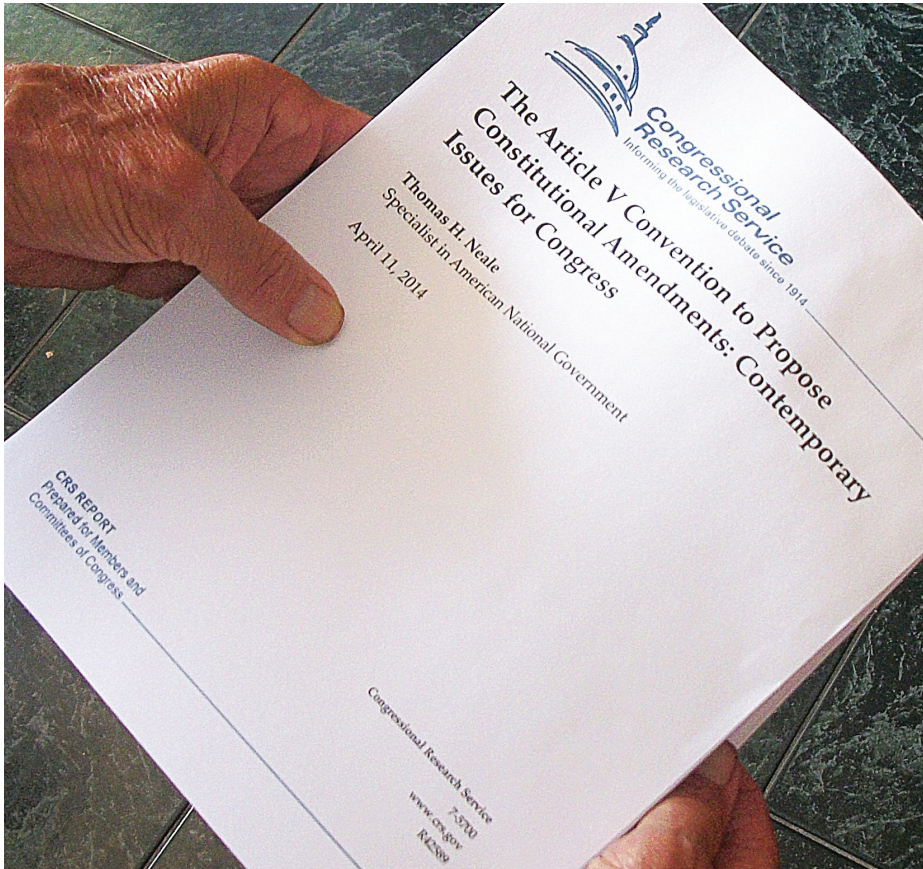


What are they not telling you ?

Congressional report validates Article V convention concerns



Well-funded campaigns pushing for changes to the US Constitution through an Article V convention have repeatedly failed, despite claims that state legislatures would totally control the convention process. Such claims have no basis in the United States Constitution, and disregard the history of US Congress in regard to actions preparing for an Article V Convention. A Congressional Research Service report supplies the bigger picture in their latest publication on the topic.

Part 1 in a series by Robert Brown
April 12, 2014

An April 2014 report from the Congressional Research Service (CRS) validates concerns voiced by conservative groups regarding an Article V convention.

Supporters of a convention claim that an Article V convention is a way to “bypass Congress” in making amendments to the US Constitution. Further, they claim it would be “totally controlled by the states”. We are told states would select delegates, establish rules and subject matter for a convention, and could even arrest and replace delegates who overstepped the rules.

Contrary to these claims, the CRS report* points to the '70s and '80s, when there was interest in an Amendment convention. During that time, Congress introduced 41 bills, which “**generally included quite specific standards for state petitions, delegate apportionment formulas and delegate qualifications....**” (p.36, emphasis added)

In these bills, Congress addressed how many delegates and how many votes each state would have. Supporters of a convention claim that, “Of course, we know it would be one state, one vote.” Contrary to this, Congress proposed the convention should represent the populations of the states, not just the states themselves. CRS reveals “**Apportionment**

* *The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress*, by Thomas Neale, CRS April 2014 (document R42589).

Who is the Congressional Research Service?

