

DANGER: Article V Convention Legislation filed in Congress: They Want a New Constitution



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September 30, 2022

Legislation recently filed in Congress shows that the assurances pro-convention lobbyists have been making to State Legislators to induce them to apply to Congress for Congress to call a Convention under Article V of our Constitution are *false*.

These lobbyists have convinced too many State Legislators that our Framers said that when the federal government violates the Constitution, the solution is to get a convention to *amend the Constitution*. [Our Framers never said such a thing!](#) But *that* is what is behind the push for an Article V convention.

Article V of our Constitution provides two methods of amending the Constitution 1) Congress may propose amendments by two-thirds majority in both Houses; or 2) Congress, upon the applications of two-thirds of the State Legislatures, calls a convention where the Delegates may propose amendments. The second method has never been used – it's [dangerous!](#)

Nevertheless, the pro-convention lobby has been assuring State Legislators that a Convention is perfectly safe because State Legislatures will control it: *They* will determine the

amendments to be considered at the Convention; Congress *can't* call a convention until Congress receives 34 applications from State Legislatures which ask for the same amendment; and Delegates to the convention may consider nothing but amendments requested by 34 State Legislatures.

If Congress calls a convention, would Congress or the Delegates to the Convention be constrained by *the Lobbyists'* assurances to State Legislators?

Of course not! The Delegates – as Sovereign Representatives of The People – would have the self-evident Right, [recognized by the Declaration of Independence](#), “to alter or to abolish” our “Form of Government.” Accordingly, *Congress isn't empowered* by Article V or anything else in the Constitution to call a *limited* convention restricted to considering only the amendments requested by 34 State Legislatures.

And now, legislation consistent with this “self-evident Right” has been recently filed in Congress:

On July 19, 2022, Congressman Jodey Arrington of Texas introduced [H.Con.Res.101](#), which calls a convention; and [H.R. 8419](#), which sets forth how applications for a convention *are to be counted*.

These Resolutions show that the convention pushers' assurances that Delegates to the Convention can do nothing but consider amendments requested by 34 State Legislatures, are false:

H.C.R. 101 §1(a) (1) says, “...Congress hereby calls a convention for proposing amendments...”

H.R. 8419 creates subsection (c) of [1 U.S. Code, § 106](#), which directs the Archivist of the United States to count *all* non-rescinded applications asking Congress to call a Convention; and to notify Congress of its **duty** to call a Convention when the Archivist receives non-rescinded applications for a Convention from two-thirds of the States.

H.R. 8419 doesn't permit the Archivist to sort the applications by the amendments specified by State Legislatures. Instead, H.R. 8419 directs the Archivist to count *all* non-rescinded applications together.

One group pushing for a Convention [has already admitted](#) that Congress can "mix & match" the various applications for a convention: This group combined non-rescinded applications passed in 1789, several passed in 1861 to avert the Civil War, and during 1901 for popular election of US Senators *with* applications passed in recent decades for a balanced budget amendment.[1]

And the Archivist of the United States is, in effect, *directed* by H.R. 8419 to mix and match the various applications! *If an application is non-rescinded, the Archivist is **directed** to count it to get to 34.*

So H.C.R. 101 & H.R. 8419 really are consistent with the "self-evident right" of a People to alter or abolish their government and set up a new one. And they reveal that whoever drafted these Resolutions also understands that State Legislatures have *no power* to dictate what is considered by Delegates at the convention. In State Legislatures' applications to Congress for a convention, they sometimes *insist* that **they** will control the convention (see p. 2, line 19 thru p. 7 of this [application in the Pennsylvania Senate](#)); but the Truth is that *the Constitution* sets forth [what Congress has the power to do](#) respecting an Article V Convention; and State Legislatures cannot change this by wishful thinking. **And State Legislatures cannot dictate to Congress how Congress is to exercise a power the Constitution grants to Congress!**

If Congress calls an Article V convention, you can be sure that a new Constitution will be imposed on us.[2] The convention of 1787 was called "for the sole and express purpose of revising the Articles of Confederation". But the

convention proposed a new Constitution which had a new mode of ratification and which created a new form of government. [James Madison warned](#) that those who secretly want a new Constitution would push for an Article V Convention under the pretext of “getting amendments”.

State Legislators need to open their eyes and see that while they are being *used* to get a Convention; [they will have no power over the Convention](#); and won't be able to do anything to stop a new Constitution with its own new mode of ratification from being imposed on us. State Legislatures must immediately rescind [the applications for a convention they already sent to Congress](#).

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Endnotes:

[1] At the time the “BBA” organization prepared their chart, the applications they counted were non-rescinded. They counted 33 States with active applications on file with Congress. But thankfully, after their Chart was published, several of the States listed on their Chart wised-up and rescinded their applications. *Other States whose previous applications for a convention are still active better rescind them before the Archivist gets her hands on them!*

[2] A member of Mark Meckler's “COS” Legal Advisory Board, Princeton Law Professor Robert P. George, has already co-authored [a new Constitution](#) which grants massive new powers to a new federal government and imposes gun controls with red flag confiscations. Read it & tremble for your Country.