

**Publius Huldah's Written Testimony Against HJR 39, HJR 44, HB 506 (and SJR 2 & SB 21)
For the House Committee on State & Federal Power & Responsibility – April 13, 2017 at 8:00 am**

The prospect of an Article V convention should make us “tremble”, for the same reason it made James Madison, Father of our Constitution, “tremble”: ¹ A convention gives the enemies of our Constitution the opportunity to get rid of it and impose a new one.

Article V of our Constitution provides two methods of amendment. Congress:

- Proposes amendments; or
- “*Calls*” a convention to propose amendments if two thirds of the States “*apply*” for it.

The first method was used for the existing 27 Amendments: Congress proposed them and sent them to the States for ratification or rejection.

Under the second method, *Congress “calls”* a convention. We’ve never had a convention under Article V – they are dangerous because a new Constitution can be imposed at a convention.

But today, the convention lobby insists we need a convention to get amendments which *they say* will “limit the power and jurisdiction of the federal government” and “impose fiscal restraints”.

Let’s look at the Constitution we already have.

It delegates only a handful of powers to the federal government. [This Chart](#) lists the powers delegated over the Country at Large – *it’s a short list*.

It’s only with respect to the powers *listed* in the Constitution that the federal government has lawful authority.

So our Constitution *already* “limits the power and jurisdiction of the federal government” to those few powers listed in the Constitution. ²

And our Constitution *already* “imposes fiscal restraints”: If you go through the Constitution and highlight the powers delegated to the federal government, you will get a complete list of the objects on which Congress is authorized to spend money. [Here’s the List](#).

¹ [Madison’s letter of Nov. 2, 1788 to Turberville](#).

² “The powers delegated by the proposed Constitution to the federal government are few and defined.” [Federalist No. 49](#), 3rd para from the end (Madison).

Everybody ignores these existing limitations. That is what has caused our problems. And to say we can control those *who ignore the Constitution - by amending the Constitution* - is absurd!

There is a hidden agenda behind the push for an Article V convention.

This is how a new Constitution can be imposed at an Article V convention

Even though Article V of the Constitution speaks of “a convention for proposing Amendments”, a higher Principle applies to such a convention: The Declaration of Independence (2nd para) says it’s the Right of a People to alter or abolish their Form of government and set up a new government.

- We invoked that Principle in 1776 to throw off British rule.
- In 1787, we invoked that Principle again to throw off our *first* Constitution, [the Articles of Confederation](#); and we set up a *new* Constitution – the one we now have - which created a *new* government.³

If there is an Article V convention, the Delegates will have that same power to get rid of our second Constitution and impose a third Constitution.

How did we get from our first Constitution to our second Constitution? There was a convention to propose Amendments to our first Constitution!

The [Continental Congress resolved on February 21, 1787](#) to call a convention to be held at Philadelphia:

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

But the Delegates *ignored* this limitation – and they ignored [the instructions from their States](#)⁴ – and they wrote our second Constitution. It is impossible to stop this from happening at another convention.

³ In [Federalist No. 40](#), 15th para, Madison invoked this Principle as justification for what the Delegates to the federal convention of 1787 did: Instead of obeying their instructions to propose Amendments to the Articles of Confederation, they drafted a new Constitution with its own new – and easier - mode of ratification.

⁴ Article XIII of the Articles of Confederation **required approval of amendments by the Continental Congress and by every State.** The Instructions to Delegates from their States said the purpose of the Convention was:

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

A third Constitution will have its own new mode of ratification.

Our first Constitution required the Continental Congress and all of the then 13 States to ratify Amendments.

But our second Constitution, drafted at the “amendments convention” of 1787, provided at Article VII that it would require only 9 States for ratification.

If we have a convention today, there is nothing to stop Delegates from proposing a third Constitution with its own new mode of ratification.

