

**2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HCR 3033**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HCR 3033  
2/19/2021

Calling for a convention to amend the US Constitution to impose term limits on members of Congress
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**Chairman Kasper** opened the hearing at 8:47 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

### Discussion Topics:

- Term limits
- Article V convention

**Rep. B. Koppelman** introduced and testified in favor, #6997.

**Ken Quinn, Regional Director, US Term Limits**, testified in favor, #6989, #11662, #6987, #6986.

**Ron Hooper, Advocate, US Term Limits**, testified in favor, #6615, #6614.

**Andrew Varvel**, testified in opposition, #6957.

**Chairman Kasper** called the committee back to order at 9:48 a.m.

**Rep. Magrum** moved **Do Pass**. **Rep. Rohr** seconded.

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	N
Representative Jeff A. Hoverson	Y
Representative Karen Karls	N
Representative Scott Louser	Y
Representative Jeffery J. Magrum	Y

Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y
Representative Austen Schauer	N
Representative Mary Schneider	N
Representative Vicky Steiner	Y
Representative Greg Stemen	Y
Representative Steve Vetter	N

**Motion passes.** 9-5-0. **Rep. B. Koppelman** is the carrier.

**Chairman Kasper** ended at 10:00 a.m.

*Carmen Hart, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HCR 3033: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HCR  
3033 was placed on the Eleventh order on the calendar.

HCR 3033

Testimony- Rep. Ben Koppelman

Mr. Chairman and Members of the Committee, thank you for the opportunity to introduce HCR 3033 to your committee.

As many of you know, our federal government is broken, and I would submit to you that this is greatly due to a dysfunctional Congress. With large annual deficit spending and a skyrocketing national debt, our country is racing toward insolvency at an alarming rate. The last time Congress passed a proper budget was in 2006. Each time Congress does agree on major legislation, it is riddled with un-related pet projects and pork-barrel spending. Many members of congress make a career out of their service and eventually retire much richer and with a taxpayer pension. Many laws that congress has passed, they chose to apply to everyone except themselves. The bottom line is that the American people recognize that Congress is performing poorly.

If you study the founding of our great nation, you will find that the concept of lifelong career politicians was never the intent for how our representative republic was to be governed. The intention was for our leaders to serve for a time, and then return home to their professions and live as average citizens under the laws and policies that they had created. For the first

nearly 150 years, we had not had a president serve more than 8 years in office, following the example set by George Washington. However, once a president broke that precedent, there was a need to restore that balance. That is why the 22<sup>nd</sup> Amendment was ratified limiting the President to 2 terms. For the first almost 200 years of our nation's history, Congress was a part time job. In 1935, congress was paid \$10,000 a year, and most members still needed to have other careers to support themselves. It wasn't until 1942 that Congress began receiving a pension. Even in the 1960's, Congress was only in session about half of the time, and other than leadership, they did not have staffers. It wasn't until the 1970's that congress began seeing their positions becoming year around and full time. This began the great decline. In 1993, longtime Senator Bob Dole was quoted as saying:

“If we could spend six months here and six months at home, I think the country might be better off. We might be more efficient. We might get more work done.”

Unfortunately, since the federal government had grown so large, Congress is unlikely to return to a part-time citizen legislature body. We need to find a way to once again to get members of Congress to serve the people and not themselves. I believe that the way we do that is to end career politicians in Congress. We can do that through Congressional Term Limits.

In order to term-limit Congress, the US Constitution must be amended. Since Congress is not likely to go against their self-interests, it is unlikely they will propose such an amendment to the States. Thus, it is time that the States use the process that the Founding Father's gave us to deal with situations like this. Article V of the Constitution contains a provision for States to propose amendments without the consent of Congress. If 34 states make a similar call to convene a convention to consider amendments, then Congress has no choice but to facilitate the call. If the proposed amendment(s) that result from such a convention are ratified by 38 states, then the amendment(s) is added to our Constitution. It is time that we limit the length of service of members of Congress and return to the concept of elected officials being public servants.

We are at a crossroads in our history, and I believe that we can either take steps to save our country or watch it decline into irrelevancy.

Mr. Chairman and Members of the committee, I respectfully request a DO-PASS recommendation from the committee. Thank You for your time, and I would be happy to answer any questions that you might have.

## Testimony from Kenn Quinn with U.S. Term Limits in Support of HCR3033

Bridgton, Maine | Tel. (207) 713-8700 Email. kquinn@termlimits.com

Dear Chairman Kasper and distinguished committee members,

My name is Kenn Quinn and I am a Regional Director with US Term Limits and I am testifying today in support of HCR3033 for a Congressional Term Limits Amendment. I would like to begin by reading a quote by George Washington as he described the tactics of the Anti-Federalists to stop the ratification of the Constitution.

*“for their objections are better calculated to alarm the fears, than to convince the judgment of their readers. They build them upon principles which do not exist in the Constitution—which the known & literal sense of it, does not support them in; and this too, after being flatly told that they are treading on untenable ground and after an appeal has been made to the letter, & spirit thereof, for proof: and then, as if the doctrine was incontrovertible, draw such consequences as are necessary to rouse the apprehensions of the ignorant, & unthinking.”*

~ George Washington to Bushrod Washington, Nov 9<sup>th</sup>, 1787.

I shared that quote because the same tactics are being used today against the Constitution’s amending provision. On a personal note, I used to believe in the false narrative of the “runaway convention” because I was only reading false information from an organization that opposes the States from using their constitutional authority under Article V in order to silence the voice of the American people. I would hand out their information to legislators in my own state, warning them to never support an Article V convention because it would rewrite the Constitution. Sadly, I believed this false propaganda because I never bothered to take the time to read the writings of the Framers nor researched the history of Article V for myself. Once I did, I soon realized I was being misled and immediately embraced the Article V convention as the tool we need to use to check our runaway Congress.

### Article V Myth Busting: The Historical Evidence and Truth About the Article V Convention

1. The 1787 Federal Convention was not called by Congress to solely revise the Articles of Confederation.
2. The 1<sup>st</sup> day of the Federal Convention demonstrated the fact that the delegates had full authority.
3. The Framers intent was a limited convention to only the amendment applied for by 2/3s of the legislatures.
4. The Framers voted against giving Article V the power of a Constitutional Convention (Con Con).
5. Madison explained the two types of conventions; a Con-Con (first principles) and Article V (forms).
6. Federalist 85: The Article V convention allows state legislatures to propose a single amendment.
7. Federalist 85: The difference between a Con-Con and an Article V convention are described.
8. Federalist 40: Madison refutes the charge that the Convention exceeded its authority (runaway convention).
9. The state legislatures unanimously approved the new ratification requirement by calling state conventions.
10. Madison’s quote (tremble) proves he opposed a 2nd Constitutional Convention Not an Article V Convention.
11. The Debate in Congress in regard to the 1st Article V application proves the convention is limited.
12. The Article V convention simply gives the States same opportunity Congress has used over 12,000 times.
13. The 400 + Article V applications submitted by the state legislatures to Congress prove a limited convention.
14. The legislatures passing Article V applications were the impetus to seventeen of our amendments.
15. The States have a long rich history of meeting in conventions to propose solutions to problems.
16. The Washington Peace Conference of 1861 proposed an amendment to the Constitution (prevent Civil War).
17. The States have held 233 conventions, adopting 143 constitutions and ratifying 6,000 amendments.
18. The ULC is a convention of the states is held annually (since 1892) and functions as an Article V convention.
19. The North Dakota Legislature currently has five Model Acts from the ULC under consideration.
20. The 2017 Phoenix Convention adopted rules for an Article V convention. We Know How the Rules Work.

In closing, I encourage you to please research this issue yourself by reading the writings of the Framers and the historical documents to know the truth and to see the wisdom they had in giving you, our state legislators, the authority to use Article V as a check against our runaway federal government. I hope that you will vote to pass HCR3033 which is for a non-partisan, single-amendment, which has the support of over 80% of the American people across all party lines; Congressional Term Limits.

Sincerely,  
Kenn Quinn

1. Flashcard 1 and 2
2. Flashcard 5 and Article V Convention: THE FRAMERS INTENT
3. *ibid.*
4. Flashcard 3
5. Flashcard 7 and
6. Flashcard 6
7. *ibid.*
8. Flashcard 2
- 9.
10. James Madison Letter to George Turberville
11. Flashcard 10
12. Flashcard 11
13. Flashcard 12
14. Flashcard 9
15. Flashcard 13
16. "It's Been Done Before: A Convention of the States to Propose Constitutional Amendments" by Professor Rob Natelson <https://i2i.org/its-been-done-before-a-convention-of-the-states-to-propose-constitutional-amendments/>
17. Flashcard 16
18. Flashcard 14
19. SB2047, HB1077, HB1079, HB1078, and SB2048  
<https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=b4a237d4-4003-987a-5da3-d83ad83ab148&forceDialog=0>
20. Arizona is honored to host an official national convention to authorize rules to be proposed to the first Article V-approved Convention of States! <https://www.azleg.gov/bbapc/>

## FROM JAMES MADISON TO GEORGE LEE TURBERVILLE, 2 NOVEMBER 1788

### To George Lee Turberville

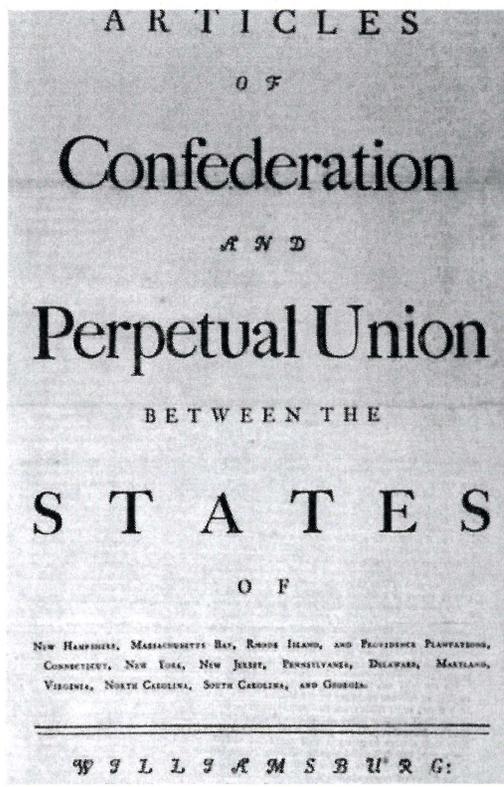
DEAR SIR

N. YORK Novr. 2. 1788.

Your favor of the 20th. Ult: not having got into my hands in time to be acknowledged by the last mail, I have now the additional pleasure of acknowledging along with it your favor of the 24. which I recd. yesterday.

