

2025 SENATE JUDICIARY

SCR 4003

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SCR 4003
1/22/2025

A concurrent resolution to rescind all extant applications by the North Dakota Legislative Assembly to call a convention to propose amendments to the United States Constitution under Article V of the United States Constitution.

10:30 a.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Proposed amendments
- Real and runaway conventions
- Rules of conventions
- Resolutions
- Delegates
- Suspension of rules
- Declaration of interdependence

10:30 a.m. Senator Clemens, SCR Sponsor, introduced the bill and submitted testimony #30641.

10:32 a.m. Representative Jim Kasper testified in opposition.

10:56 a.m. Rose Christensen testified in favor and submitted testimony #30747.

11:12 a.m. Mark Meckler, President of Convention of States, testified in opposition and submitted testimony #30179.

11:24 a.m. James Swartout, US Flagpole Guy, testified in opposition.

11:30 a.m. Alan Stockdale testified in opposition.

11:31 a.m. Dale William Burk testified in opposition.

11:34 a.m. Nicholas Skrivanek testified in favor and submitted testimony #30749.

Additional written testimony:

Mark Peterson testified in opposition and submitted testimony #30044.

Paul Wuebben, Convention of States submitted testimony in opposition #30244.

George Goodman, Convention of States submitted in opposition testimony #30391.

Taya Sakala submitted testimony in opposition #30556.

Emmanuel Sakala submitted testimony in opposition #30558.

Lynn Mahr, Convention of States submitted testimony in opposition #30245.

Ian Becket submitted testimony in opposition #30329.

Delvin Hansen submitted testimony in opposition #30661.

11:37 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

North Dakota passed the Article 5 Resolution in 2017 to become the 10th state to do so by a large margin. There are now 19 (TX, FL, GA, TN, AZ, AR, SC, MO, OK, NE, AL, MS, AK, IN, UT, LA, WV, WI & ND) & South Dakota just passed the Resolution out of a Senate committee 8-1 for a floor vote soon. Kansas passed it with 63% of their legislature in support but that's tied up in court as Kansas put an extra restriction on their ability to call an Article 5 Convention that possibly violates the Federal Constitution so it didn't count as state #20 yet. There is absolutely no reason to rescind our Resolution & we should respect what the 2017 legislature did. Vote down this misguided attempt to deny our authority in Article 5 of the Constitution to step in & spank an unresponsive Congress & uncontrolled bureaucracy on taxing, spending, jurisdictional & term issues when the evidence is overwhelming they won't do it themselves. 38 states would need to ratify anything passed at Convention, which means it's possible we wouldn't get any amendments passed, but at the very least the nation would get a televised crash course on the Constitution. This would be the biggest political event since the Constitutional Convention. I pray Trump & the GOP Congress will do a lot of good things to turn the tide back to sanity, but we as states need to assist this effort & try to make things permanent. We tried the Tea Party. We've had Reagan & now we'll have another Trump term. They can only do so much & thru all of that time, the debt & bureaucracy continued largely uncontrolled. If the midterms go like they usually do, Trump won't have a House majority after '26 & then nothing good will pass & Trump will only be able to do Executive Orders & make judicial appointments thru the Senate (which should remain GOP controlled in '26) to do the right things within the federal government, but the Executive Orders can be rescinded by the next globalist Uniparty President & we're back to square 1 on that front. Let's be clear, Kamala Harris, the most pathetic candidate we've ever seen after the next worst (Biden) was 3 margin-of-error states from being President, so we can't sit around thinking everything's hunky dory just because Trump's in there. Many in Trump's circle are all-in on holding an Article 5 Convention, some of which are Mike Huckabee, Pete Hegseth, Vivek Ramaswamy & VP JD Vance. Mark Levin, Charlie Kirk, Rand Paul, Mike Lee, former Senator Rick Santorum & many other leading conservatives & Constitutionlists are on board also. Even the Heritage Foundation got on board a couple years ago. George Soros (who gives money to anti-Article 5 efforts) & Hiliary Clinton are on record opposing the Article 5 effort.

Imagine Amendment 28-

Section 1- no citizen shall be taxed more than 10% of their income annually- (fixes the 16th Amendment's mistake of not having a restriction)

Section 2- Congress shall not spend any more than the income taxes or foreign tariffs brought into the Treasury annually unless a war has been declared by Congress & approved by 2/3 of state legislatures. (would prevent endless borrowing)

Section 3- Any member of Congress who votes to violate either section 1 or 2 will be ineligible to run for another term (keeps Congress in line without putting an actual term limit on them)

That is the kind of amendment that is germane to an Article 5 Convention under our Resolution & could be proposed. It's way past time we meet in Convention so please vote this rescinding effort down.



TESTIMONY OF MARK MECKLER, J.D.
NORTH DAKOTA SENATE JUDICIARY COMMITTEE
SCR 4003 - JANUARY 22, 2025

My name is Mark Meckler. I am an attorney residing in Texas, and I am the Co-Founder and President of Convention of States Action.

Back in 2017, the North Dakota legislature passed HCR 3006, applying for an Article V Convention to propose amendments that would impose fiscal restraints on the federal government, limit its power and jurisdiction, and set term limits for federal officials. You had the privilege and honor of personally meeting and speaking with my friend and personal mentor the late Senator Tom Coburn, one of the greatest patriots and conservative Senators in modern American history.

Convention of States Action is a grassroots organization with around five million supporters nationwide. We have volunteer leaders and teams in all 50 states, and as of today we have passed applications substantially similar to North Dakota's HCR 3006 in 19 states. Recent polling shows that nearly two-thirds of Americans--across party lines--support this effort.

