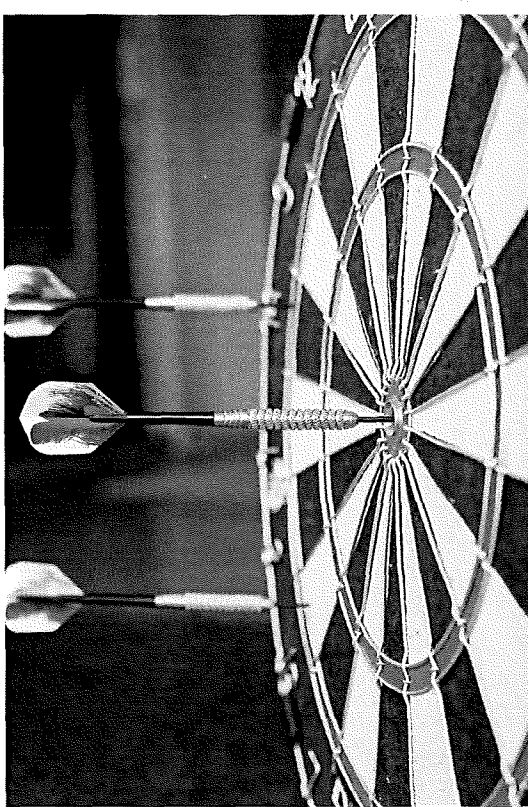


Scan to visit the Article V Library to view many of these applications submitted to Congress by the state legislatures since 1788.



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The 4 Point Test for a Successful Amendment to the U.S. Constitution by Constitutional Professor Rob Natelson



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The reason to vote for both the U.S. Term Limits and the Convention of States Action Article V applications.

The 4 Point Test for a Successful Amendment

Rob Natelson

- The amendment must push the government toward founding principles.
- The amendment must have real force to it.
- The amendment needs to be widely popular.
- The amendment needs to be supported by state legislators.

A Congressional Term Limits Amendment

✓ Term limits previously called "rotation of office" were foundational to our country and were included in several of our state constitutions and in the Articles of Confederation.

✓ Term limits have real force behind them because there is no room for interpretation or abuse.

✓ Term limits for Congress are the most popular reform in the country supported by an overwhelming 82% of the American people!

? The last step is now for our state legislators to stand with the American people to pass the U.S. Term Limits Article V application for a Congressional Term Limits Amendment.

Why should a legislature pass the single-subject Article V application for Congressional Term Limits when it has already passed the Convention of States application?

This is a good question and it is also a very political one. Even though the COS application contains the same subject of term limits for Congress, it also allows for term limits on all federal officials and two other broader subjects; "limiting the power and jurisdiction of the federal government" and "imposing fiscal restraints on the federal government."

Article V demands that two-thirds of the legislatures must concur on the amendment or subject in their applications in order to call a convention for that purpose. Obviously, the more subjects that are included, the harder it becomes to build a consensus among the legislatures, making it more difficult to reach the necessary two-thirds to have a convention called. In order to have an amendment proposed and ratified, it will also require overwhelming support from the American people and Congressional Term Limits easily attains that level of support at 82% nationally.

By only passing the broader COS application, a legislature greatly diminishes their opportunity to check the abuse of power by members of Congress and leave them in full control. It would be far better to force Congress to call the first Article V convention to propose one amendment for term limits than to only pass a broader application that may never achieve the goal of calling a convention and seeing this reform become a reality for the American people.

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.

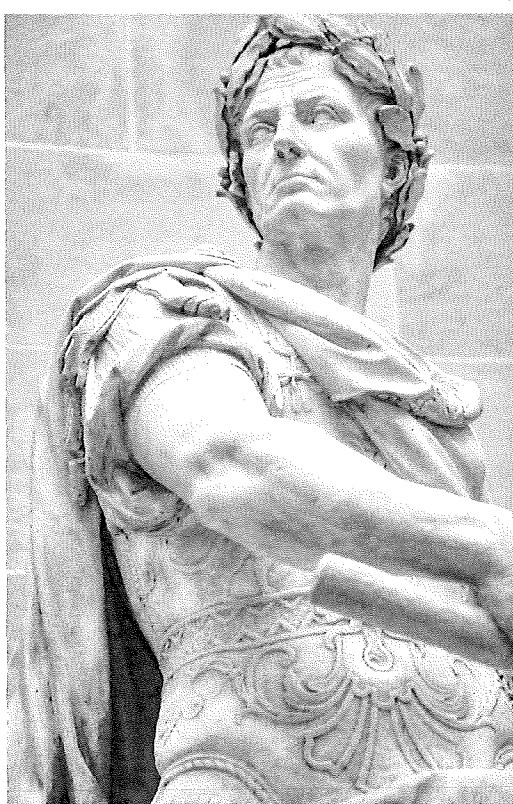
After the Arkansas Supreme Court ruled against *U.S. Term Limits*, we took it all the way to the U.S. Supreme Court (SCOTUS). SCOTUS opined that since the Constitution sets forth the criteria that determine the requirements for U.S. Senators and Representatives, only the Constitution can limit the terms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

Term limits are a foundational governing principle dating back to ancient Rome and Greece.