New Constitutions are already prepared or in the works:

- The [Constitution for the Newstates of America](#) is ratified by a national referendum [Art 12, § 1]. The States are dissolved and replaced by regional governments answerable to the new national government. ⁵
- Here’s the proposed Constitution for “[The New Socialist Republic in North America](#)”.
- The [Constitution 2020 movement is backed by George Soros](#). They want a Progressive Constitution *in place* by the year 2020.
- Do you know about the [North American Union](#)? During 2005, George W. Bush met with the Prime Minister of Canada and the President of Mexico and they sketched it out. The three Countries merge and a Parliament is set up over them. The link takes you to the website of the Council on Foreign Relations where you can download **the Task Force Report on the North American Union**. Heidi Cruz was on the Task Force which wrote the Report. It erases our Country. They need a new Constitution to transform us *from* a sovereign nation *to* a member state in the North American Union; and they need *a convention* to get that new Constitution. ⁶

⁵ We will be disarmed under the Newstates Constitution. Article I, B. says,

“SECTION 8. There shall be a responsibility to avoid violence and to keep the peace; for this reason the bearing of arms or the possession of lethal weapons shall be confined to the police, members of the armed forces, and those licensed under law.

⁶ Will the Parliament of the North American Union (NAU) decide to disarm us? Remember: Our 2nd Amendment will be gone – our existing Constitution will be replaced by the new Constitution which makes us a member state in the NAU. The BIG MONEY is behind this push for an Article V Convention –it’s not “grass roots”: See [THIS](#) or [THIS](#).

So that is why brilliant men have warned against an Article V convention

In his [November 2, 1788 letter to Turberville](#), **James Madison** said he “trembled” at the prospect of a second convention; and if there were an Art. 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 Paper No. 85](#) (last para), **Alexander 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 any attempt at limiting the agenda 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...”

And [Justice Scalia said on April 17, 2014](#) – it’s on video: “I certainly would not want a Constitutional Convention. I mean whoa. Who knows what would come out of that?”

[HERE](#) are additional letters and articles by eminent Jurists and scholars to the same effect.

The States have no control over an Article V convention.

Article V says *Congress* “calls” the convention:

- A “call” is the official summons for the convention to take place.
- And Article I, §8, last clause, *delegates to Congress* the power to make the laws “necessary and proper” to carry out its power to “call” the convention.

The States don’t “call” it – they “apply” for it.

The [April 2014 Report of the Congressional Research Service](#) shows that Congress sees Article V and Article I, §8, last clause, as *delegating to Congress* exclusive authority over setting up the convention; and that in Congress’ preparations for Article V conventions in the past, Congress has planned:

- to determine *the number and selection process* for delegates.
- to apportion delegates to match Electoral Votes; and
- **has provided that delegates would receive immunity from arrest.** ⁷

The convention lobby insists they know *exactly* how a convention will operate. But page 27 of the CRS Report says:

“In the final analysis, the question what sort of convention? is not likely to be resolved unless or until the 34-state threshold has been crossed and a convention assembles.”

See? We’ll have to *get* a convention before we know how it is going to operate.

[This chart](#) shows what State Legislatures, Congress, and Delegates have the power to do. The only power States have is to “*apply*” to Congress for Congress to “*call*” a convention.

It’s not a “convention of states” - it’s a *federal* convention, *called by Congress*, to perform a *federal function*.

So the Delegates won’t be under State authority. They can impose a Constitution – like the Newstates Constitution - which *eliminates* the States and the federal government.

What’s the solution?

1. Dust off our copies of our Declaration of Independence and Constitution, read them, and obey them.
2. Support *the elimination of unconstitutional federal agencies* such as the Dept. of Education!
3. Hamilton, Jefferson, and Madison told us to **resist** federal usurpations: When the federal government does things which are not on the list of delegated powers, each State has the *natural right* to nullify *of their own authority* all such acts. You can find their words [HERE](#) and [HERE](#).
4. Renounce Floor Amendment No. 1 which removed the 1977 BBA application from SJR 38. **Rescind all of Texas’ previous applications for an Article V convention!**

Publius Huldah is the pen name of *retired* attorney, Joanna Martin.

⁷ **Please let the concept of “immunity” sink in:** Delegates to an Article V convention will be the Sovereign Representatives of The People *performing a federal function*. They will have sovereign immunity for whatever they do. Remember: the 2nd para of our Declaration of Independence recognizes their *Right* to throw off the Constitution we have and set up a new Constitution which creates a new government. If you believe that State “faithful delegate” laws will control Delegates, please ask yourself: Is it possible that the brilliant men who warned us that a convention can’t be controlled understood something about the plenipotentiary powers of Delegates which *you* have not yet seen?