Committee Report

REGULAR CALENDAR

February 12, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on State-Federal Relations and Veterans Affairs to which was referred HCR 1,

AN ACT relative to urging Congress to practice fiscal restraint and applying to Congress for a Constitutional Convention for such purpose. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. John Leavitt

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	**State-Federal Relations and Veterans Affairs**
Bill Number:	**HCR 1**
Title:	**relative to urging Congress to practice fiscal restraint and applying to Congress for a Constitutional Convention for such purpose.**
Date:	**February 12, 2021**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

The majority believes that any objective weighing of these comes down heavily on the side of "risk and hazards". Especially heavily does it come down so when the amendments are claimed to be necessary to get the constitution to do what it was written to do i.e., constrain the Federal Government. This benefit will obviously not be added to a Constitution whose problem is that the Federal Government is ignoring it. Yet, the proponents want us to put our very Constitution at risk, in order to fix a fault that is not the Constitution. Any such proposal needs to have weighed the risks and hazards of such a convention, over against its potential for benefits, particularly, for such benefits as the Convention proponents promise.

Vote 19-2.

Rep. John Leavitt
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

State-Federal Relations and Veterans Affairs

HCR 1, relative to urging Congress to practice fiscal restraint and applying to Congress for a Constitutional Convention for such purpose. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Leavitt for the **Majority** of State-Federal Relations and Veterans Affairs. The majority believes that any objective weighing of these comes down heavily on the side of "risk and hazards". Especially heavily does it come down so when the amendments are claimed to be necessary to get the constitution to do what it was written to do --- i.e., constrain the federal government. This benefit will obviously not be added to a constitution whose problem is that the federal government is ignoring it. Yet, the proponents want us to put our very Constitution at risk, in order to fix a fault that is not the constitution. Any such proposal needs to have weighed the risks and hazards of such a convention, over against its potential for benefits - particularly, for such benefits as the Convention proponents promise. **Vote 19-2.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

February 12, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on State-Federal Relations and Veterans Affairs to which was referred HCR 1,

AN ACT relative to urging Congress to practice fiscal restraint and applying to Congress for a Constitutional Convention for such purpose. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Tony Labranche

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	**State-Federal Relations and Veterans Affairs**
Bill Number:	**HCR 1**
Title:	**relative to urging Congress to practice fiscal restraint and applying to Congress for a Constitutional Convention for such purpose.**
Date:	**February 12, 2021**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

This concurrent resolution calls for a convention of the states to propose amendments to the United States Constitution for term limits and fiscal restraint. With a ballooning Federal debt and career politicians who have been there since before I was born, it is time for a change.

Rep. Tony Labranche
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

State-Federal Relations and Veterans Affairs
HCR 1, relative to urging Congress to practice fiscal restraint and applying to Congress for a Constitutional Convention for such purpose. **OUGHT TO PASS.**
Rep. Tony Labranche for the **Minority** of State-Federal Relations and Veterans Affairs. This concurrent resolution calls for a convention of the states to propose amendments to the United States Constitution for term limits and fiscal restraint. With a ballooning Federal debt and career politicians who have been there since before I was born, it is time for a change.

Original: House Clerk
Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

EXECUTIVE SESSION on HCR 1

BILL TITLE: relative to urging Congress to practice fiscal restraint and applying to Congress for a Constitutional Convention for such purpose.

DATE: February 12, 2021

LOB ROOM: 206/208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Leavitt Seconded by Rep. Moffett Vote: 19-2

Respectfully submitted,

Rep Susan DeLemus, Clerk

OFFICE OF THE HOUSE CLERK

1/22/2021 10:10:09 AM
Roll Call Committee Registers Report

2021 SESSION

State-Federal Relations and Veterans Affairs

Bill #: HCR 1 **Motion:** ITL **AM #:** 9:35 **Exec Session Date:** 2/12/21

Members	YEAS	Nays	NV
Baldasaro, Al P. Chairman	✓		
Moffett, Michael Vice Chairman	✓		
~~Lundgren, David C.~~ Dennis Acton	✓		
Katsakiores, Phyllis M.	✓		
Rollins, Skip A.	✓		
DeLemus, Susan C. Clerk	✓		
Binford, David W.		✓	
Foster, William S.	✓		
Deshaies, Brodie S.	✓		
Harley, Tina L.	✓		
Leavitt, John A.	✓		
Massimilla, Linda A.	✓		
Piedra, Israel F.	✓		
Booras, Efstathia C.	✓		
Wilhelm, Matthew B.	✓		
Espitia, Manny	✓		
~~Griffith, Willis T.~~ Art Ellison	✓		
Toll, Amanda Elizabeth	✓		
Labranche, Tony		✓	
Laughton, Stacie-Marie	✓		
Welkowitz, Lawrence	✓		
	19	2	

Public Hearing

House Remote Testify

State-Federal Relations and Veterans Affairs Committee Testify List for Bill HCR1 on 2021-01-29

Support: 16 Oppose: 29 Neutral: 0 Total to Testify: 12

Name	Email Address	Phone	Title	Representing	Position	Testifying	Signed Up
Spencer, Louise	lpskentstreet@gmail.com	603.491.1795	A Member of the Public	Myself	Oppose	Yes (0m)	1/27/2021 5:49 PM
Torelli, Joseph	endoftape@1791.com	603.926.2170	A Member of the Public	Myself	Support	Yes (0m)	1/26/2021 4:47 PM
waldron, terence	tjwamexnh@yahoo.com	603.591.7242	A Member of the Public	Myself	Support	Yes (0m)	1/28/2021 9:36 AM
Brandano, Al	albrand19@rocketmail.com	603.365.0955	A Member of the Public	Convention of States	Support	Yes (0m)	1/28/2021 9:44 AM
Bell, Eric	eric.bell@cosaction.com	603.841.3500	A Member of the Public	Convention Of States Project member	Support	Yes (0m)	1/28/2021 11:29 AM
Bolduc, Donald	dcb@donbolduc.com	603.828.4272	A Member of the Public	Myself	Support	Yes (0m)	1/28/2021 8:08 PM
Quinn, Kenn	kennethquinn@roadrunner.com	207.713.8700	A Member of the Public	Myself	Support	Yes (0m)	1/28/2021 12:08 PM
Hansen, Bob	cosrmhansense@gmail.com	603.661.0677	A Member of the Public	Myself	Support	Yes (0m)	1/28/2021 12:23 PM
Meckler, Mark	mmeckler@cosaction.com	530.210.6080	A Member of the Public	Convention of States Action	Support	Yes (0m)	1/29/2021 9:29 AM
Eastman, Hon. Erica Victoria	fealtyvowed@gmail.com	603.400.2022	A Member of the Public	A NH Constituent	Support	Yes (0m)	1/29/2021 9:34 AM
Payne, Russell	19riderlee36@comcast.net	603.365.4966	A Member of the Public	Myself	Oppose	Yes (0m)	1/29/2021 10:35 AM
Abramson, Max	Max.Abramson@leg.state.nh.us	603.760.7090	An Elected Official	Myself	Support	Yes (0m)	1/29/2021 12:19 PM
Curran, Linda	ljcurran50@gmail.com	978.886.8619	A Member of the Public	Myself	Support	No	1/29/2021 10:38 AM
RF, Sam	srf@wwtw.org	603.731.2745	A Member of the Public	Myself	Oppose	No	1/29/2021 10:50 AM
Hackmann, Kent	hackmann@uidaho.edu	603.934.3225	A Member of the Public	Myself	Oppose	No	1/29/2021 11:04 AM
Dunaway, Rita	rita.dunaway@gmail.com	540.830.1229	A Member of the Public	Convention of States Action	Support	No	1/29/2021 9:44 AM
Fordey, Nicole	nikkif610@gmail.com	516.318.2296	A Member of the Public	Myself	Oppose	No	1/21/2021 3:23 PM
Yokela, Josh	josh.yokela@leg.state.nh.us	603.722.0501	An Elected Official	Rockingham 33	Support	No	1/25/2021 2:40 PM
Weisbrot, Jason	hideouspenguinboy@gmail.com	857.544.5443	A Member of the Public	Myself	Oppose	No	1/26/2021 12:05 PM
Martin, Joanna	publiushuldah@gmail.com	931.258.4133	A Member of the Public	Myself	Oppose	No	1/28/2021 2:38 PM
Claflin, Kyri	Kyriclaflin@comcast.net	603.540.4492	A Member of the Public	Myself	Oppose	No	1/28/2021 6:05 PM
Dewey, Karen	pkdewey@comcast.net	603.504.2813	A Member of the Public	Myself	Oppose	No	1/28/2021 8:48 PM
See, Alvin	absee@4Liberty.net	7380656	A Member of the Public	Myself	Oppose	No	1/28/2021 11:05 PM
Rathbun, Eric	ericsrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Oppose	No	1/29/2021 12:16 AM
Larsen Schultz, Kirsten	larsenschultz@gmail.com	603.785.8415	A Member of the Public	Myself	Support	No	1/29/2021 7:44 AM

Ellermann, Maureen	ellermannf@aol.com	603.545.5878	A Member of the Public	Myself	Oppose	No	1/29/2021 8:31 AM
hatch, sally	sallyhatch@comcast.net	603.724.7448	A Member of the Public	Myself	Oppose	No	1/29/2021 8:39 AM
Brennan, Nancy	burningnan14@gmail.com	5291969	A Member of the Public	Myself	Oppose	No	1/29/2021 8:43 AM
Perencevich, Ruth	rperence@comcast.net	603.225.7641	A Member of the Public	Myself	Oppose	No	1/28/2021 11:48 AM
Bernardy, J D	jd.bernardy@comcast.net	603.969.5796	An Elected Official	Myself	Support	No	1/26/2021 9:52 PM
Trudeau, Christian	stoner27gp@gmail.com	802.238.6318	A Member of the Public	Myself	Support	No	1/27/2021 7:42 AM
Tentarelli, Liz	LWVnewhampshire@gmail.com	603.763.9296	A Member of the Public	League of Women Voters NH	Oppose	No	1/27/2021 12:55 PM
Udutha, Anirudh	aniani525625@gmail.com	678.704.9559	A Member of the Public	Myself	Oppose	No	1/27/2021 1:02 PM
Caler, Judi	judicaler@hotmail.com	530.559.0828	A Member of the Public	Myself	Oppose	No	1/27/2021 1:30 PM
Anderson, Keryn	kerynlanderson@gmail.com	603.731.6425	A Member of the Public	Myself	Oppose	No	1/27/2021 6:17 PM
Garen, June	jzanesgaren@gmail.com	603.393.8134	A Member of the Public	Myself	Oppose	No	1/27/2021 8:12 PM
Hinebauch, Mel	melhinebauch@gmail.com	603.224.4866	A Member of the Public	Myself	Oppose	No	1/27/2021 8:38 PM
Mattlage, Linda	l.mattlage@gmail.com	603.496.0172	A Member of the Public	Myself	Oppose	No	1/27/2021 9:55 PM
Torpey, Jeanne	jtorp51@comcast.net	603.493.8262	A Member of the Public	Myself	Oppose	No	1/28/2021 4:24 AM
Spielman, Kathy	jspielman@comcast.net	603.397.7879	A Member of the Public	Myself	Oppose	No	1/28/2021 6:27 AM
Spielman, James	jspielman@comcast.net	603.868.1626	A Member of the Public	Myself	Oppose	No	1/28/2021 6:27 AM
Rettew, Annie	abrettew@gmail.com	603.651.7000	A Member of the Public	Myself	Oppose	No	1/28/2021 8:36 AM
Corell, Elizabeth	Elizabeth.j.corell@gmail.com	603.545.9091	A Member of the Public	Myself	Oppose	No	1/28/2021 8:39 AM
Anderson, Eric	ericanderson@global.t-bird.edu	603.496.8263	A Member of the Public	Myself	Oppose	No	1/28/2021 9:15 AM
Lindpaintner, Lyn	Lynlin@bluewin.ch	603.312.2133	A Member of the Public	Myself	Oppose	No	1/28/2021 9:33 AM

Testimony

Archived: Thursday, February 18, 2021 2:36:41 PM
From: Russell Payne
Sent: Friday, January 29, 2021 10:39:07 AM
To: ~House State-Federal Relations and Veterans Affairs
Subject: HCR 1
Importance: Normal

Oral testimony HCR 1 1/29/21
Good Morning Mr. Chairman, Members of Committee & Ladies and gentlemen:

I oppose HCR 1 a resolution mandating fiscal responsibility on the federal government. It is deception of the worst kind. For if our federal legislature obeyed its own laws, specifically here ,Public Law 95-435 passed in 1979 to balance the federal budget by fiscal year 1981, the then national debt of around 987 billion dollars would not be now approaching 30 trillion dollars today.

This is not a constitutional problem, it is a moral problem. The Constitution needs to be obeyed! Would somebody please tell me how Article V delegates to a Con-Con would be chosen? how many from each state? These are questions that are left up to a sovereign Convention should the 28 state total of Con-Con calls now, grow to 34. Imagine how unfair , if the Washington delegation from the State of NH with 4 (two Reps and two Senators) would be up against a total California delegation of 50. This could happen.

Bill McNally testified before this same Committee in 1979 stating that the New Hampshire Legislature may be denied the opportunity of approving any amendments posed at a Con-Con . Madam Chairman Eleanor Poddles asked if a Washington lawyer could give an opinion on his statement. The Attorney got up and said, “basically Mr. McNally is correct” and sat down.”

This is not a grassroots movement, it goes deeper than that, to the extreme opposite, the “Deep State.” money powers who want to control people. The Constitution is in their way. I ask the Committee: “Who holds the ultimate “policing power’ over the federal, state and local government? It’s “we the people!” If “we the people have been derelict in our duty to elect representation of moral integrity, as we have: why do we blame the Constitution? We have the “police power” at the ballot box . If we do not punish those who abuse the power of their office, no single amendment will do

nothing more than be one more law to break. There is no effective substitute for an informed electorate

Before you cast your vote, please ponder the wisdom of Thomas Jefferson:

I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy in not to take it from , but to inform their discretion through education."

I urge you to vote "no" on HCR 1 . And to consider Article VI the remedy to control federal abuse of power with state nullification given us by the Founders.

Thank You

Archived: Thursday, February 18, 2021 2:36:41 PM
From: Russell Payne
Sent: Thursday, January 28, 2021 1:06:33 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: HCR-1
Importance: Normal

Dear Representative Al Baldasaro, Chairman; Representative Michael Moffett, VChairman; and Members of the House State-Federal Relations & Veterans Affairs Committee:

I thank each one of you for serving to represent the people of New Hampshire. I oppose HCR 1 a resolution mandating fiscal responsibility on the federal government. It is deception of the worst kind. If our federal legislature adhered to its own sworn allegiance to the Constitution , and the laws they pass, the national debt would be under a trillion dollars instead of multi-tens-of-trillions today. For instance if , public law 95-435 that was passed in 1979 for the federal budget to balanced by fiscal year 1981, our national debt would still be under a trillion dollars instead of in the tens-of-trillions of dollars.

The constitution isn't flawed. We have a moral problem, men and women in the legislature have a tough time saying "no" when they spend other peoples money. This war has been going on since the nineteen seventies, state legislators chasing a dream that fiscal responsibility will be achieved through some miraculous amendment. This is a miraculous deception that now has deceived 28 of the 34 needed state legislatures to call for a Constitutional Convention to Balance the budget. This is not a grassroots movement, it is initiated by a power elite, by the same people who have caused the problem. Since the 1970's countless billions of have driven this sham.

There are too many unknowns about an Article V Convention . Would somebody please tell me how Article V authorizes who the delegates to the convention will be, or how they are appointed? ; how many each state would have? Would you like our state to be represented by the same number of our Washington congressional delegation ? If that method were used, do you think it would be fair that California would have over 50 delegates and New Hampshire has only four? This could happen.

The truth is an Article V Convention will travel on uncharted waters, there is too much room for the possibility of deception and a corrupted process. Imagine , at the 1787 Convention we had a Founding Fathers who learned to read on their mothers knee, learning from the Holy Bible.They had moral limits of the Ten Commandments. And even they disobeyed mandates from their State Legislatures to just Amend the Articles of Confederation by creating a whole new Constitution. Just as in 1787 the Convention would be sovereign. Do you think our contemporary climate of hate will be conducive to good moral procedure to preserve the integrity of the Constitution and perhaps make improvements?

