

Why Oppose Convention of States Project (COSP) Legislation?

Convention of States Project (COSP) is promoting legislation across the country to apply for an Article V convention, ostensibly for the purpose of proposing amendments to the U.S. Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for (federal) officials...”

1. The Constitution is not the problem. The problem is that the federal and state governments have ignored the Constitution and the People are ignorant about what it says. The Constitution needs to be understood, defended and enforced—not amended or rewritten.
2. COSP claims there are two Constitutions—the one we carry in our pocket and the one as interpreted by the U.S. Supreme Court. They claim we need to amend the Constitution to restore its original intent. This shows the problem isn’t the Constitution, but that the Supreme Court violates it.
3. Why would the federal government comply with an amended Constitution when they ignore the one we have now?
4. Amendments do *not* rein in governments predisposed to usurp. The “free exercise” clause of the First Amendment did not prevent the federal courts from banning prayers in the public schools; the Second Amendment did not stop them from infringing on gun ownership; and the Tenth Amendment did not prevent the federal government from usurping thousands of other powers not delegated.
5. You cannot “fix” federal usurpations of non-delegated powers by amending the Constitution to say the federal government cannot do what the Constitution never granted it the power to do in the first place!
6. Our framers told us how to rein in a federal government that usurps powers not delegated, ***and it did not include an Article V convention!*** In addition to electing faithful servants, our framers wrote that the States that created the federal government need to protect the People by refusing to comply with ***unconstitutional*** federal “laws.” [This would include not accepting federal funds for purposes outside of the enumerated powers.] Article V gives power to Congress and was meant to correct errors in the Constitution.
7. Our federal government is already limited to very few and defined enumerated powers. In effect, COSP is applying for a convention to change the constitutional standard from one of enumerated powers to whatever is agreed upon at the convention. This will likely **expand** the power of the federal government.

8. COSP is telling State Legislators they can control their Delegates and limit the subject matter of a convention. [See: Who has the power to do what under an Article V convention.](#) COSP's claim that State legislatures have the power to control Delegates, Delegate selection, convention rules, subject matter, etc., is speculation and wishful thinking at best.

9. Nothing in Article V or the Constitution limits a convention to a single subject or amendment. The Delegates, as the Sovereign Representatives of "We the People," cannot be controlled by federal or state law. Pretended limits are a marketing gimmick by its proponents designed to give Legislators a false sense of security and control over a process which will be totally out of their control—all to get their votes.

10. Despite any pretended limitations within the COSP application or any "unfaithful delegate" bills, Delegates to an Article V convention would have the inherent right, as expressed in the [Declaration of Independence, paragraph 2](#), to propose whatever changes to our Constitution the Delegates want, including abolishing our "Form of Government" and rewriting or replacing our Constitution and making the ratification process easier. Once the convention is called, it will be too late to stop it.

11. No one knows what will happen at an Article V convention; there is no precedent. The closest thing we've had to an Article V Convention was the Federal Convention of 1787 which was called by the Continental Congress "[for the sole and express purpose](#)" of amending the Articles of Confederation. But instead of proposing Amendments to the Articles of Confederation, the Delegates replaced the Articles of Confederation with our current Constitution, which set forth at Art.VII thereof, an easier mode of ratification. And they applied that easier mode of ratification to our current Constitution. This could easily happen today, and we don't have James Madison, or Alexander Hamilton to protect us.

12. COS claims that their legislation calls for a "Convention of States," not a "constitutional convention" where the Constitution can be rewritten. But this falsely implies a convention will be controlled by the states. [COSP made up its own definition](#) for "Article V convention" as a "convention of states" which is controlled by state legislators! *But there's no such thing in the Constitution!*

13. New Constitutions are already drafted or being prepared to replace our current Constitution, but they can't be imposed without a convention, e.g. the [Proposed Constitution for the Newstates of America](#) establishes a dictatorship and is ratified by a Referendum called by the President.