

Written Testimony Against HJR2

Dear Representative,

I am guessing you are hearing from the Convention of States Project supporters from across the country as the COS does national calls to action.¹ I mean nothing personal to anyone but they are following a marketing schema.³ If the activists are investigated the majority are unknowing victims of the Dunning-Kruger effect.² It's overt if you spend anytime on Facebook or get them away from their Social Media Warriors talking points. Mindlessly signing an online petition should not carry weight on such a critical issue either. **I urge you to consider your knowledge and real world experience over the quantity of supportive emails.**

As a legislator, do you have blind faith to trust it all that a large enough number of states will stay united, loyal and controlled in a standoff with an entity that provides them with their very life blood in the form of grants, programs, money, roads and bridges, entitlements, and the list would reach from here to the moon and back twice?

Do you, **in your heart of hearts, truly believe** that a large enough group of delegates would stay focused and strong in the face of media attacks, foot stomping and barking from special interest groups, political correctness, big money, re-election and quid pro quo?

Everyone agrees the convention will be a debate. There are academics and elitists that love to argue and debate theory. They think they know best and can control everything. But this will go down in reality.

What is the reality of the day?

We are 240 years from a time where honor, truth and dignity were more than words in a dictionary. That era is not even in the rearview mirror any longer. While there are some well-intentioned people and some really good legislators, there are not enough statesman of character with knowledge like the Founders to protect liberty and ensure fairness, and **surely you know they will not be in the majority in the convention or reigning over ratification.**

Please don't open the door to this.

I urge you to vote no on all applications for an Article V convention regardless of their language and nature. This is not the political environment to attempt this.

Sincerely submitted,

Lynette Indiana

Endnotes:

(1) COSProject's YouTube featuring President Mark Meckler lambasting West Virginia State Legislators for what he says is "scurrilous behavior" and actions contrary to the rules. Mr. Meckler urges everyone to call and email West Virginia legislators regardless of their state.

"Disgusting, shameful, unbelievable behavior in West Virginia has masses in outrage"
Published on Mar 10, 2016

Here: <https://www.youtube.com/watch?v=URqTWbgi9j0&feature=youtu.be>
(They have it unlisted so if you don't have the link you can't find it.)

COSProject's Facebook video chastising South Dakota's legislature when they recently failed to pass their application calling the legislators "spineless" when it's more likely they were well-informed and being level headed. The irony is lost on COS when they say state legislators aren't smart enough or doing the right thing but they insist those same legislators will do what they want in an Article V convention and for ratification. COS failed by an even wider margin on the application's second vote.

To hear Convention of States Project's February 9th, 2017, Facebook video captioned "#ConstitutionalCoffee up now!" featuring COS leader Tamar Colbert urging activists to lobby in South Dakota.

Here: <https://www.facebook.com/conventionofstates/videos/946729168791211/>

(2) Dunning Kruger effect is people not knowing enough to realize they don't know. The phenomenon, studied by David Dunning and Justin Kruger, says that people who know the least tend to overvalue their own competence.

Wikipedia here: https://en.wikipedia.org/wiki/Dunning%E2%80%93Kruger_effect

(3) The Convention of States Project is a lobbying organization that exists to bring an Article V convention to fruition. They are intentionally **conflating the issue of "state conventions" and the Constitution's Article V "convention for proposing amendments"**. **Those things are not the same.** It does not help the confusion when over the decades we have all casually used the word "call" incorrectly when referring to the states' actions of filing applications for an Article V convention, and many still do. This matters in context of the delegate companion bills too because you cannot build on the false narrative that the states are in control.

States have gotten together over the centuries at "conventions" to discuss a wide variety of issues. That is fine. What states have not *and cannot do* is "call" the Constitution's Article V convention for proposing amendments and therefore they cannot control the "convention for proposing Amendments." If the states do not control the convention, they do not control the delegate selection or the delegates.

Even the COSProject's Attorney and considered Art V convention expert Robert Natelson agrees the delegates write the rules for the convention citing "state conventions". 1:38 min YouTube Here: https://www.youtube.com/watch?v=GZvVy_42Cac

In the last half of that video, Mr. Natelson mentions the Assembly of State Legislatures (ASL) making rules. In this 2 min YouTube, COS legislator and ASL member says they

know they are "speculating" and that what they are doing is "not binding" on the convention, delegates or Congress.

2 mins Here: <https://www.youtube.com/watch?v=RTANv-VkEaM&feature=youtu.be>

The COSProject themselves did not even use the ASL rules during their mock convention.

The Constitution's Article V language reads that states may "apply" to Congress and CONGRESS "calls" the convention and that convention is at Congress's discretion. That is reinforced by the Constitution's Article 1, Sec. 8, Clause 18, the Necessary and Proper Clause.

There has never been an Art V convention for proposing amendments called. Never. And there is only one Art V convention that will propose amendments to the U. S. Constitution and we (the opposition) assure you *everyone is talking about the same process.*

The conflation on this issue is such that different **groups promoting the Art V convention process do not even agree.**

This profession presentation discusses four conflicting approaches to the convention. Here: <https://youtu.be/NGNikMSrhDc?t=4m57s>

We do not need esoteric knowledge to grammatically breakdown Article V. If we strip away the parts in the clause, then, the subject, verb, and direct object would read "Congress...shall call a Convention...". "Convention of States" is nowhere in there.

COSProject has coined this "convention of states" jargon to infer they are one and the same and that the states would "control" such a convention, and to avoid the commonly used term "con-con," which JBS, Eagle Forum, and others have successfully warned of the dangers for over a quarter century. **The "Convention of States Project" had to rebrand what they are selling to confuse folks and allay their fears of a potentially unlimited convention.**