From the Congressional Research Service website: www.loc.gov/crsinfo/ “The Congressional Research Service (CRS) works exclusively for the United States Congress, providing policy and legal analysis to committees and Members of both the House and Senate, regardless of party affiliation. As a legislative branch agency within the Library of Congress, CRS has been a valued and respected resource on Capitol Hill for nearly a century.

“CRS is well-known for analysis that is authoritative, confidential, objective and nonpartisan. Its highest priority is to ensure that Congress has 24/7 access to the nation’s best thinking.”

(Emphasis added)

of convention delegates among the states was generally set at the formula provided for the electoral college.” (p.37, emphasis added)

According to this formula, California would have 55 votes, while other states would have far fewer votes among a total of 535. Tennessee would have 11 votes; Vermont, like Alaska, only three votes. This should cause concern for anyone whose views are not supported by more populated states.

Undermining the claim that states can control delegates, and arrest them for exceeding the bounds set by the states, the report observed, “Most bills provided that . . . delegates received **immunity from arrest** in most instances during the convention.” (p. 37, emphasis added)

The report explores the arguments of whether a convention would have limited or unlimited power, and finally concludes, “the question ‘what sort of convention?’ is not likely to

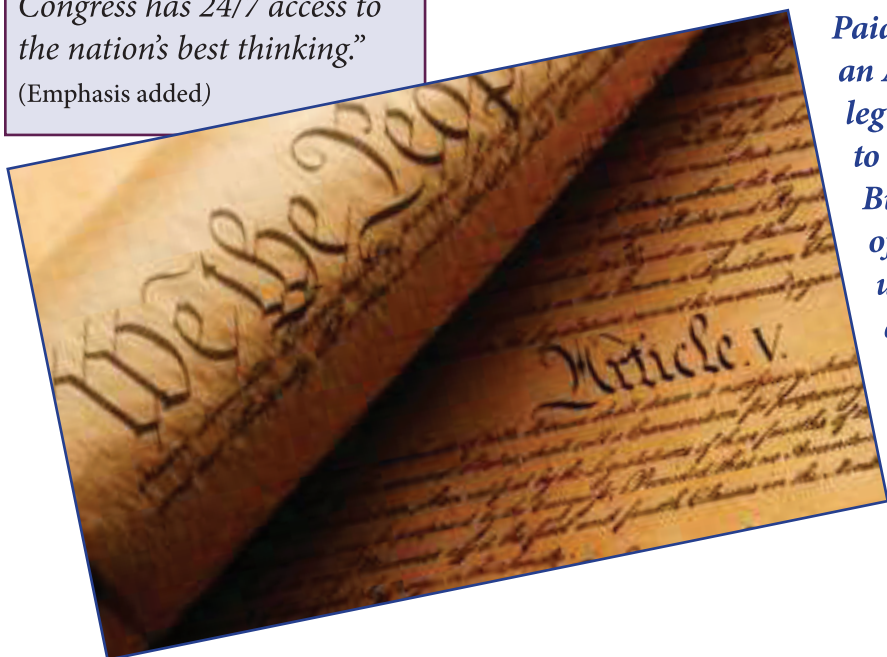
be resolved unless or until the 34-state threshold has been crossed, and a convention assembles.” (p. 27) In other words, “We have to pass the bill so that you can, ah, find out what is in it.” But of course, **by then, it will be too late to stop it.**

Remember, this report was written for Congress in 2014, to instruct them about their powers regarding an Article V convention. The over-arching message is quite clear. “Article V delegates important and **exclusive authority over the amendment process** to Congress.” (p. 4, emphasis added) This exclusive authority applies to both methods of proposing amendments, those proposed by Congress and those proposed by an Article V Convention.

The history cited in the CRS report represents not only what Congress **could** do in the case that a convention is called, it represents what Congress **has done** in preparation for a convention. History is the most accurate predictor of the future.

The CRS report, this article, and other Article V resources can be downloaded at: <http://tinyurl.com/ArticleV-truth>

Paid staff for various groups promoting an Article V convention promise state legislators and supporters an easy fix to our country’s deeply-rooted problems. But as legislators look for evidence of these fantastic claims—and come up short—states have rescinded their applications for a convention. They have realized that tampering with our Constitutional foundation risks overturning the entire structure.



About the author: Robert Brown is a popular speaker and producer of the 2013 DVD series **The Constitution is the Solution**, which is available at www.shopjbs.org