



Myth: The Constitution was Illegally Called, and Article V is a 'con con.' July 2021

We do not take oaths to defend our nation, government, or leaders. Our oath is to preserve, protect and defend the Constitution.

Critiquing the Constitution as being illegally formed and then taking an oath of allegiance to defend it is contradictory and self-

evident that the Constitution was lawfully and properly adopted.

Critics mistakenly claim the Constitutional Convention was called by Congress; but it was officially called by Virginia, Nov. 23, 1786

The words used for the *Call* by VA, also by the Annapolis convention, were, "...to render Federal Constitution adequate to the Exigencies of the Union..." There was no mention of the Articles of Confederation. In other words, to reform the failing government into a functioning and deliberative body. Newspapers of the era erroneously reported it as a "revision."

The impetus for the convention's call was the states realizing the inability of Congress to pay War debts and to keep the young U.S. from heading into civil war, bankruptcy and collapse due to the inadequate and ineffectual Articles of Confederation.

In the founding era conventions occurred, on average, every 3 ½ years to attempt to resolve issues Congress could not.

Federalist No. 40 & No. 78, successfully argue that the commissioners acted within their states delegated authority.

The 1787 call by Congress for a "revising" convention was invalid because 1) the resolution did not address the states directly, as it had in the past, & 2) Congress did not use its normal protocol for submitting measures to the states for consideration. Virginia had fulfilled the *Call* requirement on Nov 23, 1786.

In ten conventions occurring after the Declaration of Independence, Congress never called one. The Articles of Confederation did not contain authorization for Congress to call a convention of states together.

MA & NY were the only states to instruct their delegates to implement Congress' "revision" in their commissions. The rest followed Virginia's call. 85% of the states recognized the necessity of 'reform' versus 'amendment.'

During the Convention, every allegation that delegates were exceeding their credentials was directed at the Virginia Plan and not the final product. The debate led to the Great Compromise and our form of representation.

Absent from records is any claim that Congress had called the Convention and given the delegates their instructions and authority, proof that Congress did not believe it had made the call or issued binding instruction.

George Washington acknowledged in a March 25, 1787, letter to Marquis de Lafayette that the states had called the Philadelphia general convention and that "Congress have also recognized, & recommended the measure."

Basically, JBS/Eagle Forum contend Madison, Washington, et al, overthrew the Confederation with a new unauthorized form of government. Congress did not charge anyone with insurrection, but forwarded it to the states for consideration.

Four of the original 13 articles in the Articles of Confederation are in the renamed Constitution.

Although only nine states were required for ratification of the reformed government, all 13 states approved it.

The Constitution does not allow itself to be rewritten but authorizes "amending" it with approval of ¾ of the states.

Ten days after submitting the Constitution, Congress debated & defeated the accusation of an illegal convention. The states did not exceed their authority.