You wish to know my sentiments on the project of another general Convention as suggested by New York.<sup>1</sup> I shall give them to you with great frankness, though I am aware they may not coincide with those in fashion at Richmond or even with your own. I am not of the number if there be any such, who think the Constitution, lately adopted, a faultless work. On the Contrary there are amendments wch. I wished it to have received before it issued from the place in which it was formed. These amendments I still think ought to be made according to the apparent sense of America and some of them at least I presume will be made. There are others, concerning which doubts are entertained by many, and which have both advocates and opponents on each side of the main question. These I think ought to receive the light of actual experiment, before it would be prudent to admit them into the Constitution. With respect to the first class, the only question is which of the two modes provided be most eligible for the discussion and adoption of them. The objections agst. a Convention which give a preference to the other mode in my judgment are the following. 1. It will add to the difference among the States on the merits, another and an unnecessary difference concerning the mode. There are amendments which in themselves will probably be agreed to by all the States, and pretty certainly by the requisite proportion of them. If they be contended for in the mode of a Convention, there are unquestionably a number of States who will be so averse and apprehensive as to the mode, that they will reject the merits rather than agree to the mode. A convention therefore does not appear to be the most convenient or probable channel for getting to the object. 2. A convention cannot be called without the unanimous consent of the parties who are to be bound by it, if first principles are to be recurred to; or without the previous application of ⅔ of the State legislatures, if the forms of the Constitution are to be pursued. The difficulties in either of these cases must evidently be much greater than will attend the origination of amendments in Congress, which may be done at the instance of a single State Legislature, or even without a single instruction on the subject. 3. If a General Convention were to take place for the avowed and sole purpose of revising the Constitution, it would naturally consider itself as having a greater latitude than the Congress appointed to administer and support as well as to amend the system; it would consequently give greater agitation to the public mind; an election into it would be courted by the most violent partizans on both sides; it wd. probably consist of the most heterogeneous characters; would be the very focus of that flame which has already too much heated men of all parties; would no doubt contain individuals of insidious views, who under the mask of seeking alterations popular in some parts but inadmissible in other parts of the Union might have a dangerous opportunity of sapping the very foundations of the fabric. Under all these circumstances it seems scarcely to be presumeable that the deliberations of the body could be conducted in harmony, or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a Second, meeting in the present temper of America and under all the disadvantages I have mentioned. 4. It is not unworthy of consideration that the prospect of a second Convention would be viewed by all Europe as a dark and threatening Cloud hanging over the Constitution just established, and perhaps over the Union itself; and wd. therefore suspend at least the advantages this great event has promised us on that side. It is a well known fact that this event has filled that quarter of the Globe with equal wonder and veneration, that its influence is already secretly but powerfully working in favor of liberty in France, and it is fairly to be inferred that the final event there may be materially affected by the prospect of things here. We are not sufficiently sensible of the importance of the example which this Country may give to the world; nor sufficiently attentive to the advantages we may reap from the late reform, if we avoid bringg. it into danger. The last loan in Holland and that alone, saved the U. S. from Bankruptcy in Europe; and that loan was obtained from a belief that the Constitution then depending wd. be certainly speedily, quietly, and finally established, & by that means put America into a permanent capacity to discharge with honor & punctuality all her engagements. I am Dr. Sir, Yours

JS. MADISON JR



1

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

**FALSE!**

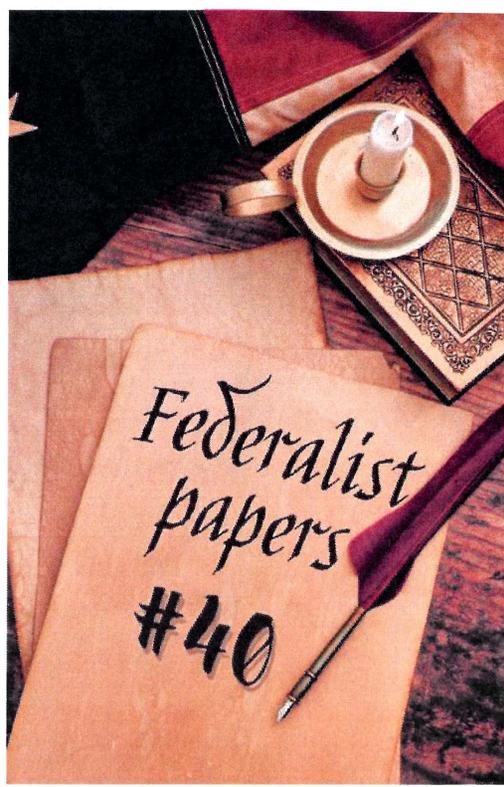
**The 1787 Federal Convention was not called by Congress for the sole and express purpose of revising the Articles of Confederation.**

The 1787 Federal Convention was called by Virginia in response to the recommendation from the Annapolis Convention of 1786 which convened to address issues of commerce. The commissioner's report from Annapolis explained that they felt it important to expand their powers to address other issues and since they did not have the authority to address anything other than commerce, they recommended that another convention be called and for the commissioners to be given authority to address those issues. This demonstrates that the legislatures control their commissioners.

*"Under this impression, Your Commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may essentially tend to advance the interests of the union, if the States, by whom they have been respectively delegated, would themselves concur, and use their endeavours to procure the concurrence of the other States, in the appointment of Commissioners, to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union;"*



Scan to read the commissions issued by the state legislatures.



2

**In Federalist 40 James Madison refutes the charge that the 1787 Federal Convention exceeded its authority to draft a new Constitution.**



Scan to read Federalist 40.

**James Madison refutes the charge that the 1787 Federal Convention exceeded its call (runaway convention) and refers to the commissions from the state legislatures to prove that the delegates had full authority to adopt a new Constitution.**

*"The powers of the convention ought in strictness to be determined by an inspection of the commissions given to the members by their respective constituents... From these two acts it appears, 1st. that the object of the convention was to establish in these states, a firm national government; 2d. that this government was to be such as would be adequate to the exigencies of government and the preservation of the union; 3d. that these purposes were to be effected by alterations and provisions in the articles of confederation, as it is expressed in the act of congress, or by such further provisions as should appear necessary, as it stands in the recommendatory act from Annapolis; 4th. that the alterations and provisions were to be reported to congress, and to the states, in order to be agreed to by the former, and confirmed by the latter. From a comparison and fair construction of these several modes of expression, is to be deduced the authority under which the convention acted. **They were to frame a national government, adequate to the exigencies of government and of the union, and to reduce the articles of confederation into such form as to accomplish these purposes.**" ~ Federalist 40, James Madison*



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

**The opponents falsely claim an Article V convention is a Constitutional Convention (Con-Con) and can rewrite the entire Constitution.**

**The Framers voted against giving Article V the power of a Con-Con!**

Immediately after the Framers unanimously approved adding the convention mode back into Article V on Sept 15th, 1787, a motion was made by Roger Sherman of Connecticut to give Article V the power of a Constitutional Convention;

*"Mr. SHERMAN moved to strike out of article 5, after "legislatures" the words, "of three fourths," and so after the word "conventions," leaving future conventions to act in this matter, like the present convention, according to circumstances."*

This motion was defeated by a vote of seven to three (one divided).

Several years later, Roger Sherman was a member of the 1st Congress and during the debate on the Bill of Rights, he stated the following in regard to Article V; *"All that is granted us by the 5th article is that, whenever we shall think it necessary, we may propose amendments to the Constitution; not that we may propose to repeal the old and substitute a new one."*



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



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



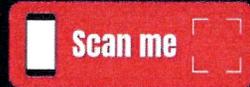
Scan to read article "An Article V Convention Is Not a Constitutional Convention by Ken Quinn."

*"Every constitution for the United States must inevitably consist of a great variety of particulars, in which thirteen independent states are to be accommodated in their interests or opinions of interest... Hence the necessity of moulding and arranging all the particulars which are to compose the whole in such a manner as to satisfy all the parties to the compact; and hence also an immense multiplication of difficulties and casualties in obtaining the collective assent to a final act... But every amendment to the constitution, if once established, would be a single proposition, and might be brought forward singly... The will of the requisite number would at once bring the matter to a decisive issue. And consequently, whenever nine or rather ten states, were united in the desire of a particular amendment, that amendment must infallibly take place. There can therefore be no comparison between the facility of effecting an amendment, and that of establishing in the first instance a complete constitution." ~ Federalist 85*

DIFFERENCES BETWEEN A CONSTITUTIONAL CONVENTION AND AN ARTICLE V CONVENTION		
ACTION	CONSTITUTIONAL CONVENTION	ARTICLE V CONVENTION
Propose	Propose New Constitution	Propose Amendments to Current Constitution
Power	Full Powers, Unlimited	Limited to Subject of State Applications
Authority	Outside of the Constitution	Under Article V of the Constitution
Requirement to Call	Unanimous Consent of States to be Bound	Application by Two-thirds of the States
Called By	The States	Congress
Scope of Passage at Convention	Entire Constitution as a Whole Document	Individual Amendments, Singly
Votes for Passage at Convention	Unanimous Consent Required	Simple Majority
Scope of Ratification by the States	Entire Constitution as a Whole Document	Individual Amendments, Singly
Votes for Ratification by the States	Only Binds States That Ratify It	Ratified by Three-fourths and Binds All States



The Framers intended an Article V convention to be limited to the amendment(s) applied for by two-thirds of the legislatures.



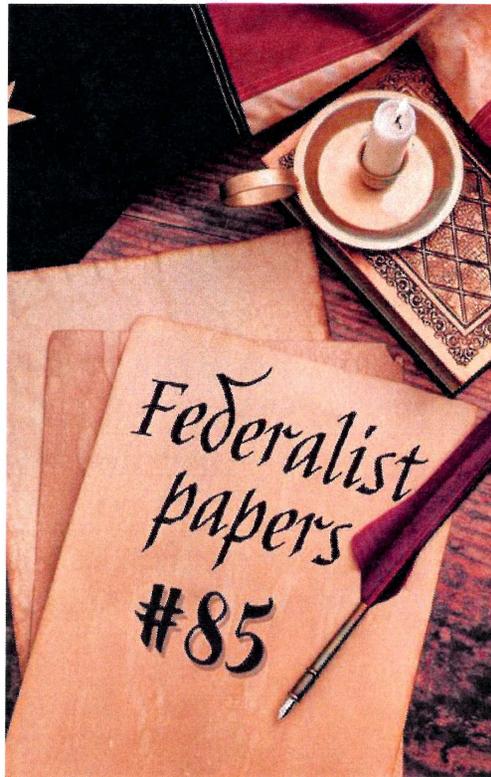
Scan to read "Charles Pinckney: The Forgotten Framers and Originator of the Article V Limited Convention" by Ken Quinn.