With our federal government now poised to implement more radical, socialist policies than ever before, the structural solution to federal overreach--provided by Article V--is needed more than ever. But the resolution before you would have you *stand down* and *surrender to* the neverending flood of federal usurpations of the powers reserved to the states under the Constitution. Now is not the time to retreat from using your constitutional power as a state legislature; now is the time to advance. Now is the time to stand strong in the fight.

I know that you frequently receive advice from self-described "scholars" who predict all sorts of horrible outcomes from an Article V Convention. They have no actual scholarly qualifications, and their reasons for opposing Article V are totally based on irrational fears. Their ramblings are completely at odds with the collective wisdom of the nation's top, peer reviewed, professors and scholars. These include Professor Robert Natelson (author of [The Law of Article V](#), whose works have been frequently cited by the U.S. Supreme Court); Michael Farris (former President of Alliance Defending Freedom, founder of Home School Legal Defense Association and Patrick Henry College, and author of a [Harvard Journal of Law & Public Policy article](#) debunking the "runaway convention" myth); Chuck Cooper (former top litigator for the NRA); Professor Randy Barnett, former deputy Attorney General Mark Levin, and many others.

The rationale this resolution offers for rescinding your extant Article V applications demonstrates a very basic, fundamental misunderstanding of the Article V process and constitutional law. It suggests that because the Declaration of Independence recognizes the basic right of people to alter or abolish a government that fails to secure their rights, an Article V convention would have “inherent power” to deny limitations imposed upon it by the states and “impose sweeping changes” to the Constitution. This is utter nonsense and shows that those writing it don’t even understand the basic structure and operation of our governing charter.

There is no link between those two ideas. Article V doesn’t authorize a convention to form a new government. If you just read it, you see that it authorizes a convention only to propose amendments to “this” Constitution—the one we already have. An Article V convention called pursuant to your 2017 application would have no more legal power to abolish the government than you have as you sit here today. People who make this argument are operating from fear alone, not an understanding of our most fundamental law, the United States Constitution.

As for convention delegations disregarding the limitations placed on them by their state legislatures, that is also nonsense. Every law student learns that pursuant to the principles of basic agency law, an agent cannot simply disregard the instructions and limitations of his or her principal. Commissioners sent to act as agents of their state legislatures in an interstate convention cannot ignore the state legislature’s instructions and limitations. And if they did, their actions would be legally void.

Finally, SCR 4003 claims that you don’t ever *need* to use your power under Article V because we can all just rely on Congress to propose needed amendments. I submit to you that a quick read of the daily news is all it takes to see that this plan of relying on Congress to do what the nation needs is not working. More importantly, it has *never* worked. When was the last time a government voluntarily limited its own authority? Such a suggestion is antithetical to human nature.

In 2017, when you passed HCR 3006, the federal debt was 19.9 Trillion Dollars. Today it is over 36 Trillion dollars. And in fact, when some of the proponents of this rescission resolution began their fight against the Balanced Budget Amendment, the federal debt was under 3 Trillion dollars. How much is enough? Must our government and our economy collapse into rubble like the Weimar Republic before these people will stand and fight? Or would they cower before their rulers in Washington, DC even then...allowing them to take more and more power?

In 1775, Patrick Henry stood before the House of Burgess in VA and said, “It is in vain, sir, to extenuate the matter. Gentlemen may cry, Peace, Peace-- but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that

gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!”

Calling out across the centuries, Patrick Henry is not alone in asking you to stand against the power of the federal government. Virtually every nationally known conservative figure who has commented on Convention of States has done so in favor of the idea; Sean Hannity, Mark Levin, Ben Shapiro, Gov. Ron DeSantis, Gov. Gregg Abbott are among many others. So have 18 other Republican state legislatures to date. And many are considering it this session. In fact, this resolution just passed in the South Dakota Senate State Affairs Committee by a vote of 8-1. With the movement to restrain Washington DC aggressively on the march, would you now stand with the radical left in America and back down?

Yes, I did ask “Would you now stand with the radical left and back down?” Because literally every national left-wing group in America has taken a public stand against Convention of States, in writing. Common Cause, MoveOn.org, DailyKOS, Planned Parenthood, and over 240 other radical left wing groups have attacked this movement because they are afraid that it would remove their power in DC, and return it to you, the state legislatures. Most recently, Convention of States was attacked by Media Matters, a left wing censorship group, after I appeared on Tucker Carlson’s show and explained what this is all about. We have been recently attacked by New Republic, and former Democrat Senator Russ Feingold wrote an entire book about how “dangerous” calling a convention of states would be to left-wing plans. Hillary Clinton has personally spoken out against calling a Convention of States.

History will judge one way or another. History will ask whether this body stood on the side of liberty and against those who would oppress us from Washington DC. History will ask what each of us did in the fight for liberty. History will ask how you personally voted when it came time to stand against DC tyranny.

Now is your moment to stand bravely against the leftists tearing apart the very fabric of our society and stalwartly say “NO.” In 2017 this very legislature demonstrated courage and did just that. I urge you to honor that courage today and vote against surrendering to the radical left. Please, fight for your state, and for your country. Fight for your children and grandchildren. The fight is on, and you are called to lead in that fight.

Now, more than ever before, the nation needs you to use the constitutional authority the Founders gave you to intervene on behalf of the people and stop federal overreach.

Please vote do not pass on SCR 4003 and prevent this attempt at surrender. Thank you for allowing me to testify today.

1-22-25 PSW – Oppose SCR 4003

Good morning, I wish to thank the Committee Chair and Committee Members for the opportunity to voice my opinion in today's meeting.

I am Paul Wuebben, a retired Telecommunications Engineer, from district 27. I have lived in the City of Horace for the past year and 5 months, previously residing between West Fargo and Frontier for 16 years. I am a husband, father of 3 and grandfather of 2, all who reside in North Dakota.