Think upon Hamilton and Madisons words:
In Federalist Paper #48 Hamilton said "he "dreads" the consequences of another convention because the enemies of the Constitution want to get rid of it" and;

Inn Federalist Paper #49 “James Madison shows a convention is neither proper nor effective to restrain government when it encroaches.”

I urge you to vote “no” on HCR 1. Limiting abuse of power is a responsibility of “we the people” to elect men and women of moral integrity to obey the laws they are sworn too. Thomas Jefferson famous quote mandates this wisdom:

“I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion.”

This is the solution to abusive federal government power. Article VI is the proper constitutionally safe method to control the federal government.

Sincerely & Respectfully

Russ Payne

Archived: Thursday, February 18, 2021 2:36:41 PM
From: J.D. BERNARDY
Sent: Tuesday, January 26, 2021 10:32:41 PM
To: ~House Health Human Services and Elderly Affairs
Subject: Re: HCR-1 - Vote YES
Importance: Normal

Missing signature inserted

> On 01/26/2021 10:06 PM J.D. BERNARDY <jd.bernardy@comcast.net> wrote:
>
> Dear Legislative Colleagues, State-FederalRelations & Veterans Affairs Committee
>
> When members of the Constitutional Convention of 1787 debated the wording of Article V, the method to propose and enact Amendments to the Constitution, George Mason, author of the Bill of Rights, advocated that the process give equal power to Congress or 2/3 of the State Legislatures to propose new Amendments. Mason convinced the Convention that an oppressive or unhinged Congress would never agree of their own volition to propose Amendments that would curtail their own abuses. Thus, numerous Amendment proposals with enormous public popularity remain neglected by Congress.
>
> This House Resolution asks that the NH Legislature be 1 of 34 (2/3 of 50) legislatures authorized to meet in a Convention of State Legislatures to propose the wording of Constitutional Amendments to:
>
> - impose fiscal restraints on the federal government;
> - limit the powers and jurisdiction of the federal government; and,
> - limit the terms of office for federal officials and members of Congress.
>
> The authority of any nominated delegates is limited to the above defined tasks. It is self-limiting, thereby preventing a “runaway” convention.
>
> I strongly support voting YES for this Resolution, HCR-1.
>
> LFOD
> J D Bernardy, JD
> Rockingham 16
> S Hampton, Kensington, E Kingston

Archived: Thursday, February 18, 2021 2:36:40 PM
From: J.D. BERNARDY
Sent: Tuesday, January 26, 2021 10:06:43 PM
To: ~House Health Human Services and Elderly Affairs
Subject: HCR-1 - Vote YES
Importance: Normal

Dear Legislative Colleagues

When members of the Constitutional Convention of 1787 debated the wording of Article V, the method to propose and enact Amendments to the Constitution, George Mason, author of the Bill of Rights, advocated that the process give equal power to Congress or 2/3 of the State Legislatures to propose new Amendments. Mason convinced the Convention that an oppressive or unhinged Congress would never agree of their own volition to propose Amendments that would curtail their own abuses. Thus, numerous Amendment proposals with enormous public popularity remain neglected by Congress.

This House Resolution asks that the NH Legislature be 1 of 34 (2/3 of 50) legislatures authorized to meet in a Convention of State Legislatures to propose the wording of Constitutional Amendments to:

- impose fiscal restraints on the federal government;
- limit the powers and jurisdiction of the federal government; and,
- limit the terms of office for federal officials and members of Congress.

The authority of any nominated delegates is limited to the above defined tasks. It is self-limiting, thereby preventing a “runaway” convention.

I strongly support voting YES for this Resolution, HCR-1.

LFOD
Rockingham 16
S Hampton, Kensington, E Kingston

Archived: Thursday, February 18, 2021 2:22:53 PM
From: Ann-Marie Grenier
Sent: Thursday, February 11, 2021 6:22:23 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: NHOpposition to HCR1 and HCR4.
Importance: Normal

Representative Al Baldasaro, Chairman; Representative Michael Moffett, Vice Chairman; and Members of the House State-Federal Relations & Veterans Affairs Committee,

I am writing to ask that you VOTE "No" on HCR1, HCR4 and any other applications asking Congress to call an Article V convention.

QUICK LESSON: Article 5 provides two ways to amend our Constitution :

1) Congress proposes amendments and sends them to the States for ratification (this was done with our existing 27 Amendments);
2) States call for a Constitutional Convention for proposing amendments (need 2/3 of the State Legislatures apply for it).

We've never had a convention under Article V - they are dangerous!

But today, various factions lobby State Legislators to ask Congress to call an "Article V convention-Constitutional Convention". They use many tactics-such as proposed amendments which sound so nice and innocuous, such as "term limits", a "balanced budget amendment", "getting money out of politics", or "limit the power and jurisdiction of the federal government". While this sounds well, meaning it is designed to appeal to specific groups of people to get them to support an Article V convention.

The phrase within Article V, "a Convention for proposing Amendments", doesn't restrict the Delegates to the Convention to merely proposing Amendments. Our Declaration of Independence recognizes that a People have the "self-evident Right" to throw off their government and set up a new government.

We've already invoked that Right twice: Once in 1776 to throw off the British Monarchy; and then in 1787, James Madison invoked it to throw off our first Constitution-the Articles of Confederation, to set up a new Constitution [the one we now have] which created a new government.

In today's crazy world of politics and politicians, an "Article V" is too risky. Do you think the Delegates to a Convention today would be smarter than James Madison? **The SAFEST way to AMEND THE CONSTITUTION REMAINS the same way as was done for the existing 27 AMENDMENTS which is by proposing amendments and sending them to the States for ratification.**

Please do not risk opening up our ENTIRE CONSTITUTION, NOW IS CERTAINLY NOT THE TIME OR PLACE FOR SUCH ACTION.

The Declaration of Independence, para 2, expresses the self-evident Right of a People (i.e. convention Delegates) “to alter or to abolish” our Form of Government.

So regardless of the supposed subject of the application for a convention, the Delegates can invoke that same Right and draft a new Constitution which sets up a completely new Form of Government over us! And the new constitution likely would have its own new and easier mode of ratification.Thus, you’re jeopardizing our Constitution at any convention Congress calls, because **conventions can’t be limited**.

I strongly urge you to vote NO on HCR1, HCR4, and any other applications asking Congress to call an Article V convention.

Thank you,
Ann-Marie Grenier
4 Juniper Dr,
Windham, ME 04062
1-207-892-8355

Archived: Thursday, February 18, 2021 2:22:53 PM
From: Kathy O'Donnell
Sent: Thursday, February 11, 2021 4:53:08 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: Oppose and VOTE "No" on HCR1 and HCR4
Importance: Normal
Attachments:
Abortion Flyer.pdf

Representative Al Baldasaro, Chairman,
Representative Michael Moffett, Vice Chairman,
and Members of the House State-Federal Relations & Veterans Affairs Committee

I am writing to ask you to oppose and vote NO on HCR1 and HCR 4 and any other applications asking Congress to call an Article V Convention.

Research will show, that calling a convention of the states will more likely than not, mean the end of our Constitution and Republic!
(Be sure to look at all the links below.)

How to get a new Constitution under the pretext of proposing amendments shows that the Framers understood that the purpose of a convention is to get a New Constitution: and that enemies of our Constitution would use 'getting amendments' as a pretext for getting a convention so that they could impose a New Constitution! That is exactly how it is being used today -- and the NEW CONSTITUTIONS ARE ALREADY WRITTEN and in the Works.!

As for the issue of murder in the womb, have a read of this flyer,
This issue is NOT a federal matter, it is a state matter. SO, you all are the ones who can take back our state's right to abolish it through State Statutes, not through an Article V Convention.

Brilliant men such as James Madison, Alexander Hamilton, 4 US Supreme Court Justices, and other scholars and jurists have warned that delegates to an Article V convention can not be controlled! https://caavc.net/wp-content/uploads/2020/06/Brilliant-men-meme.pdf

The Declaration of Independence flyer, here: https://caavc.net/wp-content/uploads/2020/09/Declaration-of-Independence-Sep-21-2020-1.pdf
shows why Delegates to a convention have the power to throw off the Constitution we have and set up a new one with a new and easier mode of ratification!

PLEASE, don't be fooled!

VOTE NO and thank you for defending our Constitution!

Sincerely,
Kathy O'Donnell

Archived: Thursday, February 18, 2021 2:22:53 PM
From: JUDI CALER
Sent: Thursday, February 11, 2021 4:28:43 AM
To: ~House State-Federal Relations and Veterans Affairs
Subject: Vote "No" on NH HCR1 & HCR4 - Art. V convention applications
Importance: Normal
Attachments:
Brilliant men & meme.pdf

Dear Representative,

Article V conventions can’t be limited to the subject of the application. Delegates to such a convention could propose any and all amendments, or write a new constitution with a new mode of ratification--just as they did in 1787--our only precedent! And we have no idea who those Delegates would be, or who would select them!

The Constitution isn't the problem. Defend it, don't amend it!

Please **Vote "No" on HCR1, HCR4**, and any other applications asking Congress to call a convention under Article V. We could lose our Constitution!

Respectfully,

Judi Caler, President
Citizens against an Article V Convention

Archived: Thursday, February 18, 2021 2:22:53 PM
From: Trudy Stamps
Sent: Wednesday, February 10, 2021 11:28:28 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: Opposition to HCR1 and HCR4
Importance: Normal

Representative Al Baldasaro, Chairman;
Representative Michael Moffett, Vice Chairman;
and Members of the House State-Federal Relations & Veterans Affairs Committee

New Hampshire must VOTE NO on HCR1, HCR4 and all other Article V Convention applications.

In our politically divided situation, neither extreme would want the "other" re-writing our Constitution. **WE MUST PRESERVE the ORIGINAL!**

The writers of our Constitution were concerned about **Article V being used by "nefarious factions" to rewrite our Constitution**, just as we are today. Consider this: **How to get a new Constitution under the pretext of proposing amendments**.
https://caavc.net/wp-content/uploads/2020/07/COS-Fake-Quote.pdf

And NO! a state CANNOT "prevent" a runaway convention: http://www.renewamerica.com/columns/huldah/170916

"Don't Blame the Constitution for Your Loss of Liberty" shows that when lack of enforcement of our Constitution is the cause of federal overreach; amending the Constitution can't be the solution to federal overreach. **Defend it, don't amend it!**

HERE are words from ***brilliant men*** who warned against an Article V convention.

HERE is our flyer that includes the "Declaration of Independence" argument (highlighted) against an A5C: *The Declaration of Independence, paragraph 2,* ***expresses the self-evident Right of a People (i.e. convention Delegates) "to alter or to abolish" our Form of Government!***

We're jeopardizing our Constitution at any convention Congress calls, because **conventions can't be limited.**

There is no need for an Article V convention (or in "Newspeak", a "convention of states").

If our Constitution (as is) is followed, the improprieties we've fought for decades (budget concerns and more) can be readily resolved. If the Constitution is NOT rigorously followed, how can additions to it make any change?

It is the **LACK of following our Constitution** that is the issue. Remedy THAT first.

Thank you for your consideration of these significant issues. New Hampshire must VOTE NO on HCR1, HCR4.

Trudy Stamps

Archived: Thursday, February 18, 2021 2:22:53 PM
From: Sue Long
Sent: Tuesday, February 9, 2021 7:40:10 PM
Subject: VOTE "No" to HCR1
Importance: Normal

Dear Representative Al Baldasaro, Chairman; Representative Michael Moffett, Vice Chairman; and Members of the House State-Federal Relations & Veterans Affairs Committee**,**

Re: a constitutional convention

Please consider that Article V opens up the Constitution to being replaced by a totally different one as happened at the convention of 1787.

According to Article V there are no restrictions as to who the delegates would be. It isn't a requirement that they are even a US citizen.

Since Article V does not give the states or Congress the authority to do so, the delegates would decide what will be the rules and procedures and what will be voted on which could be anything as well as the rule for ratification.

ANYTHING COULD BE THE RESULT

Please take this into consideration and VOTE "No" to HCR1

Sue Long
Unless we are the Home of the Brave
We will no longer be the Land of the Free

Archived: Thursday, February 18, 2021 2:22:53 PM
From: Beverly Manning
Sent: Tuesday, February 9, 2021 6:01:44 PM
To: ~House State-Federal Relations and Veterans Affairs; Al Baldasaro; david@davidbinford.com; Susan DeLemus; brodieforNH@gmail.com; foster4493@yahoo.com; Tina Harley; Phyllis Katsakiores; leavittbrothersauto@outlook.com; David Lundgren; Michael Moffett; Skip Rollins; Efstathia Booras; Manny Espitia; Willis Griffith; laughton2012@gmail.com; Linda Massimilla; Israel Piedra; electamandanh@gmail.com; lwelkowi@keene.edu; Matt Wilhelm
Subject: VOTE "No" on HCR1, HCR4 & Any other bill calling for an A5C
Importance: Normal

Representative Al Baldasaro, Chairman; Representative Michael Moffett, Vice Chairman; and Members of the House State-Federal Relations & Veterans Affairs Committee

Calling for an Article V Convention is VERY DANGEROUS! It most assuredly will result in a new constitution! The NewStates constitution, written by The Ford Foundation, is waiting in the wings ready to be rolled out on a moment's notice. If you are not aware of this, PLEASE DO YOUR RESEARCH. I don't think this is anything you would want for Our Country! I SURELY DO NOT!

PLEASE SEE THE FOLLOWING:
"How to get a new Constitution *under the pretext* of proposing amendments" shows that the Framers understood that an Article V convention could be used to *replace* our Constitution--and that's how it's being used today!

This issue not only affects New Hampshire, but impacts Our entire Country.

Respectfully,
Beverly Manning
106 Lakewood
Waleska, Ga. 30183

Archived: Thursday, February 18, 2021 2:22:53 PM
From: Tim Marden
Sent: Monday, February 8, 2021 2:15:25 PM
Subject: HCR1 and HCR4, Opposed
Importance: Normal

I am a conservative.
I am an elected official.
I am frustrated.

But, the problems are NOT solved by changing the Constitution via some Convention of States or Article V Convention...whatever it is called.

We do not correct error by players by fixing or changing the rules. The Constitution is the rules of politics.

Solution:

1. Nullification. State Legs have the authority to reject UN-Constitutional federal mandates. It has been done before and can be done again.
2. Encourage education of the proper role of government. Why we have the Constitutional Republic. They who, what, when, and where of the founding of our country once again.
3. Encouraging the repeal of the 17th Amendment and let the State Legislators once again elect the US Senators.

Sincerely,
Tim Marden

Archived: Thursday, February 18, 2021 2:22:53 PM
From: copyrightprotection
Sent: Friday, January 29, 2021 8:05:29 AM
To: ~House State-Federal Relations and Veterans Affairs
Subject: FW: House Bill HCR1
Importance: Normal

Dear committee member,
As a resident of Rye, the past few years has led me to conclude that we need to reappraise the balance between state and federal governments—yet the Washington establishment has shown it is incapable of any action that might upset its own interests. I hope you will vote to advance the Constitutional cure: a Convention of States. I will be auditing the hearing--and hoping you agree to allow it to progress in our state.

Yours truly,
Alexander Hamilton Monsey
411 Washington Road,
Rye

Archived: Thursday, February 18, 2021 2:22:52 PM
From: Rick Roy
Sent: Thursday, January 28, 2021 5:27:38 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: Please be sure to OPPOSE HCR1
Importance: Normal

Dear Committee Member,

Although I would fully support fiscal responsibility in government, rewriting the Constitution would absolutely NOT be the way to achieve that end (or any other beneficial end), and in fact would cause much, much greater harm to our country, even if it fully realized the stated goal(s). Be sure to oppose HCR1, and any other Article V Convention legislation.

Sincerely,
Rick Roy, PhD
28 Dunbarton Drive
Nashua, NH 03063

Archived: Thursday, February 18, 2021 2:22:52 PM
From: M. Alkus
Sent: Wednesday, January 27, 2021 9:16:24 AM
To: ~House State-Federal Relations and Veterans Affairs
Subject: House Bill HCR1
Importance: Normal

Dear committee member,
I am a resident of Rye – and like many of my neighbors, have reluctantly come to the conclusion that entrenched interests have gradually eroded the state-federal balance to such an extent that a comprehensive discussion and review of the state of our Constitution, as described in the Article V provisions, is now imperative. Please add your voice to making it possible for our state to join the others at such a convention: our history certainly supports the effort.