The amending provision (Article V) was introduced on the very first day of the 1787 Federal Convention as a limited convention and that never changed.

On May 29th, at the 1787 Federal Convention, Charles Pinckney introduced a draft of a federal government and within it was Article XVI which allowed for the amending of it; Art. XVI. "If two-thirds of the legislatures of the states apply for the same, the legislature of the United States shall call a convention for the purpose of amending the constitution..." Pinckney's proposed system of government was referred to the Committee of the Whole and was ultimately submitted to the Committee of Detail along with the Virginia Plan and the New Jersey Plan.

On August 6th, the Committee of Detail reported the first draft of the new Constitution which contained the following resolution; Art. XIX. "On the application of the legislature of two-thirds of the states in the Union for an amendment of this Constitution, the legislature of the United States shall call a convention for that purpose."

On Sept 15th, the vote adding, "convention for proposing amendments" into Article V only removed the dependence on Congress to propose the amendment(s) and transferred that authority exclusively to the states. It did not change the requirement that applications from two-thirds of the state legislatures had to be for the same amendment(s), nor the purpose of the convention, to propose the specific amendment they applied for. This was the clear intention of the members as they formulated the text of the amending provision during the course of their debates, which is now embodied in Article V.



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

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

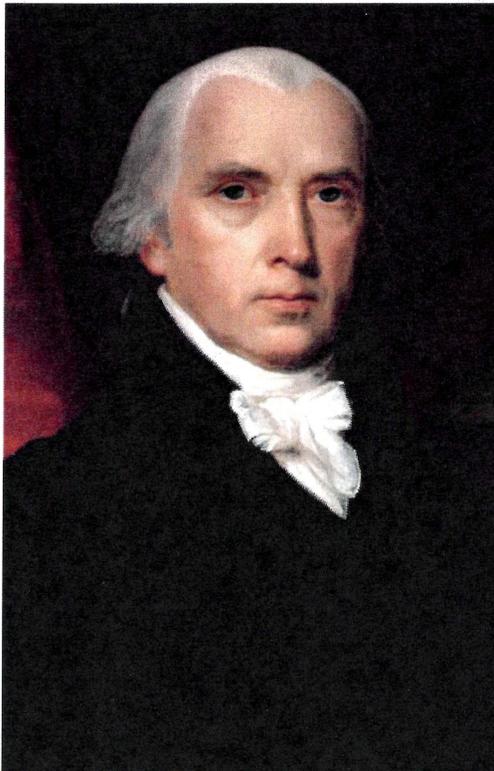
"But every amendment to the constitution, if once established, would be a single proposition, and might be brought forward singly. There would then be no necessity for management or compromise, in relation to any other point, no giving nor taking. The will of the requisite number would at once bring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

~ Federalist 85, Alexander Hamilton



Scan to read Federalist 85.

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



U.S.  
TERM  
LIMITS

7

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



Scan to read Madison's letter in context.

**No! James Madison is falsely cited as an opponent of an Article V convention due to a quote of his taken out of context. He drafted the final language of Article V and voted for it!**

Madison opposed a specific plan to call a second convention to adopt another Constitution, not an Article V convention to propose amendments. In a letter he wrote to George Lee Turberville in Nov. of 1788. Madison responded to his question; *"You wish to know my sentiments on the project of another general Convention as suggested by New York."* The New York Legislature and the Anti-Federalists wanted to call a second convention to rewrite the entire Constitution before it even took effect! Madison opposed that idea and wrote, *"Having witnessed the difficulties and dangers experienced by the first Convention, which assembled under every propitious circumstance, I should tremble for the result of a Second."* Madison even describes the two types of conventions in his letter; *"A Convention cannot be called without the unanimous consent of the parties who are to be bound by it, if first principles are to be recurred to; or without the previous application of 2/3 of the state legislatures, if the forms of the Constitution are to be pursued."*

Madison believed it would be simpler at that time to have Congress propose amendments because it would be too difficult to get unanimous consent to call a Constitutional Convention or two-thirds to call an Article V convention. He also thought that calling a second convention would be viewed by Europe as a dark cloud over the Constitution which would damage our relationships and harm the impact our new Constitution was having in the world.



U.S.  
TERM  
LIMITS

8

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

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



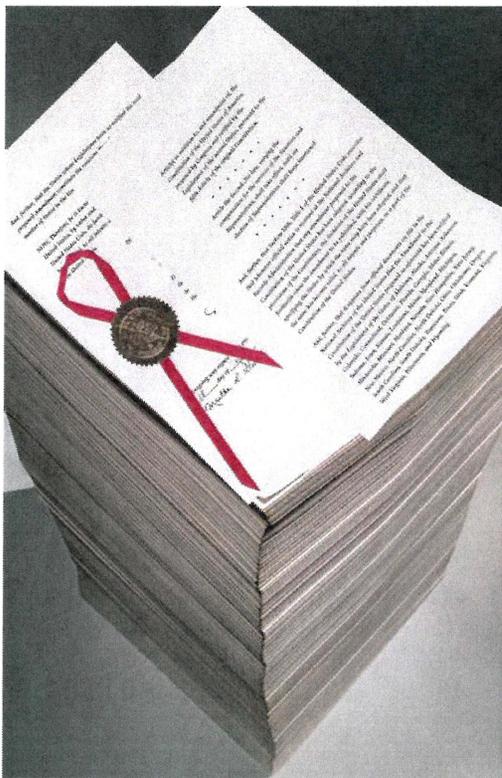
Scan to read the U.S. Department of Justice Report to the Attorney General, Sept 10, 1987.

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



Scan to read "Amendment of the Constitution by the Convention Method Under Article V" American Bar Association.

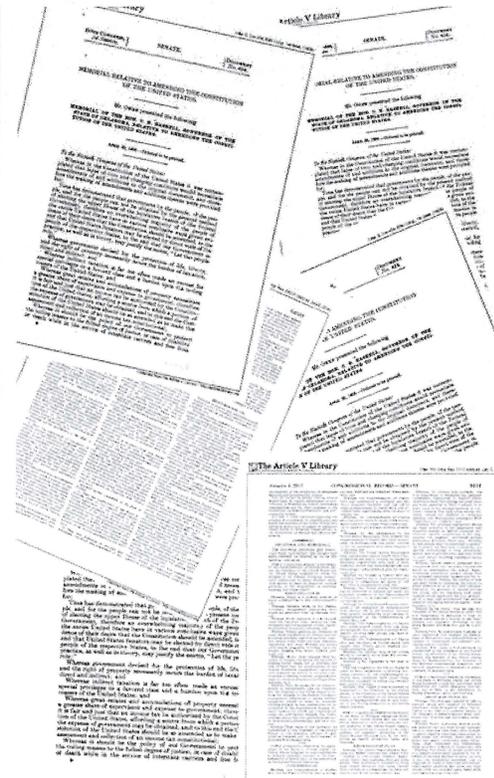




11

**Congress has introduced over 12,000 amendments to the Constitution under Article V while the States have introduced ZERO.**

Visit the National Archives to download a spreadsheet to view all of these amendments.



12

**The 400 + Article V applications that have been passed by the state legislatures prove the convention is limited.**

**The Framers gave the state legislatures equal authority to propose amendments to the Constitution, yet only Congress has used this authority under Article V.**

*"That useful alterations will be suggested by experience, could not but be foreseen. It was requisite, therefore, that a mode for introducing them should be provided. The mode preferred by the convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility, which would render the Constitution too mutable; and that extreme difficulty, which might perpetuate its discovered faults. It, moreover, equally enables the general and the State governments to originate the amendment of errors, as they may be pointed out by the experience on one side, or on the other." ~ Federalist 43*

Since 1789, Congress has introduced over **12,000** amendments to the Constitution. Only **thirty-three** of these amendments received the necessary two-thirds approval from both Houses of Congress to be proposed to the States, with **twenty-seven** of them being ratified by the States and added to the Constitution. During that same time period, the state legislatures which have equal authority to propose amendments have never once been able to introduce one to be referred to a committee, discussed, debated, and voted on because they did not attain the two-thirds needed on the same amendment.

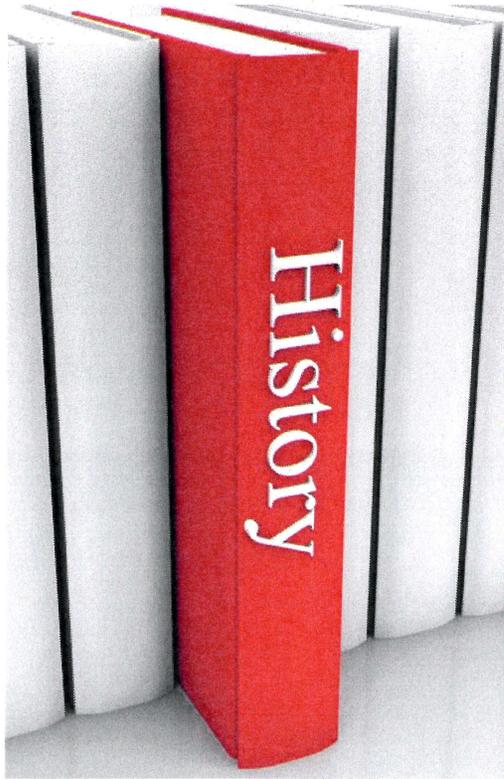
**An Article V convention simply allows the States the same opportunity that Congress has taken advantage of over 12,000 times, to introduce an amendment to the Constitution to provide a needed reform.**

**There have been over 400 Article V applications submitted to Congress by state legislatures since 1788. If Congress is required to call a convention upon application from two-thirds of the state legislatures, why hasn't a convention been called by Congress?**

The answer is obvious, two-thirds of the state legislatures have **NOT concurred in applications for the same amendment or subject**, which is the requirement to have a convention called under Article V. This is another clear proof that demonstrates the process is controlled and the scope of the convention is limited.



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



We have a long rich history meeting in conventions to propose solutions to our problems.

Conventions among the States are nothing new and have been a part of our country from the very beginning as a means of proposing solutions to solve problems.

