



## How Conventions Have Historically Worked July 2021

An Article V convention is a conclave of state “committees,” operating in a distinct & separate manner than legislatures.

Over the past four centuries, scholars and historians have analyzed some 650 conventions.

Of hundreds of state & colonial conventions only two were “constitutional conventions” and they remodeled a political system: drafting of the 1787 proposed federal Constitution and the 1861 Confederate Constitution.

Convention types: 1814 & 1861: quasi-Article V amending (not ratified); 1922 & 2017 legislative conventions.

The formula for Article V is: 34-26-38: Of the 50 states, 34 to call, 26 to vote a proposal(s) and 38 to approve.

For a runaway convention, 51% or 26 states would have to go rogue, exposing delegates to their state’s laws.

What changes occur to the Constitution at an amending convention? None. It only *PROPOSES* amendments.

Congress’ Article V authority, when presented with 2/3 of states applications, it “*SHALL*” set the date & location.

An amending convention is the alternative to Congress proposing an amendment that must still be approved by 38 states.

State applications need not be identical and are interpreted by intent, not verbiage.

State’s power allows them to commission, recall, suspend commissions, or discipline their delegates.

States may apply for an unrestricted convention or one dedicated to a particular subject.

Constitution signer, James Wilson: “Commissioners authorized to conclude nothing, but...at liberty to propose anything.”

Conventions average 12 days prior to sine die while ratifications average 20 months and 7 days.

Since an Article V convention receives its power from the Constitution, it cannot alter the Constitution, e.g. ratification.

Conventions are forbidden to rewrite or propose a new Constitution, expand its limited powers, or declare amendments.

*Convention Historical Standard Operating Procedure:* regional or national, select officers, draft parliamentary rules, maintain order, arbiter of delegates credentials, states choose delegates, states have one vote, not plenary, take up any topic-but still limited, held secret or open, recorded.

Congress has no constitutional authority to *Call* a state convention.

In the first 200 years following the founding, the judiciary, including SCOTUS, decided over 3 dozen cases interpreting Article V & generally followed historical practice.

Article V is an example of federalism’s shared responsibility between the national and state governments.

Congress has ignored 11 complete Article V state applications and 500-700 individual state calls.

JBS believes in the authority of the Constitution, therefore it is not evil, except for the second clause of Article V.

The states may have to force Congress to act on their *Call* by utilizing judicial review or by lawsuit.

States have written legislation protecting their state against their commissioner’s nefarious behavior.