I've had interest in government processes and policy for many years and have until recently limited this interest to being an educated observer and voter. I have not taken any sort of in person action in a policy process prior and feel duty to travel 3 hours to do so today.

I feel frustrated with the lack of federal fiscal restraint, federal regulation and jurisdiction over states and the lack of term limits imposed for members of congress and elected officials. My largest frustration is the lack of fiscal restraint and deficit spending as it impacts my immediate family, friends and neighbors negatively. In my opinion, the Debt-to-GDP ratio has been trending to unsustainable since 2004 and does not appear to reverse course anytime soon. The current 34+ trillion-dollar debt level is a generational issue; however, I believe there can be hope for our future. Our founding fathers provided a vehicle, Article V, Convention of States, that allows civic action by citizens and states to affect change under constitutional process.

Recently, I have been motivated to join the grassroots organization Convention of States, as a volunteer to contribute as much as I am able. The organization's goals align with my beliefs as the best solution to resolve my frustrations and provide opportunity for community concerns to be heard.

As a local volunteer, I feel honored to contribute to past volunteer efforts within our State and have started an engagement process to connect with 91 like-minded fellow district 27 COS petitioners. We plan to educate the community within the district and expand the effort to adjacent districts as much as possible, to inspire civic duty.

I support calling an Article V convention to propose amendments and ask that we act now to prevent the sunset of the HCR 3006 resolution enacted in 2017.

Therefore, I recommend a NO vote on SCR 4003.

Thank you for your time and attention, God Bless the Great State of North Dakota.

Paul S. Wuebben

6349 Saint Ann Avenue

Horace, ND 58047

218 298-1904

My name is Lynn Mahr.

Thank you so much for allowing me to share my voice regarding SCR 4003.

I've been a resident of the great state of North Dakota for 15 years.

I have been a volunteer with Convention of States since around 2017.

My duties for five of those years was having the pleasure of reaching out to the people who signed our petition for Convention of States.

I thanked them for signing the petition and asked if they had any questions.

They were, to say the least, enthusiastic patriots who loved our country.

Almost always, the people would ask me what they could do to help save our country.

They were fearful that our government had become too big and over powering.

Having the ear to so many North Dakotans for so many years. Knowing how they feel about our government is the reason that I'm asking you to please vote "no" for SCR 4003.

Thank you so much for your time.

Attn: ND Judiciary Committee:

Thank you for hearing my testimony.

My name is Ian Becket, from Bismarck. I am 25 years old.

I am asking that you oppose the rescission resolution SCR 4003.

North Dakota grassroots volunteer citizens worked very hard to pass an Article V resolution in 2017, meaning that the residents of ND want to call a convention to propose amendments that will limit the power of the federal government. Federal spending has continued to spiral out of control my entire conscious life, impacting the cost of housing, food, and causing the current inflation spike. Calling a convention allows the states to come together, bypassing Washington, D.C., to create solutions that can help the people of our state.

Understand, that a convention only proposes amendments for the individual state legislatures can elect to ratify. The fear that a so-called "run-away" convention could happen would require that 38 state legislatures would ratify any proposed amendment following the convention. Thus, the convention would propose only common-sense amendments, such as balanced budget reform or term-limits on federal officials.

Please keep the victory that North Dakota holds and vote NO on SCR 4003

Sincerely,

A handwritten signature in black ink, appearing to read "Ian Becket", with a stylized, flowing script.

Ian Becket

Testimony in Opposition to SCR 4003

To: Judiciary Committee

Chair, members of the committee, thank you for considering my statement. My name is George Goodman, from District 1, Williston, where I live. In fact, I grew up in Williston, moved away to college in 1979, lived in Chicago from 1983-2016, and returned to Williston in 2016 and have lived and resided there ever since.

I support calling an Article V convention to amend the U.S. Constitution because that appears to be the only way to reign in federal deficit spending; to return the reach of federal legislation to Congress's original jurisdiction based on less expansive interpretation of the Commerce Clause; and to curb careers in federal government through term limits. The State of North Dakota should welcome better-delineated limits on the federal government, which generally grows at the expense of state power. The amendments are still needed under new President Trump because the problems will continue and even he should welcome and be subject to better-delineated Constitutional limits. Some have raised concerns of a run-away convention, but I do not share those concerns because the Article V process is laid out in such a way as to control amendments (including that the amendments have to track the initial Article V resolution and any amendments adopted at the convention still have to be ratified by the states); the original Constitution was drafted and enacted with no such framework at all, and I have faith in people to do as well today, particularly with the benefit of nearly 250 years' experience that the founders did not have; some of the run-away concerns stem from amendments that smack of Marxism or globalism whereas the proposed COS is made up of honorable patriotic people; and the concerns assume doing nothing is an option but I see the country potentially spiraling out of control. Nor is North Dakota's Article V resolution obsolete, particularly given that the rejection of a similar attempt to rescind it a couple years ago was a recent reconsideration, essentially a repassing, of the resolution, and COS continues to push other states to pass the same resolution. North Dakota's resolution has to match up with the resolution passed in the other states to count. This is nothing like North Dakota's passage of the Equal Rights Amendment decades ago, the rescission of which I would support as circumstances have changed a lot since then.

Madam chair,
members of the committee,
Thank you for hearing us today.
My name is Taya Sakala, from district 26.

I live in Watford City. I have been a North Dakota resident for 6 years now.

I support calling an Article V convention to propose amendments because we can certify federal reform put term limits. The grassroots army is the key to implementing an Article V convention. With over 4.5 million supporters and signed petitions in 100% of legislative districts across America, our grassroots army is the largest Article V grassroots movement in history. Washington, D.C., will never voluntarily relinquish its own power, no matter who is elected. Only a Convention of States will give us effective solutions to the abuse of power in Washington, D.C. It is our moral obligation to protect liberty for ourselves and our posterity.