Sincerely yours,
Michael R. Alkus
411 Washington Road, Rye

Archived: Thursday, February 18, 2021 2:22:52 PM
From: Brennon Darling
Sent: Tuesday, January 26, 2021 2:19:06 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: message of support for HCR1
Importance: Normal

Hello Committee members,

New Hampshire House Bill HCR1 calls for an Article V Convention of the States to discuss proposed amendments to the U.S. Constitution so the federal government will have to practice fiscal restraint, to require federal term limits, and to reduce the size and scope of the federal government.

I am an independent voter and I would like HCR1 to be approved by NH officials on a bi-partisan basis. I believe there are issues (though differing) with both parties in these categories. Government representation was intended to be a service to one's country, whether it be local, state, or federal, but in the last 100 years, it has become a career for many. Limiting term limits makes sense if it applied for all parties. One could still do a full career if limited to 2-3 terms in the house and then two in the senate. The intent is not because new ideas are always more grand (the grass will always be a different shade of green), but because power becomes the end goal. The goal of staying in power and representing the people rarely will coincide. Elected officials will then spend more time fundraising than they will acting on behalf of their constituents.

Fiscal restraint can be done in many ways. I don't have the one-size-fits-all answer. I will just say that the states can do a much better job than the federal government if the federal government were to shrink and the money would go directly back to the states. There are things that the federal government needs to do, but it has nearly replaced what states mostly did.

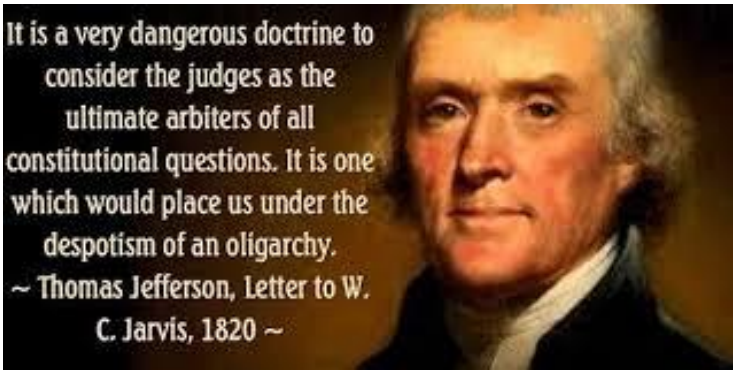
Thank you,
Brennon

Archived: Thursday, February 18, 2021 2:22:52 PM
From: Stephen Kelly
Sent: Tuesday, January 26, 2021 9:59:22 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: HCR1
Importance: Normal

Members of the State-federal Veterans Affairs Committee,

I am writing to express my support for the Convention of States initiative that your committee will be discussing this week. It should be obvious to every citizen of this country at this point that our country is in peril. Washington is out of control and action needs to be taken. I believe the best way to accomplish the necessary changes is through this constitutional process that the founders wisely provided us. I urge you all to support this effort and allow it to move forward.
Sincerely,
Stephen C. Kelly UT1 USNR (ret)
Londonderry, NH

How States can Stop Abortion



If the American People [and American lawyers] had been properly educated, they would know that our federal Constitution created a federal government of enumerated powers only; and that most of the powers delegated to Congress over the Country at Large are listed at Art. I, §8, clauses 1-16, US Constitution.

"Abortion" is not listed among the enumerated powers. Therefore, Congress has no power to make any laws about abortion for the Country at Large.[1] And since "abortion" isn't "expressly contained" in the Constitution, it doesn't "arise under" the Constitution; and since state laws restricting abortion don't fit within any of the other categories of cases the federal courts are authorized by Art. III, §2, cl. 1 to hear, the federal courts also have no power over this issue.

So from the beginning of our Constitutional Republic until 1973, everyone understood that *abortion is a State matter*. Accordingly, many State Legislatures enacted statutes restricting abortion within their borders.

But in 1973, the US Supreme Court issued its opinion in Roe v. Wade and made the absurd claim that Section 1 of the 14th Amendment contains a "right" to abortion. In Why Supreme Court opinions are not the 'Law of the Land,' and how to put federal judges in their place, I showed why the Supreme Court's opinion in *Roe* is unconstitutional.

But Americans have long been conditioned to believe that the Constitution means whatever the Supreme Court says it means.[2] Accordingly, for close to 50 years, American lawyers and federal judges have mindlessly chanted the absurd refrain that "*Roe v. Wade* is the Law of the Land"; State governments slavishly submitted; and 60 million babies died.

So who has the lawful authority to stop abortion?

1. *Congress* has constitutional authority to ban abortion in federal enclaves and military hospitals

Over the federal enclaves, Congress has constitutional authority to ban abortion: Pursuant to Article I, §8, next to last clause, Congress is granted "exclusive Legislation" over the District of Columbia, military bases, dock-Yards, and other places purchased with the consent of the State Legislatures (to carry out the enumerated powers).[3] Article I, §8, cl.14 grants to Congress the power to make Rules for the government and regulation of the Military Forces. Accordingly, for the specific geographical areas described at Article I, §8, next to last clause, and in US military hospitals everywhere, Congress has the power to make laws banning abortion.

2. But *federal courts* have no constitutional authority over abortion

Article III, §2, cl. 1 lists the ten categories of cases federal courts have authority to hear. They may hear *only* cases:

♦"Arising under" the Constitution, or the Laws of the United States, or Treaties made under the Authority of the United States ["federal question" jurisdiction];

♦Affecting Ambassadors, other public Ministers & Consuls; cases of admiralty & maritime Jurisdiction; or cases in which the U.S. is a Party ["status of the parties" jurisdiction];

♦Between two or more States; between a State & Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States; and between a State (or Citizens thereof) & foreign States, Citizens or Subjects ["diversity" jurisdiction].[4]

*These are **the only** cases federal courts have authority to hear.* Alexander Hamilton wrote in Federalist No. 83 (8th para):

> "…the judicial authority of the federal judicatures is declared by the Constitution to comprehend certain cases particularly specified. **The expression of those cases marks the precise limits beyond which the federal courts cannot extend their jurisdiction**, because the objects of their cognizance being enumerated, the specification would be nugatory if it did not exclude all ideas of more extensive authority." [boldface added]

Obviously, State laws restricting abortion don't fall within "status of the parties" or "diversity" jurisdiction; and federal courts haven't claimed jurisdiction on those grounds. Instead, they have asserted that abortion cases "arise under" the US Constitution!

But in Federalist No. 80 (2nd para), Hamilton states that **cases "arising under the Constitution" concern**

> "…the execution of the provisions **expressly contained** in the articles of Union [the US Constitution]…" [5] [boldface added]

Obviously, "abortion" is not "expressly contained" in the Constitution. So it doesn't "arise under" the Constitution. In *Roe v. Wade*, the Supreme Court had to ***redefine*** the word**,** "liberty", which appears in §1 of the 14th Amendment, in order to claim that "abortion" "arises under" the Constitution.

Section 1 of the 14th Amendment says:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, **liberty**, or property,

without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." [boldface added] [6]

*Do **you** see where it says that pregnant women have the "right" to abortion?* It isn't there! So this is what the Supreme Court did in *Roe v. Wade* to force States to legalize killing babies: They said "liberty" means "privacy" and "privacy" means state laws banning abortion are unconstitutional. *And American lawyers and judges have slavishly gone along with this evil absurdity ever since!*

3. States must *reclaim* their traditionally recognized ***reserved power*** to restrict abortion!

Since "abortion" is a power reserved by the States or the People, State Legislatures should reenact State Statutes restricting abortion.

When a lawsuit is filed in Federal District Court alleging that the State Statute [or State constitutional ban of abortion] violates Section 1 of the 14th Amendment, the State Attorney General should file a motion in the Court to dismiss for lack of subject matter jurisdiction. He should point out that the Court has no constitutional authority to hear the case; **that *Roe v. Wade* is *void* for lack of subject matter jurisdiction**; that "abortion" is one of the many powers reserved by the States; and that the State Legislature properly exercised its retained sovereign power when it re-enacted the Statue restricting abortion.

The State Attorney General should also advise the Court that if the Court denies the Motion to Dismiss, the State will not participate in the litigation and will not submit to any pretended Orders or Judgments issued by the Court.

Now! Here is an interesting fact which everyone would already know if they had had a proper education in civics: **Federal courts have no power to enforce their own Judgments and Orders**. They must depend on the Executive Branch of the federal government to enforce their Judgments and Orders.[7]

Since President Trump has proclaimed his opposition to abortion, who believes that he would send in the National Guard to force the State to allow more baby-killing within the State? **Please understand**: An opinion or ruling from a federal court means *nothing* unless the Executive Branch chooses to enforce it.[8] THIS IS THE EXECUTIVE BRANCH'S "CHECK" ON THE JUDICIAL BRANCH! If the President, in the exercise of his independent judgment, thinks that an Order or Judgment of a federal court is unconstitutional, it is his duty imposed by his Oath of Office [9] to refuse to enforce it.

4. The modern day approach to dealing with absurd Supreme Court Opinions

I deal with the genuine – original – meaning of our Constitution.

But most pro-life lawyers will tell you we should proceed as follows: That we need to get a number of States to pass "heartbeat laws". Pro-abortion forces will then file lawsuits in federal district courts alleging that the heartbeat laws violate *Roe v. Wade* and are "unconstitutional". Most States will lose in

the federal district courts. But they can appeal to one of the 13 US Circuit Courts of Appeal. Most of the States will also lose in the Circuit Court. But if just one Circuit Court rules in favor of the heartbeat law, then there will be "conflict" among the Circuits and the US Supreme Court is likely to hear the issue. This will give the US Supreme Court the opportunity [years from now] to revisit *Roe v. Wade*, and they *might* overrule it!

But I suggest, dear Reader, that we must purge our thinking of the slavish assumption that we can't have a moral and constitutional government unless Five Judges on the Supreme Court say we can have it. Since it is clear that federal courts have no constitutional authority over abortion, why do we go along with the pretense that they do? Why not just man-up and tell them, "*You have no jurisdiction over this issue*"?

Our Framers would be proud of you.

Endnotes:

[1] Accordingly, the federal Heartbeat Bill and the Pain-Capable Unborn Child Protection Act, to the extent they purport to apply outside federal enclaves and military hospitals, are unconstitutional as outside the scope of powers delegated to Congress over the Country at Large.

[2] The Supreme Court was *created* by Art. III, §1, US Constitution, and is completely subject to its terms. As a mere "creature", it may not re-write the document under which it holds its existence.

[3] In Federalist No. 43 at 2., James Madison explains why Congress must have complete lawmaking authority over the District of Columbia and the federal enclaves.

[4] The 11th Amendment reduced the jurisdiction of federal courts by taking from them the power to hear cases filed by a Citizen of one State against another State.

[5] Federalist No. 80 (3rd & 13th paras) illustrates what "arising under the Constitution" means: Hamilton points to the restrictions on the power of the States listed at Art. I, §10 and shows that if a State exercises any of those powers, and the fed. gov't sues the State, the federal courts have authority to hear the case.

[6] "Privileges and immunities" and "due process" are ancient Principles of English Jurisprudence well-known to earlier generations of American lawyers. "Equal protection" within §1 of the 14th Amd't means that with respect to the rights recognized by these ancient Principles, States were now required to treat black people the same as white people. See Raoul Berger, Government by Judiciary The Transformation of the Fourteenth Amendment.

[7] In Federalist No. 78 (6th para), Hamilton shows why federal courts have no power to enforce their orders and judgments – they must rely on the Executive Branch to enforce them:

> "… the judiciary… will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. **The judiciary,** on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and **must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.**" [caps are Hamilton's; boldface added]

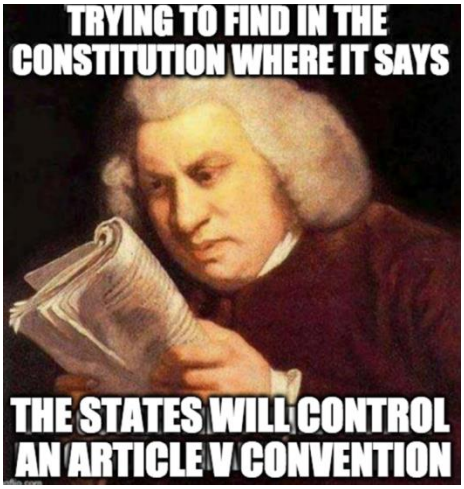
[8] During the Eisenhower administration, a federal court ordered the State of Arkansas to desegregate their public schools. **But the Governor of Arkansas refused to comply with the federal court orders. So President Eisenhower sent in the National Guard to force Arkansas to admit black students to a public school.** See this archived article from the New York Times.

Here, Eisenhower chose to enforce the Court's Order. But if he had decided that he would NOT enforce it, the schools would have remained segregated. *Federal courts are dependent on the Executive Branch of the fed. gov't to enforce their Orders*! *This* is what Hamilton is talking about in Federalist No. 78.

[9] The President's Oath is to "…preserve, protect and defend the Constitution of the United States" (Art. II, §1, last clause). It is not to obey the Judicial Branch of the fed. gov't.

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

Brilliant men warned *Against* an Article V Convention



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

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

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

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

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

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

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

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

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

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

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

TESTIMONY OF MARK MECKLER, J.D. ON HCR 1

NEW HAMPSHIRE HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

JANUARY 29, 2021

My name is Mark Meckler. I am an attorney residing in Texas, and I am the Co-Founder and President of Citizens for Self-Governance and the Convention of States Project.

The Convention of States application has been passed in 15 states already. It applies to Congress under Article V of the U.S. Constitution for a convention to propose amendments that would impose fiscal restraints on Washington, limit federal power and jurisdiction, and set term limits for federal officials. I support HCR 1 to the extent that it does this.

I've been advised that there are some technical issues in the language of HCR 1 (in Lines 20-21) that make it unclear whether New Hampshire is, in fact, applying for an Article V convention, but that can be easily fixed to make HCR 1 consistent with the other 15 pending applications--and I believe that was the intent behind this resolution.

Honorable committee members, the Convention of States resolution offers a structural solution to a structural problem. It offers you the chance to restore the balance of powers in our federal system by using your constitutional authority under Article V.

Congress and administrative agencies have long usurped powers that rightfully belong to you--the elected lawmakers of New Hampshire. The activities of Washington, D.C. today would have been unthinkable to our Founding Fathers. Federal laws and regulations now touch upon every aspect of our lives: What kind of light bulbs we can buy. The conditions under which we can buy, sell, and carry firearms. Farming practices. School curriculum. School lunches. Health care and insurance.

Meanwhile, we live under the shadow of a crushing national debt that threatens to enslave our grandchildren and their children. All of this comes courtesy of an activist Supreme Court, which has vastly expanded federal power through its precedents. The Court has created loopholes to the Constitution's limits on federal powers, and those loopholes will remain there until someone closes them.

That "someone" has to be you. It's obvious that Congress is never going to curtail its own power—at least not definitively or permanently. It would take decades for the Supreme Court to reverse enough precedents to eliminate the constitutional loopholes it has created, and that is assuming that the right cases reached it in the right posture, and that we had decades of a solidly,

consistently constitutionalist Supreme Court. The president could choose to act with some restraint during his term—maybe—but can do nothing to restrain future presidents.

Fortunately, in their wisdom, our Founding Fathers predicted that this very situation would arise. Toward the very end of the Constitutional Convention, George Mason specifically predicted that the federal government would one day overpower the states. And that is why he insisted that Article V include a way for states to propose constitutional amendments through a state-controlled convention.

Mason's proposal was adopted without dissent. This final version of Article V gave the states the ultimate constitutional power—the power to unilaterally amend the Constitution of the United States, without the consent of Congress.

The way it works is that when 2/3s of the state legislatures (34) pass resolutions applying for a convention to propose amendments on the same topic (which serves as the meeting agenda), Congress has a constitutional duty to name the initial time and place for the meeting and then stand back and let it happen. Each state chooses and instructs its delegation of commissioners, who attend the meeting and work with the other state delegations to hammer out possible amendment proposals on the topic specified in the 34 state applications. Because they act as agents of their state legislatures, the commissioners only have legal authority to act pursuant to that specified agenda, and only to act in pursuance of their legislature's instructions. Every state gets one vote.

