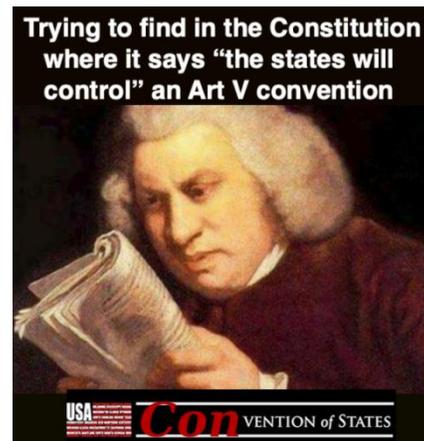


Why “faithful delegate” laws can’t control Delegates

As recognized in our Declaration of Independence (DOI), a People always have the “self-evident right” to assemble in a convention to alter or abolish their government and set up a new one.

So James Madison agreed to add the convention method to Art. V: he knew People have this right whether or not the convention method were added to Art. V, & he wanted anti-federalists to support the new constitution.¹ And [he, John Jay & Hamilton promptly started warning against another convention.](#)



In an attempt to gloss over these warnings, the Convention of States Project (COSP) is *falsely marketing* the convention provided for at Art. V as a “convention of states” which is controlled by state legislatures. COSP further claims (falsely) that by passing “faithful delegate” laws, state legislatures will be able to dictate the amendments Delegates may propose; and will be able to prevent Delegates from proposing “unauthorized amendments” or writing a new Constitution.

1. A Lesson from History: The federal “amendments” convention of 1787

Delegates to a convention are the Sovereign Representatives of the People² and have the power to abolish one government and set up a new one. We’ve already thrown off one Constitution and set up a new one!

Our first federal Constitution, the [Articles of Confederation](#) (AOC), had defects. So [on February 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...*”

[Article 13 of the AOC](#) provided that amendments had to be approved by the Congress and all of the then 13 States. Accordingly, [the States’ Instructions to the Delegates](#) encompassed:

- “alterations to the Federal Constitution which, when agreed to by Congress and the several States, would become effective”: Va., Penn., Delaware, Georgia, S. Carolina, Maryland, & New Hampshire.
- “for the purpose of revising the Federal Constitution”: Va., Penn., N. Carolina, Delaware, & Georgia.
- “for the sole and express purpose of revising the Articles of Confederation”: New York, Mass. & Conn.
- “provisions to make the Constitution of the federal Government adequate”: New Jersey.

But the Delegates *ignored* the instructions and wrote a new Constitution. And the new Constitution provided at Art. VII thereof that it would be ratified when only 9 States approved it!

In [Federalist No. 40](#) (15th para), James Madison invoked the “transcendent and precious right” to abolish one government and set up a new one as justification for the Delegates’ ignoring their instructions.

So even though Art. V speaks of a “convention for proposing amendments”, the DOI, as part of [the “organic law” of our Land](#), may be invoked *again* to impose a new constitution which creates a new gov’t.³

¹ [Madison’s Nov. 2, 1788 letter to Turberville p. 299 at 2 &3](#). George Mason [hated our Constitution & so wanted another convention](#).

² But in our venal times, Delegates are more likely to represent the [Koch Brothers](#) or [George Soros](#), since *they* have the cash and are the ones financing the push for an Art. V convention.

³ Soros wants [a Progressive Constitution](#). The Globalists need a new constitution to move us into [the North American Union](#).

2. Congress decides how Delegates are selected

The convention provided for at Art. V is a *federal* convention, called by the *federal* government, to perform the *federal* function of addressing our *federal* Constitution.

Art. V provides that when 2/3 of the state legislatures *apply* for it, *Congress calls* a convention. At that point, it is out of the state legislatures' hands. Pursuant to Art. I, §8, last clause, *Congress* has the power to make the laws necessary and proper to carry out its power to "call" the convention.

Accordingly, [the Congressional Research Service Report \(CRS\) of April 11, 2014](#) says:

“First, Article V delegates important and exclusive authority over the amendment process to Congress...” (p.4)

“Second . . . Congress has traditionally laid claim to broad responsibilities in connection with a convention, including . . . (4) *determining the number and selection process for its delegates*; (5) *setting internal convention procedures, including formulae for allocation of votes among the states*; . . .” (p. 4) [italics added]

Congress is not required to permit States to appoint Delegates. Congress may appoint *themselves* as Delegates!

3. Foundational Principles

- **State legislatures are "creatures" of their State Constitutions, and have no competent authority to control the Sovereign Representatives of The People at an Art. V Convention.** The People create governments by means of constitutions. Since a government is the "creature" of its constitution, it can't be superior to its Creator, The People. ⁴

The Delegates, as Sovereign Representatives of The People, have the power to *eliminate* the federal & state governments! ⁵

- Art. V grants *to the Convention* the power to “propose amendments”. So the Convention is the deliberative body. *State Legislatures violate the US Constitution when they pass laws which purport to strip Delegates of their power, granted by Article V, to “propose amendments”.* ⁶

4. States *can't* hold Delegates accountable

Madison's Journal of the Federal Convention of 1787 shows that [on May 29, 1787](#), the Delegates voted to make their proceedings secret. What if the Delegates of today make the proceedings secret? And if they vote by secret ballot, the States would *never* know who did what.

⁴ At the federal “amendments” convention of 1787, where our present Constitution was drafted, James Madison said on [July 23, 1787](#) (pages 92-93) that state legislatures were not competent to ratify the proposed new Constitution - that “ratification must of necessity be obtained from the people”.

⁵ The proposed [Constitution for the Newstates of America](#) dissolves the States & replaces them with regional governments answerable to the new national gov't. Art. XII, §1 thereof provides that it is ratified *by a national referendum*.

⁶ See the “supremacy clause” at Art. VI, clause 2, US Constit.