

# STOP A Con-Con Action Sheet

## General Strategy:

### **The States Should Enforce, Not Revise, the Constitution!**

The renewed interest in getting state legislatures to call for an Article V constitutional convention (Con-Con) is misguided. Many newly awakened constitutionalists are seeing correctly that the federal government is not obeying the Constitution, but then are going on mistakenly to think that the proper remedy is to revise the Constitution through getting 2/3s (34) of the states to call for a constitutional convention. However, there is little chance of getting the out-of-control federal government to begin honoring the Constitution just by making some changes to it. What's needed is for the states that formed the federal government as their agent when they ratified the Constitution, [to rein in their agent by making independent judgments regarding the unconstitutionality of federal laws and actions based on the Tenth Amendment](#), such as through nullification acts. The states cannot continue to permit their agent, the federal government, to claim the exclusive authority to decide what the Constitution means. The legislative, executive, and judicial branches of the federal government, which are creatures of the Constitution, cannot be expected to be impartial interpreters of the Constitution. (Resources: [States Should Enforce, Not Revise, the Constitution!](#) on JBS.org and [Nullification](#) by Thomas Woods)

## Action Plan:

### **Stop All New Con-Con Calls, and Where Appropriate, Initiate Rescission of All Previous Con-Con Calls!**

While new amendments to the Constitution likely would not be effective in reining in the out-of-control federal government, they could undermine and weaken the integrity of the Constitution, making it less effective as a rallying point for future constitutionalists.

## Recommended Actions

### **Between the 11/2/10 elections and the start of your state's 2011 legislative session:**

- Work with others to convince your state representatives and senators using “Beware of Article V” ([online video](#) or [DVD](#)) and “States Should Enforce, Not Revise, the Constitution!” ([online article](#), download [PDF](#), or [reprint](#)) through [personal](#) and [email](#) contact to oppose any new resolutions for petitioning Congress to call an Article V constitutional convention.
- Inform your state legislators using “States Should Enforce, Not Revise, the Constitution!” (see previous bulleted point for availability as online article, PDF, or reprint) about the superiority of nullification of unconstitutional federal laws for reining in the out-of-control federal government and work with them to get an act to nullify the ENTIRE ObamaCare law (based on the “[Model Federal Healthcare Nullification Act for State Legislatures](#)”) introduced.
- If your state has not passed a resolution to rescind all previous Con-Con calls (AL, AZ, GA, ID, LA, MT, ND, NH, OK, OR, SC, SD, TN, VA, UT, and WY have already rescinded their previous Con-Con calls), work with key state legislators to get a resolution (based on the “[Model Resolution for a State Legislature to Rescind All Constitutional Convention Applications](#)” reproduced on the opposite side of this sheet) introduced in the 2011 legislative session to rescind all previous Con-Con calls.

**After your state's 2011 legislative session begins** – Monitor your state legislature closely to detect and defeat any new Con-Con calls, ensure passage of any resolution to rescind previous Con-Con calls, and support passage of any measure to [nullify ObamaCare](#) through [personal](#) and [email](#) contact with your state legislators.

**Information and Action Resources:** <http://www.JBS.org/StopACon-Con>

The John Birch Society

# Model Resolution for a State Legislature to Rescind All Constitutional Convention Applications

*Be sure to fill in all blanks with the appropriate information and have professional help in drafting the resolution to fit the format of your state.*

LEGISLATURE OF THE STATE OF \_\_\_\_\_

\_\_\_[(SENATE OR HOUSE)]\_\_\_ CONCURRENT RESOLUTION NO. \_\_\_\_\_

BY \_\_\_\_\_

## A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE; RESCINDING, REPEALING, CANCELING, VOIDING AND SUPERSEDING ANY AND ALL EXTANT APPLICATIONS BY THE LEGISLATURE OF THE STATE OF \_\_\_\_\_ HERETOFORE MADE DURING ANY SESSION THEREOF TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONVENTION PURSUANT TO THE TERMS OF ARTICLE V OF THE UNITED STATES CONSTITUTION FOR PROPOSING ONE OR MORE AMENDMENTS TO THAT CONSTITUTION; URGING THE LEGISLATURES OF OTHER STATES TO DO THE SAME; DIRECTING THAT COPIES OF THIS RESOLUTION BE SENT TO SPECIFIED PERSONS.

Be it Resolved by the Legislature of the State of \_\_\_\_\_:

WHEREAS, the Legislature of the State of \_\_\_\_\_, acting with the best of intentions, has, at various times, and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and,

WHEREAS, former Justice of the United States of America, Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and,

WHEREAS, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and,

WHEREAS, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation:

NOW, THEREFORE, BE IT RESOLVED by the members of the \_\_\_\_\_ Session of the \_\_\_\_\_ Legislature, the Senate [or House of Representatives, i.e. the house where the resolution is first introduced] and the House of Representatives [or Senate, i.e. the second house after passage in the house of origin] concurring, that the Legislature does hereby rescind, repeal, cancel, nullify, and supersede to the same effect as if they had never been passed, any and all extant applications by the Legislature of the State of \_\_\_\_\_ to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V thereof, regardless of when or by which session or sessions of the \_\_\_\_\_ Legislature such applications were made and regardless of whether such applications were for a limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects.

BE IT FURTHER RESOLVED, that the Legislature of the State of \_\_\_\_\_ urges the legislatures of each and every state which has applied to Congress to call a convention for either a general or a limited constitutional convention, to repeal, and withdraw such applications.

AND BE IT FURTHER RESOLVED, that the Secretary of the Senate be, and is hereby authorized and directed to send copies of this Resolution to the Secretary of State, to the presiding officers of both houses of the legislatures of each state in the Union, to the president of the United States Senate, to the United States Congress, by sending copies to the Speaker of the United States House of Representatives, to the members of Congress of the United States representing the State and people of \_\_\_\_\_, and to the Archivist of the United States, National Archives and Records Administration, Washington, D.C. (<http://www.archives.gov/>)