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Stop New Mexico Federal Constitutional Convention Resolutions HJR 9 and HJR 12

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

House Joint Resolution 9 (HJR 9) and House Joint Resolution 12 (HJR 12) follow the wording of Mark Meckler's Convention of States (COS) Action/Project application, urging Congress to call a convention to propose amendments "to impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for federal officials and members of congress."

This vaguely-worded resolution claims that it is "limited to" proposing amendments related to the listed topics. In reality, any convention 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.

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 Mexico 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.

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).

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 Mexico 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 HJR 9, HJR 12, and all other pro-Article V convention resolutions and to instead consider nullification as a safe and constitutional means to limit government.**