"Term limits can date back to the American Revolution, and prior to that to the democracies and republics of antiquity. The council of 500 in ancient Athens rotated its entire membership annually, as did the ephorate in ancient Sparta. The ancient Roman Republic featured a system of elected magistrates—tribunes of the plebs, aediles, quaestors, praetors, and consuls—who served a single term of one year, with re-election to the same magistracy forbidden for ten years. According to historian Garrett Fagan, office holding in the Roman Republic was based on "limited tenure of office" which ensured that "authority circulated frequently", helping to prevent corruption. An additional benefit of the cursus honorum or Run of Offices was to bring the "most experienced" politicians to the upper echelons of power-holding in the ancient republic...

Prior to independence, several colonies had already experimented with term limits...Shortly after independence, the Pennsylvania Constitution of 1776 set maximum service in the Pennsylvania General Assembly at "four years in seven". Benjamin Franklin's influence is seen not only in that he chaired the constitutional convention which drafted the Pennsylvania constitution, but also because it included, virtually unchanged, Franklin's earlier proposals on executive rotation.

The Articles of Confederation, adopted in 1781, established term limits for the delegates to the Continental Congress, mandating in Article V that "no person shall be capable of being a delegate for more than three years in any term of six years."

* https://en.wikipedia.org/wiki/Term_limits_in_the_United_States

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Term limits are fiscal restraints because they help reduce government spending.

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Term Limits are Campaign Finance Reform because they reduce the influence of wealthy donors and PAC money.

Term limits and state budgets

Randall G. Holcombe, holcombe@fsu.edu Florida State University
Robert J. Gmeiner, gmeiner.robert@gmail.com Sunwater Institute

"Term limits reduce the time horizon over which elected officials can capture and allocate government budgets, which reduces their incentive to increase government spending. An examination of US state government budgets before and after the implementation of term limits shows that prior to the implementation of term limits, state revenues and expenditures tended to grow at about the same rate in states that implemented term limits and those that did not. After the implementation of term limits, revenues and expenditures grew more slowly in states that implemented them. The reduction in the growth of state budgets after the implementation of term limits is both economically and statistically significant."

Concluding remarks:

"In the states that have implemented legislative term limits, state government budgets have tended to grow at significantly lower rates than prior to the implementation of term limits."

"Even the smallest estimate of the relationship between term limits and budgetary growth indicates that term limits are associated with significantly slower budgetary growth. The point to take away from this analysis is that whether state budgets are measured in total or per capita terms, and whether revenues or expenditures are taken as a budgetary measure, term limits are associated with economically significant declines in state budget growth."

"Term limits do have a relationship with state fiscal policy beyond the fiscal conservatism that was already present in those states, however, resulting in slower state budgetary growth after term limits became effective."

* <https://doi.org/10.1332/251569119X15526464720315>



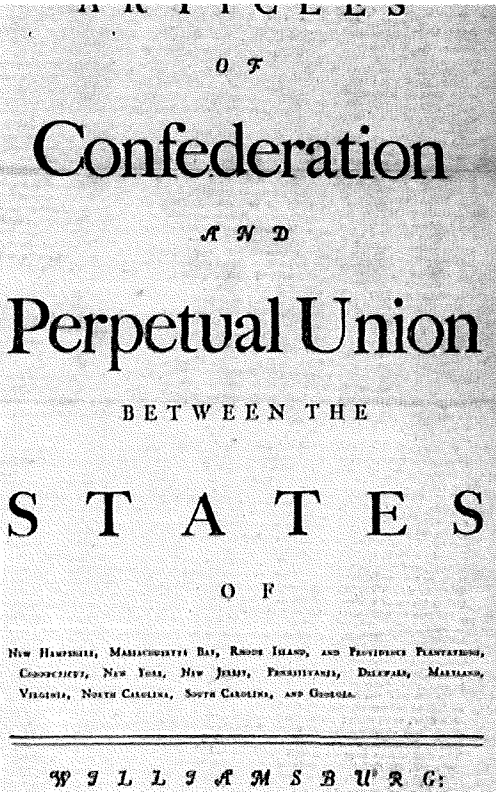
"Prioritizing fundraising for political campaigns over legislative responsibilities is disastrous for the American people. This reinforces that term limits need to be imposed on members of Congress as a measure to reduce the power of an uncontrolled Washington political machine," says Nick Tomboulides, Executive Director of U.S. Term Limits..

