

FRIENDS OF THE ARTICLE V CONVENTION

One Friend At A Time



Rescissions Are Illegal

Many suggest states may “rescind” applications they have submitted for a convention call by submitting a “rescission” to Congress in its “application.” Under federal law these applications are federal public record. Rescinding an application is illegal. 18 USC 2071 makes it illegal to remove an application from the public record unless lawfully allowed. Congress has never passed a law allowing for removal of applications from the public record. To do so would require amendment of the Tenth Amendment as well as other provisions in the Constitution. Congress is therefore unlikely to be able to ever “rescind” any application. Meantime all applications remain in full force and effect thus mandating the appropriate convention calls required under Article V. For more information [click this link](#). Click image to read 18 USC 2071.

18 USC 2071
18 USC 2071 is part of the U.S. Code as amended by Pub. L. 107-171 (see also the consolidated list of amendments)

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART 1 - CRIMES
CHAPTER 101 - RECORDS AND REPORTS

§ 2071. Concealment, removal, or mutilation generally

(a) Whoever willfully and unlawfully conceals, conceals, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so, takes any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any state or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, conceals, mutilates, obliterates, falsifies, or destroys this same, shall be fined under this title or imprisoned not more than three years, or both, and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term “office” does not include the office held by any person as a retired officer of the Armed Forces of the United States.

(Conv. 25, 1948, ch. 447, § 2; Stat. ‘90; Pub. L. 101-510, div. A, title V, § 552(a), Nov. 5, 1988, 104 Stat. 5360; Pub. L. 103-322, title XXXIII, § 3303(a)(3)(B), Sept. 13, 1994, 108 Stat. 2147.)

Historical and Revision Notes
Based on title 18, U.S.C., 1940 ed., § 274, 279 (Mar. 4, 1909, ch. 375, § 178, 35 Stat. 1115, 1117).
Section amendments received 294 and 279 of title 18, U.S.C., omitted.
Reference to subsection (a) to intent to steal was omitted as covered by section 641 of this title.
Minor changes were made in phrasing.

Amendments
1994 - Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$2,000” in subsection (a) and (b).
1988 - Section 2071, Pub. L. 101-510 inserted and “to” used in this subsection, the term “office” does not include the office held by any person as a retired officer of the Armed Forces of the United States.”

Effective Date of 1990 Amendment
Section 2071 of title 18, U.S.C. provided that “The amendments made by subsection (a) [amending this section] shall be effective as of January 1, 1989.”