Kind regards,
Taya Sakala
Watford City, ND
District 26
208-881-1040

Madam chair,
members of the committee,

Thank you for hearing us today.

My name is Emmanuel Sakala, from district 26.

I live in Watford City. I have been a North Dakota resident for 6 years now.

I support calling an Article V convention to propose amendments because we can certify federal reform put term limits. The grassroots army is the key to implementing an Article V convention. With over 4.5 million supporters and signed petitions in 100% of legislative districts across America, our grassroots army is the largest Article V grassroots movement in history. Washington, D.C., will never voluntarily relinquish its own power, no matter who is elected. Only a Convention of States will give us effective solutions to the abuse of power in Washington, D.C. It is our moral obligation to protect liberty for ourselves and our posterity.

Kind regards,
Emmanuel Sakala
Watford City, ND
District 26
208-881-1040

January 22, 2025

Madam Chair Sen Larson and Members of the Senate Judiciary Committee. I am Senator David Clemens from District 16 in West Fargo. I am here to introduce SCR 4003 which addresses the rescinding of all extant applications by the North Dakota Legislature Assembly to call a convention under Article V of the US Constitution.

Article V in the US Constitution offers two ways of amending the Constitution.

One is for the Congress to offer an amendment to the States and when ratified by $\frac{3}{4}$ of the States, shall become part of the Constitution.

Second way is for $\frac{2}{3}$ of the States to call a convention to propose amendments and if ratified by $\frac{3}{4}$ of the States shall become part of the Constitution.

The dangers of an Article V Convention of States is that the Constitution has no guidelines for such a convention. The convention or States will decide on how voting takes place, how many amendments can be voted on, what representation does each State have and what is the deadline for ratification.

We have a Constitution that has served us well for over 200 years and the problem is not the Constitution but the fact we do not follow it. Amendments so far have been accomplished through the Congress and ratified by the States.

This concludes my introduction and stand for any questions.

Respectfully submitted,

Sen David Clemens

Dear Committee Members,

The framers of the constitution had the foresight to see that the federal government might become unaccountable for its actions. That it would claim more power than the constitution granted. Thus, Article V was placed so the states could limit the actions of an overbearing federal government. We have reached that point!

When congress will not govern its self, it is time for "we the people" to step in. When was the last time congress had a balanced budget? When was the last time it had a budget on time, October1? We are over 33 trillion dollars in debt and there is no indication that it is slowing down. We spend more on the interest of our debt than we do on our national defense budget.

If the government will not regulate its self, the only other option is an Article V Convention of States action. Please vote NO on SCR 4003, we must maintain the latitude to put restrains on the federal government

Thank you,

Delvin Hansen

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January 22, 2025 - Rose Christensen

Testimony in support of SCR 4003

A Resolution calling for the rescission of North Dakota's 2017 application for a "Convention of States" Article V Constitutional Convention.

We all remember the story of King Midas, the greedy king who wished that everything he touched might turn to gold. When his wish was granted he became so excited, he almost swooned! Feverish with excitement, he collapsed in his throne and called for something to slake his thirst. A lowly servant appeared with a goblet of wine. And you know the rest of the story. The goblet turned to gold, and so did the wine, and so did the bread, and the chunk of cheese, and the beautiful, juicy grapes... and Midas died of starvation.

The moral of the story is, "Be careful what you wish for. Your wish might come true!"

In 2017 a dozen legislators who fervently wished to solve the huge problems created by the bloated, greedy, tyrannical central government promoted a proposal to apply for an Article V constitutional convention to "impose fiscal restraints" on... and to "limit the power and jurisdiction of" the federal government. On the surface, it sounded so good, and so easy!

I have photocopied one newspaper article from that period which plugs the proposal, but hints at the exhaustive discussion and debate that has dogged the issue ever since the House and Senate caught the fever, and adopted the resolution. In 2017, The so-called Convention of States was on a roll, but in the eight years that have passed since then the proposal has declined in popularity, and is presently dying on the vine. Unfortunately, there was no time limit put on this proposal to save it from this kind of death by old age, so it plods along succumbing to death by irrelevance instead.

Article V of the US Constitution specifies that Congress "shall call a convention for proposing amendments" when two-thirds of the several states shall have applied for one, that's 34 states! Proponents have not been able to push their project over the finish line. Not only has the COS not been able to advance, it has suffered several setbacks when such states as Colorado and New York rescinded their earlier enthusiastic applications. Why is this happening? Perhaps it's the simple instinct to survive. There are too many contradictions. Too many assurances that this convention is fool-proof and nothing can possibly go wrong. Americans have been fooled too often and we're getting wise to a con!

Proponents continue to try to sell this notion that "nothing can go wrong!" But behind the familiar faces of folks we know and like and WANT TO TRUST, there are the plenty of red flags hoisted high and flapping in the howling winds. Some of you may be old enough to

Mark Meckler's "COS" Board Member has drafted new Constitution which imposes gun control

By Publius Huldah (Joanna Martin, J.D.)

Our Framers understood that a free State cannot exist without an armed and trained populace (i.e., the Militia). Accordingly, they wrote a Constitution which prohibits the federal and State governments from infringing the natural right of the People to keep and bear arms.

Under our Constitution, the federal government has no authority to make any laws *whatsoever* over the Country at Large restricting the rights of the People to keep and bear arms. Gun control is not an enumerated power. Furthermore, the Second Amendment expressly forbids the federal government from infringing the right of the People (the Militia) to keep and bear arms.

