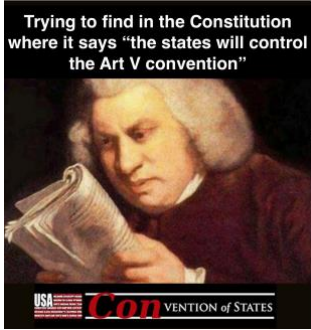


# WHO has the power to do WHAT under Article V of the US Constitution?

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## Article V, US 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 (34) 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.

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

Body	Power (s)
State Legislatures	<ol style="list-style-type: none"> <li>a. Apply to Congress for a convention</li> <li>b. Ratify proposed Amendments, <b>if Congress chooses mode #1</b></li> </ol>
Congress	<ol style="list-style-type: none"> <li>a. Calls the convention</li> <li>b. Makes all laws necessary and proper for calling a convention (per Article I, §8, last clause)</li> <li>c. Selects Ratification <b>mode #1 or #2</b></li> </ol>
Delegates to Article V Convention	Propose Amendments [assuming they don't exercise their plenipotentiary powers and write a new Constitution.]
State Ratifying Conventions	Ratify proposed Amendments, <b>if Congress chooses mode #2</b>

*But what are convention proponents telling state legislators?*

## Myths that convention proponents are telling state legislators

Myth	Fact
States can bypass Congress in the amendment process	<ul style="list-style-type: none"> <li>a. The only powers granted to State Legislatures are to <i>ask Congress</i> to call a convention, and</li> <li>b. to ratify or reject proposed Amendments [if Congress chooses mode #1]</li> </ul>
Congress will play only a ministerial role in setting the time and place of the convention.	<ul style="list-style-type: none"> <li>a. Article I, §8, last clause: delegates to Congress the power to make the necessary laws to organize and set up the Convention.</li> <li>b. According to the <a href="#">Congressional Research Service Report</a> (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).</li> </ul>
States make the rules for a convention, by custom.	<ul style="list-style-type: none"> <li>a. There are no customs, as there has never been an Article V convention; proponents cite regional gatherings of a few states on common topics as “custom.”</li> <li>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, <i>the <a href="#">Delegates are the Sovereign Representatives of the People and can make whatever rules they want</a></i>. At the federal “amendments” convention of 1787, the Delegates made rules on <a href="#">May 29, 1787</a> to make their proceedings secret.</li> </ul>
State voting power will be “one state, one vote.”	<ul style="list-style-type: none"> <li>a. This will be up to Congress, and Congress has already demonstrated its intent to 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.</li> </ul>
A “Convention of States” is an “amendments” convention, <b>not</b> a “constitutional convention.” So, the Constitution is not at risk.	<ul style="list-style-type: none"> <li>a. In the real world of English grammar and common sense, “<i>constitutional convention</i>” and “<i>Art. V convention</i>” are synonymous. Any convention dealing with drafting or amending a constitution is a “<i>constitutional convention</i>.” <i>Proponents are waging a <a href="#">semantics war</a></i>.</li> <li>b. Also, any convention provided for in a constitution is, by definition, a “<i>constitutional convention</i>.”</li> </ul>
An Article V convention can be “limited” to a topic or set of topics.	<ul style="list-style-type: none"> <li>a. Nothing in Article V or the Constitution limits a convention to a single topic(s). The convention is the deliberative body!</li> <li>b. Under the supremacy clause at Article VI, clause 2, US Constitution, any State law which contradicts the Constitution is void.</li> <li>c. Delegates to a convention have the inherent right to alter or abolish our Form of Government, as expressed in the <a href="#">Declaration of Independence</a>, paragraph 2. The 1787 constitutional convention is a case in point.</li> <li>d. Some convention proponents are finally admitting that a convention can’t be limited by subject and that Congress can call only a <i>general</i> convention. See <a href="#">this article</a>.</li> <li>e. Pretended limits are a marketing gimmick by its promoters designed to give Legislators a false sense of security and control over a process which will be totally out of their control—so that they can get legislators’ votes.</li> </ul>
State Legislatures can control their delegates.	<ul style="list-style-type: none"> <li>a. <a href="#">State law cannot control delegates to a convention</a>. The convention is the highest authority in our Republic since it emanates directly from “We the People.”</li> <li>b. If Delegates <a href="#">choose to meet in secret as they did in 1787</a>, State Legislatures wouldn’t know what the Delegates were doing.</li> </ul>
The ratification process ensures no bad amendments will be passed.	<ul style="list-style-type: none"> <li>a. A precedent was set in 1787 when the “amendments” convention called “<a href="#">for the sole and express purpose of revising the Articles of Confederation</a>” resulted in a new Constitution <i>with an easier mode of ratification</i>; this could happen today!</li> <li>b. Even if Delegates proposed only amendments, were the 16<sup>th</sup> (Income Tax), 17<sup>th</sup> (Direct Vote for US Senators), and 18<sup>th</sup> Amendment (Prohibition) good ideas?!</li> </ul>