## **Article V, United States Constitution, says:**

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States [mode #1], or by Conventions in three fourths thereof [mode #2], as the one or the other Mode of Ratification may be proposed by the Congress..."

## So, there are two ways to propose Amendments to the Constitution:

- 1. Congress proposes them and sends them to the States for ratification or rejection; or
- 2. When 2/3 of the States apply for it, Congress calls a convention.

All our 27 existing amendments were proposed under the 1<sup>st</sup> method: Congress proposed them. We have never had a convention under Article V.

## So what's the Truth? WHO has the power to do WHAT?

## The Constitution grants only the following powers to four different bodies regarding an Article V convention:

Body	Power (s)
State Legislatures	a. Apply to Congress for a convention
	b. Ratify proposed Amendments, <b>if Congress chooses mode #1</b>
Congress	a. Calls the convention
	b. Makes all laws necessary and proper for calling a convention (per
	Article I, §8, last clause)
	c. Selects Ratification mode #1 or #2
Delegates to	Propose Amendments [assuming they don't exercise their plenipotentiary
Article V	powers and write a new Constitution.]
Convention	
<b>State Ratifying</b>	Ratify proposed Amendments, if Congress chooses mode #2
Conventions	

But what are convention proponents telling State Legislators?

Myth	Fact
States can bypass Congress in the	a. The only powers granted to State Legislatures are to ask Congress to call a
amendment process	convention, and
	<b>b.</b> to ratify or reject proposed Amendments [if Congress chooses mode #1]
Congress will play only a	a. Article I, §8, last clause: delegates to Congress the power to make the necessary
ministerial role in setting the time	laws to organize and set up the Convention.
and place of the convention.	<b>b.</b> According to the Congressional Research Service Report (4/11/14) Congress
	"has traditionally asserted broad and substantive authority over the full range of the
	Article V Convention's procedural and institutional aspects from start to finish." (p.18).
States make the rules for a	a. There are no customs, as there has never been an Article V convention;
convention, by custom.	proponents cite regional gatherings of a few states on common topics as "custom."
	b. The Constitution delegates to Congress the power to make the laws to organize
	and set up the Convention. But once the convention is convened, the Delegates are the
	Sovereign Representatives of the People and can make whatever rules they want. At the
	federal "amendments" convention of 1787, the Delegates made rules on May 29, 1787 to
	make their proceedings secret.
State voting power will be "one	a. This will be up to Congress, and Congress has already demonstrated its intent to
state, one vote."	make those rules. In 1983, when we were 2 states away from a convention, 41 federal bills
	were introduced; and although none passed, apportionment of delegates was generally set
	by population, like the Electoral College, not by one state, one vote.
A "Convention of States" is an	a. All these terms are used interchangeably. The only convention "for proposing
"Amendments" convention, <b>not</b> a	amendments" is one called by Congress under Article V.
"constitutional convention." So the	<b>b.</b> Black's Law Dictionary defines " <u>constitutional convention</u> " as "a duly
Constitution is not at risk.	constituted assembly of Delegates or representatives of the people of a state or nation for
	the purpose of framing, revising, or amending its constitution."
An Article V convention can be	a. Nothing in Article V or the Constitution limits a convention to a single topic(s).
"limited" to a topic or set of	The convention is the deliberative body!
topics.	b. Under the supremacy clause at Article VI, clause 2, U.S. Constitution, any State
	Law which contradicts the Constitution is void.
	c. Delegates to a convention have the inherent right to alter or abolish our Form of
	Government, as expressed in the Declaration of Independence, paragraph 2. The 1787
	constitutional convention is a case in point.
	d. Pretended limits are a marketing gimmick by its promoters designed to give
	Legislators and their constituents a false sense of security and control over a process
State Legislatures can control their	which will be totally out of their control.
State Legislatures can control their delegates.	a. State law cannot control delegates to a convention. The convention is the highest authority in our Republic, since it emanates directly from "We the People."
delegates.	
	<b>b.</b> If Delegates <u>choose to meet in secret as they did in 1787</u> , State Legislatures wouldn't know what the Delegates were doing.
The ratification process ensures no	a. A precedent was set in 1787 when the "amendments" convention called "for the
bad amendments will be passed.	sole and express purpose of revising the Articles of Confederation" resulted in a new
and amendments will be passed.	Constitution with an easier mode of ratification; this could happen today. So much for the
	ultimate safeguard of 13 legislative bodies being able to stop a bad idea!
	b. Amendments 16 (Income Tax), 17 (Direct vote for Senators), and 18 (Prohibition)
	were duly ratified. Were they good ideas?
	The standy variation is not a may been worth.