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# Stop Deceptive Michigan Con-Con "Commissioner" Bills HCR 2 and HB 5151

**URGENT:** The Michigan Legislature is considering deceptive bills intended to give state legislators false confidence in a disastrous Article V constitutional convention — a first step toward deceiving them into applying for a convention. ***Take a moment to please CALL your state representative and senator over the phone, and urge them to oppose and vote NO on these deceptive bills.***

House Concurrent Resolution No. 2 (HCR 2) and House Bill No. 5151 (HB 5151) seek to regulate the appointment and conduct of delegates (labeled "commissioners" in the bill) to prevent a runaway convention. **These bills would be completely useless at preventing a runaway convention and offer little more than a *false sense of security*.** Constitutionally, these bills will ***accomplish nothing*** to control or regulate the conduct of delegates to a convention.

Delegates to an Article V convention, once called by Congress, would act as the ***sovereign representatives*** or agents of "We the People," and as such the would wield far greater power than the very state legislatures that applied to Congress to call the convention, greater power than Congress itself, and even than the president of the Untied States. ***Delegates to a convention for proposing amendments to the federal Constitution are not subject to state law, and as such no state statute, such as proposed by these two deceptive bills, can bind them.***

Furthermore, these bills don't and cannot regulate delegates from other states, nor prevent such delegates from proposing an entirely new constitution (in the 1787 Convention, states also attempted to limit delegates' authority). Delegate bills create a false sense of security, making lawmakers believe that an Article V convention can be restrained, so they, along with legislators in other states, would be more willing to support resolutions applying to Congress to call a convention. Across the country, Article V convention lobbyists falsely promise that if enough states pass such delegate-control laws, the convention itself can be restrained. Such a claim is entirely

false and completely reckless. Urge your state legislators to reject delegate control bills along with any resolutions making application to Congress to call a convention. Remind them that the Constitution does not need to be rewritten, it simply needs to be obeyed as written and intended by the Framers.

**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 convention (according to the process determined by Congress for consideration of proposed amendments) then that amendment would become part of the Constitution regardless of the will of the people.
19. The same scenario is true of a proposed amendment was 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).

Any Article V convention could lead to a runaway convention reversing 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.

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 Michigan 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 Michigan Legislature should consider Article VI and nullify unconstitutional laws.***

Above all, **urge your state representative and senator to oppose HCR 2, HB 5151, and all other pro-Article V convention legislation and to instead consider nullification as a safe and constitutional means to limit government.**