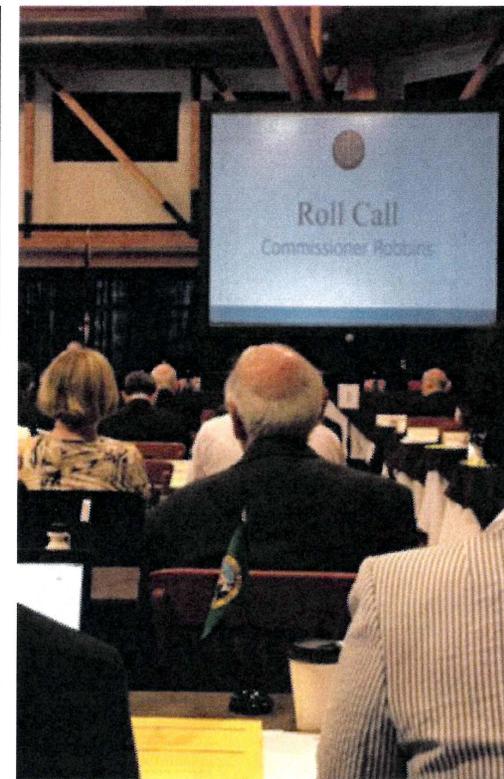
### Founding-Era Conventions and the Meaning of the Constitution's "Convention for Proposing Amendments"

Rob Natelson - Florida Law Review, Volume 65, May 2013, Number 3

*"Under Article V of the U.S. Constitution, two-thirds of state legislatures may require Congress to call a "Convention for proposing Amendments." Because this procedure has never been used, commentators frequently debate the composition of the convention and the rules governing the application and convention process. However, the debate has proceeded almost entirely without knowledge of the many multi-colony and multi-state conventions held during the eighteenth century, of which the Constitutional Convention was only one. These conventions were governed by universally-accepted convention practices and protocols. This Article surveys those conventions and shows how their practices and protocols shaped the meaning of Article V."*



Scan to read article by Rob Natelson.



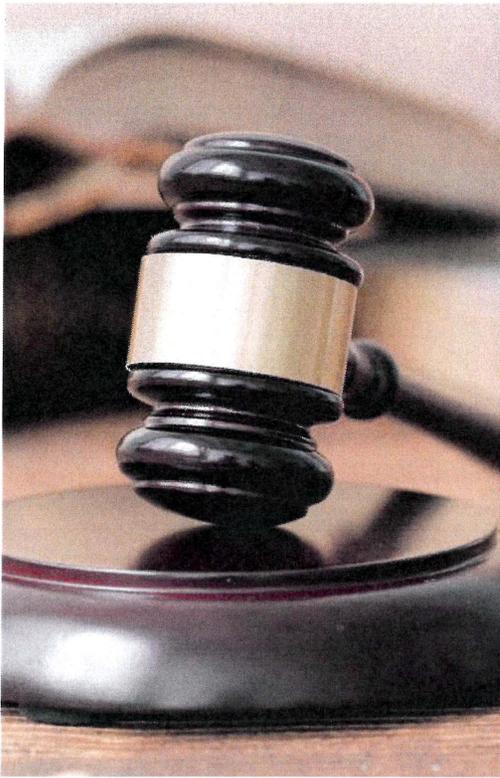
The States have been meeting in a convention every year since 1892 to propose needed reforms, and the rules work.

The Uniform Law Commission (ULC) is a Convention of the States that has been meeting annually since 1892 to propose uniform state laws. The procedures and rules of the ULC are virtually identical to how an Article V convention would function.

- Each state is represented by "commissioners." The number and selection of commissioners for each state is determined by that state's legislature.
- Each commissioner is required to present the commission (credentials) issued to them by their state legislature before they can represent their state.
- The ULC's "Scope and Program Committee" reviews all proposed topics up for consideration by the ULC to ensure that they are consistent with the ULC's mission.
- The ULC appoints drafting committees to draft the text of each legislative proposal.
- Each piece of legislation that is drafted must be approved by the entire body of commissioners sitting as a committee of the whole.
- Finally, the commissioners vote on each piece of legislation by state, with each state having one vote. A majority of the states present must approve the legislation before it is formally proposed to the states.
- Even once the legislation is formally proposed to the states as a model act, the state legislatures must adopt that legislation to make it binding. Until it is adopted by the state legislatures it remains only a proposal.



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



We know how an Article V convention will function because we have used rules in conventions among the states numerous times before.

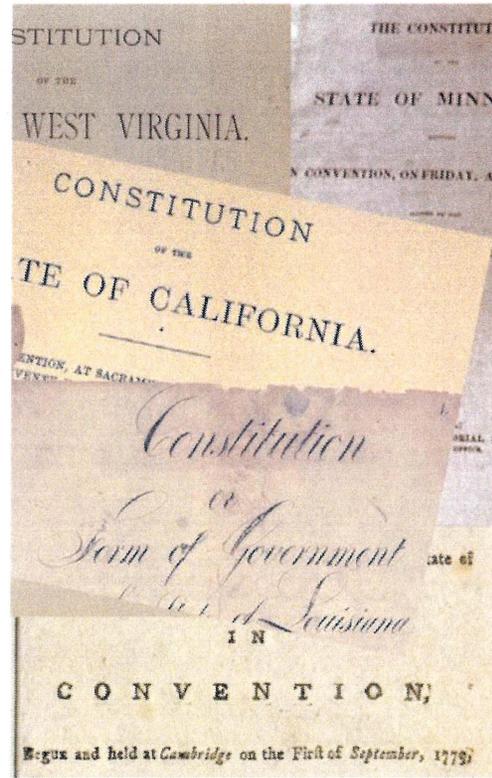
We have history to look to in determining the rules of an Article V convention.

"During the founding era, there were more than 30 conventions of states held capped off by the Philadelphia Convention of 1787, which drafted the United States Constitution. Since our founding, at least seven conventions of states have been held, including the first national convention of states called since 1861 held in Phoenix during September 2017.

To date, multiple state legislator groups have begun drafting proposed rules for a convention, for example, the Assembly of State Legislatures (ASL). The Arizona convention was called specifically to draft a set of rules for a future convention. All of these rules have certain principles in common: (a) voting will be on a one state/one vote basis; (b) a majority of states present and voting shall conduct the business of the convention; and (c) matters outside the scope of the call shall be deemed out of order. These principles are consistent with those observed in the numerous other past conventions.

Of course, the convention itself, once convened and credentialed, will as its first order of business, consider, debate and adopt a set of rules for the convention."

Article V Myths, written by David Guldenschuh, advisor to U.S. Term Limits.



The States have proposed over 6,000 amendments to their constitutions in conventions. We know very well how the process works.

The States have been proposing amendments in conventions since the very founding of our country.

"All told, the fifty states have held 233 constitutional conventions, adopted 146 constitutions, and ratified over 6,000 amendments to their current constitutions."

"In several states, the large number of conventions is also a product of the relative difficulty of achieving constitutional change through the legislative process. Thus, in some states, it has been practically impossible for legislative-initiated amendments to be ratified because they must receive a majority of all votes cast in the entire election rather than on the particular question. The only realistic opportunity to secure constitutional change in these states - Tennessee is a leading example - has been through constitutional conventions, and in fact five limited conventions were called in Tennessee in the second half of the twentieth century in order to enact constitutional changes."

~ The American State Constitutional Tradition, John J. Dinan, pg. 7 and 11.

Sounds a lot like Congress, doesn't it?



Scan to view number of state constitutional amendments in each state.



Scan to view amending state constitutions at Ballotpedia.

# The Article V Limited Convention : THE FRAMERS' INTENT



THOMAS JEFFERSON

ON EVERY QUESTION OF CONSTRUCTION LET US CARRY OURSELVES BACK TO THE TIME WHEN THE CONSTITUTION WAS ADOPTED, RECOLLECT THE SPIRIT OF THE DEBATES, AND INSTEAD OF TRYING WHAT MEANING MAY BE SQUEEZED OUT OF THE TEXT, OR INVENTED AGAINST IT, CONFORM TO THE PROBABLE ONE IN WHICH IT WAS PASSED.

**QUESTION:** Did the Framers of the U.S. Constitution intend for an Article V convention to be limited to the subject agreed to by two-thirds of the states or an open convention?

Immediately afterwards, Charles Pinckney of South Carolina laid before the House a draft of a federal government which he read. Pinckney's draft included a detailed provision which required a convention to be called by Congress for the purpose of amending the Constitution, if two thirds of the state legislatures applied for the same amendment(s).

This established the understanding from the very beginning that a convention for amending the Constitution was limited to the subject agreed to by two-thirds of the states.

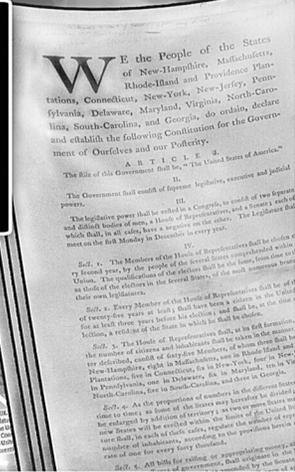
Pinckney's provision also allowed Congress to propose amendments if two-thirds of each House consented and required approval from two-thirds of the state legislatures to become part of the Constitution.



CHARLES PINCKNEY

ART. XVI. IF TWO THIRDS OF THE LEGISLATURES OF THE STATES APPLY FOR THE SAME, THE LEGISLATURE OF THE UNITED STATES SHALL CALL A CONVENTION FOR THE PURPOSE OF AMENDING THE CONSTITUTION; OR, SHOULD CONGRESS, WITH THE CONSENT OF TWO THIRDS OF EACH HOUSE, PROPOSE TO THE STATES AMENDMENTS TO THE SAME, THE AGREEMENT OF TWO THIRDS OF THE LEGISLATURES OF THE STATES SHALL BE SUFFICIENT TO MAKE THE SAID AMENDMENTS PARTS OF THE CONSTITUTION.

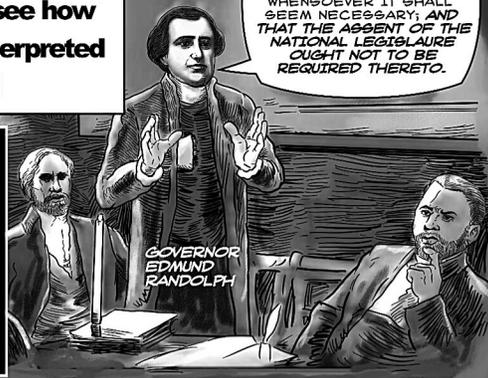
On August 6, John Rutledge delivered the report from the Committee of Detail which worked mostly from Pinckney's draft and included language very similar to his amending provision in Art. XIX which required Congress to call a convention for an amendment on the application of two-thirds of the state legislatures. The applications from two-thirds of the state legislatures needed to be for the same amendment.