Any proposals that are supported by a majority of the states at the convention stage then get submitted back to the states for ratification. Only when 38 states ratify a proposal can it become part of our Constitution.

Now some people will try to prey on fear by telling you that because some of these details are not explicitly stated in the text of Article V, we have no idea how an Article V convention would operate. But that simply is not true. We know what a convention of state is, and the basics of its operation, because we have a very rich history of interstate conventions in America. That history is the very reason this process was provided as an alternative in Article V. Just as we know what a trial by jury looks like without having every detail written into the Constitution, we know how an Article V convention would function. (For a review of the law and history concerning Article V and a discussion of past interstate conventions, access the Article V Legislative Compendium at https://conventionofstates.com/files/article-v-legislative-compendium.) See also, *The Law of Article V: State Initiation of Constitutional Amendments*, by law professor Robert Natelson.

By passing the Convention of States application, New Hampshire will effectively be raising its hand to say, "Yes, we believe it is time for the states to gather to consider proposing amendments that will re-balance federal power with state power." The convention would be limited to three topics for amendment proposals:

1. Amendments that impose fiscal restraints on the federal government;
2. Amendments that limit the power and jurisdiction of the federal government; and
3. Amendments that set term limits for federal officials—including or possibly limited to federal judges.

Now this does not mean that the convention must propose an amendment on each of these topics. Rather, these topics describe the outer limit on what would be germane for consideration at the convention.

With this approach, the convention could propose a balanced budget amendment accompanied by limitations on Congress' spending and taxation powers. It could propose limits on executive power, federal agencies, and impose real checks and balances on the Supreme Court.

Most American citizens and the vast majority of state legislators I speak with as I travel the country, agree that our nation is in desperate need of a re-balancing of power between the federal government and the states. The Article V convention for proposing amendments is *the* constitutional process designed to address that problem.

In fact, in George Washington's farewell address to the American people, his final admonishment to us was this: "If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed."

I don't think our Founding Fathers would be surprised that the federal government has claimed more than its constitutional share of power. They *would* be surprised, I think, that we have not used the most effective tool they gave us for curbing it.

History will remember us, one way or another. We will either be remembered as the generation that finally succumbed, completely, to federal tyranny, or the generation who stood and defended the torch of liberty when it was flickering dangerously low.

As Ronald Reagan said, "You and I have a rendezvous with destiny. Will we preserve for our children, this, the last best hope of man on earth, or will we sentence them to take the first step into a thousand years of darkness? If we fail, at least let our children and our children's children say of us we justified our brief moment here. We did all that could be done."

I am out here on the road, away from my home and my family, raising and training a grassroots army of self-governing citizens in all 50 states and speaking to their state legislators because I believe I have no other choice. Let it never be said of our generation that we failed to do all that could be done.

Thank you for allowing me to testify today. In order to further assist you, I have attached a Memorandum responding to frequently asked questions.

MEMORANDUM

To: **Honorable Committee Members**
From: **Mark Meckler, J.D., President of COS Action[1]**
Rita Dunaway, J.D., National Legislative Strategist for COS Action[2]
Subject: **Rebuttal to Common Arguments Against an Article V Convention**
Date: **January 29, 2021**

This Committee is likely to hear a number of arguments in opposition to an Article V Convention to Propose Amendments. We would like to offer the following summary and rebuttal of the typical arguments for your consideration.

Argument 1: The Constitutional Convention in Philadelphia defied its authority in proposing a new Constitution, so we can expect an Article V convention to do the same.

Response: A number of opponents have repeated this tired old myth that denigrates the Founding Fathers and our Constitution. You will be interested to learn that a brand-new law review article has just been published in Volume 40 of the Harvard Journal of Law and Public Policy that definitively refutes the claim that our Constitution was the product of a runaway convention. You can find the article here.

In fact, the Philadelphia Convention was not a "runaway." It is important to understand the basis for the myth, which is a fundamental misunderstanding of how interstate conventions operate. When one understands that the states—not the national government—instruct and limit the convention delegates, then one can understand both why the Constitutional Convention was not a "runaway," and why a modern Article V convention for proposing amendments could not become a "runaway."

---

[1] Mark Meckler is Founder and President of Convention of States Action. Meckler earned his J.D., *cum laude*, from UOP McGeorge School of Law and his B.A. in English Literature from San Diego State University-California State University.

[2] Rita Dunaway is National Legislative Strategist for Convention of States Action. She earned her J.D., *cum laude*, from Washington and Lee University School of Law as a Benedum Scholar, as well as a B.A. in Political Science, *summa cum laude*, and a B.S. in Journalism, *summa cum laude*, from West Virginia University.

The Annapolis Convention, initiated by the states to address the regulation of trade among the states, provided the initial impetus for calling the Constitutional Convention. The commissioners from the 5 states participating at Annapolis concluded that a broader convention of the states was needed to address the nation's concerns, and their report requested that such a convention be conducted in Philadelphia on the second Monday in May. The goal of the proposed convention was "to render the constitution of the Federal Government adequate for the exigencies of the Union." It is important to note that, as used at this time, "constitution" did not refer to the Articles of Confederation, but rather, to the system of government more broadly.[3]

In response to the suggestion from the Annapolis Convention that a new convention with broader powers be held in May of 1787, six state legislatures issued resolutions commissioning delegates (or "commissioners") to the Constitutional Convention. These states instructed their commissioners in broad language, in accordance with the purpose stated in the Annapolis Convention resolution: "to render the constitution of the Federal Government adequate for the exigencies of the Union."

Congress played *no* role in calling the Constitutional Convention, and the Articles of Confederation gave it no authority to do so. The power of Congress under the Articles was strictly limited, and there was no theory of implied powers. The states, however, possessed residual sovereignty which included the power to call this convention.

On February 21, 1787, Congress voted to "recommend" the Constitutional Convention that had been called by six states. It did not even purport to "call" the Convention (it had no power to do so). It merely proclaimed that "in the opinion of Congress, it is expedient" for the convention to be held. It recommended that the convention "revise" (not merely "amend") the Articles of Confederation in such a way as to "render the federal constitution adequate to the exigencies of Government & the preservation of the Union."

Ultimately, twelve states appointed commissioners. Ten of these states followed the phrasing of the Annapolis Convention with only minor variations in wording ("render the Federal constitution adequate"). Two states, New York and Massachusetts, followed the formula stated by Congress ("revise the Articles" in order to "render the Federal Constitution adequate").

Every student of history should know that the instructions for commissioners came from the states. In Federalist 40, James Madison answered the question of "who gave the binding instructions to the delegates." He said: "The powers of the convention ought, in strictness, to be determined by an inspection of the commissions given to the members by their respective constituents [i.e. the states]." He then spends the balance of Federalist 40 proving that the commissioners from all 12

[3] See Robert G. Natelson, *Founding-Era Conventions and the Meaning of the Constitution's "Convention for Proposing Amendments*," 65 Florida L. Rev. 618, 673, n386 (May 2013) (citing 1 JOHN ASH, THE NEW AND COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (1775), which defined "constitution" as "The act of constituting, the state of being, the corporeal frame, the temper of the mind, and established form of government, a particular law.").

states properly followed the directions they were given by each of their states. According to Madison, the February 21st resolution from Congress was merely "a recommendatory act."

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

Because neither the Constitutional Convention nor any other of the 35-plus conventions of the states in American history have "run away" or exceeded their legitimate authority, there is absolutely zero precedent for a "runaway" convention.

Argument 2: **Nothing in Article V limits the convention to a single topic, and in fact, states cannot limit the scope of an amendment-proposing convention. Once convened, state delegations will be free to rewrite the Constitution, and no public body has the power to stop them.**

Response: The states whose applications trigger the convention retain the right to limit the scope of the convention however they choose. This is inherent in their power of application. In fact, this is the only reason there has never yet been an Article V convention; while over 400 state applications for a convention have been filed, there have not yet been 34 applications for a convention on the same subject matter.

As the agents of the state legislatures who appoint and commission them, the delegates only enjoy the scope of authority vested in them by their principals (the state legislatures). Any actions outside the scope of that authority are void as a matter of common law agency principles, as well as any state laws adopted to specifically address the issue.

The inherent power of state legislatures to control the selection and instruction of their delegates, including the requirement that said delegates restrict their deliberations to the specified subject matter, is reinforced by the unbroken, universal historical precedent set by the interstate conventions held nearly 40 times in American history. On the other hand, those who make a contrary claim cannot cite a single historical or legal precedent to support it.

As far as the power of other bodies to stop an Article V convention from re-writing the Constitution, there are multiple answers. First of all, remember that the convention's only power is to "propose" amendments to "this Constitution" (the one we already have). Only upon ratification by 38 states does any single amendment become part of the Constitution. Second, Congress has no duty to submit off-topic amendment proposals to the states for ratification in the first place.

Argument 3: A report by the Congressional Research Service points out that in the 70's and 80's, Congress introduced many bills in which it purported to control such matters as selection of state delegates to an Article V convention, voting methods, rules, etc.

Response: The only possible precedent set by bills that fail to pass is that the bills did not enjoy the support of the majority of the body. Even if Congress were to ever pass such a law, it would be challenged in court and struck down based upon common law agency principles (an agent can only act upon a grant of authority from its principal); historical precedent (every interstate convention in American history has operated on a one state, one vote basis) and legal precedent (Congress may not use any of its Article I powers, including its power under the Necessary and Proper Clause, in the context of Article V. *See Idaho v. Freeman*, 529 F.Supp. 1107, 1151 (D. Idaho 1981) ("Thus Congress, outside of the authority granted by article V, has no power to act with regard to an amendment, i.e., it does not retain any of its traditional authority vested in it by article I.") (vacated as moot)).

Argument 4: The states are largely powerless with respect to an Article V Convention; Congress holds all the power under the Necessary and Proper Clause of Article I.

Response: This argument is based on ignorance of existing precedent, holding that Congress may not use any of its Article I powers in the context of Article V. *See Idaho v. Freeman*, 529 F.Supp. 1107, 1151 (D. Idaho 1981) ("Thus Congress, outside of the authority granted by article V, has no power to act with regard to an amendment, i.e., it does not retain any of its traditional authority vested in it by article I.") This case was later vacated as moot for procedural reasons, but the central holding remains unchanged. Congress may not use its power under the Necessary and Proper Clause with respect to the operation of an Article V Convention.

Argument 5: It is a myth that the states can bypass Congress in the Article V process.

Response: Alexander Hamilton explained, in Federalist #85, "[T]he national rulers, whenever nine States concur, will have no option upon the subject. By the fifth article of the plan, the Congress will be obliged 'on the application of the legislatures of two thirds of the States at which at present amount to nine, to call a convention for proposing amendments, which shall be valid, to all intents and purposes, as part of the Constitution, when ratified by the legislatures of three fourths of the States, or by conventions in three fourths thereof.' The words of this article are peremptory. The Congress 'shall call a convention.' Nothing in this particular is left to the discretion of that body. And of consequence, all the declamation about the disinclination to a change vanishes in air. . . We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority."

The entire reason the convention mechanism was added to Article V was to give the states a way to bypass Congress in passing amendments that Congress opposed.

Argument 6: COS's claims that State legislatures have the power to control Delegates, Delegate selection, convention rules, subject matter, etc., is speculation and wishful thinking at best.

Response: Actually, these claims are based upon both the common law principles of agency and upon the unbroken, universal historical precedent set by the interstate conventions held nearly 40 times in American history. On the other hand, those who make a contrary claim cannot cite a single historical or legal precedent to support it. The reason the details of the interstate convention process are not recited in the Constitution is not because they were unknown to the drafters, but rather because they were *known*. Consider the fact that our Constitution contains multiple references to the word "jury," without defining what a jury is or how it operates. This is because, as with the basic operations of interstate conventions, the basic operations of juries were well-known as a matter of historical precedent.

Argument 7: There is no such thing as a convention of states; it is a term that has been used as a gimmick.

Response: "Convention of states" is the label first applied to an Article V convention for proposing amendments by the General Assembly of the Commonwealth of Virginia when it passed the first application for an Article V Convention to propose the Bill of Rights in 1788. The United States Supreme Court has also adopted the term. *See Smith v. Union Bank*, 30 U.S. 518 (1831).

Argument 8: We cannot be confident that the high (38-state) threshold for ratification will protect us from bad amendments, because an Article V Convention could simply change the ratification requirement.

Response: This argument fails based on the plain language of Article V. No constitutional amendment—including an amendment to the ratification requirement—can be achieved without first being ratified by three-fourths of the states (38 states). With regard to the 1787 Constitutional Convention, every state did, in fact, ratify the change in the ratification requirement prior to the Constitution's adoption.

Argument 9: Adding amendments to the Constitution won't help anything, because federal officials simply ignore the Constitution anyway.

In one sense, this is true. If our Constitution were being interpreted today—and obeyed—according to its original meaning, we would not be facing most of the problems we face today in our federal government. But opponents are overly simplistic in their assessment that the issue is as simple as modern-day "ignoring" or "disobeying" the Constitution. The real issue is that certain provisions of our Constitution have been wrenched from their original meaning, perverted, and interpreted to mean something very different.

As just one example, consider the individual mandate provision of the Affordable Care Act. Of course, nowhere in the Article I of the Constitution do we read that Congress has the power to force individuals to purchase health insurance. However, our modern Supreme Court "interprets" the General Welfare Clause of Article I broadly as a grant of power for Congress to tax and

spend for virtually any purpose that it believes will benefit the people. Now we know from history that this is not what was intended. But it is the prevailing modern interpretation, providing a veneer of legitimacy to Congress' actions—as well as legal grounds for upholding them.

The federal government doesn't "ignore" the Constitution—it takes advantage of loopholes created through practice and precedent. The only way to close these loopholes definitively and permanently is through an Article V Convention that reinstates limitations on federal power and jurisdiction in clear, modern language.

For more detailed responses to these questions or to any questions not addressed here, please contact Rita Dunaway at rdunaway@cosaction.com**.**

Testimony in support of HCR1 submitted by Kenn Quinn

Bridgton, Maine, Email: kennethquinn@roadrunner.com

Dear Chairman Baldasaro and distinguished committee members,

My name is Kenn Quinn and I am here today to testify in support of HCR1. I am testifying as a member of the public on my own behalf and not representing any organization. I have been working to support Article V convention applications around the country and one of the claims made by some legislators that are hesitant to support and Article V convention is that they believe there are no rules for such a convention. This is simply not true as we have over two hundred years of experience of the States meeting in conventions and these same rules are still being used today and I would like to share with you some examples.

We Have a Long Rich History of Conventions and We Know How the Rules Work

- Numerous conventions have been called to address limited and specific issues such as trade, commerce, war, etc. in our nation's history, most notably the **Annapolis Convention of 1786** called to address commerce issues and the **Philadelphia Convention of 1787** to establish a firm national government to preserve the Union. This is the well-established procedure that the States have extensive experience with to propose solutions to problems. In fact, there have been two conventions of the states called to propose amendments to the U.S. Constitution; **The Washington Peace Conference of 1861 and the Hartford Convention of 1814.**
- An official Convention of the States is held every year with all 50 states participating called the **National Conference of Commissioners on Uniform State Laws** or more commonly known as the **Uniform Law Commission**. This convention has been meeting every year since 1892 to propose uniform state laws and it functions exactly as an Article V convention; the **scope is predetermined and limited**, **commissioners are appointed** by the legislatures or governors, commissioners present **their credentials** upon arrival, proposals are **drafted and debated**, votes are taken by state (**one state, one vote**), a simple majority to pass an act, **commissioners bring passed model** acts to their state legislatures to be adopted as state law. In the House Judiciary Committee, HB124 is a Model Act that was passed by the Uniform Law Commission which is titled Real Property Transfer on Death Act.
- The States have held **233 conventions, adopted 143 state constitutions and ratified 6,000 amendments** to their current constitutions. **New Hampshire leads the nation in the most conventions held at seventeen;** two were called to adopt a new constitution and fifteen were called to propose amendments. Those fifteen conventions proposed 261 amendments, with 129 of them being ratified by the people.
- In 2017, the Arizona State Legislature called a Convention of the States for the purpose of adopting rules for an Article V convention. The **New Hampshire Legislature appointed seven state legislators as delegates** to help draft the rules that were adopted.
- There are several organizations of state legislators that have also adopted rules for an Article V convention such as the Assembly of State Legislators and the American Legislative Exchange Council.

