

Dear Representative:

We're asking you to VOTE NO on HR 206 & SR 234!

The Declaration of Independence, paragraph 2, expresses the right of the people (i.e. convention Delegates) "to alter or to abolish" our "Form of Government." PA legislators need to know that the **subject** of the amendment doesn't matter; *it's the Article V convention process that jeopardizes our Constitution!*

HERE and attached is our **State flyer** which explains the dangers of an Article V Convention (A5C).

HERE and attached are words from **brilliant men** who warned against an A5C.

You have been ASSURED by COSP (and WILL be by Tom Coburn & Mark Meckler that state legislators will control convention Delegates and set the convention rules. ***But this isn't true!*** You new legislators need to understand the MYTHS.....and the TRUTH!!!!

Article V provides that when 2/3 of the state legislatures *apply* for it, **Congress** calls a convention. At that point, it will be out of the State Legislators' hands.

This CHART shows **WHO** has the power to do **WHAT** under Article V.

This ARTICLE shows why States can't control the Delegates or prevent a runaway convention.

Thank you for DEFENDING our Constitution! Thank you for voting NO on HR 206 & SR 234 and ANY OTHER applications from PA asking Congress to call an Article V Convention!

Gratefully..... Chris Owen

Why States should ***NOT ask*** Congress to call an Article V convention, a/k/a “constitutional convention,” or in Newsppeak, a “convention of states.”



Why State Legislators should vote “No!” on all Delegate bills and all Applications asking Congress to call an Article V Convention

1. Article V provides that if two thirds of the States apply for it, **Congress** shall call a convention for proposing Amendments to the US Constitution. However, **Delegates would have the right**, as recognized in the 2nd paragraph of our Declaration of Independence (DOI), to throw off the Constitution we have and write a new constitution which creates a new government.¹

- Our only precedent for an “amendments convention” is the Federal Convention of 1787 which was called by the Continental Congress “for the sole and express purpose of revising the Articles of Confederation” (AOC). But the Delegates ignored Congress’s limiting instructions (and the limiting instructions from their States) and wrote a new Constitution – the one we have now.
- Furthermore, the new Constitution had a new and easier mode of ratification. Whereas Amendments to the AOC had to be approved by the Continental Congress and *all* of the then 13 States, the new Constitution provided at Article VII that it would be ratified by only 9 States. A third constitution could provide for ratification by national referendum instead of $\frac{3}{4}$ of the States!
- In Federalist No. 40 (15th para), James Madison invoked the Delegates’ “transcendent and precious right” to alter or abolish our form of government, as recognized in the DOI, to justify ignoring their instructions and drafting a new Constitution which created a new government.
- James Madison and Alexander Hamilton were Delegates to the “amendments convention” of 1787 and had **personal knowledge** that Delegates can’t be controlled. That’s why Madison trembled at the prospect of an Article V convention; Hamilton dreaded one; and future Chief Justice John Jay said another convention would run “extravagant risques.”²

2. The Convention of States Project (COSP) **implicitly acknowledges the danger of a convention** when they say state legislatures should pass “unfaithful delegate” laws which **they claim** will control Delegates. But such laws can’t control Delegates because:

- The DOI recognizes that a People have the self-evident right to throw off their form of government and set up a new one. We can’t stop Delegates from exercising self-evident rights!
- Since **Congress** “calls” the convention, they have traditionally claimed the **power to determine the number and selection process for Delegates**. See the April 11, 2014 Report of the CRS (p.4). Congress may appoint themselves as Delegates. Nothing requires Congress to permit States to participate in the convention!

- Delegates wouldn't be under state control. An Article V convention is not a state function. The convention would be *a federal convention called by Congress* to perform *the federal function* of addressing *a federal constitution*.
- As Sovereign Representatives of The People, Delegates would have sovereign immunity for what they do at a convention. Art. I, § 6, cl.1 of the US Constitution, and state constitutions recognize that legislators have immunity. The [CRS Report](#) (pg. 37) shows that Delegates to an Article V convention will have immunity.
- James Madison's Journal of the Federal Convention of 1787 shows that on [May 29, 1787](#), the Delegates voted to make the proceedings secret. If Delegates today decide to meet in secret or vote by secret ballot, the states would never know *who did what*. The American Legislative Exchange Council (ALEC) writes model Art. V convention legislation and is experienced at holding [secret meetings with state legislators](#) from which the Press is barred by armed guards.
- Delegates, as Sovereign Representatives of *the People*, are not answerable to state legislatures (which are "mere creatures" of the state constitutions) or to Congress (which is a "mere creature" of the federal Constitution). *The Delegates have the power to eliminate the federal and state governments* –precisely what the proposed [Constitution for the Newstates of America](#) does.