The States are also prohibited from infringing the right of the People to keep and bear arms by Article I, Sec. 8, clauses 15 & 16, US Constitution. Those two clauses provide for the Militia of the Several States; and implicitly prohibit the States from making any laws which would interfere with the arming and training of the Militiamen in their States. ¹

Applications for Congress to call a convention under Article V, US Constitution

But various groups, such as Mark Meckler's Convention of "States" (COS) organizations, have been lobbying State Legislators to pass applications asking Congress to call an Article V Convention.

Whether or not State Legislatures should ask Congress to call an Article V Convention is one of the most important – and contentious – issues of our time. The Delegates to such a convention, as Sovereign Representatives of the People, have the power to throw off the Constitution we have and propose a new Constitution, with a new and easier mode of ratification, which would create a new government. ²

The Pennsylvania Senators Roundtable Discussion

On November 8, 2021, several Pennsylvania Senators conducted a **roundtable discussion** about whether they should pass Mark Meckler's "COS" application (**SR 152**) for Congress to call an Article V convention. Mark Meckler and his allies were present in support of SR 152. Firearms Owners Against Crime was present in opposition to SR 152. Gun Owners of America was there also. ³

Much of what Meckler said at the roundtable is not true. But this paper focuses on his comments ridiculing his opponents' concerns that, if there is an Article V convention, we could lose our existing Right to keep and bear arms.

Meckler showed up at the roundtable decked out in gun garb; and, after dropping names to show his connections with gun rights organizations, proceeded throughout the discussion to preen his commitment to "the Second Amendment". He ridiculed the warnings that if there is an Article V Convention, Delegates would have the power to impose a new Constitution which, among other horrors, strips us of our Right to keep and bear arms without infringement.

Meckler said that Chuck Cooper, a litigator for the NRA, is on COS's Legal Advisory Board and has written an open letter saying, "...it's a ridiculous argument that there could be a runaway convention and we could lose

"And I will tell you there are 5 Million people in this country ... that are signed up for convention of states. Right here, there are 90,000 in this state. 90,000!"

The question was asked, will this help pass constitutional carry? The answer is hell yes, it will! Because right now, our activists are very angry with gun rights organizations in this state. And they'll not support anything that these gun organizations are doing, because they're now sworn enemies on Article V. ... But I will say, on Kim Stoller's organization, they should be working with these organizations. Every one of those 90,000 should be signed up with these organizations and members of these organizations fighting for everything they [the gun organizations] want."

[1:21:21 – 1:22:05]

So Meckler, who postures as a "Second Amendment guy" [13:31-13:57], threatened that unless Kim Stoller supports Meckler's SR 152 application for a convention, Meckler's alleged 90,000 supporters in Pennsylvania ⁴ will not support anything Kim Stoller's gun rights organization does!

Look behind the Curtain

This push for an Article V Convention is the most vicious bait and switch ever perpetrated on the American People. It's all about getting a new Constitution under the pretext of getting amendments. ⁵ If Congress calls an Article V convention, Robbie George's proposed Constitution, or another just as tyrannical, can be proposed. ⁶ And since any new Constitution will have its own new mode of ratification (such as a national referendum), it's sure to be approved.

The solution to our political and economic problems is to read and enforce the Constitution we already have. States and local governments and individual Citizens can take a giant step forward *by not taking federal funds to participate in unconstitutional federal programs*.

And rescind your States' existing applications for an Article V convention! It doesn't matter what the ostensible purpose of a convention is, as set forth in a State's applications. Once the Convention assembles, the Delegates can do whatever they want including approving the Constitution Robbie George participated in drafting, or another Constitution which will also legalize the tyranny which is taking over our Country.

We are to fight tyranny **by resisting it; not by legalizing it**.

Endnotes:

¹ With the **Militia Act of 1792**, Congress *required* all able-bodied male Citizens in the Country (with a few exceptions) between the ages of 18 and under 45 to buy a rifle, bayonet, ammo & ammo pouch, and report to their local Militia Unit for training. States may not lawfully do anything to interfere with this constitutional grant of power to Congress.

² This is shown in these flyers:

- **How to get a new Constitution under the pretext of proposing amendments;**
- The US Constitution & Congressional Research Service (CRS) Report show that COS's assurances that State Legislatures will control a convention are false and reckless. So what is Meckler's response? *To snicker and belittle the CRS!* [1:14:35 – 1:14:42]; and
- **What the Convention Lobby isn't telling you about our Declaration of Independence.**

Mark Meckler's "COS" Board Member has drafted new Constitution which imposes gun control

By Publius Huldah (Joanna Martin, J.D.)

Our Framers understood that a free State cannot exist without an armed and trained populace (i.e., the Militia). Accordingly, they wrote a Constitution which prohibits the federal and State governments from infringing the natural right of the People to keep and bear arms.

Under our Constitution, the federal government has no authority to make any laws *whatsoever* over the Country at Large restricting the rights of the People to keep and bear arms. Gun control is not an enumerated power. Furthermore, the Second Amendment expressly forbids the federal government from infringing the right of the People (the Militia) to keep and bear arms.

The States are also prohibited from infringing the right of the People to keep and bear arms by Article I, Sec. 8, clauses 15 & 16, US Constitution. Those two clauses provide for the Militia of the Several States; and implicitly prohibit the States from making any laws which would interfere with the arming and training of the Militiamen in their States. ¹

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Article V Convention Legislation filed in Congress shows how Applications will be counted: it's not what Lobbyists promised you

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Legislation recently filed in Congress shows that the assurances pro-convention lobbyists have been making to State Legislators to induce them to apply to Congress for Congress to call a Convention under Article V of our Constitution are *false*.

These lobbyists have convinced too many State Legislators that our Framers said that when the federal government violates the Constitution, the solution is to get a convention to *amend the Constitution*. **Our Framers never said such a silly thing** (<https://publiushuldah.wordpress.com/wp-content/uploads/2022/07/how-to-get-a-new-constitution-6-28-22.pdf>)! But *that* is what is behind the push for an Article V convention.

