FRIENDS OF THE ARTICLE V CONVENTION One Friend At A Time

Why are Convention Delegates Elected and not Appointed?

Despite the passage of laws in several states requiring delegates be appointed to represent the state legislature, the rule of law still prevails in this nation. Sovereignty still resides with the people not the state legislatures. The Constitution is a constitution of the people, not the states. If the people have no say in the amendment of the Constitution, it is no longer their Constitution.

It is for this reason convention delegates are elected **by the people**. Amendment of the Constitution is based on the principle expressed in the Declaration of Independence, that it is "the right of **the people** to alter or abolish" the form of government. State laws declaring otherwise are unconstitutional.

As shown below the 1787 Convention inserted the convention clause in Article V so **the people** could make alterations to the Constitution. The Supreme Court ruled in Hawke v Smith conventions in the Constitution are "deliberative assemblages representative of **the people**, which it was assumed would voice **the will of the people**." In the same ruling the Court ruled state legislatures derive their authority and operate under the **federal** Constitution when involved in the amendatory process. Finally, federal law mandates Convention delegates are elected **by the people**.