Art. XIX. On the application of the legislatures of two thirds of the states in the Union, for an amendment of this Constitution, the legislature of the United States shall call a convention for that purpose.

# Let's go back to the 1787 FEDERAL CONVENTION in Philadelphia to see how THE FRAMERS interpreted Article V!

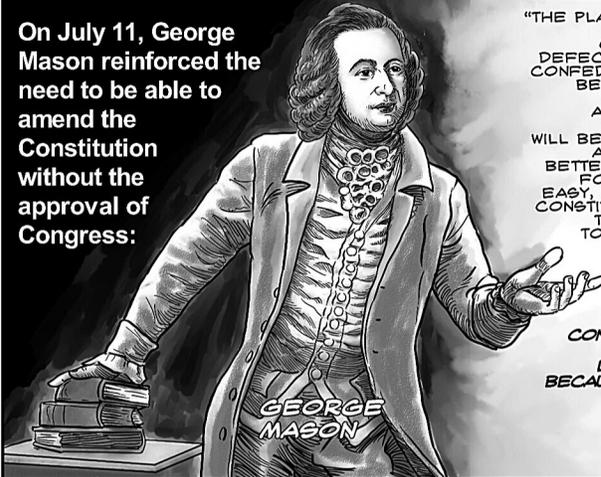
ON MAY 29, THE FIRST WORKING DAY OF THE 1787 FEDERAL CONVENTION, GOVERNOR EDMUND RANDOLPH INTRODUCED FIFTEEN RESOLUTIONS KNOWN AS THE VIRGINIA PLAN WHICH CONTAINED A PROVISION TO AMEND THE CONSTITUTION WITHOUT THE APPROVAL OF THE CONGRESS.



GOVERNOR EDMUND RANDOLPH

13. RESOLVED, THAT PROVISION OUGHT TO BE MADE FOR THE AMENDMENT OF THE ARTICLES OF THE UNION WHENSOEVER IT SHALL SEEM NECESSARY; AND THAT THE ASSENT OF THE NATIONAL LEGISLAURE OUGHT NOT TO BE REQUIRED THERETO.

On July 11, George Mason reinforced the need to be able to amend the Constitution without the approval of Congress:

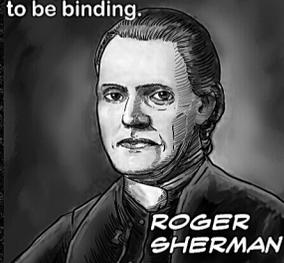


GEORGE MASON

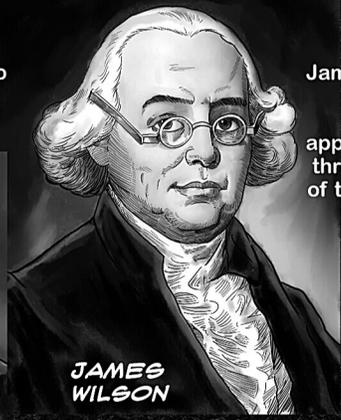
"THE PLAN NOW TO BE FORMED WILL CERTAINLY BE DEFECTIVE, AS THE CONFEDERATION HAS BEEN FOUND ON TRIAL TO BE AMENDMENT THEREFORE, WILL BE NECESSARY; AND IT WILL BE BETTER TO PROVIDE FOR THEM IN AN EASY, REGULAR, AND CONSTITUTIONAL WAY, THAN TO TRUST TO CHANCE AND VIOLENCE.

IT WOULD BE IMPROPER TO REQUIRE THE CONSENT OF THE NATIONAL LEGISLATURE, BECAUSE THEY MAY ABUSE THEIR POWER..."

On September 10 Roger Sherman moved to amend Art. XIX to allow Congress to propose amendments, but requiring the approval from the several states to be binding.



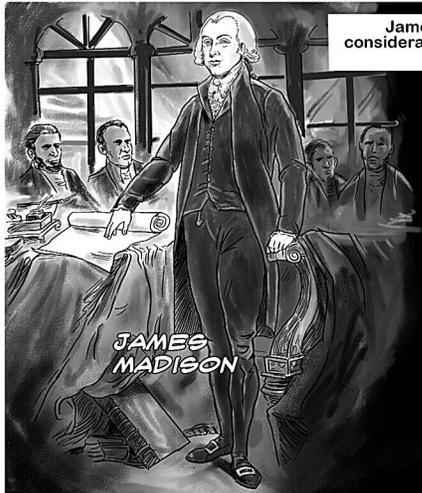
ROGER SHERMAN



JAMES WILSON

James Wilson moved to require approval from three-fourths of the several states.

**Note:** Allowing Congress to propose amendments and requiring the approval from the states were originally in Pinckney's Article XVI amending provision.



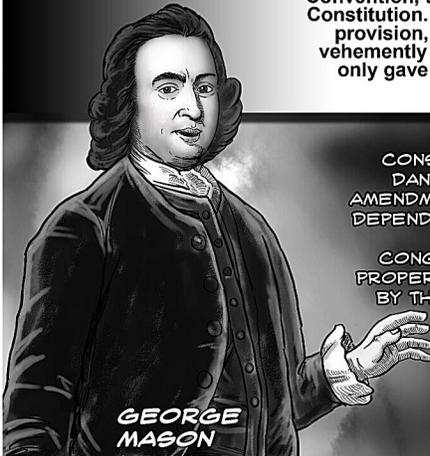
JAMES MADISON

James Madison moved to postpone the consideration of the amended proposition to take up the following:

"THE LEGISLATURE OF THE UNITED STATES, WHENEVER TWO THIRDS OF BOTH HOUSES SHALL DEEM NECESSARY, OR ON THE APPLICATION OF TWO THIRDS OF THE LEGISLATURES OF THE SEVERAL STATES, SHALL PROPOSE AMENDMENTS TO THIS CONSTITUTION, WHICH SHALL BE VALID, TO ALL INTENTS AND PURPOSES, AS PART THEREOF, WHEN THE SAME SHALL HAVE BEEN RATIFIED BY THREE FOURTHS, AT LEAST, OF THE LEGISLATURES OF THE SEVERAL STATES, OR BY CONVENTIONS IN THREE FOURTHS THEREOF, AS ONE OR THE OTHER MODE OF RATIFICATION MAY BE PROPOSED BY THE LEGISLATURE OF THE UNITED STATES."

The proposition passed.

On September 15 the last working day of the Convention, the delegates worked to finalize the Constitution. When they reviewed the amending provision, now titled Article V, George Mason vehemently objected to the wording because it only gave Congress the authority to propose amendments in both modes.



GEORGE MASON

"THE PLAN OF AMENDING THE CONSTITUTION IS EXCEPTIONABLE AND DANGEROUS. AS THE PROPOSING OF AMENDMENTS IS IN BOTH THE MODES TO DEPEND, IN THE FIRST IMMEDIATELY, AND IN THE SECOND ULTIMATELY, ON CONGRESS, NO AMENDMENTS OF THE PROPER KIND WOULD EVER BE OBTAINED BY THE PEOPLE, IF THE GOVERNMENT SHOULD BECOME OPPRESSIVE, WHICH I BELIEVE WILL BE THE CASE."

Immediately Gouverneur Morris and Elbridge Gerry moved to amend the article.

"REQUIRE A CONVENTION ON APPLICATION OF TWO-THIRDS OF THE STATES."

Note: The calling of a convention upon application from two-thirds of the states was originally in Pinckney's amending provision, Art. XVI.

GOUVERNEUR MORRIS

ELBRIDGE GERRY

James Madison's response to the motion demonstrates that he understood that the convention was limited to amendments applied for by two-thirds of the states;

"I DO NOT SEE WHY CONGRESS WOULD NOT BE AS MUCH BOUND TO PROPOSE AMENDMENTS APPLIED FOR BY TWO-THIRDS OF THE STATES, AS TO CALL A CONVENTION ON THE LIKE APPLICATION."

Madison thought it would be redundant for Congress to call a convention because it was already bound to propose the amendments applied for by two-thirds of the states, otherwise Madison's response makes no sense. How could Congress propose amendments applied for by the states without specifying those amendments in their applications?

The motion for "a convention on application of two-thirds of the states" was agreed to unanimously.

## **ANSWER: The Framers of the Constitution intended that an Article V Convention was limited to the subject agreed to by two-thirds of the states in their applications**

### **CONCLUSION:**

Throughout the entire course of the debates, the delegates clearly understood that a convention called to amend or propose amendments would be limited to the amendment(s) applied for by two-thirds of the state legislatures. The vote to add "a convention on application of two-thirds of the states" only removed the dependence on Congress to propose those amendment(s) that were applied for and transferred that authority exclusively to the states. It did not change the requirement that applications from two-thirds of the states had to be for the same amendment(s), nor the purpose of the convention, to propose those specific amendments.

Not a single delegate during the debates claimed that the convention was an "open" convention, capable of proposing any amendment, they only understood it to be a limited convention that two-thirds of the state legislatures agreed to. This was the clear intention of the Framers as they formulated the text of the amending provision, which is now embodied in Article V.

### **Sources**

1. From Thomas Jefferson to William Johnson, 12 June 1823," Founders Online, National Archives, version of January 18, 2019, <https://founders.archives.gov/documents/Jefferson/98-01-02-3562>.
2. The Debates on the Adoption of the Federal Constitution in the Convention held at Philadelphia in 1787, with a Diary of the Debates of the Congress of the Confederation as reported by James Madison, revised and newly arranged by Jonathan Elliot. Complete in One Volume. Vol. V. Supplement to Elliot's Debates (Philadelphia, 1836). [https://oll.libertyfund.org/titles/1909#Elliot\\_1314-05\\_1595](https://oll.libertyfund.org/titles/1909#Elliot_1314-05_1595)



## NORTH DAKOTA TERM LIMITS POLL: EXECUTIVE SUMMARY

North Dakota Survey of 500 Likely Voters Conducted February 13-17, 2020

by Pulse Opinion Research

**Survey Summary:** The results of this recently-completed statewide survey show that North Dakota voters overwhelmingly support term limits for state legislators, members of Congress and statewide officials. Support for term limits is broad across all political and demographic groups. An overwhelming 82% of voters approve of placing retroactive term limits on members of the North Dakota Legislature, while 84% of voters favor term limits on Congress and 83% favor term limits on statewide officials. By a margin of 78% to 8%, voters want the state legislature to call for an Article V convention to term limit Congress.