Article V of our Constitution provides two methods of amending the Constitution 1) Congress may propose amendments by two-thirds majority in both Houses; or 2) Congress, upon the applications of two-thirds of the State Legislatures, calls a convention where the Delegates may propose amendments. The second method has never been used – it's **dangerous** (<https://publiushuldah.wordpress.com/wp-content/uploads/2021/04/brilliant-men-ben-franklin-v-meckler-ap-18-2021.pdf>)!

Nevertheless, the pro-convention lobby has been assuring State Legislators that a Convention is perfectly safe because State Legislatures will control it: *They* will determine the amendments to be considered at the Convention; Congress *can't* call a convention until Congress receives 34 applications from State Legislatures which ask for the same amendment; and Delegates to the convention may consider nothing but amendments requested by 34 State Legislatures.

If Congress calls a convention, would Congress or the Delegates to the Convention be constrained by the Lobbyists' assurances to State Legislators?

Of course not! The Delegates – as Sovereign Representatives of The People – would have the self-evident Right, **recognized by the Declaration of Independence** (<https://publiushuldah.wordpress.com/wp-content/uploads/2022/03/what-the-convention-lobby-isnt-telling-you-about-our-declaration-of-independence-sep-21-2020.pdf>), “to alter or to abolish” our “Form of Government.” Accordingly, Congress *isn't* empowered by Article V or anything else in the Constitution to call a *limited* convention restricted to considering only the amendments requested by 34 State Legislatures.

And now, legislation consistent with this “self-evident Right” has been recently filed in Congress:

On July 19, 2022, Congressman Jodey Arrington of Texas introduced **H.Con.Res.101** (<https://legiscan.com/US/text/HCR101/2021>), which calls a convention; and **H.R. 8419** (<https://www.congress.gov/bills/117/congress/house/bills/8419/text?q=%7B%22search%22%3A%5B%228419%22%2C%228419%22%5D%7D&r=1&s=4>), which sets forth how applications for a convention *are to be counted*.

These Resolutions show that the convention pushers' assurances that Delegates to the Convention can do nothing but consider amendments requested by 34 State Legislatures, are false:

H.C.R. 101 §1(a) (1) says, “...Congress hereby calls a convention for proposing amendments...”

H.R. 8419 creates subsection (c) of **1 U.S. Code, § 106** (<https://www.law.cornell.edu/uscode/text/1/106a>), which directs the Archivist of the United States to count *all* non-rescinded applications asking Congress to call a Convention; and to notify Congress of its **duty** to call a Convention when the Archivist receives non-rescinded applications for a Convention from two-thirds of the States.

H.R. 8419 doesn't permit the Archivist to sort the applications by the amendments specified by State Legislatures. Instead, H.R. 8419 directs the Archivist to count *all* non-rescinded applications together.

One group pushing for a Convention **has already admitted** (<https://publiushuldah.wordpress.com/wp-content/uploads/2022/02/bba-33-active-article-v-applications.pdf>) that Congress can “mix & match” the various applications for a convention: This group combined non-rescinded applications passed in 1789, several passed in 1861 to avert the Civil War, and during 1901 for popular election of US Senators *with* applications passed in recent decades for a balanced budget amendment.¹

And the Archivist of the United States is, in effect, *directed* by H.R. 8419 to mix and match the various applications! *If an application is non-rescinded, the Archivist is directed to count it to get to 34.*

So H.C.R. 101 & H.R. 8419 really are consistent with the “self-evident right” of a People to alter or abolish their government and set up a new one. And they reveal that whoever drafted these Resolutions also understands that State Legislatures have *no power* to dictate what is considered by Delegates at the convention. In State Legislatures' applications to Congress for a convention, they sometimes *insist* that **they** will control the convention (see p. 2, line 19 thru p. 7 of this **application in the Pennsylvania Senate** (<https://legiscan.com/PA/text/SR152/2021>)); but the Truth is that *the Constitution* sets forth **what**

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Understanding the Constitution

Article V Convention Legislation filed in Congress shows how Applications will be counted: it's not what Lobbyists promised you

By Publius Huldah (Joanna Martin, J.D.)

Legislation recently filed in Congress shows that the assurances pro-convention lobbyists have been making to State Legislators to induce them to apply to Congress for Congress to call a Convention under Article V of our Constitution are *false*.

These lobbyists have convinced too many State Legislators that our Framers said that when the federal government violates the Constitution, the solution is to get a convention to *amend the Constitution*. **Our Framers never said such a silly thing** (<https://publiushuldah.wordpress.com/wp-content/uploads/2022/07/how-to-get-a-new-constitution-6-28-22.pdf>)! But *that* is what is behind the push for an Article V convention.

Article V of our Constitution provides two methods of amending the Constitution 1) Congress may propose amendments by two-thirds majority in both Houses; or 2) Congress, upon the applications of two-thirds of the State Legislatures, calls a convention where the Delegates may propose amendments. The second method has never been used – it's **dangerous** (<https://publiushuldah.wordpress.com/wp-content/uploads/2021/04/brilliant-men-ben-franklin-v-meckler-ap-18-2021.pdf>)!

Nevertheless, the pro-convention lobby has been assuring State Legislators that a Convention is perfectly safe because State Legislatures will control it: *They* will determine the amendments to be considered at the Convention; Congress *can't* call a convention until Congress receives 34 applications from State Legislatures which ask for the same amendment; and Delegates to the convention may consider nothing but amendments requested by 34 State Legislatures.

If Congress calls a convention, would Congress or the Delegates to the Convention be constrained by the Lobbyists' assurances to State Legislators?

