Was the 2017 Arizona Application a “Convention of States” Application or Not?

The 2017 Arizona Application, recently passed by the Arizona Legislature was not a “convention of states” application despite the claims of the political group, “Convention of States.” House Concurrent Resolution 2010 states it is “A concurrent resolution applying to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.” Thus it is an application for “a convention for proposing amendments” or Article V Convention rather than a “Convention of States” application.

The Supreme Court has determined in Hawke v Smith, 253 U.S. 221 (1920) that conventions as described in the Constitution are “deliberative assemblages representative of the people, which it was assumed would voice the will of the people.”

The political group Convention of States Project believes the people have no place in the amendment process and have helped enact laws in several states which preclude electoral selection of delegates by the people to represent them at the convention. Instead Convention of States believes an oligarchy made up of a few select state legislators should make all decisions at the convention through the use of felony arrest for delegates should they fail to follow the oligarchy’s “instructions.”

Clearly the interpretation of the Supreme Court that a “convention for proposing amendments” representative of the people and a “Convention of States” controlled by an oligarchy composed of a few select state legislators are not the same thing. As the Arizona State Legislature applied for a “convention for proposing amendments” instead of a “Convention of States” it clearly is not an application for a “Convention of States.”