



Convention of States Boasts of Congressional Notice of Article V Movement

The Convention of States (COS) organization is at it again. In a recent blog post they crow about how there is “historic news for the Article V movement.” That historic news? “The U.S. Congress has officially met to discuss our growing movement in the states....”

Before completely (and one wishes, finally) deconstructing and delegitimizing that boastful headline, let me say how tiresome it must be for COS leadership and rank-and-file public-relations staff to have to invent headlines and glean “historic news” from a bountiful crop of constant losses for their team. I genuinely feel bad for them.



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As for the notion that this is historic news and that “now is the time to call an Article V convention,” I’m reminded of Gertrude’s observation in *Hamlet* of the behavior of the Player Queen in her son’s play: “The lady doth protest too much, methinks.”

The COS is protesting far too much about how much progress they are making, while at the same time publishing articles admitting that The John Birch Society is successfully preventing the group from financing a constitutional convention, blocking bills in state after state. Which is it, COS: Are you making historic strides toward your convention, or is The John Birch Society frustrating your scheme to subvert the Constitution by way of an Article V convention? It is the latter, methinks.

Another signal example of the desperate “protesting” too much of COS is their full-throated celebration of Congress’ interest in the convention movement and the former advocacy of the Article V constitutional convention by the newly elected Speaker of the House of Representatives, Representative Mike Johnson (R-La.).

Remember, one of the central planks of the COS platform is that the states and people, by way of calling for a constitutional convention, can bypass Congress, the very group responsible, according to COS doctrine, for the political and financial ruin of our union. With that in mind, it seems incongruous that COS would be gleefully informing their grassroots supporters that Congress is finally coming on board and can be counted on now to fast-track the constitutional convention they’ve been flogging and financing for years.

The fact is, COS’s claim that Congress can be bypassed by an Article V convention called for by the states is demonstrably false.

Here’s the unedited text of Article V. Note: I mention that the text is unedited because COS has a habit of using ellipses to glide over words and phrases in the black letter of Article V that stand as obstacles in their path toward bringing to pass a second constitutional convention.



Article V:

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this 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 the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

Let's read that text together and identify the role — the constitutionally mandated role — to be played by Congress in the process of amending the Constitution.

Who decides which process to use to decide ratification? Congress!

Again, read the language closely. Congress decides which road to ratification is followed.

I don't know how the "scholars" at COS are reading that, but that seems a very significant role for Congress to play in the process, regardless of where the call for amendment comes from.

When COS claims that the union will be saved only if "the American people utilize Article V," they are either misreading Article V or misleading the American people.

This irrefutable constitutional fact may seem a small thing in the context of the contest between those who would call for another constitutional convention and those who oppose it, but I don't think accuracy and the truth are small things when speaking of the future of our union and the Constitution that created it and protects the liberties of the people.

The truth — the undeniable truth — is that Article V does not provide any role for "the American people" in the amending of the Constitution, and for COS to claim otherwise is either deceitful or ignorant, neither of which is something you want from the group spending millions of dollars to get access to the Constitution.

It is true, of course, that the American people can have some influence by electing state legislators and governors who favor a constitutional convention or an amendments convention, but that's hardly what I would call a "safety valve," one that Meckler has suggested is the only way to prevent a civil war.

The bottom line on the COS theory that "the people" can rein in the federal government via the process set out in Article V is that it is wrong. It is wrong historically, constitutionally, and pragmatically. Article V grants to Congress a significant role in the amendments process, and the people are nowhere mentioned. This is simply the same old demagoguery that Meckler and his cohorts have used (unsuccessfully) for years. It is shameful.

It is shameful particularly when there *is* a way that the people can have a hand in forcing the federal beast back inside its constitutional cage. It is a weapon that James Madison described as "powerful and at hand," and that Thomas Jefferson called "the rightful remedy," but that the Convention of States derides as ineffectual and unconstitutional — nullification per the Tenth Amendment.

With its claim that "the people" are the "safety valve" that can prevent another civil war, one wonders if



Written by [Joe Wolverton, II, J.D.](#) on October 27, 2023

the Convention of States intentionally misrepresents the historical record, perhaps hoping people will not take the time to research the subject for themselves. This sort of chicanery may be excusable in the company of lawyers, but it is inexcusable when it comes to one's dealings with the American people searching feverishly for a cure for the consolidation of all power into the hands of the plutocrats on the Potomac.

Such a revision may seem minor, but if an Article V convention was such a good idea, one as safe and supported by history as the COS scholars say, why would they need to fiddle with the historical record, ignore the role of Congress in a call for a convention, and deny that the Tenth Amendment recognizes the right of states to refuse to recognize unconstitutional acts of the federal government?

The bottom line is that it seems unwise and unsafe to trust the care of something as potentially powerful as a constitutional convention to a group whose leadership seems not to understand basic facts of American history or the text of the Constitution.





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