Article V

An inquiry into fact vs. fiction

Article V, US Constitution

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to the 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 Congress;

Powers of Congress

- Propose Amendments
- Call a Convention to Propose Amendments
- Choose the ratification method

Powers of The States

- Apply for a Convention
- Ratification of Amendments IF Congress chooses

Powers of Conventions

- To Propose Amendments
- Ratification of Amendments IF Congress chooses

Saturday, Sept. 15, 1787. In Convention.

"The Congress, whenever two thirds of both Houses shall deem necessary, or on the application of two thirds of the Legislatures of the several States shall propose amendments to this Constitution, "

Col: Mason thought the plan of amending the Constitution exceptionable & dangerous. As the proposing of amendments is in both the modes to depend, in the first immediately, and in the second, ultimately, on Congress, **no amendments of the proper kind would ever be obtained by the people, if the Government should become oppressive, as he verily believed would be the case.**[8]

Mr. Govr. Morris & Mr. Gerry moved to amend the article so as to require a Convention on application of ⅔ of the Sts

Mr Madison did not see why Congress would not be as much bound to propose amendments applied for by two thirds of the States as to call a call a Convention on the like application. He saw no objection however against providing for a Convention for the purpose of amendments, **except only that difficulties might arise as to the form, the quorum &c.** which in Constitutional regulations ought to be as much as possible avoided.

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A Motion for a 2nd Convention:

Mr. Randolph . . . made a motion importing "that amendments to the plan might be offered by the State Conventions, which should be submitted to and finally decided on by another general Convention"

Col.Mason 2ded: This Constitution had been formed without the knowledge or idea of the people. A second Convention will know more of the sense of the people, and be able to provide a system more consonant to it.

Mr. Pinkney. Nothing but confusion & contrariety could spring from the experiment. The States will never agree in their plans— And the Deputies to a second Convention coming together under the discordant impressions of their Constituents, will never agree. Conventions are serious things, and ought not to be repeated— He was not without objections as well as others to the plan. He objected to the contemptible weakness & dependence of the Executive. He objected to the power of a majority only of Congs over Commerce. But apprehending the danger of a general confusion, and an ultimate decision by the Sword, he should give the plan his support.

On the question on the proposition of Mr Randolph. **All the States answered- no**

On the question to agree to the Constitution. as amended.[15] **All the States ay.**

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Ratification by Conventions: Idaho Statute

Idaho Title 34, Chapter 22, “The Constitutional Convention Act.”

“Federal statute to control. **If** at or about the time of submitting any such amendment, **Congress shall** either in the resolution submitting the same or by statute, **prescribe the manner in which the conventions shall be constituted,** and shall not except from the provisions of such statute or resolution such states as may theretofore have provided for constituting such conventions, the preceding provisions of **this act shall be inoperative, the convention shall be constituted and shall operate as the said resolution or Act of Congress shall direct**, and all officers of the state who may by the said resolution or statute be authorized or directed to take any action to constitute such a convention for this state are hereby authorized and directed to act thereunder and in obedience thereto with the same force and effect as if acting under a statute of this state.”

Title 34, Chapter 22, “The Constitutional Convention Act.”

Important Considerations

Who determines which state applications to count?

Do the applications have to meet any particular criteria?

Who determines how delegates are selected?

Who determines the apportionment of votes in the convention?

Who sets all of the initial parameters for the convention?

Who funds the convention?

Who staffs the convention?

If a convention is called who proposes amendments?

Does Article V limit the number of amendments?

Who chooses the ratification method?

What is Happening in Congress . . .

and why aren't state legislators being informed about this?

https://www.congress.gov/bill/119th-congress/house-concurrent-resolution/15/text

States that have NO active applications for a convention: 17

Idaho Rescinded in 2000

Virginia Rescinded in 2004

Montana Rescinded in 2007

Delaware Rescinded in 2016

Maryland Rescinded in 2017

New Mexico Rescinded in 2017

Nevada Rescinded 2017

Colorado Rescinded in 2021

New Jersey Rescinded in 2021

Illinois Rescinded in 2022

Oregon Rescinded in 2023

New York Rescinded in 2024

Washington Rescinded in 2025

Connecticut Rescinded in 2025

California Rescinded in 2025

Massachusetts Rescinded in 2025

Note: **Hawaii** has never passed any application for an Article V Convention.

Is Calling a Convention to Propose Amendments an Effective way to Increase State Power

Or a Recipe for Chaos and Instability?