

## Article 5, US Constitution, in a nutshell

1. Article 5 provides two ways to amend our Constitution: **Congress** (1) proposes amendments and sends them to the States for ratification (this was done with our existing 27 Amendments); or (2) calls a convention for proposing amendments if 2/3 [34] of the State Legislatures apply for it. We've never had a convention under Article V.

2. But today, various factions are lobbying State Legislators to ask Congress to call an Article V convention. One faction, the "Convention of States Project" (COS), pretends to be for limited gov't and is marketing the convention to appeal to conservatives. COS claims that when the fed gov't *exceeds the limits in the Constitution*, the solution is to *amend the Constitution!* They also say we can only get the amendments we need at a convention.

3. Obviously, COS's claim is absurd – it's like saying that since people *violate* the Ten Commandments, God should *amend* the Ten Commandments. *So what's the real agenda behind the push for a convention? A convention provides the opportunity to replace our existing Constitution with a new Constitution – under the pretext of merely getting amendments.* This is how it can happen:

- Our Declaration of Independence recognizes that a People have the "self-evident right" to throw off their gov't and set up a new gov't. We invoked that Right in 1776 to throw off the British Monarchy.
- In 1787, we invoked it again to throw off our 1<sup>st</sup> Constitution, the [Articles of Confederation](#) (AOC) and set up a new Constitution [the one we now have] which created a new gov't. There were defects in the AOC, so on [Feb. 21, 1787, the Continental Congress called a convention](#) to be held in Philadelphia "for the sole and express purpose of revising the Articles of Confederation". But the Delegates ignored their instructions and wrote a new Constitution which created a new gov't. Furthermore, the new Constitution had its own new mode of ratification: whereas **amendments** to the AOC had to be approved by the Continental Congress and all of the then 13 States; the new Constitution provided at Article VII thereof, that it would be ratified when only 9 States approved it.
- In [Federalist No. 40](#) (15<sup>th</sup> para), James Madison, Father of our Constitution, invoked that same Right as justification for the Delegates' ignoring their instructions & writing a new Constitution which created a new gov't.

4. If we have a convention today, the Delegates will have that same power to get rid of our 2<sup>nd</sup> Constitution and impose a 3<sup>rd</sup> Constitution. **New Constitutions are already prepared or in the works!** One of them, the [Constitution for the Newstates of America](#), is ratified by a national referendum. The States don't vote on it – they are dissolved and replaced by regional gov'ts answerable to the new national gov't.

5. The absurdity of COS's claim that the solution to a fed gov't which *violates* the Constitution is to *amend* the Constitution is underscored by the fact that all of the proposed amendments suggested by COS and their sympathizers actually INCREASE of the powers of the fed gov't by delegating powers the fed gov't has already usurped or by granting **new powers** to the fed gov't! See, e.g., [HERE](#), [HERE](#) and [HERE](#).

6. Why was the convention method added to Article V? [The Anti-federalists wanted it added because they wanted another convention so they could get rid of the Constitution just drafted](#); and Madison & Hamilton understood that a people have the right to meet in convention and draft a new constitution whether the convention method were in Article V or not. So *this is why* James Madison and Alexander Hamilton went along with adding the convention method to Article V; and *this is why* [they and John Jay started warning against another convention as early as April 1788](#).