Of course not! The Delegates – as Sovereign Representatives of The People – would have the self-evident Right, **recognized by the Declaration of Independence** (<https://publiushuldah.wordpress.com/wp-content/uploads/2022/03/what-the-convention-lobby-isnt-telling-you-about-our-declaration-of-independence-sep-21-2020.pdf>), “to alter or to abolish” our “Form of Government.” Accordingly, *Congress isn't empowered* by Article V or anything else in the Constitution to call a *limited* convention restricted to considering only the amendments requested by 34 State Legislatures.

And now, legislation consistent with this “self-evident Right” has been recently filed in Congress:

On July 19, 2022, Congressman Jodey Arrington of Texas introduced **H.Con.Res.101** (<https://legiscan.com/US/text/HCR101/2021>), which calls a convention; and **H.R. 8419** (<https://www.congress.gov/bills/117/congress/house/bills/8419/text?q=%7B%22search%22%3A%5B%228419%22%2C%228419%22%5D%7D&r=1&s=4>), which sets forth how applications for a convention *are to be counted*.

These Resolutions show that the convention pushers' assurances that Delegates to the Convention can do nothing but consider amendments requested by 34 State Legislatures, are false:

H.C.R. 101 §1(a) (1) says, “...Congress hereby calls a convention for proposing amendments...”

H.R. 8419 creates subsection (c) of **1 U.S. Code, § 106** (<https://www.law.cornell.edu/uscode/text/1/106a>), which directs the Archivist of the United States to count *all* non-rescinded applications asking Congress to call a Convention; and to notify Congress of its **duty** to call a Convention when the Archivist receives non-rescinded applications for a Convention from two-thirds of the States.

H.R. 8419 doesn't permit the Archivist to sort the applications by the amendments specified by State Legislatures. Instead, H.R. 8419 directs the Archivist to count *all* non-rescinded applications together.

One group pushing for a Convention **has already admitted** (<https://publiushuldah.wordpress.com/wp-content/uploads/2022/02/bba-33-active-article-v-applications.pdf>) that Congress can “mix & match” the various applications for a convention: This group combined non-rescinded applications passed in 1789, several passed in 1861 to avert the Civil War, and during 1901 for popular election of US Senators *with* applications passed in recent decades for a balanced budget amendment.¹

And the Archivist of the United States is, in effect, *directed* by H.R. 8419 to mix and match the various applications! *If an application is non-rescinded, the Archivist is directed to count it to get to 34.*

So H.C.R. 101 & H.R. 8419 really are consistent with the “self-evident right” of a People to alter or abolish their government and set up a new one. And they reveal that whoever drafted these Resolutions also understands that State Legislatures have *no power* to dictate what is considered by Delegates at the convention. In State Legislatures' applications to Congress for a convention, they sometimes *insist* that **they** will control the convention (see p. 2, line 19 thru p. 7 of this **application in the Pennsylvania Senate** (<https://legiscan.com/PA/text/SR152/2021>)); but the Truth is that *the Constitution* sets forth **what**

COS Questions:

1. The website Q&A assures its readers *"It is not a constitutional convention"*. Yet our Decl of Independence proclaims that the People have the right at any time to gather in convention to throw off government and create a new one. In fact the **facts of history** tell us that's what happened in 1787. The States sent delegates to the Philadelphia Convention merely to revise the Articles of Confederation, but they ended up creating an entirely new constitution. AND with different rules for ratification than what the Articles required! **Why do the supports of COS dismiss these cherished fundamental truths as "fear mongering"?**

2. The website Q&A declares *"A convention of states is a convention called by the state legislatures"*. That's not true. Article V doesn't say anything about a "convention of states", or that state legislatures call a convention. It says *"Congress shall call a convention" "on the Application of 2/3 of the several States"*. And Article 1 Section 8 last clause gives Congress the power to make the rules. **Should we trust people who are so careless with words of such import?**

3. I read Greg Abbott's 100-page *Texas Plan*. He proposes an amendment to "Give state officials the power to sue in federal court when federal officials overstep their bounds". Yet Jefferson said "Nullification is the rightful remedy" and Madison said "nullification is a natural right". **Why do COS supporters hide the truth that States ALREADY have the power to resist unconstitutional acts of the federal government?**

<https://tenthamentendmentcenter.com/2015/05/16/nullification-made-easy/v>

4. **On July 6, 2017 (Part 2 at 37:00), Mark Meckler was heard on Red Eye Radio** answering a caller's question: *"Once the amendments are proposed and ratified, how are they actually implemented?"*

In response, Meckler said, *"[The amendments] just automatically become part of the Constitution...part of the structure of governance in America...and that means that government then has to begin operating according to those amendments in the same way that they do with the rest of the Constitution."*

Meckler continued, *"And functionally, ultimately that means government will shrink, they will have the authority to do less. And if they fail to follow those amendments, then obviously, there is litigation that ensues up to the federal courts and ultimately up to the Supreme Court, if necessary."*

But wait! COS has contended for years that the Constitution needs to be amended precisely *because of* decisions by activist judges who have undermined the original intent of the Constitution and allowed the federal government to usurp powers not delegated to them by our Constitution. In other words, Meckler brushes off the question with a circular argument.

This is as bad as Nancy Pelosi casually saying "we have to pass the bill to see what's in it". **Is he that self-deceived? Or is walking circles around a hidden agenda?**

5. The website Q&A says their so-called convention of States *cannot throw out the Constitution because its authority is derived from the Constitution*. That's like saying "Congress cannot get us into a 27 billion debt because it has Constitutional authority to "borrow money on the credit of the United States". **Why do COS proponents hide the reality that for the last 50 years globalists and communists have been planning to replace our Constitution and only need one thing to do so - an Article V Convention:**

- Communist Sympathizer Mag "The Nation" Backs Convention of States - The New American
 - Ford and Rockefeller Foundation's *Constitution for the Newstates of America*, produced 50 years ago, replaces our States with new "regions";
 - The Communist Party USA's *Constitution for the New Socialist Republic in America*;
 - George Soros' *Constitution 2020* movement.
- Globalists like the CFR's Task Force Report on the NAU (North American Union).

