

## Dylan Hitchcock-Lopez

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**From:** MICHAEL COONS [REDACTED]  
**Sent:** Wednesday, March 18, 2026 6:36 PM  
**To:** House Judiciary  
**Cc:** Sen. Cathy Tilton  
**Subject:** Oppose HJR 41

I didn't know about this bill until just prior to the committee meeting, so my telephonic testimony was off the top of my head and I didn't really get the chance to point out key aspects.

As I said, I was a co-author for the Countermand Amendment HJR 14 and Delegate Resolution, HCR 4, both passed and signed by the Governor in 2016. HCR 4 passed the Senate 15Y, 5N. It passed the House 25Y, 14N. The main author is Charles Kacprowicz I am placing links from his documents within this testimony.

When we put forward these bills, we had several that opposed, all using the Con-Con excuse, like the two “experts” you had as invited testimony. The opposition was from the far left and the far right, like the two invited testimony (although I wouldn't call Ann a far right in other policies). We had a lot of support, including legislators in New Mexico, Louisiana and North Dakota.

At the time, Convention of States organization opposed our Delegate Resolution, however over the years they have come around to that need. What they call “Government Overreach” is from Countermand Amendment, I haven't seen it lately, but from all I hear it is very close to what Charles and I got passed. In addition, the Convention of States had a mock Constitutional Convention, with about 45 states attending. Each State sent 2 legislators, we sent Reps Shelley Hughes and Cathy Tilton. After all the presentations and debates, the Balanced Budget Amendment failed. A section on the judiciary within the Countermand Amendment was stripped out and passed by a large margin. Although no vote on the Delegate Resolution, the process was in line with it. I have been out of this

issue since 2017, but I understand that the Countermand has gained further support as well as the need for the Delegate Resolution. I believe that there has been other mock Conventions of State as well, all showing that delegates can work well with each other and have a Article V Convention that can, and will have results that  $\frac{3}{4}$  of the States will ratify.

We have a Constitutional Convention question every 10 years. The State Legislature can call a Convention as well, all that in our State Constitution. It is interesting that our founding fathers, both in developing our Constitution and our State founders both saw a need for citizens to come forward to put forward needed amendments when the Congress or the legislature refused to do so. Like the last election, the socialist left and sadly, the far right used fear mongering and flat out lies to keep the voters from voting for the convention. Yet, there are guidelines in our State Convention, but that isn't told, just like the guidelines and with our Delegate Resolution in Article V that isn't told in this bill.

The Balance Budget Amendment has reached or came close to reaching the threshold to force the Congress to call for a Constitutional Convention. I am hearing that Term Limits are coming close as well. Once called, will we send solid people to that convention whom are instructed to get the Countermand Amendment pushed forward and passed? Not sure. The issue is as I see it is, we have a legislature today that will impede, that is more of an issue that concerns me than any "possible Con-Con"!

I was sad that the staff to the sponsor could not really answer the question on past Amendments, much less the Delegate Resolution. The State of Alaska has passed Article V Convention Amendments, the BBA, the Countermand and Term Limits. In fact, yes the BBA has been passed by other State Legislature back into I believe the 1800's. Those States have not repealed those, some have and some, my understanding have reinstated the BBA!

This bill is just a means to repeal the will of the people and our legislature by any means possible. Kill this bill and prepare to have to pick delegates to a Constitutional Convention.

Mike Coons  
Wasilla

[https://www.akleg.gov/basis/get\\_documents.asp?session=29&docid=6952](https://www.akleg.gov/basis/get_documents.asp?session=29&docid=6952)

## Dylan Hitchcock-Lopez

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**From:** Patty Bouton [REDACTED]  
**Sent:** Wednesday, March 18, 2026 1:33 PM  
**To:** House Judiciary  
**Cc:** Rep. Sarah Vance  
**Subject:** HJS 31 oppose

This a resend because I forgot to add my city.

**From:** Patty Bouton [REDACTED]  
**Date:** March 18, 2026 at 1:27:39 PM AKDT  
**To:** House.Judiciary@akleg.gov  
**Cc:** "Vance Rep. Sarah" <Rep.Sarah.Vance@akleg.gov>  
**Subject:** HJS 31 oppose

Committee Members:  
I oppose HJR 41. It's not a well thought out bill.  
Patricia Bouton, Soldotna, Ak

TESTIMONY OF MICHAEL FARRIS, JD, LL.M.

OPPOSITION TO HJR 41

My name is Michael Farris, I am an attorney licensed in Washington State, District of Columbia, and numerous federal bars including the United States Supreme Court and the Ninth Circuit. I have argued and won two First Amendment cases in the United States Supreme Court and have successfully litigated two cases about the process of amending the United States Constitution under Article V. In the process of litigating the first of these two cases, I went to the National Archives in the late 1970s to personally hold in my hand and review every single ratification document for every amendment starting with the 13<sup>th</sup> Amendment forward. The earlier documents were unavailable. I have also written a comprehensive defense of the legitimacy of the Constitution of the United States against the scurrilous allegation that we often hear that the original convention was a runaway convention. My article was published by the Harvard Journal of Law and Public Policy—the conservative law review at Harvard.

