



May 6, 2025

Dear Lt. Gov. Patrick and Texas Republican Senators,

This Open Letter was written by conservatives in the spirit of motivating you to defend the US Constitution, a document we all love, by voting against HJR 98. Our concern is based on deep discussions by the Texas Senate Committee on State Affairs about delegate behavior.

If Texas has a role in triggering a congressional call to a convention under Article V of the US Constitution, the People of Texas expect our Senate to make certain that this convention would be completely safe for our current Constitution and unable to run away or stray from its purported purposes.

The evidence below will show that the majority of State Affairs Committee Members have ignored the conclusion they reached when previously discussing a delegate bill: On March 6, 2025, committee members agreed that there is a huge problem with an Article V Convention that they've failed to resolve, after endeavoring to do so for more than 8 years:

1. Under current law, if a delegate's vote is unauthorized, i.e. outside the scope of the Texas application, the delegate is disqualified from serving and recalled. But as Chair Senator Hughes said in presenting a new bill proposing state jail penalties on convention delegates, "as a practical matter, we are [now] closing the gate after the cows have gotten out!" He explained that he was endeavoring to put teeth in the 2017 delegate law with his 2025 bill.
2. All members of the committee agreed that controlling delegates to an Article V convention is a serious matter, because the process affects amendments to the US Constitution.
3. Sen. Birdwell, lead sponsor of the 2017 application and delegate bill, as well as sponsor of the 2025 Senate application, is the go-to committee member on this issue. He opposes criminal penalties for delegates, he explained, because of the process—not the principle. But he was willing to work with committee members to establish an amendment to the Texas Constitution that would facilitate expulsion from the Senate as a penalty. Both Senators Birdwell & Hughes admitted they've been debating the means to solve the unfaithful delegate/runaway convention issue for more than 8 years without success.

4. Chair Hughes closed the hearing, after the committee's deep dive to figure out a solution, leaving the bill pending. It was clear to those observing that the issue would not be resolved any time soon, if ever. Sen. Hughes' solution had defects that he freely admitted. And Sen. Birdwell's solution, which also had defects, involves a long and arduous process to enact. After eight years of debate, the committee was still without a good solution. Discussion begins around minute 51 <https://senate.texas.gov/videooplayer.php?vid=21253&lang=en>

5. The points above beg the following questions:

- a. Why has the Senate State Affairs Committee supported (11-3) HJR 98, the Convention of States' applications now, when committee members realize they cannot control the Texas convention delegates under current law? Perhaps they just want the HJR to get a vote so they can put it to bed?

Would it not be extremely reckless for you all to pass HJR 98 on the floor, knowing that Texas and likely every other state has not found a foolproof way to control their delegates?

- b. Why would Republican legislators who clearly understand that conventions cannot be limited and delegates can't be controlled, vote to trigger a convention? Their own words to constituents and in committee, would be inconsistent with their actions. We hope you will follow your own conscience, remembering that you swore an oath to the Constitution, not to "leadership" or to any "group."
- c. The 2017 Republican supporters of Convention of States passed a compromise bill, SJR 38, along with a feckless delegate bill to get the votes necessary for the COS application to pass. Proponents got their application. Opponents thought they were getting the opportunity for a future legislature to evaluate the situation objectively. They hoped members today would have the freedom and courage to follow their consciences. No Senator privileged to participate in the committee discussion on March 6, should risk the US Constitution for the rest of us—by voting for applications which do just that. What is more important than to stand up for our Constitution?

Please hold off on passing HJR 98 forever, or at least until you are sure, beyond any doubt, that Texas (and frankly, other states) will have a real time ability to remove feckless delegates. Our nation exists because of our Constitution.

Sincerely,

Cindi Castilla, President  
Texas Eagle Forum