

It is clear under Article V, however, that when submitting a proposed amendment to the states for ratification, **Congress** gets to choose the mode of ratification (**by state conventions**, which was used for the Twenty-First Amendment repealing Prohibition, **or by the legislature**, which has been used every other time). See *also* *United States v. Sprague*, 282 U.S. 716 (1931) (Regarding a claim that a particular type of proposed amendment must be submitted for ratification by conventions, “[t]his Court has repeatedly and consistently declared that the **choice of mode rests solely in the discretion of Congress**.”); *Hawke v. Smith*, 253 U.S. 221 (1920) (The state cannot reserve to the people of the state the authority to ratify proposed amendments to the U.S. Constitution by referendum, as Article V specifies ratification by legislature or convention, and the legislature’s **ratification authority derives from the U.S. Constitution, not state law**).