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Oppose New Jersey Federal Constitutional Convention Resolutions

URGENT; ACT NOW: Four Article V constitutional convention resolutions (ACR 29, SCR 32, SCR 22, and AJR 91) and two "faithful delegate" bills (A.3027 and S.832) are pending in the New Jersey Legislature. *AJR 91, a radical pro-abortion "rights" constitutional amendment Con-Con resolution, would call on Congress "to convene a constitutional convention to consider amending the federal Constitution to provide every person in this country the fundamental right to choose or refuse contraception or sterilization, and choose whether to carry a pregnancy, to give birth, or to terminate a pregnancy."*

This radical, pro-abortion resolution, sponsored by left-wing Democrats, illustrates the danger of a Con-Con, particularly that the Left supports a Con-Con and would use one to curtail our God-given liberties. *Urge your legislators to oppose opening up the U.S. Constitution to radical changes, regardless of the excuse being used.*

Members of the New Jersey Legislature are seeking to introduce and pass a resolution applying to Congress to "call a Convention for proposing Amendments," under Article V of the Constitution, otherwise known as a federal constitutional convention (Con-Con).

Assembly Concurrent Resolution No. 29 (ACR 29) and Senate Concurrent Resolution No. 32 (SCR 32) have been introduced by 10 senators. They follow the wording of Mark Meckler's Convention of States Project, or COS Project, application, urging Congress to call a convention to propose amendments "that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress."

Additionally, Senate Concurrent Resolution No. 22 (SCR 22) has been introduced. Sponsored by two senators, this resolution applies for a convention to propose a Balanced Budget Amendment (BBA), term limits on the

Supreme Court and Congress, and changing the Electoral College so that Electoral votes are required to be allotted by congressional district.

Assembly Joint Resolution No. 91 (AJR 91) would call on Congress "to convene a constitutional convention to consider amending the federal Constitution to provide every person in this country the fundamental right to choose or refuse contraception or sterilization, and choose whether to carry a pregnancy, to give birth, or to terminate a pregnancy."

Assembly Bill No. 3027 (A.3027) and Senate Bill No. 832 (S.832) have also been introduced. These bills are designed to give false assurance that a convention won't get out of control, doing this by ostensibly regulating the appointment and conduct of delegates (labeled "commissioners" in the bills). Such a bill would be completely useless at preventing a runaway convention — for example, they don't regulate delegates from other states, and it don't prevent delegates from proposing an entirely new constitution (in the 1787 Convention, states also attempted to limit delegates' authority).

Any Article V convention, no matter how well intentioned, could lead to a runaway convention that would reverse many of the Constitution's limitations on government power and interference. In other words, **a Con-Con could accomplish the same goals that many of its advocates claim to be fighting against.** As evidence, both a 2016 and 2023 simulated "Convention of States" resulted in amendments massively increasing the federal government and expanding its spending powers.

When speaking to your legislators, emphasize the following irrefutable facts about an Article V convention for proposing amendments:

1. There is no constitutional authority for a limited convention.
2. There is no guidance on how delegates would be selected.
3. There is no guidance on who could qualify as a delegate.
4. There is no guidance on how many delegates each state could send.
5. There is no provision for stopping a runaway convention.
6. There is no provision for how rules would be established.
7. There is no provision for how rules would be enforced.
8. There is no role provided for the people to play in the process.
9. There is no power provided for the people to stop a convention once it starts.
10. There is no description of the ratification conventions Congress could choose to call.
11. There are no rules governing the ratification conventions Congress could choose to call.
12. There is no means provided for either the states or the people to challenge Congress's choice of the method of ratification.
13. There is no test provided for a qualifying application submitted by a state.
14. The acceptance by one Congress of a state application for a convention does not bind subsequent Congresses from accepting that application.
15. Application for a convention submitted by one state legislature does not prevent subsequent state legislatures from revoking the previous application.
16. All these issues would be challenged in court and would take years to be decided.
17. The issues to be addressed at a convention to propose amendments would likely be moot by the time the challenges reached the U.S. Supreme Court for final adjudication.
18. If 100 percent of registered voters opposed an amendment proposed by a convention, but the requisite number of state legislatures or ratifying conventions (according to the process determined by Congress for consideration of proposed amendments) supported it, then that amendment would become part of the Constitution regardless of the will of the people.
19. The same scenario is true if a proposed amendment were approved by 100 percent of registered voters but rejected by the ratification conventions or state legislatures (according to the process determined by Congress for consideration of proposed amendments).

The late Supreme Court Justice Antonin Scalia understood the danger of a constitutional convention. In 2015, Scalia reiterated his opposition to an Article V convention, stating **"this is not a good century to write a constitution."** Furthermore, ***what kind of delegates would New Jersey send to such a convention? Constitutionalist conservatives or RINO moderates and liberals?***

In 1979, then-U.S. Senator Barry Goldwater of Arizona, correctly warned about an Article V convention:

> If we hold a constitutional convention, every group in the country — majority, minority, middle-of-the-road, left, right, up, down — is going to get its two bits in and we are going to wind up with a constitution that will be so far different from the one we have lived under for 200 years that I doubt that the Republic could continue.

Goldwater considered an Article V Convention threatening to the continuity of the United States' republican form of government. It would be foolhardy and downright reckless to disregard these and other legitimate concerns.

An Article V convention possesses the inherent power to propose ***any*** changes to the U.S. Constitution, including drafting and proposing an entirely new "modern" (i.e., socialist) constitution. Instead, ***the New Jersey Legislature should consider Article VI and nullify unconstitutional laws.***

Furthermore, ***state lawmakers should also consider rescinding any and all previously passed Article V convention applications to Congress, regardless of the desired amendment(s).*** Passing rescission resolutions will help prevent aggregating past Article V convention applications with those from other states to force Congress to call a convention.

Above all, **urge your state representative and senator to oppose ACR 29, SCR 32, SCR 22, AJR 91, A.3027, S.832, and all other pro-Article V convention resolutions, and instead consider nullification as a safe and constitutional means to limit government.**

The Harsh Reality of a "Convention of States"