

To Sen. Kristin Roers, Chairman; Sen. Jeff Barta, Vice Chairman; and Members of the Senate State and Local Government Committee:

**RE: Support for North Dakota SCR 4012 (Rescission of all active Art. V Convention applications)**

My name is Judi Caler, and I'm President of Citizens Against an Article V Convention. Thank you for the opportunity to submit written testimony.

In 2001, the North Dakota Legislature wisely [rescinded](#) all its previously-passed applications asking Congress to call a Convention under Article V. But a decade later, newer Legislatures—unaware of the risks—began passing applications again; and now North Dakota has several applications on record, including the Balanced Budget (2015) and Convention of States (2017) applications.

Legislators' biggest concern today is triggering a “runaway” convention. That's why special interest lobbyists, backed by millions of dollars in [Dark Money](#) have been falsely assuring state legislators that Congress can't call a convention unless 34 states pass the same or similar applications; that the Delegates to the convention can discuss and propose only amendments limited to the subject(s) of those 34 applications; and that State Legislatures will be in control of the convention from start to finish. Under these circumstances, they say, the convention can't possibly run away, and legislators should vote for *more* applications.

Ask yourself why billionaires are trying to get their hands on our Constitution!

And now there is [barefaced evidence](#) that the convention lobby's assurances are false. Recently proposed federal legislation contradicts what state legislators have been promised over the past decade to get them to pass applications.

US Rep. Jodey Arrington (R-TX), introduced [H.Con.Res.101](#) and [H.R.8419](#) in July, 2022. The former is a purported “call” for a convention which doesn't pretend to limit the convention. And the latter bill directs the Archivist of the United States to “authenticate, count, and publish” *all non-rescinded applications*—regardless of age, subject, obsolescence or constitutionality—and notify Congress of its duty to call a convention, if those applications were passed by at least 34 State Legislatures. Similar legislation is expected to be introduced in Congress in 2023.

Thus, per 2022 proposed federal legislation, North Dakota would be counted toward the 34-state threshold, along with other states that have *no applications* similar to North Dakota's on record—States like Washington State which passed a plenary (unlimited) application in [1901](#); and New York

which passed an application in [1789](#) asking Congress to call a convention to add a Bill of Rights to the US Constitution!

Time is of the essence. Regardless of the restricted wording and intent behind North Dakota's active applications, North Dakota would unintentionally help trigger a convention that is inherently illimitable, should federal legislation now being discussed in Congress pass.

Indeed, Delegates to the Convention, as sovereign Representatives of "We the People," have the inherent Right "to alter or to abolish" our "Form of Government," as expressed by the Declaration of Independence, para. 2. And we don't know who those Delegates would be, or how they'd be selected!

And if you think ratification by 38 states will save us from anything bad happening, think again. A new constitution will have its own, easier mode of ratification. Delegates to the 1787 constitutional convention set a precedent when they ignored their instructions to amend the Articles of Confederation, our first Constitution, and wrote a new Constitution with its own, easier ratification process (see US Constitution, Art. VII).

Delegates to a *federal* convention called by *Congress* to discuss and propose changes to the *federal* Constitution, aren't governed by State Law—so "unfaithful delegate bills, like one North Dakota passed in [2015](#), are worthless. Delegate bills serve only to falsely assure legislators that they can control the convention—so they'll vote for the applications.

[It's Congress who will decide](#) how the Delegates are selected, per US Constitution, Art. I, Sec. 8, last clause, as well as Congress who will set up the initial rules for the convention. And after the convention convenes, the Delegates can change the rules and do whatever they want. The role of State Legislatures in the Art. V Convention process is to ask Congress to call a Convention.

Please **Vote "YES!" on SCR 4012**, and rescind all North Dakota's currently active applications asking Congress to call a convention under Art. V. The Constitution isn't the problem!

Thank you for your consideration.

Respectfully,

Judi Caler, President  
Citizens Against an Article V Convention