Honorable Senator:

Please allow me to share some of my correspondence with a COS Supporter in which I asked him:

*“Will you share with me what the deciding factor was in your decision to support this Article V application to Congress? As Congress makes all the rules per federal law, how do you know that Congress won’t chose themselves as delegates? Should that happen, all that Nebraska has accomplished is to give up its state sovereignty to Congress.”*

I also shared this with him:

*Here is the language of Article V of the U.S. Constitution*:  <https://www.archives.gov/federal-register/constitution/article-v.html>

**Article V, U.S. Constitution**

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**Article V**

**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**, **or** by **conventions in three fourths thereof**, as **the one or the other mode of ratification may be proposed by the** **Congress;** provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

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“There is no such thing as a "COS" under Article V.  Show me where a reference is to such in Article V.”

“Article V is a federal procedure controlled by federal law i.e., the Constitution. Even when the states act under Article V they do so under authority delegated to them by the Constitution, not state authority and they are performing a "federal function" not a state function.[[1]](#endnote-1)[i] Article V is short and clear in its meaning.[[2]](#endnote-2)[ii] "

“Show me one place in Article V where it requires a state to give a subject or topic in a state's application for Congress to "call" an AVC let alone the authority of a state to limit an AVC to a subject or topic.”

“Every resolution I have seen applying for an Article V convention specifically references Article V.  If it is "controlled by the states" why do the states invoke the federal Constitution?”

“But, the 143 word long Article V does not give the states any authority beyond applying to Congress for Congress to "call" the ad hoc AVC and to hold one of two ratifying procedures as Congress directs to occur in the states.”

“By common practice and parliamentary procedure the entity that "calls" an ad hoc convention gets to set up the initial rules of the convention and determine the qualification for the delegates. Such power is given to Congress under the "necessary and proper" clause of Article I §8 ¶18. “

“In my opinion there is technically a difference between a "constitutional convention" and a AVC. But, under our Constitution it is a difference without a distinction.  This is so because there is virtually no limit on the breadth or depth of an amendment(s) under Art. V.[[3]](#endnote-3)[iii] Such can result in the change of one comma, or the change of everything but one comma.”

“Our concern is that our sovereign status will be changed such that "We the People" become "subjects" to the government and the elites that manipulate and control the governments, state and central. There need not be a complete re-write of the Constitution for this to happen. This can occur with four little words: “

"State sovereignty is abolished."

“This would collapse the "compound Republic" the Framers established and end American federalism. The states would become adjuncts of the central government and their duty to keep the central government in check and to protect our rights would be washed away in a flow of ink.  (This is what the Tugwell Constitution proposed which was being advocate between 1975 and the late 1980s.)”

“A great step was taken in this direction when the states adopted the 17th Amendment which striped the states of their constitutional right to appoint Senators to the federal Senate. Recall that this effort started at the state level by the states themselves applying for an Article V to strip themselves of this right.”

“The "federal" government being out of control is not the problem but a symptom of "We the People's" failure to hold both the state and central "public servants" accountable. It is even more clear that their proposed solution, re-writing the Constitution, will not solve the "problem" they have identified. If these corrupt politicians will not follow the current Constitution how in the world should we ever believe they will follow an amended Constitution? “

Richard D. Fry, November Patriots – founder, General Counsel, Patriot Coalition

1. [i] **Leser v.  Garnett**, 258 U.S. 130, 137 (1922), "But the function of a state legislature in ratifying a proposed amendment to the Federal Constitution, like the function of Congress in proposing the amendment, is a **federal function** derived from the Federal Constitution; and it transcends any limitations sought to be imposed by the people of a State." (Emphasis added.);

   **Hawke v. Smith,** 253 U.S. 221, 230 (1920) [↑](#endnote-ref-1)
2. [ii] **Hawke v. Smith,** 253 U.S. 221, 227 (1920)" The language of the article [V] is plain, and admits of no doubt in its interpretation. It is not the function of courts or legislative bodies, national or state, to alter the method which the Constitution has fixed...." [↑](#endnote-ref-2)
3. [iii] **U.S. Const. Art. V**- " ...Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the [first](http://www.usconstitution.net/xconst_A1Sec9.html) and [fourth](http://www.usconstitution.net/xconst_A1Sec9.html) Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be [deprived](http://www.usconstitution.net/glossary.html#DEPRIVE) of its equal Suffrage in the Senate...."<http://www.usconstitution.net/xconst_A5.html>

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   Honorable Senator,

   Here is a “fact” that is undeniable on its face:

   On February 15, 2017, **Montana Representative Brad Tschida, a** **COS sponsor, *testified against his own legislation after getting the facts:*** <https://www.youtube.com/watch?v=WmkbgmvRr4I>

   When the truth was told, the Montana Legislature killed all of its Article V legislation!

   Likewise, in 2004, VA Delegate Lingamfelter said, after Virginia rescinded all Article V constitutional convention resolutions, “…the operations of a convention are unknown and the apportionment and selection of delegates, method of voting in convention, and other essential procedural details are not specified in Article V…the prudent course requires the General Assembly to rescind and withdraw all past applications for a convention to amend the Constitution…”. Virginia has not passed a single Article V Application since!

   Your constituents do not yet know of the grave danger Article V *constitutional convention* bills have placed **their** U.S.Constitution in. But, COS proponents do!

   Listen [at 46 seconds] where ***Robert Kelly,******COS*** *staff attorney,* **admits** that the subject of “the power and jurisdiction of the federal government”, which is written into **every COS application**, is broad enough to **amend** **the bulk of the Constitution**! <https://www.youtube.com/watch?v=kCApyUYvuRE&feature=youtu.be>

   Please do not support these bills. We will all sleep better knowing our Rule of Law, which has given us liberty for over 200 years, remains intact for future generations.

   Respectfully,

   Betty Lucas

   Mechanicsville, VA

   804-212-1165 [↑](#endnote-ref-3)