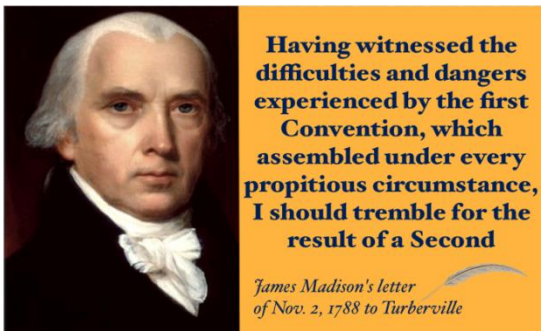
The claim that we do not have rules for an Article V convention cannot be supported by the facts and is a complete denial of our experience which I have shared above. The States have been using these convention rules for over two hundred years and they are just as vibrant today as they were from our founding. We have the rules and it is time for you to actually use them. We need our state legislatures to fulfill their duty and exercise their constitutional authority to propose amendments that will correct many of the problems that Congress refuses to correct. I appreciate your time today and ask you to please vote Ought to Pass on HCR1.

Sincerely,

Kenn Quinn

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

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



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

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

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

This is what happened:

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

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

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

---

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

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

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

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

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

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

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

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

---

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

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

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

When a Popular Idea Meets Congress: The History of the Term Limit Debate in Congress

John David Rausch, jr, *West Texas A&M University*

abstract: *This paper examines the history of the term limit debate in the United States from the days of the Articles of Confederation through the 1990s. The research finds that the realities of the legislative process provide infertile ground for enacting congressional term limits. Advocates of term limits serving in Congress have not had the resources to overcome the obstacles presented by the legislative process. The findings contradict the conventional wisdom that Congress responds quickly to popular ideas that sweep the nation.*

The legislative term limit movement emerged as a significant political phenomenon in the early 1990s. Term limitation, however, was far from a new idea (see Petracca, 1992). In fact, the idea of placing limits on the amount of time an elected official spends in office has been debated since before the framing of the Constitution of the United States. The novelty of the Oklahoma term limit effort in 1990 was that it was successful and that it involved the mass electorate using the citizen initiative process. This paper surveys the history of the legislative term limit debate in the American political system and provides the reader with a context in which to place the term limit phenomenon of the 1990s. The present research also demonstrates the difficulties faced by term limit proposals in the "regular" legislative process.

Limits in the Articles of Confederation and the Constitution

The delegates to the First and Second Continental Congresses did not have fixed terms of service. However, members of Congress under the Articles of Confederation (1776–1789) were selected by state legislatures annually with the restriction that "no person shall be capable of being a delegate for more than three years in any term of six years. . . ." (Articles of Confederation, Article V). Thus, the first national legislative body in the United States operated with term limitations.

During the life of the Articles of Confederation, the service of delegates who had violated the term restrictions was challenged many times. The Congress convened a Committee on Qualifications in 1784 to determine "whether any members were tarrying beyond their appointed terms" (Journal of the Continental Congress 1784, pp. 98–99). The Committee found Samuel Osgood of Massachusetts ineligible for service since he had served three years after the ratification of the Articles. Osgood withdrew from the House (Burnett, 1964). Other delegates were investigated, primarily for serving beyond the one year for which they had been elected. Some controversy ensued over the exact date of election for the delegates from Rhode Island, and they refused to vacate their seats. Concerned that prolonging the controversy might disrupt the proceedings of Congress, the Committee on Qualifications dropped the matter (Burnett, 1964). The inconveniences caused by term limits, a minor concern compared to other frustrations created by the Articles of Confederation, led to the calling of a convention to amend the Articles (Farrand, 1913, chap. 3). This convention eventually produced the Constitution in 1787.

The issue of limiting service in the legislative body to be created by the Constitution was discussed at the Constitutional Convention, but the delegates, many of whom had served in the term-limited Congress under the Articles, did not include term limits in the finished document. The "Virginia Plan" included a clause stipulating that members of the first branch of the national legislature not be eligible for reelection for a period of time after their terms had expired (U. S. Constitutional Convention, [1787] 1970). However, term limits for members of the national legislature were not incorporated into the Constitution.

Analysts differ on why the Founders chose to keep term limits out of the Constitution. Richardson (1991) reports that term limits and several other measures were characterized "as entering into too much detail for general proposition" (p. 44). According to the Federalist Papers, the delegates believed that in order to govern effectively, the members of the executive and legislative branches

needed to stay in office long enough to develop "a knowledge of the means by which t[he] object [of government] can best be obtained" (*Federalist* no. 62).

Petracca (1992) provides additional explanations for the Constitution's lack of term limits. Some delegates believed that since the terms of office in the House of Representatives were short (two years), mandatory rotation (or term limits) was unnecessary. It was inconceivable that representatives would win reelection many times and with short terms, House members would often return to their homes and mix with the people. Others, particularly the delegations from the New England states, did not think that rotation was necessary since instruction to representatives was the norm in that region. Constitutional safeguards, such as separation of powers, made mandatory rotation seem unnecessary. Finally, voluntary rotation was the practice in most state legislatures of the era and the delegates believed that the tradition would become the norm in the new national legislature.

James K. Coyne, a founder and former president of Americans to Limit Congressional Terms (ALCT) and a former U.S. representative from Pennsylvania, posits that term limits were not included in the Constitution because the delegates could not agree on the length of the limits. Thus, they "established the minimum qualifications for service in Congress—age, residency, and citizenship." "The delegates," Coyne argued in an interview, "fully expected states to enact different term limits to meet their different needs."

As we know, term limits, or mandatory rotation, were not included in the Constitution by the Framers. However, the tenure of many state executives was limited. Voluntary rotation was the norm in state legislatures. George Washington, in refusing to run for a third term as President, established a voluntary rotation tradition lasting until 1940 when President Franklin Roosevelt successfully campaigned for a third term.

After the Constitution was ratified, the discussion of term limits at the national level did not reach the political agenda again until the 1940s with the debate surrounding Roosevelt's disregard of Washington's presidential precedent. The result of this debate was the 22nd Amendment limiting the President to two terms.

Congressional Activity on Term Limits

There was little discussion of congressional term limits in the period from 1789 through the 1940s (Richardson, 1991). However, term limitation for members of the new Congress was an issue early in the history of the body. During the First Congress (1789–1791), Representative Thomas Tucker of South Carolina, responding to Anti-Federalist arguments raised during the Constitution's ratification, introduced two proposals relating to congressional terms. The first would have restricted members of the House of Representatives to serving three consecutive terms during an eight-year period. The second resolution proposed reducing a Senator's term to one year and restricting him to five consecutive terms during a six-year period (The Annals of Congress, 1789–1791). The House did not vote on Tucker's proposals and there is no evidence that the proposals mobilized any public support.

Term limit debate did not resurface until the middle of the twentieth century. During the 150 years between term limit proposals in Congress, there was little interest among members of Congress for term limits, but not for the same reasons that contemporary members reject the proposal. Throughout the 19th Century, there was a tradition of voluntary rotation. Service in Congress was seen as a temporary stop on one's career path (Kernell, 1977). Price (1971) identifies the lack of a seniority system and the frequent shifts of party control as factors encouraging many members of the House who desired a career in politics to leave the House and seek seats in the Senate or in the Governor's Mansion. Even if a person had a desire to make the Congress his career, he would be dissuaded once he arrived in Washington. The city was "neither a pleasant nor a powerful place" (Hibbing, 1991, p. 4). A member of Congress had to endure "bitter and outrageous language, scathing ridicule, and sarcasm" from his colleagues (Price, 1971). The Congress of the 19th Century did not enjoy a great deal of power as Price (1971) describes: "in many respects the pre-1900 House was similar to the average current (1960s) state assembly."

When term limits emerged from obscurity to attract national public attention, it revolved around the issue of limiting the number of terms a President could serve. It is clear that proponents of presidential term limits were upset with Franklin Roosevelt's violation of Washington's two-term tradition. Because the American electorate had just elected President Roosevelt to four terms in office, the Congress, in proposing the twenty-second amendment, was acting contrary to the wishes of that electorate. In fact, the timing of the passage of the amendment suggests that it was an attempt by the Republican Party to reassert its control over government after regaining a congressional majority in 1946.

The history of the 22nd Amendment foreshadows the current congressional term limit process. Barnicle (1992) notes "Congress determined that presidential term limits could be enacted if presidential term limits received public support. Congress also determined that the ratification process was an adequate way to achieve public consent" (p. 422). Thus, it did not matter that there was no public outcry for presidential term limits. The ratification process provided the necessary measure of public support without the people having to do anything.

The 22nd Amendment was ratified in 1951.[1] It should be noted "limitations on gubernatorial terms based upon fear of excessive executive power have always been fundamental to the constitutional design of state governments" (Beyle, 1992, p. 159). In fact, term-limit advocates reason that if the number of terms their governor, and now the President, may serve is limited, the terms of members of legislative bodies also should be limited.

Twentieth Century Debate on Congressional Term Limits

After Representative Tucker's term limitation proposals met an apparently quiet death during the First Congress, congressional term limits were not discussed in Congress again until 1943, and then the discussion was a sidebar to the presidential term limit debate. Although the issue of congressional tenure had been debated for many years, Richardson (1991) notes that it was not until the 1970s that "length of service began to emerge as the dominant issue" (p. 45), rather than length of term.

Term limit proposals have been introduced fairly regularly in the U.S. House and Senate since the 1940s; however, little action has been taken on these proposals by either chamber. Prior to the 104th Congress (1995–1996), there had been three floor votes on bills or amendments involving term limits, all in the Senate where nongermane amendments to bills are allowed (one in 1947, one in 1991, and one in 1993). There also had been only three congressional hearings on the subject of term limits, although the hearing during the 79th Congress primarily concerned presidential terms (see U.S. Congress. Senate. Committee on the Judiciary, 1945). In 1994, the Republican Party included term limits as one of the items of its "Contract with America." As a result, the House held hearings and voted on a term limit constitutional amendment during the first 100 days in March 1995. The term limit amendment was the only one of the ten Contract items to be defeated in the House. The Senate also held hearings in 1995. Constitutional amendments providing for congressional term limits were defeated in the House in the 105th Congress (1997–1998) as well.

Term Limit Advocates in Congress

Since the 1940s, there have been a large number of term limit proposals introduced in Congress. Although Congress has passed no proposal, a pattern emerged from an analysis of the advocates. Typically, a member of Congress mentioned term limits in the course of campaigning for his or her first election and then introduce legislation during his or her first term in office. Occasionally, a member continued to be reelected and to reintroduce the same term limit proposal. Typically these proposals are never reported out of committee. An examination of some of the term limit proponents who served in Congress addresses the reasons for this situation.

Senator "Pappy" O'Daniel

During the 1947 Senate debate on a proposed amendment limiting a President to two consecutive terms, Senator W. Lee "Pappy" O'Daniel (D-TX) was the first modern-day senator who offered an amendment to the proposed amendment in the nature of a substitute. O'Daniel's substitute amendment included provisions lengthening the President's and Vice President's terms to six years, prohibiting the President and Vice-President from seeking reelection, and limiting the aggregate service of a member of Congress to six years (*Congressional Record*, 1947, pp. 1962–1963).

Senator O'Daniel's statement in proposing his substitute is remarkably similar to the arguments heard in today's term limit discussion:

> I . . . find that there is among our people a deep-rooted suspicion that some public officials have more interest in doing the things that will get them reelected, instead of doing the things that are best for the rank and file of our people. . . . I do not entertain much hope of having my proposal adopted at this time, I do propose it in all sincerity, because I believe such an amendment to our Constitution would be highly beneficial to the people of the United States. . . . (*Congressional Record*, 1947, p. 1963)

Senator O'Daniel's proposal had little support among his colleagues in the Senate. The O'Daniel substitute was defeated with only its sponsor voting in the affirmative.

Representative "Wat" Arnold

Another term limit advocate in the 1940's was Representative Samuel Washington ("Wat") Arnold of the First District of Missouri. In June of 1944, Rep. Arnold, a Republican, introduced a proposed constitutional amendment (H.R. 172) that went beyond O'Daniel's proposal. It limited members of the House and Senate, as well as the President, to six years in office. Arnold's arguments mirror Senator O'Daniel's statement as well as the present-day arguments:

> I find that I am, by virtue of my election, enrolled as a Member of the strongest pseudo union in the world. The rights of protective employment, seniority, and the innumerable privileges of office are mine to use as I will; and the payment of my dues, in the form of periodic reelection by my constituents, promises to become increasingly painless with the passing years. By careful tending of political fences, I find that representation is expected to blossom from the promising bud of popular service to the full flower of professionalism in the art of purveying legislation by the years. (*Congressional Record,* 1944, p. 2950)

Arnold's electoral history offers some insight into his unusual support of term limits, especially at a time when few desired to limit the service of members of Congress. He was elected by a district "which ha[d] gone Democratic except in the Hoover landslide of 1928, for three generations." He defeated a long-term incumbent Democrat by 8,300 votes without making a campaign speech. Seeking to advance the issue, Arnold also planned to present the proposal to the committee writing the Republican platform in 1944 (*Congressional Record,* 1944, p. 2950).

Rep. Arnold provides evidence that members of Congress can change their minds on the value of term limits. In 1947, Arnold decided to seek a fourth term, in effect violating the three-term limit his proposal would impose. He said in a statement announcing his reelection bid that "it was all a mistake, . . . it takes three terms before a congressman gets enough seniority to be of much benefit to his district" (*Hannibal Labor Press*, 1947, p. 1).

Representative Thomas Curtis

In the 1950s and 1960s, another Republican Representative from Missouri, Thomas B. Curtis, was a leading advocate of congressional term limits in Congress. During his 18 years in Congress, Rep. Curtis introduced his proposal nine times. Curtis' proposal would have limited members of Congress to 12 consecutive years of service. With a "2-year sabbatical," the member would become eligible again for election to the "National Legislature." In introducing the measure in 1965, Curtis complained that his bill often "appeared in lists of legislation least likely to succeed." He argued that congressional term limits were necessary to alleviate "the detrimental aspects of the seniority system," and to allow representatives the opportunity to "mix" with their constituents (*Congressional Record*, 1963, pp. 722–723).

For all his attempts, Representative Curtis' proposal never progressed very far through the legislative process. The lack of success can be attributed to a number of factors. First, the proposals were referred to the House Judiciary Committee, chaired by Rep. Emmanuel Celler (D-NY), a product of the seniority system. Second, Rep. Curtis did not work very hard to encourage his colleagues or constituents to support the bill. Finally, Curtis was unwilling to follow his own proposal. In 1962, a constituent, noticing that Curtis was seeking a seventh consecutive term, inquired of the Congressman: "if you honestly believe in your proposal, why do you not now 'sit out' a term as you want to force your colleagues to do?" Rep. Curtis responded that by sitting out a term he would rob his constituents of the benefits of his seniority.[2]

Representative Bill Frenzel

Term limit activity in Congress continued through the 1960s and into the 1970s. While short-term members of Congress introduced some term limit proposals, the tradition of members introducing and reintroducing the same proposal in multiple Congresses continued. One such Congressman was Representative Bill Frenzel, a Republican from Minnesota. Frenzel served in the House of Representatives for 20 years, 10 Congresses, and he introduced an 18-year term limit in each of those Congresses. According to Frenzel, public reaction to his proposals was very minor, owing, perhaps, to the fact that "term limits were often overshadowed by other events." He first introduced his proposal primarily because he had mentioned it in his initial campaign for Congress, a campaign in which he criticized the "immortal Congress." Term limits, he argued, would bring members of Congress to the level of "mortals," thus allowing them to legislate more appropriately. He told a Memorial Day audience in Edina, Minnesota, in 1971, "too often the effect of longevity in Congress is to promote the status quo and to establish a general condition of inertia" (Frenzel Press Release, 1971, p. 1).

Frenzel reports that the press and his constituents never made any serious inquiry about his longevity in office. "When I first announced that I was seeking a seat in

the U. S. Congress, I mentioned that I would stay only about five or six terms," he said in an interview. "The Minnesota press corps would occasionally ask about that suggestion after my seventh term, but, since they never paid attention to my term limit idea, I was never held to my proposal."

