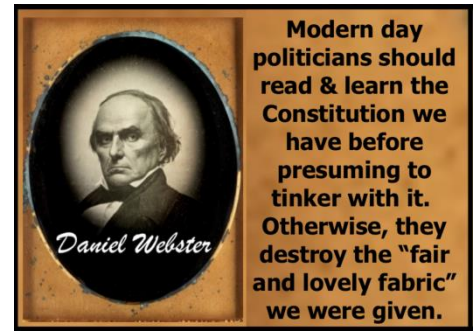


## Vote Against HJR 5 Application for Congress to call an Art. V Convention & Rescind the Applications Tennessee already sent to Congress.

We who oppose an Article V Convention fight such Applications all over the Country and are familiar with the Talking Points used nationwide by the Convention lobby. We hear the same arguments repeated in State Legislative Committees all over the Country.



Some 13 years ago, when the current push for an Article V Convention began, the Convention lobby assured State Legislators that a Convention is perfectly safe because they would select & control the Delegates, and would determine the specific Amendments "their" Delegates would be restricted to considering.

So we proved that [State Legislatures have no power to select & control Delegates](#) and have [no power to restrict Delegates to considering only Amendments](#) specified by State Legislatures.

And we showed that a Convention is likely to result in the imposition of a new Constitution. As early as 1788 (after the convention method of getting Amendments had been added to Article V), James Madison expressly warned that those who secretly wish for a new Constitution would push for a Convention under the pretext of getting Amendments. <sup>1</sup>

***This is why Madison, Alexander Hamilton, four US Supreme Court Justices, and other legal scholars who pay attention to this issue have strongly warned against an Article V Convention.*** <sup>2</sup>

So the Convention Lobby turned to a new narrative: They now assure us there will never be a Convention because when States file Applications for a Convention, they pressure Congress into proposing the Amendment. They claim many Amendments started out as Article V Convention movements; but never got to a Convention because Congress proposed the Amendment. So, they conclude, since there will never be a Convention [and the Senate Sponsor of HJR 5 is 99.9% sure of that], *arguments about the danger of a Convention are irrelevant and should be dismissed.*

**But there are no illustrations of Applications for an Art. V Convention "pressuring" Congress into proposing an Amendment**

**The Bill of Rights**: Convention supporters claim that Applications for an Art. V Convention forced Congress to propose a Bill of Rights.

But that's not true. It was ***promises made to States that a Bill of Rights would be added which induced States to ratify the new Constitution.***

Four States requested Amendments in their Ratification Documents: [Massachusetts \(Feb 6, 1788\)](#); [New Hampshire \(June 21, 1788\)](#); [New York \(July 26, 1788\)](#); & [Virginia \(June 26, 1788\)](#). By the time the new Government went into operation (during March 1789), 11 States had ratified the Constitution. After Madison

(on [June 8, 1789](#)) introduced a Bill of Rights in Congress; the two "holdout States", [North Carolina](#) (Nov. 21, 1789) & [Rhode Island](#) (May 29, 1790), ratified the Constitution.

Only two States (Virginia & New York) filed applications for an Article V Convention.

*Of course* there was discussion in Congress on [June 8, 1789](#) (pages 440-466) of the dangers of an Art. V Convention and of the preferability of Congress proposing Amendments over calling a Convention; and that if Congress didn't propose a Bill of Rights, the States would ask for a Convention. But it cannot be reasonably claimed that the two Applications filed by Virginia & New York forced Madison to propose a Bill of Rights - when it was the promises of a Bill of Rights which induced some of the States to ratify the Constitution!

And besides, according to [this article](#), when Madison was running against James Monroe for a seat in the new Congress, he made a *campaign promise* to introduce a Bill of Rights!