"This problem cannot be fixed by voting incumbents out," he continues. "This proves, what we have been saying all along. Incumbents have an overwhelming political advantage because we pay them to raise money for their re-elections. Challengers don't stand a chance." Term limits are a critical piece of the desperately needed "congressional reform" to rein in political corruption. Although not a silver bullet, term limits help move the ball closer to the goal post as part of the overall strategy we need to fix a broken D.C. There is too much money in politics. Term limits help fix the problem of incumbents indefinitely raising money for their next campaign.

At a time when Congress has been breaking records for being unproductive, it does not bode well that the only thing in which incumbents excel is raising funds for their next election. The issue of term limits crosses party lines and is exactly what is needed to reduce the influence special interests have on Capitol Hill."

Term Limits Help by:

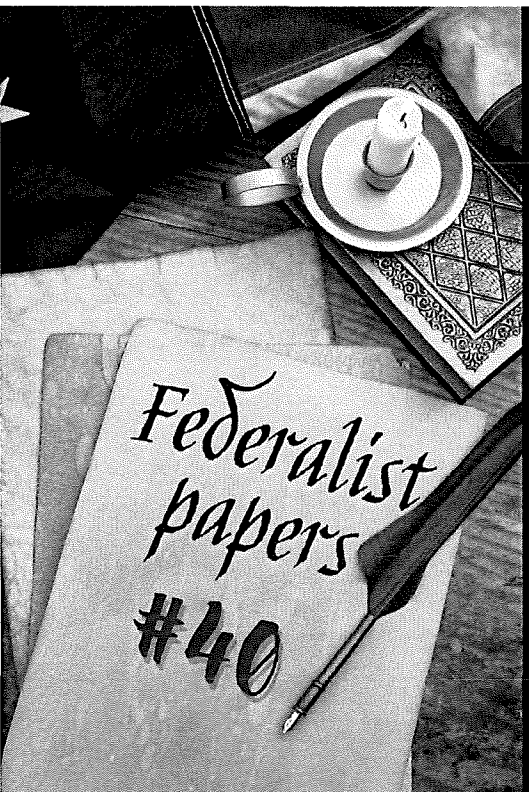
- keeping elected officials focused on legislation not phone banking for their next election
- opening up seats for good citizen legislators who won't be discouraged by fundraising quotas
- reducing the influence of wealthy contributors on public policy
- curtailing the power of an uncontrollable Washington, D.C. political machine



U.S. TERM LIMITS

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


FALSE!



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.

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.

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*

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



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



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

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."

"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 Rink States That Ratify It	Ratified by Three-fourths and Rink All States



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



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

Article V simply allows state legislatures to propose a single amendment if two-thirds concur in applications to Congress to call a convention for it.

"But every amendment to the constitution, if once established, would be a single proposition, and might be brought forward singly. There would then be no necessity for management or compromise, in relation to any other point, no giving nor taking. The will of the requisite number would at once bring the matter to a decisive issue. And consequently, whenever nine or rather ten states, were united in the desire of a particular amendment, that amendment must infallibly take place. There can therefore be no comparison between the facility of effecting an amendment, and that of establishing in the first instance a complete constitution... We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority."*

~ Federalist 85, Alexander Hamilton



Scan to read Federalist 85.

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

U.S. TERM LIMITS

States and other Powers who are not in treaty with her, and therefore did not call upon us for relations 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 journals of the measure had in view; but he did not like this mode of doing it, because he 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 4th Monday of this month.

TUESDAY, May 5.
Mr. BRADSHAW, 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, 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, upon 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 pleased their congratulations on the event by which your fellow-citizens have attested the preference of your merit. You have long held the first place in their esteem. You have often received tokens of their affection. You now possess the only proof that remains 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 will know the activities with which you must have obeyed a summons from the repose reserved for your declining years, into public service, of which you had taken your leave for ever. But the cheerfulness was due to the occasion. It is already applauded by the universal joy which attends you to your station. And we cannot doubt that it will be rewarded with all the satisfaction with which an entire heart for your fellow-citizens must receive successful efforts to promote their happiness. The anticipation is not justified merely by the just existence of your republic. It is particularly suggested by the great impression under which you mean to commence your administration, and the enlarged maxims by which you mean to conduct it. We feel with you the strongest obligations to stave the latter by 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 more certain means of preserving and recommending the precious deposit in systems of legislation founded on the principles of a consistent policy and directed by the spirit of a vigorous patriotism.