Post-Watergate Term Limit Debate

The post-Watergate era resulted in the first attempt to bring "grass-roots" pressure on Congress to enact term limits. In 1977, "four relatively freshman Members of Congress" became directors of "the newly-formed Foundation for the Study of Presidential and Congressional Terms." The members were Senators Dennis DeConcini (D-AZ) and John C. Danforth (R-MO) and Representatives John W. Jenrette (D-SC) and Robert W. Kasten (R-WI). When the freshmen members of Congress joined the Foundation, they expressed frustration at the inability to discuss term limits through the "Congressional route." Instead, they were trying "a new route - through the public."[3]

The Foundation for the Study of Presidential and Congressional Terms approached the subject of congressional term limits from a scholarly perspective. To draw the public's attention to term limits, the Foundation planned "a program of public forums such as college debates, speeches and essay contests." Additionally, there were plans to give the public the chance "to vote on the question of limiting both Congressional and Presidential terms" by putting the question on "eight or 10 statewide ballots" in 1978.[4] While these plans foreshadow several strategies employed by the term limit movement of the 1990s, there is no evidence that the public ever had the chance to vote on congressional term limits before 1990.

Even though the Foundation apparently was unable to hold statewide votes on congressional terms, the organization continued to function through the early 1980s. A document published by the foundation in 1980 indicates that it was "a National Heritage Foundation" (Foundation for the Study of Presidential and Congressional Terms, 1980). A review of its 1980 Board of Directors is instructive. Griffin Bell was a director as was his colleague in the Carter Administration, Cyrus Vance. Former Representative Thomas B. Curtis (R-MO) also served as a director. By 1981, the foundation appears to have ceased operation. It can claim some success in bringing the subject of congressional term limits to public attention through congressional hearings.

The post-Watergate era also witnessed the first congressional hearings on term limits. Interestingly, the hearings were scheduled at the insistence of now Senator Dennis DeConcini (D-AZ). Previously, it had been the Republican minority in Congress that actively supported term limits. The late 1970s were a time of increased distrust of government. In fact, the committee that held the term limit hearings had earlier heard testimony on the subject of establishing a "national voter initiative." In opening the hearings, Senator DeConcini stated many of the arguments for term limits found in today's debate. Incumbency in the House and Senate was becoming a problem, DeConcini argued, and had resulted in an increased "rigidity in government." Term limits would break up the "cozy triangles or subgovernments" that had emerged in government. The electorate would be offered new alternatives at the ballot box, as persons from various walks of life would be drawn to public service (U. S. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution 1978, pp. 4–6).

The 1978 hearing did not result in Congress proposing a constitutional term limit amendment to the states. Although Senator DeConcini continued to support term limits and introduce proposals in the Senate throughout his career, he did not make any additional effort to develop a movement among the American people. Experts from the Foundation for the Study of Presidential and Congressional Terms presented testimony at the congressional term limit hearing, as did former Representative Curtis. George Will and the *Wall Street Journal* editorialized against the suggestion that congressional tenure needed to be limited. Political scientists, including Norman Ornstein and Thomas Mann, argued that term limits were a bad idea. The congressional hearings in 1978 failed to energize any portion of the mass electorate to demand congressional term limits.

Congressional Term Limit Activity in States During the the 1980s

The 1980s witnessed a transformation of congressional term limit activity. Members of Congress still introduced term limit measures and the press, the public, and their colleagues largely still ignored the proposals, but a term limit murmur began to emit from the states. In 1983, the Utah legislature passed a resolution calling for a constitutional convention on congressional term limits. South Dakota's legislature passed similar legislation in 1989 (Richardson, 1991). In 1991, similar resolutions were introduced in Arizona, Arkansas, Maryland, Montana, Oregon, Rhode Island, Florida, and North Dakota. Almost

all resolutions were tabled or died in committee (Richardson, 1993). Much of the congressional term limit legislation introduced in state legislatures after 1991 were attempts to direct attention away from citizen initiatives on term limits.

The Class of 1980

The coattails of Ronald Reagan in 1980 brought a sizable number of Republicans to Congress. Like Rep. Bill McCollum of Florida, many campaigned on a program that included term limits and a number continued their association with term limit legislation. Rep. Tommy Hartnett (R-SC), who introduced the term limit platform plank in 1988, was a member of the Republican Class of 1980. Unlike McCollum and Hartnett, many Republican freshmen were defeated in the mid-term election of 1982. One of these unlucky freshmen was a representative from southeastern Pennsylvania, James K. Coyne. He eventually became president of Americans to Limit Congressional Terms in the 1990s. Another similarly unfortunate Republican freshman was John Napier of South Carolina.

In 1980, Napier campaigned for a seat in the House advocating a simple two-part plan. First, he wanted to ensure that Congress operated under the same laws it enacted for others. The second part of Napier's platform was congressional term limitations. His proposal included a limit of six two-year terms for members of the House and two six-year terms for Senators. This position is interesting considering that Napier's Democratic opponent, John Jenrette, was one of the founding directors of the Foundation for the Study of Presidential and Congressional Terms in 1977. Napier was successful in his campaign for Congress largely because Jenrette had been implicated in the ABSCAM scandal of the late 1970s.

Napier reported he was introduced to the idea of rotation or term limits while working for Senator Strom Thurmond of South Carolina. During Napier's first couple of years as a Senate staffer, he noticed that good senators were quitting the chamber in frustration. On their way out, these senators would often remark that the "system works best when people move in and out." The comments inspired Napier to research the idea of rotation. His belief in the wisdom of rotation was honed during a stint as a counsel on a Senate committee charged with writing a Code of Ethics in 1977. Napier also was inspired by the words of former Senator Howard Baker (R-TN) who often would wax eloquent on the virtues of the "citizen legislator" in speeches on the Floor or in committee. To Napier, it seemed only natural to include term limits in his campaign program in 1980.

Rep. Napier followed through with his term limit proposal by introducing a bill in his first year in office. The bill (H.J. Res. 270) was cosponsored by three supporters of term limits, Representatives Bill McCollum, Tommy Hartnett, and Dan Coats of Indiana. The bill was buried in the House Judiciary Committee although Napier's local press and constituents, according to the former congressman, received it favorably. Rep. Napier was not received as favorably overall. In 1982, Democrat Robin Tallon defeated him. According to Napier, the district was not "designed for a Republican."

Committee on Limiting Terms

During the 1980s, members of Congress again made some effort toward developing a term limit movement among the public. A group of Republican House members from the "Class of 1980" organized the Committee on Limiting Terms (COLT) in 1985. The group's objective "was to form something where we could go out . . . and reach the public and try to stimulate support for this concept [of term limits]" (*Congressional Record*, 1988, H9566 [4 October]).

COLT's organization was largely the effort of Rep. McCollum. He recounted in an interview that he and some of his colleagues noticed a need for "some vehicle to raise money for the term limit effort." They decided that a group had to "begin preparing a plan to realize the enactment of term limits." This group would provide a stable organization controlled by members of Congress, who are accountable to voters. Originally, COLT promoted a call for a limited constitutional convention to enact term limits.

In an interview, Rep. McCollum reported that COLT was not involved in the term limit movement after the 1992 campaign. He believed that a group of members of Congress should be involved, but his attempts to bring COLT into the developing term limit phenomenon were rebuffed by term limit advocates outside of Congress. In 1992, COLT joined with Common Sense, Inc., and shared an executive director with that organization. Common Sense also served as a fundraiser for COLT, but by November 1992, Rep. McCollum realized that fundraising efforts were not very productive. McCollum and COLT ended the partnership with Common Sense. In 1994, COLT maintained a mailing list of potential financial contributors and the group distributed a "pledge" to congressional candidates asking for their support for a constitutional amendment limiting mem-

bers of Congress to 12 years in the House and 12 years in the Senate. Rep. McCollum continued to work for term limits in Congress through informal meetings with other term limit supporters. According to McCollum, mobilizing the public to support an issue requires funds and "we [COLT] weren't getting any."

Congressional Term Limits and the GOP Platform

During the summer of 1988, an event occurred that sparked the term limit movement lasting into the 1990s. For the first time in history, a major party platform included a plank calling for a constitutional amendment limiting congressional terms. Offered "almost lightheartedly" to the Republican Convention platform committee by former Representative Tommy Hartnett of South Carolina, the measure was approved, to Hartnett's surprise. In support of his proposal, Hartnett argued that members of the House and Senate seek reelection "unwilling to discipline [federal] spending, so the only way we can discipline spending is to discipline the members of Congress themselves . . ., make 'em live under the laws they pass."[5] In 1992, an identical term limit proposal appeared in the Republican platform. Neither the 1988 platform nor the one in 1992 specified the length of the term limit.

Representative Bill McCollum

Despite the largely unsuccessful effort at mobilizing the public, Rep. McCollum resembles the other members of Congress examined here. He was first elected in 1980, running on a platform that included term limits. He has introduced a 12-year term limit amendment in each Congress since 1981 and every proposal has met a silent death. With the activity created by the term limit movement of the 1990s, Rep. McCollum recently has worked harder at advocating his proposal. He submitted two discharge petitions in the 102nd and 103rd Congresses; neither collected the requisite number of signatures. He also organized a number of "Special Orders," press conferences, and discussion sessions for members of Congress on the subject of term limits. His term limit proposal was one of the options which was part of the "Contract with America" and which was subsequently defeated.

Rep. McCollum faced an interesting situation in 1992. Since his freshman year in Congress, he had proposed constitutional amendments limiting congressional terms to 12 years. In 1992, he was running for reelection to a seventh term that would not be allowed under his proposal. Rep. McCollum's opponent in the 1992 general election was a spokesman for "Eight is Enough," the 1992 term limit initiative campaign in Florida. The opponent, Mike Kovaleski, challenged McCollum on his apparent hypocrisy in calling for term limits without limiting himself. Rep. McCollum responded in familiar fashion, arguing that he could do more for Florida and the cause of term limits by staying in the House. With his experience and seniority, he would hurt his district by leaving.[6]

Before leaving the case of Rep. McCollum it is instructive to note that he was fairly active in term limit discussions in the House during the first session of the 103rd Congress in 1993. During the second session (1994), however, he became more deeply involved in "crime" issues important to his constituents in Florida. With the resignation of Minority Leader Robert Michel of Illinois and the ascension of Newt Gingrich of Georgia, Rep. McCollum actively campaigned for the position of Minority Whip.

The Contract with America and the US Supreme Court

Members of Congress continue to introduce term limit legislation, which continues to face institutional and political barriers. One small victory was achieved in the fall of 1993, when the House Subcommittee on Civil and Constitutional Rights began hearings on term limits. A second round of hearings was held in early summer 1994.

In 1994, Republican candidates for the U.S. House of Representatives included a vote on congressional term limits as one item on "the Contract with America" (Gimpel 1996). When the party gained control of both Houses of Congress for the first time in 40 years, the Republican leadership was forced to bring term limits to a floor vote. Two Republican proposals were offered; the first (by Rep. McCollum) provided for a limit of 12 years in the House and 12 in the Senate, the second (by Rep. Bob Inglis of South Carolina) provided for only six years in the House and 12 in the Senate. Both proposals, and a number of alternatives, failed to garner the 290 votes necessary for a constitutional amendment.

In its 1995 ruling in *U.S. Term Limits v. Thornton* the U.S. Supreme Court voided the congressional term limit measures enacted in 22 states from 1991 through 1994. The Court found state-enacted congressional term limits violated the qualifications clause of Article I by adding a qualification for members of Congress. The result of this ruling is that any congressional term limits must be enacted through the amending process that requires a two-thirds vote of the House and Senate and ratification

by three-quarters of the states. Since the Thornton ruling, the House defeated constitutional amendments proposing term limits in 1997.

There has been little action on term limit legislation since the 105th Congress (1997–1998).

Explaining the Failure of Term Limit Legislation

The failure of term limit legislation in Congress cannot be attributed to a lack of popular support for term limits. Public opinion data demonstrate that the idea has had popular support since the 1940s. Except at one point in 1955, the public has supported the concept of congressional term limits. However, not until the 1990s has public opinion been as overwhelmingly in support of term limits. Term limit advocates make a proper claim when they argue that "everyone (except incumbent officeholders) support term limits." Term limit opponents argue Americans already have the power to limit politician's terms in office. It is exercised every elction day. While it is clear that the electorate has supported term limits for a number of years, two questions remain. Why did a movement not form before circa 1990? Why does the massive support of term limits not impact the legislative process?

Table. Support for term limits in the U.S. House of Representatives, 105th Congress, by political party and number of terms served (N=427).

	Support for Term Limits	
	Yes	No
Political Party		
Democrats	18.5	81.5
Republicans	79.3	20.7
Number of Terms Served		
One	51.4	48.6
2–4	64.4	35.6
5 or more	34.5	65.5

Source: House Roll Call 21, 105th Congress, First Session (Corbett, 1999, p. 162).

Resources

Any explanation for the failure of term limit legislation to be acted on by Congress must include two factors: a lack of resources, and the political nature of term limit proposals. The first factor, a lack of resources, leaves more congressional term limit proponents in Congress unable to overcome the many institutional challenges faced by proposals. It is a rare member of Congress whose sole program is term limits. Usually, term limits are part of an agenda that includes other congressional reform issues, general government reform, and other ideas. The member of Congress must rally support for these other issues as well as for term limits, and term limits usually is the least important issue on the agenda. As Copeland (1993) found, members of Congress typically spend much more time on other proposals. Promoting a term limit proposal takes an enormous amount of time when the proposal does not have the support of either party's leadership. It also is difficult for a member of Congress to find the resources to initiate a "movement" outside Congress.

Among the resources available to advocates of term limits are those members of Congress who support the concept. Many term limit supporters in Congress, though, have tended to be less senior members of the Republican Party. Interestingly, Republicans in leadership positions tend to look at term limits with disfavor or support the idea because of its political value. The long thin line of term limit supporters includes many who change their point of view as they gain seniority or those who campaigned on term limits solely in order to win the election.

The second leg on which an explanation of congressional term limit failure rests is purely political. Commentators of all political stripes have recognized that members of Congress will not vote for something that is not in their best interest. On its face, voting to enact term limits would appear to not be in the best interest of a member of Congress. However, if it seems that a large segment of the electorate supports the concept of term limits (as it does), then a vote for term limits would be self-serving. In the words of one congressional observer, "half of the term limit bills introduced in any one Congress are introduced for purely political reasons." Congressional candidates, in their zeal to run against the institution, often invoke term limits in campaign speeches and advertisements, usually to wild applause. When they reach the Floor of the House or Senate, among the first pieces of legislation they introduce may be a proposed constitutional amendment limiting congressional terms. It is rare that the proposal

receives any additional promotion from the Representative or Senator.

The political challenges faced by supporters of term limits become clear when the amending process is considered. To become an amendment, the proposal must be approved by two-thirds of both Houses of Congress. It then must be ratified by three-quarters of the states. Roll call data from two term limit votes in the House presents several of the obstacles faced in this process, while also indicating where support for term limits may be found in the House. Examining the 1995 vote, Mitchell (1996) finds that 70% of House members elected since 1992 voted in the affirmative on the amendment while 59% of those elected since 1982 supported term limits. Only 29% of the members of the House first elected before 1982 voted "yes" on the constitutional amendment. Data from the 1997 vote are presented in the table above.

Republican House members support term limits while Democrats largely oppose the idea. A second, but not surprising, characteristic of term limits support is that more senior members are more likely to oppose term limits. Of course, a sizable number of newer members of Congress are Republican.

The Cold, Barren Ground

Term limitation is an old idea that burst on the American political agenda in the 1990s in a different form than it assumed in the past. Term limits have been discussed at the elite level for a long time without the mass public demanding to be involved. Except for the members of COLT, members of Congress have not attempted to mobilize the mass electorate for term limits.

The legislative arena is cold, barren ground for enacting term limits. The term limit phenomenon of the 1990s experienced its greatest success when it avoided the legislative process and focused instead on the more fertile ground it found in direct democracy. Through the direct democratic instrument of the citizen initiative, term limit activists were able to tap into the discontent of the American electorate.

