

Why Ohio should *NOT ask* Congress to call an Article V convention, a/k/a “constitutional convention,” or in [Newspeak](#), a “convention of states.”



## Why Ohio Legislators should vote “No!” on SJR 1 (HJR 2) asking Congress to call an Article V Convention

1. Article V provides that if two thirds of the states apply for it, *Congress* shall call a convention for proposing Amendments to the US Constitution. However, **Delegates would have the right, as recognized in the 2<sup>nd</sup> paragraph of our Declaration of Independence (DOI), to throw off the Constitution we have and write a new constitution which creates a new government.**<sup>1</sup>

- Our only precedent for an “amendments convention” is the Federal Convention of 1787 which was [called by the Continental Congress “for the sole and express purpose of revising the Articles of Confederation”](#) (AOC). But the Delegates ignored Congress’s limiting instructions (and the limiting [instructions from their States](#)) and wrote a new Constitution – the one we have now.
- Furthermore, the new Constitution had a new and easier 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 that it would be ratified by only 9 States. A third constitution could provide for ratification by national referendum instead of  $\frac{3}{4}$  of the States!
- In [Federalist No. 40](#) (15th para), James Madison invoked the Delegates’ “precious right” to alter or abolish our form of government, as recognized in the DOI, to justify ignoring their instructions and drafting a new Constitution which created a new government.
- James Madison and Alexander Hamilton were Delegates to the “amendments convention” of 1787, and had *personal knowledge* that Delegates can’t be controlled. That’s why Madison [trembled](#) at the prospect of an Article V convention; Hamilton [dreaded](#) one; and future Chief Justice John Jay said another convention would run “[extravagant risques.](#)”<sup>2</sup>

2. The Convention of States Project (COSP) *implicitly acknowledges the danger of a convention* when they say state legislatures should pass “unfaithful delegate” laws which *they claim* will control Delegates. But such [laws can’t control Delegates](#) because:

- The DOI recognizes that a People have the self-evident right to throw off their form of government and set up a new one. We can’t stop Delegates from exercising self-evident rights!
- *Since Congress* “calls” the convention, they have traditionally claimed the *power to determine the number and selection process for Delegates*. See the [April 11, 2014 Report of the CRS](#) (p.4). Congress may appoint themselves as Delegates. Nothing requires Congress to permit States to participate in the convention!

- Delegates wouldn't be under state control. An Article V convention is not a state function. The convention would be *a federal convention called by Congress* to perform *the federal function* of addressing *a federal constitution*.
- As Sovereign Representatives of The People, Delegates would have sovereign immunity for what they do at a convention. Art. I, § 6, cl.1 of the US Constitution, and state constitutions recognize that legislators have immunity. The [CRS Report](#) (pg. 37) shows that Delegates to an Article V convention will have immunity.
- James Madison's Journal of the Federal Convention of 1787 shows that on [May 29, 1787](#), the Delegates voted to make the proceedings secret. If Delegates today decide to meet in secret or vote by secret ballot, the states would never know *who did what*. The American Legislative Exchange Council (ALEC) writes model Art. V convention legislation and is experienced at holding [secret meetings with state legislators](#) from which the Press is barred by armed guards.
- Delegates, as Sovereign Representatives *of the People*, are not answerable to state legislatures (which are "mere creatures" of the state constitutions) or to Congress (which is a "mere creature" of the federal Constitution). *The Delegates have the power to eliminate the federal and state governments* –precisely what the proposed [Constitution for the Newstates of America](#) does.

3. COSP says their application doesn't ask Congress to call a "*constitutional convention*," but rather, a "*convention of states*" which falsely implies it is controlled by the states. COSP has fooled some legislators into believing they can be *against* a "constitutional convention" (where our existing Constitution can be replaced); and yet *support* an "Article V convention" [which COSP has redefined as a "convention of states"](#) controlled by state legislators. ***But there's no such thing in the Constitution! COSP made it up!***

4. The Constitution we have [delegates only a few powers to the fed. gov't](#). But for 100 years, everyone has ignored the existing limitations. We can't fix federal usurpations of non-delegated powers with Amendments, because Amendments can't take away powers the Constitution doesn't grant!

5. The convention lobby has another agenda, and they need a convention to get it implemented.<sup>3</sup>

#### Endnotes:

<sup>1</sup> *None* of the Delegates to the federal convention of 1787 said the purpose of an Art. V convention is to enable States to get amendments to the Constitution *in order to rein in abuses of power by the fed. gov't*. [COSP fabricated that claim!](#) Our Framers knew the people had the right to meet in convention and draft a new Constitution whether or not the convention method was added to Art. V; they couldn't stop People in the future from doing what they had just done. Most likely, the convention method was included in Art. V to induce the Anti-federalists to sign the Constitution and to ease ratification in States with Anti-federalists.

<sup>2</sup> Four US [Supreme Court Justices and other luminaries](#) have warned that an Article V convention is fraught with peril.

<sup>3</sup> George Soros wants [a Progressive constitution](#) in place by 2020. Globalists want us in [the North American Union](#). The proposed Newstates Constitution sets up a dictatorship and is *easily ratified* via national referendum (Art. XII, §1).