

The Why of An Article V Convention

By Bill Walker,
Co-founder FOAVC

Why should the Constitution be obeyed and Congress compelled to call an Article V Convention, something which we've never done in our entire history? Isn't it too much of a risk? Aren't those in power now likely to take a convention over for their own purposes? Won't the convention take away our rights by creating a new Constitution and imposing it by fiat? Why take the risk?

Because amendments work. We've tried tea parties. No effect. We've tried the 10th Amendment. No result. We've had our Continental Congress 2009. No result. We've elected countless "reformers" to Congress. No change. We've posted literally millions of words on blogs. No help. We've written to members of Congress. Ignored. We watch with a feeling of helplessness as discussion goes on in Congress to make us criminals in our own land if we don't sign up for a government program. We watch trillions of dollars being spent to save corporations "too big to fail" all the time realizing the entire housing crisis which got us into this mess was created by these "too big to fail" corporations and that the solution, simply extending the length of the loans so as to drop the monthly payments, would have cost us nothing.

We've tried everything. Except an Article V Convention. That we're told is too risky. It would open a Pandora's box that those in power would use to seize even more power. Ignored of course by these gloom and doom types is the fact those they speak of already have such power and if they were inclined to use it for the purposes critics of an Article V Convention say, they would have long ago. In short, Congress has the same proposal power as a convention and can use it any time it wants to.

So why is a convention so much more "risky" than allowing Congress to propose all amendments? The answer is those in Congress or the government *can't* control an Article V Convention. Simply put, because the president cannot have anything to do with the amendatory process, this prevents Congress from acting legislatively to control such a convention. As the courts have ruled they don't have anything to do with the amendatory process, it means you can't go into federal court and control the convention with a lawsuit. In short, as it was designed to be, an Article V Convention is a STATE proposing body designed and intended to allow for a completely separate means of amendment proposal independent of the national government. Thus a STATE convention proposes amendments which then are considered for ratification by the STATES leaving the national government entirely out of the loop *as far as actually deciding on the fate of a proposed amendment*.

So who controls such a convention? The answer is the Constitution and the states. All 50 states have submitted 750 applications for an Article V Convention. The texts of these applications can be read at www.foavc.org. Even a cursory reading of them clearly shows there is a general theme in them, that is reduction, control and regulation of an over

expansive national government by elimination of income tax, review of Supreme Court rulings, term limits on government officials, an initiative, referendum and recall amendment and several other such amendment proposals.

The important thing to realize is that if the states truly feared an Article V Convention they wouldn't have submitted the applications to cause a convention call in the first place. Instead, they have submitted applications in overwhelming numbers. The Constitution demands 34 applications from 34 states. The states have submitted twenty times that number. Moreover, these applications and the amendment proposals they contain were, for the most part, submitted years before the government crisis we now face, came to reality. In short, *the states saw this problem coming years ago and did their constitutional duty to provide for the means to prevent and resolve it by submitted amendment proposals intended to solve issues.* And isn't that what we want? A solution?

These amendment proposals offer us hope and the means to actually solve the problems of this nation. When, for example, was the last time you heard or read about a discussion concerning slavery in this nation, or giving the right to vote to women? You don't. Why? Because an amendment resolved these issues and others like them. Permanently. Amendments work. Likewise today, amendments can be written to bring the government back under control, to end the obvious and blatant corruption of the government. To give an example, there is nothing to say the people cannot pass an amendment granting them power of review over decisions in Congress (initiative or referendum). Nothing says the people cannot similarly review court rulings. We are sovereign, not the government. Sovereignty flows from us to the government, not the other way around and there is nothing to say we cannot take back whatever portion of that sovereignty we deem necessary. An Article V Convention will not only serve to remind those in power of this fact but also serve to make sure it permanently stays that way. If the government has to be established such that its actions require review by votes of the people before the government can act because that is what it takes to keep it under control because it lacks the self-discipline to do so, then so be it.

The Constitution offers us the means whereby we can regain control of the government as well as our lives. It also provides for safeguards to ensure that such a convention is properly conducted. The most important regulation in the Constitution is the ratification procedure. Without ratification of three fourths of the states, no amendment proposal can become part of our Constitution and such ratification is executed long after the convention has passed into history because the Constitution mandates a convention can only propose amendments. Once it has done so, the convention automatically disbands having no other purpose or business to conduct. Other safeguards exist. Beyond those referenced earlier is the people must elect all delegates to a convention. Unlike the usual political race, people are used to, because the only issue will be amendment proposals and because those proposals have to be written down, the election will be in effect a referendum on the proposals. Thus, voters will decide on the issues rather than on the false promises of a political candidate whose only goal is to be elected.

Amendments offer solutions to our problems. The Tenth Amendment does not require Congress to do anything; First Amendment petitions, which include things like Tea Parties and continental congress 2009, do not mandate any action by the government. But Article V does. If the states apply, Congress must call a convention. Congress has refused to do so in criminal violation of its oath of office. (See FAQ 9.1 on our web page). Unlike other constitutional violations, the government has admitted it is in criminal violation of federal law for not calling a convention.

Why has Congress done this? Why are they willing to risk going to jail instead of obeying the Constitution? Because they want the power and control of the Constitution and the government and they figure the people are so stupid they will let it continue to happen. How else do you explain comments such as Nancy Pelosi (“Are you serious?”) or other similar comments? Moreover, they realize that unlike all the other efforts of government that have thus been tried, amendments work. They ought to know. After all, they have proposed 27 of them that have done just fine at addressing problems. Think about it: amendments have a proven record of accomplishment of success of nearly 250 years. Can any other idea, tea parties, Tenth Amendment movement and so forth even come close to that claim?

So, what can you do to make the change in order to get your country back? Support an Article V Convention. Don't be swayed by those who say it will be the end of the earth as we know it. As shown on our website, this nation has had over 700 state conventions and not one has ever done anything like these fear mongers say. Remember this: these people want you to believe a convention will scrap the Constitution but that first requires you accepting the Constitution can be scrapped at all. In short, they want you to accept the government can scrap the Constitution as it is doing right now. Take time to examine these people and their so-called evidence. Ask them to show documentation proving their claims, such as when it has happened before, or statements by public officials in public record of their intent to use a convention as these critics say will happen. Ask them to name the political party or leader that has such political power they can take over the entire United States through a convention but is so politically impotent they can't get Congress to call a convention so they can do so.

Instead, take action. Call up your member of Congress. Demand to know why they haven't called a convention. Demand to know why they feel they can veto the Constitution. Talk to your neighbors, friends and so on about a convention. Ask why your right to a convention, the right to control this government is denied by that government. Don't be surprised if you completely ignored by the government. After all, the government has gotten away with this for a very long time and they think they still can. Until people stand up for their right, they still will.

However, the American people will not and cannot stand for the overthrow of their Constitution and in this case, that means holding an Article V Convention. If there are concerns then view them as challenges, not obstacles to ensuring the Constitution is obeyed. Those who urge otherwise, who always say they want to “defend” or “support” the Constitution but still urge it be disobeyed by not calling a convention when the states

have applied should be labeled for what they are---constitutional hypocrites and a threat to our nation, our way of life and most importantly our Constitution, which, when it is obeyed, has always served this nation well.