**Popular election of US Senators:** The Convention lobby has claimed (without proving) that Applications for an Art. V Convention for popular election of US Senators pushed Congress into proposing the 17<sup>th</sup> Amendment. I haven't had time to locate and dig into the original source documents on this issue; but point out that under the original Constitution, State Legislatures chose the US Senators for their State (Art. I, Sec. 3, cl. 1). **Before the 17th Amendment, State Legislatures could get rid of their bad US Senators by not re-electing them – that's how their terms were limited. And doubtless, the US Senators who supported the 17<sup>th</sup> Amendment relished being able to get out from under the thumb of the State Legislature which had chosen them. That WAS the result of the 17th Amendment.** <sup>3</sup>

**Presidential term limits:** Convention lobbyists have claimed (without proving) that while there were only 5 applications asking for Presidential term limits; they helped put pressure on Congress to pass the 22<sup>nd</sup> Amendment. Again, I haven't had time to get into the original source documents; but suggest that after 4 terms of FDR [and this would apply to any other President], many people wanted presidential term limits.

**The Evidence shows that Applications for an Art. V Convention do not "pressure" Congress into proposing Amendments**

**A Balanced Budget Amendment (BBA):** Some 32 States filed Applications for an Art. V Convention to get a BBA. Why wasn't Congress "pressured" into proposing an Amendment for a BBA?

Nor was Congress "pressured" into proposing any of the following requested Amendments:

- **Apportionment:** Some 33 States filed Applications for Congress to call a Convention to get this.
- **Repealing the income tax (16<sup>th</sup> Amendment):** Some 27 States filed Applications for a Convention to get this.
- **Anti-Polygamy:** Some 20 States filed Applications for a Convention to get this.
- **Revision of Article V:** Some 15 States filed Applications for a Convention to get this.

There are more such examples: see [the Article V Library](#) (an unofficial & archived list) and count them up!

Yet, on the basis of their invented history, Convention Lobbyists urge State Legislators to apply to Congress to call an Art. V Convention – while telling them they aren't applying for a Convention - they are just pressuring (or "scaring") Congress into proposing the Amendment they want. It doesn't get any more convoluted and deceptive than that.

### Questions State Legislators should consider:

- If Congress will "never" call an Article V Convention, why are Convention lobbies spending *tens of millions of dollars every year* to **buy** a Convention? **Just one of Mark Meckler's "COS" organizations spent \$10,689,465.00 for 2022:** See [2022 Tax Form 990 for Convention of States Action](#) [item 18 on page 1].  
  
[Former US Senator Rick Santorum](#) was paid **\$333,405.00 by COS Action during 2022** to lobby State Legislators to pass "COS's" application for Congress to call an Art. V Convention. He's still lobbying for "COS" – by now, he should have raked in over a \$1,000,000. - and just for "scaring Congress"?
- Why are leadership positions in Congress being filled with Convention supporters? [Speaker of the House Mike Johnson](#) is a "longtime supporter" of calling an Art. V Convention. [Congressman Chip Roy](#), Chair of a House Judiciary Subcommittee, wants an Art. V convention. [Congressman Jodey Arrington](#) is Chair of House Budget Committee & **Sponsor of HCR 24 now pending in Congress which CALLS A CONVENTION.**
- **Why does Congressman Arrington's HCR 24 count all Applications for a Convention together regardless of the Amendments requested?** HCR 24 *counts even the rescinded applications!* It shows they are hell-bent on getting a Convention as soon as they can.
- And if Convention supporters are so protective of States Rights, why does HCR 24 seek to strip States of their sovereign power to rescind applications they previously filed?

**The Tennessee General Assembly should defeat HJR 5 and promptly rescind the Applications for an Article V Convention they already sent to Congress. It's so urgent, you should call a special session to get it done.**

### Endnotes:

1. See [George Mason never said it](#) at endnote 3.
2. [Brilliant Men Warn Against an Article V Convention](#). A [COS Board Member has already co-drafted](#) a new Constitution! And there are several other proposed Constitutions.
3. They should have heeded [the warnings of Daniel Webster](#) [click on "download" in left column] re tinkering with a Constitution they didn't understand. The ["term limits" Amendment](#) also has dire "unintended consequences" - it would transfer power *from* The People *to* the Deep State.

Contact Joanna Martin, J.D. <https://publiushuldah.wordpress.com/> [publiushuldah@gmail.com](mailto:publiushuldah@gmail.com)