

Talking Points against Delegate Bills

Delegate bills have been introduced in Legislatures across the country, supposedly to avoid a “runaway” convention. These bills attempt to dictate the selection process for a state’s delegates to an Article V convention, limit what a state’s delegates can discuss or vote upon in convention, require convention delegates to take an oath, etc. Some delegate bills have criminal penalties while others do not. Sometimes they’re referred to as “faithful” or “unfaithful” delegate bills.

Delegate bills are designed to give legislators a false sense of security and control over a process that will be completely out of their control. Thus legislators that pass delegate bills are more likely to vote for Article V convention legislation.

Delegates to an Article V convention are the Sovereign Representatives of the People. As such, they have sovereign immunity for whatever they do. They can’t be prosecuted for ignoring instructions from Congress or their States. They have absolute power to propose a new Constitution with a new mode of ratification: Our Declaration of Independence (2nd para) says:

“...That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government...”

This has already been done! On [February 21, 1787](#), the Continental Congress called a convention “for the sole and express purpose of revising the Articles of Confederation”. But at the “amendments” convention of 1787, the Delegates wrote a new Constitution [the one we now have] which created a new government!

And the new Constitution had an easier mode of ratification: [Article XIII of The Articles of Confederation \(p 8-9\)](#) provided that Amendments had to be approved by the Continental Congress and all 13 States. But the new Constitution provided at Art.VII thereof that it would be ratified upon approval by only nine of the then 13 States.

Even if Delegates didn't have sovereign immunity and plenipotentiary powers, it is child's play to get around "faithful delegate" laws:

- Delegates can vote to make the proceedings secret – that’s what they did on May 29, 1787 at the federal "amendments" convention where our present Constitution was drafted.

- If the proceedings are secret, the States won't know what is going on – and can't stop it.
- And if Delegates vote by secret ballot – the States would NEVER know who did what.
- So, it would be impossible for States to prosecute Delegates who ignore State instructions.

If an Article V convention is completely safe, as convention proponents claim, why would they need Delegate bills?