I am also the co-founder of the Convention of States Project and am testifying on behalf of that organization.

The theme of the three written submissions on HJR 41—is that an Article V convention should be rejected because of the fear of the unknown. There are no rules. Crazy people will highjack a convention and take away our constitution. Etc.

While it is true that the text of Article V does not contain all the necessary rules to actually operate a convention, that does not mean there are no rules.

That is the nature of a constitution. It establishes broad and binding rules and uses phrases that contain subrules that we know from historical precedent.

For example, the rule that juries have to be unanimous in criminal trials is not written in the text of the Constitution or bill of rights. But the requirement that due process be adhered to is written and we know from history that the meaning of due process requires unanimous verdicts. Unanimous juries are a constitutional rule even though not in the text.

This is likewise true in the two Article V cases that I have litigated. The first was in Idaho where I represented four members of the Washington legislature who contended that the efforts of Congress to change the procedure for the ratification of the ERA by extending the deadline was unconstitutional.

This was the first time that Congress had ever tried to change the rules for ratifying a constitutional amendment. But the fact that there was no exact historical example did not prevent the federal court Idaho from saying that there were broad, general rules from the Constitution that were applicable and using history resolved those questions in holding that Congress acted unconstitutionally.

The Court held that when Congress proposed the Amendment, set the method and date for ratification, Congress had exhausted its authority and could not return to change the rules. The ERA was now in the jurisdiction of the states.

Even though that case became moot when the new deadline expired without reaching the required 38 states for ratification, there has been subsequent litigation on the ERA that has confirmed this outcome. Deadlines are deadlines and the rules can't be changed.

The same thing was true in a case I successfully litigated in Kansas federal court in 2025. The Kansas Constitution contained supermajority requirements for voting in the legislature for both state and federal constitutional amendments. However, six prior Supreme Court decisions had held that State constitutions cannot control the process of ratifying the US Constitution. Article V alone controls the process and only state legislatures, and not Governors nor votes of the people have any authority under Article V.

Our case was the first on the issue of the process of calling for a convention of the states. And by the way, the idea that I or the others involved with this organization just made up that phrase is historically laughable. Among other things, the very first application for an Article V convention from Virginia in 1788, called it a convention of the states.

In any event, the Kansas case was the first case dealing with the authority of a state constitution regarding the convention process. So one can say there were no rules. Once again, the Court rejected that notion saying even through there were no precise precedents on the application process, the text of Article V gave no basis for having one rule for ratification and a different rule for calls for a convention. The court applied the general rules for ratification in our case and we won. And Kansas has now become the 20<sup>th</sup> state, joining Alaska and 18 others to call for our convention of states to propose amendments regarding fiscal restraints, limitations of the power of the federal government, and term limits on federal officials.

Article V does not enumerate all the rules for conventions just like the Due Process Clause does not enumerate all the rules for jury trials. But there is no more reason to be afraid of conventions on this basis than there is reason to be afraid of jury trials.

In fact, there are rules and they are found and established by historical precedent.

The two most relevant rules are:

1. These conventions meet as states, vote as states on the basis of one-state one vote, and the legislatures appoint and control their delegations.
2. The convention is called for a particular purpose and that purpose cannot be changed. There is no legal possibility of considering amendments on any other topic.

My own ERA case is one of the historical bases for the second rule where the courts held that the rules cannot be changed. But it is not the only rule.

For example, there have been about 450 applications for a convention from well more than 34 states. But we have never had a convention. Why not? There has never been 34 states applying for a convention on the same topic.

That establishes the historical precedent that agreement on the topic is an absolute requirement to call a convention. That's a rule and it is beyond debate but it is not in the text of Article V.

And that same rule—34 states have to agree with the purpose of the convention—added to the rule that you can't change the rules in the middle of the stream, are sufficient to get to the answer we need.

There are rules. And a detailed knowledge of the history of the process of amending the constitution makes this clear to anyone willing to do the kind of hard work it takes to litigate and win constitutional cases under Article V.

## Dylan Hitchcock-Lopez

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**From:** Patty Bouton [REDACTED]  
**Sent:** Tuesday, March 17, 2026 11:55 PM  
**To:** House Judiciary  
**Cc:** Rep. Sarah Vance; Rep. Bill Elam  
**Subject:** Oppose HJR 41

Committee Members:

I oppose HJR 41. Rescinding our existing application would be a grave mistake, effectively silencing the people's voice for federal reform, including fiscal restraints and term limits.

Article V is NOT a Constitution Convention. It is solution to an over-reaching, mico-managing government. Article V gives us, WE THE PEOPLE a tool the Founders intended for us to use to fix the mess in D.C.

America is not a democracy; we are a REPUBLIC.

Please stand with Alaskan's who want to rein in federal overreach by voting NO on HJR 41 and preserving our state's application.

Thank you for the opportunity to testify.

Patricia Bouton, Soldotna, AK