U.S. TERM LIMITS

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



Scan to read the debate in Congress.

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.

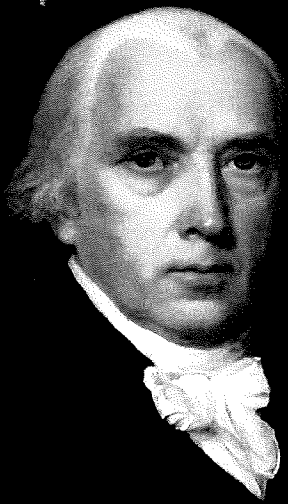
Mr. BOUDINOT According to the terms of the constitution, the business cannot be taken up until a certain number of states have concurred in similar applications;

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.

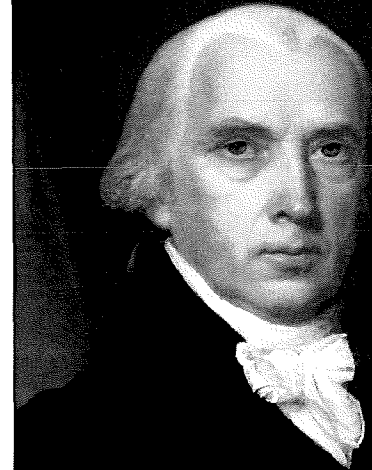


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Did James Madison really tremble at the thought of calling an Article V convention?



Scan to read Madison's letter in context.



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Quotes by James Madison proving he was a strong advocate for the Article V convention.

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 be 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

"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 2/3 must concur in each House, & in the State Legislatures, 3/4 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

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The American Bar Association and the Department of Justice both issued studies concluding an Article V convention can be limited.

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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 to read the U.S. Department of Justice Report to the Attorney General, Sept 10, 1987.

“The paper concludes that Article V permits the states to apply for, and the Congress to call, a constitutional convention for limited purposes, and that a variety of practical means to enforce such limitations are available. The language and structure of Article V, as well as the history of its drafting, support this conclusion because the two methods of constitutional amendment, Congressional initiative and the state-called convention, are treated by Article V as equally available procedural alternatives. There is no suggestion that the alternative modes are substantively distinct, that one is subordinate to the other, or that use of one mode is restricted to particular topics or circumstances.”

Much of the past discussion on the convention method of initiating amendments has taken place concurrently with a lively discussion of the particular issue sought to be brought before a convention. As a result, the method itself has become clouded by uncertainty and controversy and attempted utilization of it has been viewed by some as not only an assault on the congressional method of initiating amendments but as unleashing a dangerous and radical force in our system. Our two-year study of the subject has led us to conclude that a national constitutional convention can be channeled so as not to be a force of that kind but rather an orderly mechanism of effecting constitutional change when circumstances require its use. The charge of radicalism does a disservice to the ability of the states and people to act responsibly when dealing with the Constitution.



Scan to read “Amendment of the Constitution by the Convention Method Under Article V”



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

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

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

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

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

~ American Enterprise Institute Forum



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U.S.
TERM
LIMITS

Antonin Scalia was a strong advocate for the States to call an Article V convention to propose a single amendment.



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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

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

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.”⁸

James Madison (Virginia delegate)

“...it is therefore essential that such changes be instituted by some informal and unauthorized propositions....”⁹

George Mason (Virginia delegate)

In answering John Lansing’s concern of “the want of competent powers in the Convention” to make the changes they were proposing, George Mason justified exceeding their powers, “there were besides certain crises, in which all the **ordinary cautions yielded to public necessity.**”¹⁰

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.”¹¹

#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.”¹²

Rather, to justify the actions of the 1787 convention having “departed from the tenor of their commission” issued by the states,¹³ **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.”¹⁴

“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.”¹⁵

“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. . . .”¹⁶

“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.”¹⁷

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 Madison’s notes of the 1787 convention, 18 June 1787

⁹ Madison, Federalist 40

¹⁰ Madison’s notes of the 1787 convention, 20 June 1787

¹¹ Pennsylvania Ratifying Convention, 26 Nov. 1787

¹² Judge Caleb Wallace to William Fleming, 3 May 1788

¹³ Madison, Federalist 40

¹⁴ Madison, Madison’s notes of the 1787 convention, 31 Aug 1787

¹⁵ Madison, Federalist 40

¹⁶ Madison, Federalist 40

¹⁷ 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 Juris 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 Juris 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 Convention, 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.