

Written Testimony of Joanna Martin, J.D.

In support of SCR 4004 to *rescind* North Dakota's existing applications for an Article V Convention

For Committee Meeting on January 28, 2021 at 9:00 AM

Mr. Chairman Davison, Vice Chairman Meyer, and Honorable Members of the Senate Government 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 horrible 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. **This 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 support SCR 4004 to RESCIND North Dakota's existing applications for an Article V convention.

At your service,

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