Even though our Constitution is not being enforced, it still declares this Federal government lawless. The rule of law is still on our side. But not for long if we foolishly weaken it with deceptively named amendments, or allow our Constitution to be replaced.

Why I believe an "Article V Convention" is a Dangerous Undertaking that could Lead to the Ultimate Destruction of the Constitution and our Federal Republic

Article V:

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...

Reason #1 – To assert that you can rein in a federal government which ignores the Constitution, by amending the Constitution, is irrational. Frankly I find it insulting that those who propose this think we are too dumb to notice that. They want us lost in the weeds so we don't see the big picture.

Reason #2 - Who would be in charge?

- There is nothing in Article V about a "Convention of States", only that the States can *apply* to have Congress call a convention for which Congress chooses the mode of ratification. There are two houses of Congress – will they agree on what that means or how to do it? On what the rules are and who the delegates will be? This has never been done before. You don't think Nancy Pelosi and Chuck Shumer would say it means Congress is in charge of everything? You think they would compliantly give up that interpretation?
- There are 34 States involved. Will they all agree? What compromises and Hegelian Dialectics will be involved?

Reason #3 - The Constitution is not the problem; deceitful people who ignore it are the problem.

- Our Constitution already limits the federal government to a short list of only 18 powers in Article 1 Section 8 and a few elsewhere; and the 10th Amendment reserves all other powers to the "States respectively, or to the people".
- Our Constitution already limits Congress' spending to only that short list that they can lay and collect taxes for.
- It already gives the people the power to limit the terms of office by voting them out. A more pressing need is to get rid of electronic voting machines! <https://lindelltv.com/>

Reason #4 – It opens the door for socialist, globalist, communist influence in our Constitution.

- Already the Constitutional Convention Conference at Harvard Law School in 2011 was co-hosted by radical leftist Lawrence Lessig, a Harvard Law School professor <https://thefederalistpapers.org/opinion/leftist-harvard-professor-sues-new-york-times-clickbait-defamation-jeffrey-epstein-story>
- Whether chosen by Congress, the State Legislatures, or the people by popular election, is no guarantee any of these groups will select delegates wisely. Nor can anyone guarantee that the delegates selected won't be threatened, bribed, blackmailed.

Reason #5 – Despite their assurances to the contrary, an Article 5 Convention would be out of control, just like our convention of 1787 delegates ignored their instructions from the States.

- Justice Warren Berger “there is no effective way to limit or muzzle the actions of a Convention”.
- Even the pro-Article V people admit that “some constitutional scholars believe that even in a so-called limited COS, ***nothing ... will prevent amendments being proposed and voted upon that are outside the limitations stated in COS applications.***”

<https://web.archive.org/web/20200226231515/https://huntforliberty.com/a-convention-strategy/>

Reason #6. Amendments that have been considered actually *constitutionalize powers which our Constitution currently does not give*. For example, a balanced budget amendment would allow Congress to spend according to *the budget*, instead of limiting it to *the enumerated powers*.

Reason #7 - List of those who would be thrilled to have an Article V Convention:

- The Nation magazine Communist Sympathizer Mag "The Nation" Backs Convention of States - The New American
- Nefarious entities who chomping at the bit to actually *replace* our Constitution with a new one - which *can only be done through a convention*:
 - Ford and Rockefeller Foundation's *Constitution for the Newstates of America*, produced 50 years ago, replaces our States with new "regions";
 - The Communist Party USA's *Constitution for the New Socialist Republic in America*;
 - George Soros' *Constitution 2020* movement.
- Globalists like the CFR's Task Force Report on the NAU (North American Union).

Reason #8 - List of those who warn against an Article V Convention:

- James Madison "I tremble at the prospect...the most violent of partisans and individuals would strive to be delegates and would have a dangerous opportunity"
- Justice Scalia, "It is a 'horrible idea' to hold an Article V convention"; former Supreme Court
- Plyllis Schlafley and Eagle Forum
- Gun Owners of America
- Concerned Women for America
- John Birch Society who here exposes the COS lie that "alterations to the 2nd amendment cannot be on the table" <https://youtu.be/WwgIV3WL5XE>
- At least 17 States who later rescinded their original applications, including North and South Carolina.

One hour of listening to Publius Huldah's presentation in Asheville in 2015 A Look at the Folly of a Constitutional Convention - YouTube will equip you to save much wasted time in the future fretting about the issue. You'll GET it.

So what *can* we do about the dysfunctions in our federal government? Elect patriot people with the backbone to nullify and downsize the federal government to its enumerated powers and return the usurped powers to the States or the People. At the same time promote Constitution study groups all across the nation.

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SCR 4003
1/27/2025

A concurrent resolution to rescind all extant applications by the North Dakota Legislative Assembly to call a convention to propose amendments to the United States Constitution under Article V of the United States Constitution.

11:46 a.m. Vice Chairman Paulson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Committee Action

11:47 a.m. Senator Myrdal moved a Do Pass.

11:47 a.m. Motion fails for a lack of second.

11:49 a.m. Senator Castaneda moved a Do Not Pass.

11:49 a.m. Senator Braunberger seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	A
Senator Larry Luick	Y
Senator Janne Myrdal	N

Motion passed 5-1-1.

11:56 a.m. Senator Castaneda carried the bill.

11:56 a.m. Vice Chairman Paulson closed the hearing.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
SCR 4003 ([25.3039.01000](#))

Judiciary Committee (Sen. Larson, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4003 was placed on the Eleventh order on the calendar. This resolution does not affect workforce development.