

FRIENDS OF THE ARTICLE V CONVENTION

One Friend At A Time . . .



Why the COS Convention Was “Real” and not “Simulated”

In September, 2016 the political organization Convention of States Project held what they described as a “simulated” Convention of States in Williamsburg, Virginia. Current members of all 50 state legislatures identified by their official titles of office attended as delegates. The delegates, voting in state delegations in which two thirds or more of the delegations favored the proposal, officially proposed six amendments to the Constitution of the United States.

Unlike previous “simulated” Article V Conventions which have been held in colleges and universities many times, the “simulated” Convention of States of September, 2016 was not “simulated” but “real.” The reason this convention was “real” meaning the amendment proposals proposed by the convention were **in fact actual amendment proposals put forth by the Convention of States for the purposes of becoming amendments to the United States Constitution** is because unlike all previous “simulated” conventions **the “Convention of States” was authorized by state law making it an official state act.**

As part of its political campaign the Convention of States Project succeeded in having state legislatures enact state laws establishing a “convention of states” **as an official state act created under authority of law** rather than an informal meeting with no legal standing as had been the case with previous “simulated” conventions. The state laws **do not** recognize a “simulated” convention but only provide for a “real” convention.

The Convention of States held in Williamsburg, Virginia in 2016 complied with these state laws and therefore was an official state act not “simulated” as claimed by the Convention of States Project. The state laws, which at this time, are the only laws in this nation regarding a “Convention of States” have never been reviewed by a court. Until this occurs or the laws are repealed they remain in full force and effect.

The laws mandate **the people shall have no part in the amendment process by means of direct election.** No election was held allowing **the people to elect** who would represent them at the “Convention of States.” The laws mandate officials representing the state legislatures shall be delegates to the convention. The convention delegates were all current members of the state legislatures identified in their official capacity. The laws mandate convention delegates shall obey “instructions” of the state legislatures as to what is proposed by the convention. Based on the subject matter of applications already sent by the state legislatures to Congress, the convention delegates obeyed these “instructions” and proposed only what the state legislatures had already requested. Therefore all aspects of the laws authorizing a “Convention of States” were obeyed meaning the convention was “real” not “simulated.”

In October, 2016 the six amendment proposals were sent to Congress to begin the ratification process. Details regarding the ratification process and the state laws may be read [here](#) and [here](#).