3. COSP says their application doesn't ask Congress to call a "*constitutional convention*," but rather, a "*convention of states*" which falsely implies it is controlled by the states. COSP has fooled some legislators into believing they can be *against* a "constitutional convention" (where our existing Constitution can be replaced); and yet *support* an "Article V convention" [which COSP has redefined as a "convention of states"](#) controlled by state legislators. ***But there's no such thing in the Constitution! COSP made it up!***

4. The Constitution we have [delegates only a few powers to the fed. gov't](#). But for 100 years, everyone has ignored the existing limitations. We can't fix federal usurpations of non-delegated powers with Amendments, because Amendments can't take away powers the Constitution doesn't grant!

5. Those behind the push for a convention have another agenda & they need a convention to get it done.³

Endnotes:

¹ *None* of the Delegates to the federal convention of 1787 said the purpose of an Art. V convention is to enable States to get amendments to the Constitution in order to remedy violations of the Constitution by the fed. gov't. *COSP fabricated that claim!* See: [What the Framers really said about the purpose of amendments to our Constitution](#). Furthermore, our Framers knew the People had the right to meet in convention and draft a new Constitution whether or not the convention method was added to Art. V; and they couldn't stop People in the future from doing what they had just done. Most likely, the convention method was included in Art. V to induce Anti-federalists to support the new Constitution.

² Four US [Supreme Court Justices and other luminaries](#) have warned that an Article V convention is fraught with peril.

³ George Soros wants [a Marxist constitution](#) in place by 2020. Globalists want us in [the North American Union](#). The proposed Newstates Constitution establishes a dictatorship and is *easily ratified* via national referendum (Art. XII, §1).

Brilliant men have warned that Delegates to a convention can't be controlled

- During April 1788, our 1st US Supreme Court Chief Justice John Jay wrote that another convention would run an "extravagant risque."
- In **Federalist No. 49**, James Madison said a convention is **neither proper nor effective** to restrain government when it encroaches.
- In his Nov. 2, 1788 letter to **Turberville**, Madison said he "trembled" at the prospect of a 2nd convention; and if there were an Article V convention: "the most violent partizans", and "individuals of insidious views" would strive to be delegates and would have "a dangerous opportunity of sapping the very foundations of the fabric" of our Country.
- In **Federalist No. 85** (last para), Hamilton said he "dreads" the consequences of another convention because the enemies of the Constitution want to get rid of it.
- Justice Arthur Goldberg said in **his 1986 editorial in the Miami Herald** that "it cannot be denied that" the Philadelphia convention of 1787 "broke every restraint intended to limit its power and agenda," and "any attempt at limiting the agenda [at an Article V convention] would almost certainly be unenforceable."
- Chief Justice Warren Burger said in his **June 1988 letter to Phyllis Schlafly**: "...there is no effective way to limit or muzzle the actions of a Constitutional Convention... After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda... A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn..."
- Justice Scalia said on April 17, 2014 **at the 1:06 mark of this video**: "I certainly would not want a Constitutional Convention. I mean whoa. Who knows what would come out of that?"
- Other eminent legal scholars have said the same – Neither the States nor Congress can control the Delegates. See **THIS**.

Yet convention supporters ridicule these warnings as "fear mongering." And they quote *law professor* Scalia **in 1979**, *before* his decades of experience as a Supreme Court Justice, to "prove" otherwise.

Ask yourself, "Is it possible that James Madison, Alexander Hamilton, Chief Justice Jay, Justice Goldberg, Chief Justice Burger and Justice Scalia understood something about the plenipotentiary powers of Delegates to an Article V convention which the pro-convention lobby hasn't grasped?