JOHN DAVID RAUSCH, JR. *is an associate professor of political science.*

Notes

1. Only two states, Oklahoma and Massachusetts, did not ratify the 22nd Amendment.
2. Lawrence W. Barron to Hon. Thomas B. Curtis, 22 August 1962. Thomas B. Curtis Papers, Western Historical Manuscript Collection, Ellis Library, University of Missouri-Columbia, Columbia, Missouri; Hon. Thomas B. Curtis to Lawrence W. Barron, 6 September 1962. Thomas B. Curtis Papers, Western Historical Manuscript Collection, Ellis Library, University of Missouri-Columbia, Columbia, Missouri.
3. Mimi Noel, "A New Try to Limit Congressional Terms," Roll Call, 27 October 1977.
4. Noel, "A New Try."
5. David S. Broder, "GOP Moderates Rebuffed On Softening of Platform," Washington Post, 11 August 1988.
6. Mike Oliver, "Trying to Make a Name for Himself," Orlando Sentinal, 29 October 1992.

References

The Annals of Congress. (1789–1791). 1st Cong. Vol. 1.

Barnicle, B. (1992). "Congressional Term Limits: Unconstitutional by Initiative." *Washington Law Review* 67:415–436.

Beyle, T. L. (1992). "Term Limits in the State Executive Branch." In *Limiting Legislative Terms*, eds. Gerald Benjamin and Michael J. Malbin. Washington, DC: CQ Press.

Burnett, E. C. (1964). *The Continental Congress*. New York, NY: W. W. Norton & Company.

Congressional Record. (1944). 78th Cong., 2nd sess. Vol. 90.

Congressional Record. (1947). 80th Cong., 1st sess. Vol. 93.

Congressional Record. (1963). 88th Cong., 1st sess. Vol. 109.

Congressional Record. (1988). 100th Cong., 2nd sess. Vol. 134.

Copeland, G. W. (1993). "The Legislative Politics of Legislative Term Limits." Presented at the annual meeting of the Midwest Political Science Association, Chicago.

Corbett, M. (1999). *Research Methods in Political Science*, 3rd ed. Bellevue, WA: MicroCase Corporation.

Farrand, M. (1913). *The Framing of the Constitution of the United States*. New Haven, CT: Yale University Press.

Foundation for the Study of Presidential and Congressional Terms. (1980). *Presidential and Congressional Term Limitation: The Issue That Stays Alive*. Washington, DC: The Foundation for the Study of Presidential and Congressional Terms.

Frenzel Press Release. (1971). "Frenzel—Limit Congressmen to 18 Years: President to 6 Years." 31 May.

Gimpel, J. G. (1996). *Fulfilling the Contract: The First 100 Days*. Boston: Allyn and Bacon.

Hannibal Labor Press. (1947, May 1). In Wat Arnold Papers, Northwest Missouri State University Archives. Vol. 54 (Miscellaneous).

Hibbing, J. R. (1991). *Congressional Careers: Contours of Life in the U. S. House of Representatives*. Chapel Hill, NC: University of North Carolina Press.

Journal of the Continental Congress. (1784). Vol. 26, 26 February.

Kernell, S. (1977). "Toward Understanding 19th Century Congressional Careers: Ambition, Competition, and Rotation." *American Journal of Political Science, 21*, 669-693.

Mitchell, C. D. (1996). *Setting Limits*. Washington, DC: Americans Back in Charge Foundation.

Petracca, M. P. (1992). "Rotation in Office: The History of an Idea." In *Limiting Legislative Terms*, eds. Gerald Benjamin and Michael J. Malbin. Washington, DC: CQ Press.

Price, H. D. (1971). "The Congressional Career: Then and Now." In *Congressional Behavior*, ed. Nelson Polsby. New York, NY: Random House.

Richardson, S. P. (1991). *Congressional Terms of Office and Tenure: Historical Background and Contemporary Issues*, Report 91-880 GOV. Washington, DC: Library of Congress, Congressional Research Service.

Richardson, S. P. (1993). *Term Limits for Federal and State Legislators: Background and Recent State Activity*, Report 93-122 GOV. Washington, DC: Library of Congress, Congressional Research Service.

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on S.J. Res. 1, 10, 12, 21, and 82. (1945). *Term of President of the United States*. Hearing on S.J. Res. 1, 10, 12, 21, and 82. 79th Cong., 1st sess.

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution. (1978). *Congressional Tenure*. 95th Cong., 2nd sess.

U.S. Constitutional Convention. ([1787] 1970). *The Debates in the Federal Convention of 1787, Which Framed the Constitution of the United States of America*. Reprint. Reported by James Madison, eds. Gaillard Hunt and James Brown Scott. Westport, CT: Greenwood Press.

Written Testimony of Joanna Martin, J.D.

In opposition to HCR 1 & HCR 4 applications for an Article V Convention

For Committee Meeting on January 29, 2021 at 11:00 AM EST

Mr. Chairman Baldasaro, Vice Chairman Moffett, and Honorable Members of the House State-Federal and Veterans Affairs Committee:

My name is Joanna Martin, and this Testimony is offered in my capacity as a private citizen. I'm a retired litigation attorney, and have an undergraduate degree in philosophy where I specialized in political philosophy. I write under the pen name, Publius Huldah, on the genuine meaning of our federal Constitution and the false remedy of an Article V convention.

Those who don't know how we got *from* our first Constitution (Articles of Confederation) *to* our present Constitution can be deceived by those who falsely assure them that Delegates to an Article V convention are limited to proposing the amendment(s) described in the application sent to Congress for Congress to call a convention. The convention lobby is falsely assuring State Legislators that Delegates can do nothing except propose an amendment for a "balanced budget amendment", or for "term limits", or to "limit the power and jurisdiction of the federal government", or for whatever else is set forth in a State's application to Congress for Congress to call a convention.

But as our History illustrates, Delegates to a convention cannot be controlled and have that "self-evident Right", described in **our Declaration of Independence**, to throw off the Constitution we now have and write a new Constitution which creates a new Form of Government. The "Declaration of Independence" flyer **HERE** shows **why** Delegates to a convention have the power to propose a new Constitution (which would have its own new mode of ratification).

New Constitutions are already prepared or waiting in the wings for a convention. The "How to get a new Constitution *under the pretext* of proposing amendments" Flyer **HERE**, *shows that our Framers always understood that it's when you want a new Constitution that you need a Convention*. The Flyer also links to several of the proposed new constitutions. One of them, the Constitution for the Newstates of America, is *ratified by a National Referendum*!

Furthermore, it's impossible to rein in the federal government with amendments because when the federal government usurps powers not delegated, they are ignoring the existing constitutional limits on their powers. Our existing Constitution limits the federal government to a small handful of powers: **This one page chart** lists those enumerated powers. Our problems are caused by a century of *ignoring the existing limits* on federal power.

Accordingly, organizations lobbying for a convention, such as the "Convention of States Project", cannot produce even one amendment which would fix the federal government's violations of our

Constitution. The 6 amendments approved at COS's "simulated convention" would INCREASE the powers of the federal government by delegating new powers to the federal government or by legalizing powers already usurped. This paper, *COS Project's "simulated convention" dog and pony show and what they did there* [**LINK**], describes the foolish - some even Stalinist - amendments approved at the COS simulated convention.

Likewise, a balanced budget amendment would also have the opposite effect of what you are told. Instead of limiting federal spending, it legalizes spending which is now unconstitutional as outside the scope of the enumerated powers; transforms the federal government into one which has lawful power over whatever *they* decide to spend money on; and does nothing to reduce spending [**LINK]**.

The simple Truth is that there is no amendment on the face of this Earth which can make those who ignore the Constitution obey the Constitution. Our problems arose because for the last 100 years, everyone has ignored the Constitution we have. Americans generally have no idea what it says.

A convention is so dangerous, that the only prudent course of action is for States to rescind their existing applications for a convention. T**his danger is why** James Madison, Alexander Hamilton, four US Supreme Court Justices, and other eminent jurists and scholars warn against another convention: **James Madison** "trembled"; **Alexander Hamilton** felt "dread"; and our first **Supreme Court Chief Justice John Jay** said another convention would run an "extravagant risque". Supreme Court **Justices Arthur Goldberg** and **Warren Burger** said the convention can't be controlled. **Justice Scalia** said, "I certainly would not want a constitutional convention. I mean whoa. Who knows what would come out of that?" For their actual words and links to where they said it, see the "Brilliant Men" flyer **HERE.**

And **HERE** is a Legal Policy paper from well-known constitutional litigators, William J. Olson & Herbert W. Titus, who show that Convention of States Project's (COS) "false assurances" are "reckless in the extreme".

When James Madison, who is the Father of our Constitution; liberal *and* conservative Supreme Court Justices, and other eminent Jurists and Scholars agree that a convention can't be controlled; one marvels that some refuse to heed the warnings.

So please OPPOSE HCR 1 & HCR 4 applications for an Article V convention. And please rescind the applications New Hampshire has already passed!

At your service,
Joanna Martin, J.D.
publiushuldah@gmail.com

LEAGUE OF WOMEN VOTERS® OF NEW HAMPSHIRE

4 Park St Room 200
Concord, NH 03301

www.LWVNH.org

January 29, 2021

To: House State-Federal Relations and Veterans Affairs Committee

From: Liz Tentarelli, president, League of Women Voters NH LWVNewHampshire@gmail.com

Re: **HCR 1 and HCR 4, calling for an Article V Convention**

The League of Women Voters NH, a non-partisan political organization, urges the committee to recommend Inexpedient to Legislate on HCR 1 and HCR 4. Both bills are resolutions, are non-binding, and call for Article V Conventions.

In addition to our non-partisan voter service work, such as moderating candidate forums and distributing How To Register and Vote information, the League also from time to time conducts studies of issues. Through that process of study and member consensus, we develop positions, from which we advocate at local, state, and federal levels.

In 2015, with Article V convention calls much in the news, the national League undertook a study of such conventions and reached a position. That position is available on the national League's website: https://www.lwv.org/sites/default/files/2020-12/LWV-impact-2020.pdf pp. 54-55.

While our position does not say an Article V Convention should never take place, it defines conditions that must be in place before such a convention is called. Those conditions are not currently in place.

The League of Women Voters agree that the possibility of a "run-away" convention is a real threat, and for that reason alone we would oppose any bill that attempts to resolve an issue in New Hampshire via calls for a Constitutional Convention.

The League also has major concerns about how state calls for a convention are counted. Thus we insist in our position that only those resolutions on a single topic be counted to ensure that there is "sufficient interest in a particular subject to call a Convention."

Finally, the way delegates would be chosen and the way votes would be cast—one per state, or one per delegate based on population—are part of our position and not yet defined in any calls for a convention.

Neither of the bills being heard on January 29 specify any of these conditions.

Please recommend Inexpedient to Legislate on HCR 1 and HCR 4.

***

State-Federal Relations and Veterans Affairs Committee

Author: Joe Torelli, Communications Director, Convention of States - New Hampshire
Constituent of Rep. Max Abramson - Rockingham-37 Hampton, New Hampshire

Honorable Representatives of the State-Federal Relations and Veterans Affairs Committee

I rise in favor of HCR-1, a resolution on behalf of the State of New Hampshire to apply for an Article V Convention for Proposing Amendments

Proposed amendments will be limited to three categories:

- Impose fiscal restraints on the Federal Government
- Limit the power and jurisdiction of the Federal Government
- Limit the terms of office for its officials and Members of Congress

To date, 233 years since the U.S. Constitution was originally signed, many amendments have been proposed, but all amendments have been generated, rejected and/or adopted using only the first method in Article V, through the U.S. House of Representatives and U.S. Senate, and then delivered to the States for ratification. It is our goal with this resolution to use the alternate method of proposing amendments to the U.S. Constitution *without* Congress. There remains only one way to ratify a proposed amendment: passing it in ¾ of the States.

Historical background:
Days before the U.S. Constitution was put to an adoption vote, Colonel George Mason of Virginia presented the delegates a potential problem with what he warned was a limitation with the method of amending the U.S. Constitution as drafted in Article V.

Col. Mason and James Madison, half Mason's age at the time, feared that Federal legislators would never choose to limit their own power and influence. They proposed a method by which the State Legislators, as representatives of the people, could circumvent Congress.

With the addition of a very important comma followed by additional text enabled and empowered the State Legislatures that, when added to Article V if adopted, would allow an alternate path for proposing amendments.

The words were added and the U.S. Constitution was signed in Philadelphia. Nine months later in Concord your predecessors in the New Hampshire State Legislature completed the ratification as the ninth of the ¾ of the "several states" to ratify, fulfilling the requirement.

Read the first part of Article V from which Col. Mason presented his case and continue as the text changes to ***bold/italics*** for the alternate method for the amendment process and appreciate the difference:

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…

Go back and read it again, all the way through. This time make note of the two adjacent words: "…this Constitution…" This is a very important and significant use of language, so important in fact it is used twice in the same paragraph.

An Article V Convention of States is limited to proposing amendments to *this Constitution* and ratifying proposed amendments to *this Constitution,* not a *new Constitution.*

Current Status of Article V resolutions:
Both chambers of 15 State Legislatures have already passed Article V resolutions. The "two-thirds of the several states" requirement total is, today, 34. Once 34 states have passed identical resolutions applying for an Article V Convention for Proposing Amendments, "Congress shall…" identify a location and date for the convention/meeting to take place. The role of Congress is purely ministerial at that point.

The Framers went an extra step in the formulation with the additional language, excluding the States' executive branch, meaning the State Governor has nothing to do with this process.

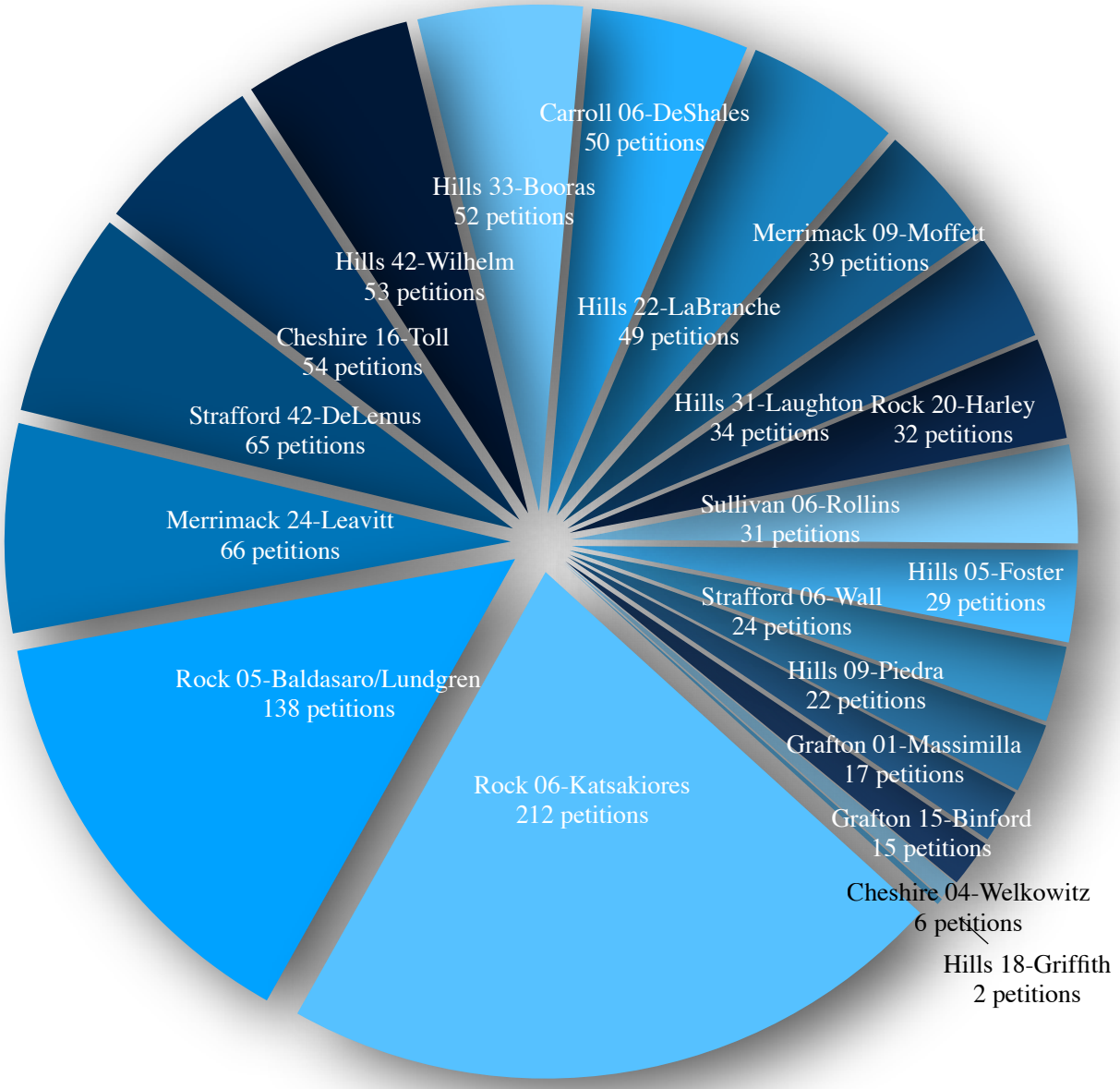
Progress in New Hampshire
Our team of volunteers has been working for many years to elevate awareness of Article V Convention of States among citizens residing in New Hampshire. It is a national education effort, and a petition signing campaign has yielded nearly 2 Million signed petitions nationwide. All petitions include the same three categories for amendment proposals:

- Impose fiscal restraints on the Federal Government
- Limit the power and jurisdiction of the Federal Government
- Limit the terms office for its officials and Members of Congress

Just in New Hampshire we have more than 8400 signed Article V petitions calling for a Convention for Proposing Amendments.