### *Do you approve or disapprove of placing term limits on members of Congress?*

	Total	Rep	Dem	Ind.	College Degree	No Degree
<b>Approve</b>	<b>84%</b>	<b>92%</b>	<b>78%</b>	<b>81%</b>	<b>86%</b>	<b>83%</b>
Strongly	57%	65%	39%	60%	60%	53%
Somewhat	27%	27%	39%	21%	26%	30%
<b>Disapprove</b>	<b>11%</b>	<b>6%</b>	<b>17%</b>	<b>12%</b>	<b>11%</b>	<b>10%</b>
Somewhat	8%	4%	15%	8%	9%	8%
Strongly	3%	2%	2%	4%	2%	2%
<b>Not Sure</b>	<b>5%</b>	<b>2%</b>	<b>5%</b>	<b>7%</b>	<b>3%</b>	<b>7%</b>



***Do you approve or disapprove of placing eight-year term limits on Governor of North Dakota and other statewide offices, such as Lieutenant Governor and Attorney General?***

	Total	Rep	Dem	Ind.	College Degree	No Degree
<b>Approve</b>	<b>83%</b>	<b>88%</b>	<b>81%</b>	<b>79%</b>	<b>87%</b>	<b>78%</b>
Strongly	52%	54%	44%	56%	56%	48%
Somewhat	31%	34%	37%	23%	31%	30%
<b>Disapprove</b>	<b>11%</b>	<b>9%</b>	<b>11%</b>	<b>13%</b>	<b>9%</b>	<b>12%</b>
Somewhat	7%	6%	7%	9%	6%	8%
Strongly	4%	3%	4%	4%	3%	4%
<b>Not Sure</b>	<b>6%</b>	<b>3%</b>	<b>8%</b>	<b>8%</b>	<b>4%</b>	<b>10%</b>

***If the state legislatures of two-thirds of the states vote to call an amendment-proposing convention to recommend an amendment for term limits on members of Congress, would you want your state senator and state representative to vote YES or NO on this bill?***

	Total	Rep	Dem	Ind.	College Degree	No Degree
<b>YES</b>	<b>78%</b>	<b>82%</b>	<b>75%</b>	<b>84%</b>	<b>80%</b>	<b>75%</b>
<b>NO</b>	<b>8%</b>	<b>5%</b>	<b>11%</b>	<b>53%</b>	<b>8%</b>	<b>7%</b>
<b>Not sure</b>	<b>15%</b>	<b>13%</b>	<b>14%</b>	<b>31%</b>	<b>12%</b>	<b>19%</b>

***Would you be more or less likely to support a candidate for state legislature if you knew he or she supports implementing term limits for members of Congress?***

	Total	Rep	Dem	Ind.	College Degree	No Degree
<b>More Likely</b>	<b>80%</b>	<b>84%</b>	<b>72%</b>	<b>82%</b>	<b>83%</b>	<b>77%</b>
Much More	42%	40%	32%	51%	43%	41%
Somewhat More	38%	44%	40%	31%	40%	36%
<b>Less Likely</b>	<b>8%</b>	<b>6%</b>	<b>14%</b>	<b>6%</b>	<b>9%</b>	<b>6%</b>
Somewhat Less	7%	5%	13%	5%	8%	5%
Much Less	1%	1%	1%	1%	1%	1%
<b>Not Sure</b>	<b>12%</b>	<b>11%</b>	<b>13%</b>	<b>11%</b>	<b>8%</b>	<b>17%</b>

**Conclusions:** North Dakota voters overwhelmingly support limiting the terms of state and federal officeholders. The intensity of this support is measured in their drive to vote for state legislators who will vote "YES" on term limits.

**Methodology:** This poll of 500 likely voters in North Dakota was conducted February 13-17, 2020, using an online panel methodology. Pulse Opinion Research determines its partisan weighting targets through a dynamic weighting system that takes into account the state's voting history, national trends, and recent polling in a particular state or geographic area.



This poll of 500 likely voters in North Dakota has an accuracy of +/- 4.5% with a 95% level of confidence.

**Key Survey Demographics:**

**Gender**

**Men - 50%**

**Women - 50%**

**Age**

**18-39 – 36%**

**40-64 – 45%**

**65+ - 19%**

**Race**

**White – 90%**

**Non-white – 10%**

**Party**

**Republican – 38%**

**Democrat – 24%**

**Independent – 38%**



Ron Hooper, Regional Director  
US Term Limits, Org [www.termlimits.com](http://www.termlimits.com)  
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**Support for North Dakota HCR 3033 (Kettelmen)  
Government and Veterans Affairs  
Chairman: Representative Jim Kasper**

Opening Statement

I am a regional director with US Term Limits, a non-profit organization focused on one initiative...Term Limits on Congress. U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779 (1995) ruled that even though 23 states, through the ballot box, elected to term limit their own congress representatives, the Supreme Court ruled it must be by amendment like the 22nd limiting the President.

***Challenge: Ask the next 10 people in your district what they think of term limits. According to McLaughlin 2020 polling, Four-in-five voters (85%) would want their state representative and state senator to vote in favor of an amendment proposing a convention to implement term limits on members of Congress.***

**There seems to be a concerted effort to weaken the state's powers using fear mongering, here's another one.**

The state's have the same authority and duty to propose amendments as Congress and BOTH have the same high bar. Takes  $\frac{2}{3}$  of the states and  $\frac{2}{3}$  of congress. They both have to be ratified by  $\frac{3}{4}$  of the States...the ultimate "sanity check".

"The claim is called the "runaway scenario." It has almost no basis in history or law. But it has long frightened Americans away from using the Constitution's chief mechanism for bypassing Congress and curing our dysfunctional federal government." Rob Natelson  
<https://thehill.com/blogs/pundits-blog/the-judiciary/332172-how-progressives-promoted-the-runaway-convention-myth-to>

States authority is a very important balance of power and it should not be abdicated to Congress. The threat is key!

**Congress has introduced over 12,000 amendments to the Constitution under Article V while the States have introduced ZERO.**

*Visit the National Archives to download a spreadsheet to view all of these amendments.*

**The States have been proposing amendments in conventions since the very founding of our country.**

"All told, the fifty states have held 233 constitutional conventions, adopted 146 constitutions, and ratified over 6,000 amendments to their current constitutions."

Sources:

[https://drive.google.com/file/d/11Kyw1JE7sOWGJr\\_H4-Q8vjO71gM2le9u/view?usp=sharing](https://drive.google.com/file/d/11Kyw1JE7sOWGJr_H4-Q8vjO71gM2le9u/view?usp=sharing)

**Sanity Check: Takes 3/4 or currently 38 states to ratify!**

There are only 27 Amendments and a purposely high bar to attain and rightfully so. There have been another 6 including ERA that passed the  $\frac{2}{3}$  but were never ratified. Even as popular as the Equal Rights Amendment (ERA), it was never able to garner the 38 States to ratify.

ERA EXAMPLE: The House passed it 1970, but it failed in the Senate; the House passed a reworded version the following year. The Senate approved it in March 1972. Variations of the amendment were presented to every session of Congress between 1923 and 1970, Only 35 states ratified the E.R.A. by the 1979 deadline, three short of the necessary 38. Congress extended the deadline by three years, but no new states ratified the amendment.

The biggest concern of our founders was that we would eventually need to rein in an out of control government in order that "We the People..." could insure our Life, liberty and the pursuit of happiness. That is why in all their wisdom, they provided two equal paths to establish an amendment to the constitution. **The Framers** gave equal authority to Congress and the State Legislatures to propose amendments under Article V (see below) and then to be ratified by currently 38 States or 2/3. It is critical that our states preserve and exercise this authority given to them under the constitution .

**DISPELLING THE RUNAWAY MYTH**

DIFFERENCES BETWEEN A CONSTITUTIONAL CONVENTION AND AN ARTICLE V CONVENTION		
ACTION	CONSTITUTIONAL CONVENTION	ARTICLE V CONVENTION
Propose	Propose New Constitution	Propose Amendments to Current Constitution
Power	Full Powers, Unlimited	Limited to Subject of State Applications
Authority	Outside of the Constitution	Under Article V of the Constitution
Requirement to Call	Unanimous Consent of States to be Bound	Application by Two-thirds of the States
Called By	The States	Congress
Scope of Passage at Convention	Entire Constitution as a Whole Document	Individual Amendments, Singly
Votes for Passage at Convention	Unanimous Consent Required	Simple Majority
Scope of Ratification by the States	Entire Constitution as a Whole Document	Individual Amendments, Singly
Votes for Ratification by the States	Only Binds States That Ratify It	Ratified by Three-fourths and Binds All States

Sources:

[https://drive.google.com/file/d/11Kyw1JE7sOWGJr\\_H4-Q8vjO71gM2le9u/view?usp=sharing](https://drive.google.com/file/d/11Kyw1JE7sOWGJr_H4-Q8vjO71gM2le9u/view?usp=sharing)

The biggest obstacle to a successful Article V State Convention will be policymakers and concerned citizens who believe such a convention has the power to “run away” and open up the entire Constitution for revision. Under these wild scenarios, the Bill of Rights gets repealed and tyranny is foisted onto the American people. These fears have been seeded into many Americans’ minds by groups like the John Birch Society and Eagle Forum.

First, it’s important to note that those who subscribe to runaway convention thinking aren’t less patriotic or doing so with wicked aims. Most do support term limits and other ideas that have been floated inside the Article V sphere. Our disagreement is on how to get there.

After consulting with the top experts, we’ve concluded that the arguments for runaway convention are without merit and not supported by the evidence.

Exhibit A in this discussion is America’s very long and documented history of conventions. In the hundreds of state and interstate conventions that have taken place here in the founding era and beyond, none have ever run away. On rare occasions a delegate would suggest departing from the agenda, but that person would get nowhere because checks and balances were built-in, as they are here.

A common internet meme calling the Philadelphia Convention of 1787 a runaway is based on poor scholarship. The false narrative goes like this: Convention delegates only had the authority to amend the Articles of Confederation (America’s first Constitution), but ignored that and threw the Articles on the scrap heap. Hence, it’s said they jumped over their boundaries and ran outside the law.

In reality, 10 of the 12 state delegations at that convention had broad authority which included the ability to adopt a new Constitution. This was made explicit by the instructions their states gave them. Congress did recommend the Convention stay limited, but it was merely advice that bound no one legally.

Far from a runaway, the 1787 Convention was yet another example of an American convention doing exactly what it was told to do, whether broad or narrow.

Another defect in the runaway reasoning is identifying the stage at which unlawfully expanding the agenda is possible. If the state applications specify radical amendments, then that's not running away – it's attempting to create an entire convention based on bad ideas.

Once the Term Limits Convention applications get to Congress, there is no wiggle room for legislators to insert agenda items. Their role of convention caller is ministerial, and they are only allowed to choose between two options for ratification.

Delegates to the convention – who can be recalled and even imprisoned by their states — have some discretion, but it's limited to amendments within the subject area chosen by 34 states. The topic of term limits is so clear and unequivocal that it cannot be construed to include amendments on other subjects.

Any departure then, by either the delegates or Congress, would be unlawful and subject to judicial review. If groups come forward with lawsuits challenging an amendment to come out of convention, the courts can mediate that dispute.

The ultimate safeguard in Article V, however, is its very high bar for ratification. Remember: the convention itself has zero power to amend our Constitution. Its only power is to suggest amendments to the states, who hold the real power. Before any amendment becomes law, three-quarters of states (38) must ratify it. Even groups with popular – though not universal – ideas avoid using the Article V approach for this reason. Their issues don't have the backing term limits does and so they've concluded it would be a waste of time.

If popular groups on the left and the right don't think their amendments could be ratified, how then could anyone ratify a radical amendment that everybody hates?

It just couldn't happen. Notwithstanding the career-destroying scrutiny of hijacking a convention, there are just too many safeguards in place to allow fanaticism.

One final theory worth addressing is the notion that Congress will take over the convention to send its favorite radical amendments to the states. This is invalid for one obvious reason: Congress doesn't need a convention to do that. Under our Constitution, Congress can already send any amendment it wants to the states with a simple two-thirds vote.



This effectively deflates convention critics' favorite argument, by demonstrating that the powerful runaway convention they fear already exists and is called Congress. The Term Limits Convention, by contrast, is 1) less powerful than Congress, 2) more safeguarded and 3) carefully designed to rein in Congress rather than give it more power.

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Sources:

Nick Tomboulides , Executive Director US Term Limits  
ALEC Article V Handbook by Professor Robert Natelson,

<http://www.alec.org/publications/article-v-handbook/>

US Term Limits Flashcards

[https://drive.google.com/file/d/11Kyw1JE7sOWGJr\\_H4-Q8vjO71gM2le9u/view?usp=sharing](https://drive.google.com/file/d/11Kyw1JE7sOWGJr_H4-Q8vjO71gM2le9u/view?usp=sharing)

Polling: [www.termlimits.com/polls](http://www.termlimits.com/polls)

The Founders History: Prior Experiences with Conventions

<https://www.uakron.edu/dotAsset/eb2e9bf5-993a-40ba-acca-856dd886a19b.pdf>

U.S. Constitution

<https://www.law.cornell.edu/constitution>

***Article V of the U.S. Constitution***

***The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.***



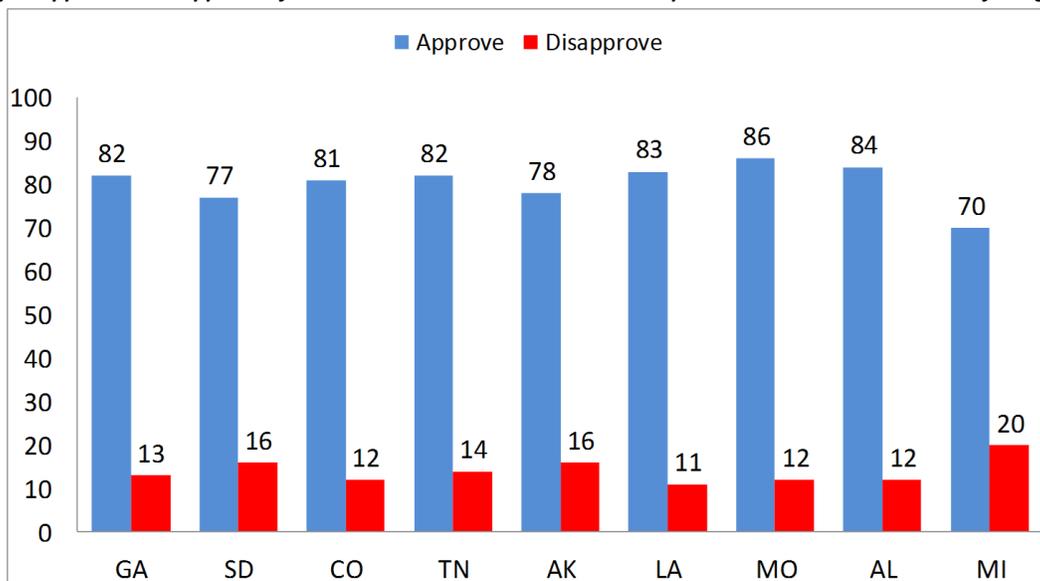
**To:** United States Term Limits  
**From:** John McLaughlin  
**Re:** Term Limits – Executive Summary  
**Date:** May 26, 2016

**Survey Summary:**

**Americans strongly support term limits for Congress.**

The results of our recently completed surveys show that voters across the United States overwhelmingly support term limits for members of Congress. Support for term limits is broad and strong across all political, geographic and demographic groups. Among the states surveyed, an average of 4-in-5 voters (80%) approve of a Constitutional Amendment that would place term limits on members of Congress, while only 14% disapprove.

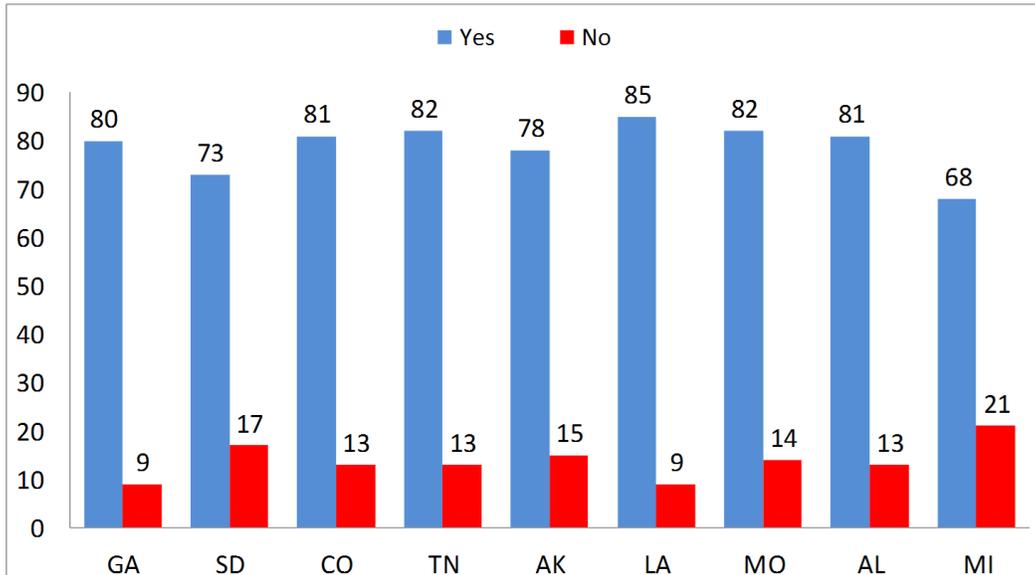
*Do you approve or disapprove of a Constitutional Amendment that will place term limits on members of Congress?*



**The voters want a convention to place term limits on Congress.**

An average of 4-in-5 voters (79%) would want their state representative and state senator to vote in favor of an amendment proposing convention to implement term limits on members of Congress. Again, their support for the convention crosses all political and demographic groups.

***If the state legislatures of two-thirds of the states vote to call an amendment proposing convention to recommend an amendment to place term limits on members of Congress, would you want your state senator and state representative to vote yes or no on this bill?***

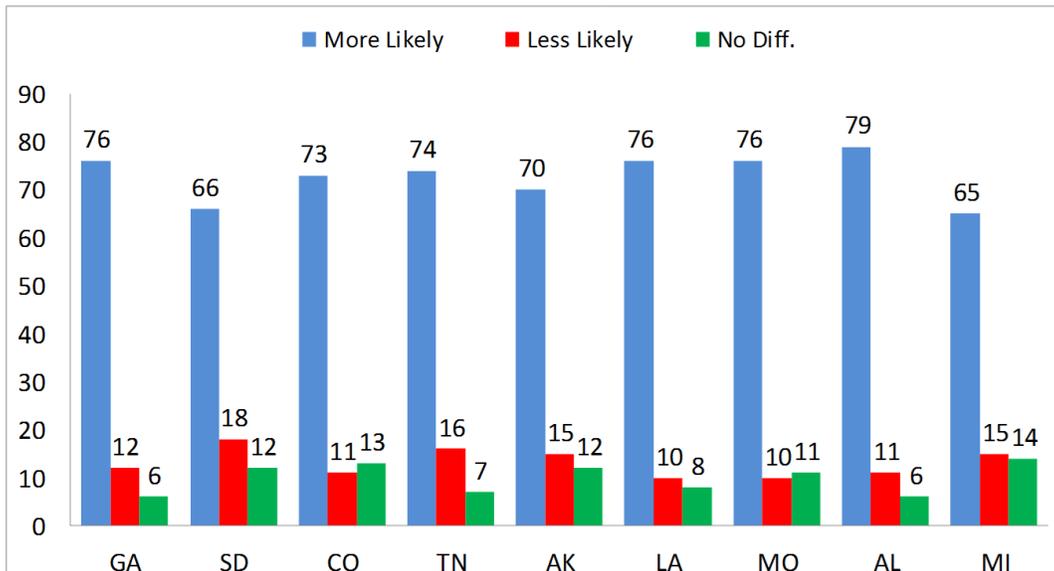


*\*Georgia survey contained slightly different wording*

**Three-in-four voters are more likely to support candidates who support term limits.**

An average of three-in-four voters, 73%, are more likely to vote for a candidate for State Legislature who supports implementing term limits on Congress, 44% are much more likely. This is true in each state we tested, across key political and demographic segments.

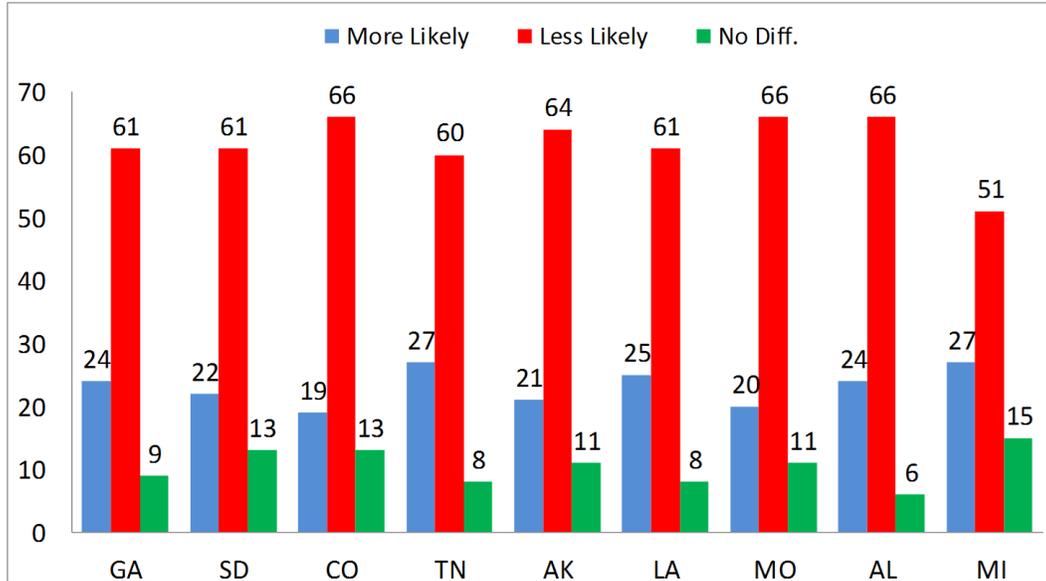
***Would you be more likely or less likely to vote for a candidate for State Legislature who supports implementing term limits for members of Congress?***



**Six-in-ten voters in most states are less likely to vote for opponents of term limits.**

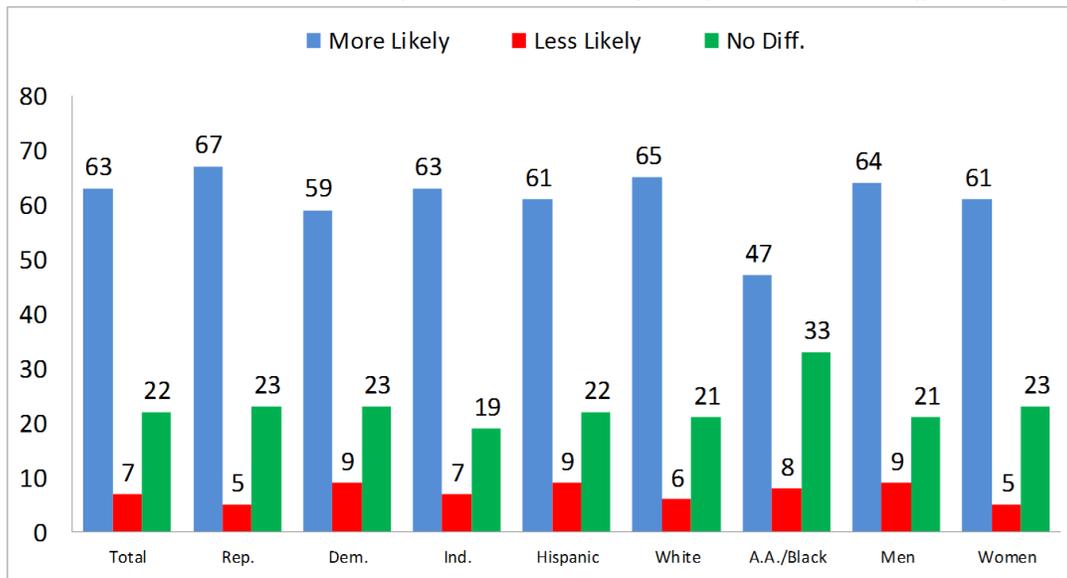
An average of six-in-ten voters, 62%, are less likely to vote for a candidate for State Legislature who opposes implementing term limits on Congress, 38% are much less likely.

*Would you be more likely or less likely to vote for a candidate for State Legislature who opposes implementing term limits for members of Congress?*



In our February national poll, nearly two-thirds of the electorate, 63%, said they would be more likely to vote for a candidate for Congress or U.S. Senate if they knew that candidate supports a Constitutional Amendment that would impose term limits on Congress, while only 7% say they would be less likely to vote for this candidate.

*Would you be more likely or less likely to vote for a candidate for Congress or U.S. Senate if you knew the candidate supports a Constitutional Amendment that would impose term limits on Congress? If it would make no difference just say so.*



**Conclusions:**

Voters in the United States overwhelmingly support term limits for Congress and they want to call an amendment proposing convention to place term limits on members of Congress. The intensity of this support is measured in their drive to vote for both federal and state legislators who will vote “yes” on term limits, and against those who will vote “no” against term limits for members of Congress. While support may fluctuate slightly from state-to-state and among differing demographic groups, there remains a clear and consistent majority that support implementing term limits for Congress, a notion that cannot be contested. Term Limits are a broad, bipartisan popular issue that should be a major national issue this fall.

**Methodology:**

All interviews were conducted via telephone by professional interviewers. Interview selection was random within predetermined election units. Approximately 30% of the sample size of each survey was completed on cell-phones. These samples were then combined and structured to correlate with actual voter turnout in a general election.

	GA	SD	CO	TN	AK	LA	MO	AL	MI
<b>Sample</b>	500	300	400	400	300	400	400	400	400
<b>Margin of Error</b>	+/-4.4%	+/-5.6%	+/-4.9%	+/-4.9%	+/-5.6%	+/-4.9%	+/-4.9%	+/-4.9%	+/-4.9%
<b>Cell Phone Interviews</b>	150	90	120	120	94	120	120	118	120
<b>Cell Phone %</b>	30%	30%	30%	30%	31%	30%	30%	29%	30%
<b>Interview Date</b>	11/30/15- 12/1/15	1/6/16- 1/7/16	1/10/16- 1/11/16	1/10/16- 1/12/16	1/31/16- 2/1/16	3/7/16- 3/8/16	3/16/16- 3/17/16	3/23/16- 3/24/16	4/24/16- 4/25/16

**National Survey Methodology:**

This survey of 1,000 likely general election voters nationwide was conducted on February 12<sup>th</sup> to 16<sup>th</sup>, 2016. All interviews were conducted online; survey invitations were distributed randomly within predetermined geographic units. These units were structured to correlate with actual voter turnout in a nationwide general election. This poll of 1,000 likely general election voters has an accuracy of +/- 3.1% at a 95% confidence interval. The error margin increases for cross-tabulations.

## Key Demographics:

### Party:

	GA	SD	CO	TN	AK	LA	MO	AL	MI
Republican	38%	45%	35%	39%	27%	33%	35%	41%	31%
Democrat	36%	31%	33%	36%	20%	47%	35%	32%	39%
Independent/Other/Refused	27%	21%	31%	26%	59%	20%	30%	28%	30%

### Gender:

	GA	SD	CO	TN	AK	LA	MO	AL	MI
Men	45%	47%	47%	45%	50%	45%	46%	45%	47%
Women	55%	53%	53%	55%	50%	55%	55%	55%	53%

### Ideology:

	GA	SD	CO	TN	AK	LA	MO	AL	MI
Liberal	22%	18%	31%	22%	17%	18%	25%	18%	24%
Moderate	27%	38%	34%	30%	37%	24%	28%	26%	34%
Conservative	46%	42%	32%	46%	41%	56%	43%	52%	38%

### Race:

	GA	SD	CO	TN	AK	LA	MO	AL	MI
Hispanic	1%	0%	15%	5%	4%	1%	2%	0%	3%
African American	29%	2%	2%	17%	3%	29%	12%	28%	14%
Asian	1%	1%	1%	0%	3%	1%	1%	1%	2%
White	64%	80%	80%	76%	70%	61%	82%	65%	78%
Native American	--	7%	1%	1%	--	--	--	--	--
Alaskan Native/Aleut	--	--	--	--	16%	--	--	--	--
Other	4%	4%	0%	2%	5%	5%	4%	5%	4%
Refused	1%	6%	1%	0%	--	3%	0%	1%	1%

### Age:

	GA	SD	CO	TN	AK	LA	MO	AL	MI
18-29	15%	14%	16%	12%	11%	15%	14%	14%	13%
30-40	16%	19%	19%	18%	22%	17%	15%	15%	16%
41-55	30%	18%	21%	21%	30%	27%	30%	28%	30%
56-65	16%	21%	25%	24%	20%	20%	20%	21%	20%
Over 65	23%	27%	20%	26%	17%	21%	21%	22%	20%
Refused	--	2%	--	0%	--	1%	1%	--	0%
MEAN	50.0	51.2	49.5	51.9	49.0	49.8	50.1	50.5	50.0

### Interview:

	GA	SD	CO	TN	AK	LA	MO	AL	MI
Cell	30%	30%	30%	30%	31%	30%	30%	29%	30%
Landline	70%	70%	70%	70%	69%	70%	70%	71%	70%

*Testimony for the House Government & Veterans Affairs Committee*

House Concurrent Resolution 3033

Andrew Alexis Varvel

February 19, 2021

Chairman Kasper and Members of the Committee:

My name is Andrew Alexis Varvel. I live in Bismarck.

I am here to oppose House Concurrent Resolution 3033.

We do not need a national constitutional convention, and we should not have one.

Anybody who thinks they can set the agenda for such a convention is mistaken. The risk of a runaway convention is real. You may want term limits. Somebody else may want to abolish the Electoral College, abolish the United States Senate, impose a regime of “woke” apartheid, and enshrine a right to an abortion into the actual text of the Constitution – and not merely one of those penumbras that inevitably becomes a subject of mystical interpretation by the United States Supreme Court.

The requirement of thirty-eight states to ratify a new constitution may sound good, but given the power of social media companies to manipulate our political system, there is a good chance that those who oppose “woke” reform would get accused of some form of bigotry and by extension risk losing their jobs – or states losing federal money.

I don't want to take that chance.

I would be happy with either of two alternatives. One would be to simply provide this resolution with a **DO NOT PASS** recommendation. The other, better, alternative would be for you to amend this resolution to rescind **all** state requests to invoke Article V of the United States Constitution to create any sort of national constitutional convention – for any reason and for any purpose. This is a risk that we should not take.

Thank you.

Andrew Alexis Varvel  
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