Within the twenty House Districts represented by members of this committee, we have 990 signed petitions from your constituents. All are from NH residents aware of the DC elites pushing out to us rules and regulations that in many cases defy the U.S. Constitution.

Article V Convention for Proposing Amendments:
Petitions Signed by Constituents of State-Federal Relations and Veterans Affairs Committee members



As of January 25, 2021 total signed petitions for just this committee is 990
Total signed petitions in New Hampshire is 8420

Among the purposes in framing the U.S. Constitution was limiting the Federal Government from overextending its power.

Example - Limiting Power and Jurisdiction of the Federal Government category:
Propose an amendment to limit the power and jurisdiction of the Supreme Court that within 24 months of a Supreme Court ruling that 3/5ths of the States could veto that ruling.

Example - Fiscal Restraint category:
An amendment could be proposed to limit spending. For instance every spending bill is sunsetted and requires review. Do we like our Federal tax dollars going to California, Texas, Illinois, without being able to have a say? Why not bring those funds back to Concord where it can be spent locally, in New Hampshire? Why wouldn't each of you as legislators want to have a larger pool of funds that can be appropriated locally to better serve your constituents?

Example - Limiting Power and Jurisdiction of the Federal Government category:
Repeal the 17th Amendment - eliminate the popular vote for U.S. Senate and restore the appointment by the State Legislatures. An incredible amount of importance and influence was drained from the State Legislatures in 1913 when the 17th Amendment was passed. The 17th Amendment eliminated the State Legislatures from *appointing* both Senators to represent that State. It switched to popular vote. For almost 125 years the Legislatures of each State voted on and appointed two people from that State to represent and be the voice in the Federal Government of and for that State Legislature in the Senate. Those appointments could be recalled, if need be, when a Senator wasn't acting in the best interest of the State from which he/she was appointed. The Senate now is a mirror of the "People's" House, only with fewer votes, but easier to be influenced by K-Street lobbyists. Today the States lose their individual voices as every Senator appears to be acting for the nation and not the State from which he/she was appointed.

Opposition to an Article V Convention for Proposing Amendments
Over the last 40 years several groups, both liberal and conservative, have misinterpreted the process of a Convention for Proposing Amendments, claiming that doing so would open up the process elevating it to a full "Constitutional Convention" or for short, "Con-Con". Their claim is that there will be a "runaway" convention and would result in a new Constitution. Some of the reasons this process could not and can not elevate to a Constitutional Convention are written into Article V which is included in this testimony and can be discussed during video testimony. Remember? It's "…amendments to this Constitution".

For any proposed amendment delivered to the State Legislatures for ratification requires ¾ of the States, currently 38, passing the proposed amendment in *both chambers* (exception is Nebraska which has only one chamber). That means that if one chamber in each of 13 States rejects the amendment, and 86 chambers pass it, that amendment fails. This is the same if Congress had proposed amendments.

The bar is set very high. The Framers and then the Ratifiers understood and respected the process. In the process of ratification of the U.S. Constitution in 1787 and 1788, each of the State Legislatures knew they could and would have a voice in limiting and constraining the power and influence of the Federal Government.

Checks and Balances
As we watched last year and now again this year:

1) The Legislative branch can use impeachment to provide a check on the Executive Branch
2) The Executive Branch has the power of the Veto to put a check on the Legislative Branch
3) The Judicial Branch exercises it's check and can strike down legislation or an executive order

Article V gives *we the people* through you, the State Legislators, the ability to provide a check across all branches of the Federal Government by proposing amendments that the Federal legislative branch will not do.

This is effort is non-partisan , it benefits all (all but the DC elites)
Democrats and Republicans, liberals and conservatives, those on the left and on the right, can agree that the U.S. Congress is in need of constraint. All citizens nationwide will benefit from limiting the power and scale of the Federal Government.

Closing
The Framers and Ratifiers chose you, the State Legislators to "break glass in emergency".

James Madison, Benjamin Franklin, Alexander Hamilton, George Mason, and yes, the other George, Washington, bestowed on you, our State Legislators, the power and influence to apply for a Convention for Proposing Amendments.

Please vote in favor of HCR-1.

For your reference of what a Convention for Proposing Amendments would be like, there are two short-read essays by Robert Berry from the summer of 2012 available on Kindle:

Amendments without Congress: A Timely Gift From the Founders

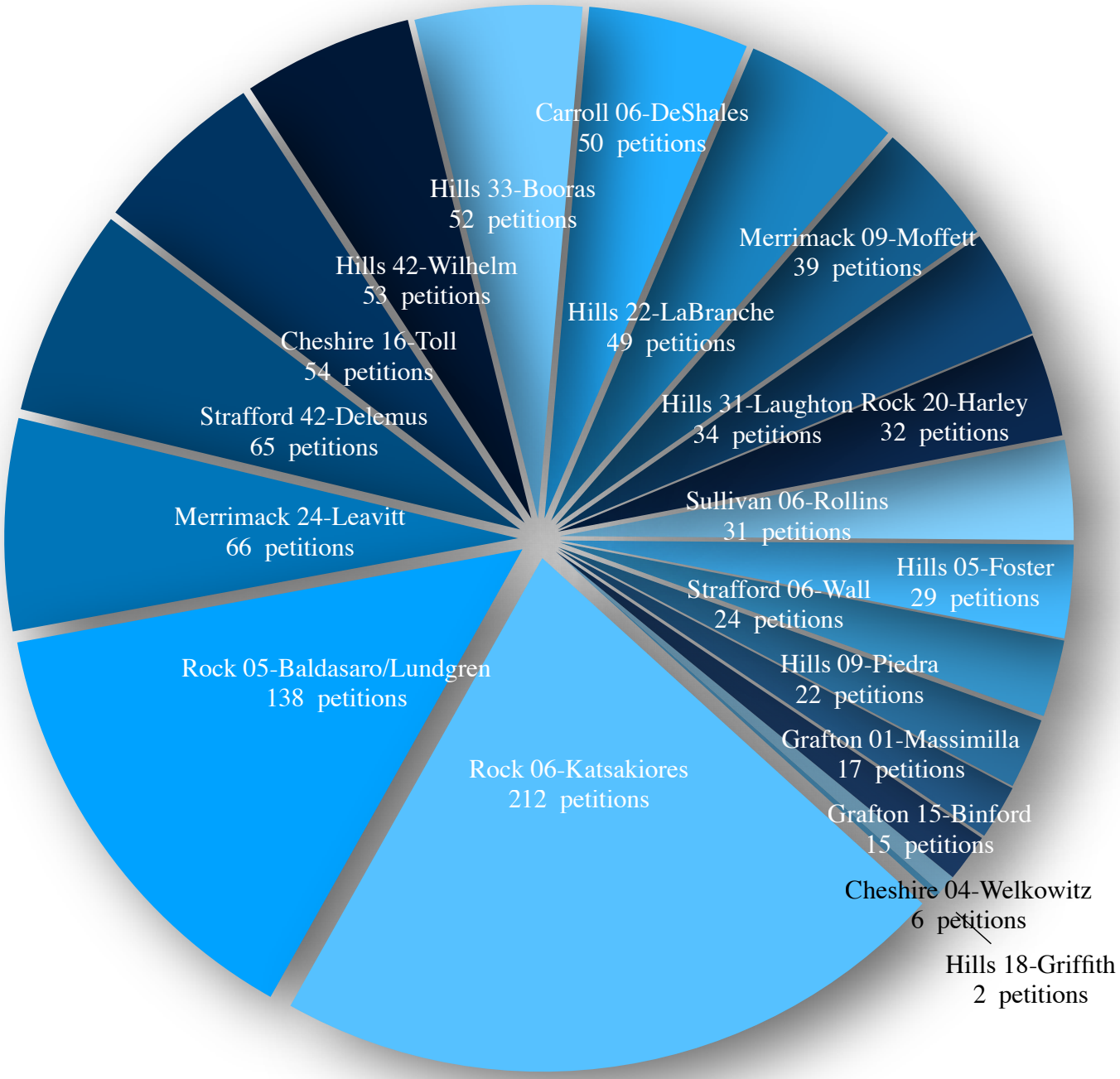
Constitutional Coup: America's New Lease on Liberty

Respectfully,

Joe Torelli
Hampton NH

Article V Convention of States:

Petitions Signed by Constituents of State-Federal Relations and Veterans Affairs Committee members



As of January 25, 2021 total signed petitions for just this committee is 990
Total signed petitions in New Hampshire is 8420

Archived: Monday, June 14, 2021 10:46:26 AM
From: Deanne Sanville
Sent: Thursday, January 28, 2021 6:36:02 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: Constitutional convention
Importance: Normal

Hello committee members,

I have just learned that a bill is being considered regarding calling for an article v constitutional convention - HCR 1.

I have been very concerned about this issue for many years, primarily because the federal government long ago began ignoring the constitution. There are so few in leadership with the integrity, honesty, and brilliance of the founding fathers that I fear what would happen if a convention were to be called.

Those who are in favor of the limited government this country was founded on would undoubtedly be outnumbered, as they are now in the House of Representatives and the Senate. The difference is that at least now we have a solid anchor and foundation that can be referred to by those who WANT to follow the law of the land and who care about liberty. If the Constitution is undermined, there will be nothing left to make the United States of America a unique and free country.

I hope you will vote against this bill and do all in your legislative power to retain the integrity of the Constitution that our very wise founders gave us - a republic, if we can keep it.

Deanne Sanville
Acworth, New Hampshire

Archived: Tuesday, March 16, 2021 1:38:12 PM
From: Deanne Sanville
Sent: Thursday, January 28, 2021 6:36:02 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: Constitutional convention
Importance: Normal

Hello committee members,

I have just learned that a bill is being considered regarding calling for an article v constitutional convention - HCR 1.

I have been very concerned about this issue for many years, primarily because the federal government long ago began ignoring the constitution. There are so few in leadership with the integrity, honesty, and brilliance of the founding fathers that I fear what would happen if a convention were to be called.

Those who are in favor of the limited government this country was founded on would undoubtedly be outnumbered, as they are now in the House of Representatives and the Senate. The difference is that at least now we have a solid anchor and foundation that can be referred to by those who WANT to follow the law of the land and who care about liberty. If the Constitution is undermined, there will be nothing left to make the United States of America a unique and free country.

I hope you will vote against this bill and do all in your legislative power to retain the integrity of the Constitution that our very wise founders gave us - a republic, if we can keep it.

Deanne Sanville
Acworth, New Hampshire

Archived: Thursday, February 18, 2021 2:36:42 PM
From: billiejgreene@gmail.com
Sent: Wednesday, February 10, 2021 3:35:41 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: HR 1 - Article V Convention Legislation
Importance: Normal

Good afternoon,

I am writing the committee today to ask that you all OPPOSE HR 1 relative to the Article V Convention legislation.

It is a dangerous precedent to seek this out. It puts our constitution in danger. A constitutional convention with our current government will drastically change what we cherish about our wonderful country. It is playing with fire and I please ask that you do not support this legislation in any form.

Article V doesn't give the states any control over the convention details -- contrary to the hubris of some pro-convention groups.

Can you imagine the amount of money and resources that will be brought to bear on a convention from the special interests, corporate interests, and elitist media who are clamoring to end our First, Second, and Fourth Amendment rights?

Please put this in perspective. It could and will manipulate our constitution in a dangerous way.

Thank you,
Billie-Jean Greene
Greenfield

Sent from my iPhone

Archived: Thursday, February 18, 2021 2:36:42 PM
From: Bobby Hilliard
Sent: Tuesday, February 9, 2021 1:52:25 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: NO!! on HCR 1 and HCR 4
Importance: Normal

Dear Representative,

NO!!! to HCR 1 and HCR 4.

No matter the disguise, (“convention of States” or “Right to Life”)...last year it was same effort, different name (“term limits” or some such)

Given the current climate regarding non-adherence to the Constitution by all three branches, does anyone with a single working brain cell really believe delegates (picked by the same usurpers) will stick to any agreement once seated at a convention??

What was wrong with rescission??

Bob Hilliard

--
In Liberty,

Bob Hilliard

Archived: Thursday, February 18, 2021 2:36:42 PM
From: Kirsten Larsen Schultz
Sent: Friday, January 29, 2021 2:51:10 PM
To: ~House State-Federal Relations and Veterans Affairs
Subject: HCR 1
Importance: Normal

Dear Honorable Representatives of the State & Federal Relations and Veterans Affairs Committee:

10 years ago when I had the great honor of serving on your committee as Clerk, a Convention of States bill came before us. I recall the discussion around the bill was that we should not pass it as such convention could have unintended consequences. If I was on the committee today, my vote would be different that it was back then.

Today in 2021, I'm sad to say I'm seeing our politicians high on power completely destroying our US Constitution in ways I never thought I'd see in my lifetime.

I believe strongly that a Convention of States could be called for very limited purposes. I would like to see a Convention of States called solely to address US Term Limits, Fiscal Responsibility and preservation of State control.

If there was ever a time to call a Convention of States so that our voices can be heard, and our constitutional liberties preserved, this is it. I no longer trust our federal "representatives" who have become career politicians voting according to their own self interests, something never intended by our Founding Fathers. The drafters of the Constitution foresaw what could happen under abuse of power and left We the People this option. If not today, then when do We the People speak up and save our Constitutional Republic?

I humbly urge you to pass this House Concurrent Resolution so that it can at minimum be fully vetted and discussed on the House floor and the people of NH thru their elected representatives can decide. Thank you for your consideration.

Respectfully,
Kirsten Larsen Schultz
North Hampton, NH

Kirsten Larsen Schultz

m: 603.785.8415
e: larsenschultz@gmail.com

Bill as Introduced

HCR 1 - AS INTRODUCED

2021 SESSION

21-0279
05/06

HOUSE CONCURRENT RESOLUTION ***1***

A RESOLUTION relative to urging Congress to practice fiscal restraint and applying to Congress for a Constitutional Convention for such purpose.

SPONSORS: Rep. Abramson, Rock. 37; Rep. Binford, Graf. 15

COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This bill urges Congress to practice fiscal restraint and applies to Congress for a Constitutional Convention to propose amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

- -

HCR 1 - AS INTRODUCED

21-0279
05/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

A RESOLUTION relative to urging Congress to practice fiscal restraint and applying to Congress for a Constitutional Convention for such purpose.

Whereas, the framers of our Constitution tasked state legislators to be guardians of liberty against future abuses of power by the federal government; and

Whereas, the federal government has created a crushing national debt--presently in excess of $82,000 per citizen--through improper and excessive spending; and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

Whereas, the federal government has ceased to live under the limitations of the Tenth Amendment of the Constitution of the United States; and

Whereas, polling consistently shows that as many as three-quarters of Americans still support term limits on members of Congress; and

Whereas, the legislatures of Arizona, Alaska, Florida, Texas, Mississippi, Arkansas, Utah, Georgia, Alabama, Tennessee, Louisiana, Missouri, Indiana, and North Dakota have made the same Application of the Legislatures; and

Whereas, it is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing Amendments to the Constitution of the United States through Article V for the purpose of restraining these and related abuses of power; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

The legislature of the state of New Hampshire hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of Congress to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

That the method chosen for ratification be by the legislatures of three fourths of the several states.

That the house clerk is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject.