

Wed. April 25th 2018 - in STAFF

Article V Convention Quotes

~ HJR 1015/ SJM 005 ~

"The framers did not provide an unchecked grant of power to a convention: every amendment proposed would be subject to the same conditions faced by those proposed by Congress—"... the notion of a 'runaway' convention, succeeding in amending the Constitution in a manner opposed by the American people, is not merely remote, it is impossible." -The U.S. Senate Judiciary Committee in its 1984 report to the 98th Congress

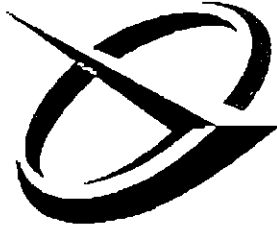
"This paper concludes that Article V permits the states to apply for, and the Congress to call, a constitutional convention for limited purposes, and that a variety of practical means to enforce such limitations are available." - Office of Legal Policy, U.S. Department of Justice, in a report titled, "Limited Constitutional Conventions under Article V of the United States Constitution"

"...The Convention Clause provides an important means to adopt or force Congress to adopt amendments that are perceived to be in the national interest by significant percentages of the American population, but that are detrimental to the interests of members of Congress." - The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process

"I think the convention can be limited. The fact is that the majority of the scholars in America share my view." -Former Attorney General of the United States, Hon. Griffin Bell

"Much of the fear surrounding a convention is unfounded. The Convention Clause's text and history indicate that it grants power to the States to limit the scope of any such convention. In addition, the States have the ability to reject any amendments proposed by a convention through the ratification process." -From the conclusion of, "The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process

"I think the Article V convention represents a profound political protection for us, as a people, against the tyranny of central government. And whatever we say about Article V, I think it is very, very wrong, just because we may disagree with the content of any particular constitutional amendment that is now being proposed, to interpret Article V in such a way as to clip its wings as a protection for the liberties of the people. That is why I think it is profoundly important, particularly for constitutional scholars, to be hospitable toward the concern that Article V represents, which is that there be a way out for the states and the people if a willful and intransigent central authority governs us in a way we find unacceptable." - University of Chicago Professor, Paul Bator



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LEAD THE WAYSM

Excerpt from Fund for the Republic Survey 2013.12 5736
800 Interviews Margin of Error: +/- 3.5%

When it comes to politics, do you generally think of yourself as liberal or conservative?

LIBERAL 25%
CONSERVATIVE 40%

Do you think our current political system works well or do you think the system is in need of reform?

IN NEED OF REFORM 80%
WORKS WELL 16%

| | <u>IMPORTANT</u> | <u>UNIMPORTANT</u> |
|---|------------------|--------------------|
| Eliminating corruption in politics | 96% | 3% |
| Creating jobs and growing our economy | 95% | 4% |
| Reducing the effects of money in politics | 90% | 7% |

| | <u>SERIOUS PROBLEM</u> | NOT SERIOUS |
|---|------------------------|-------------|
| The general influence of money in politics is : | 92% | 6% |

Represent.us National Voter Survey
 MFour Mobile Research/United Republic
 Sample: 1,003 U.S. registered voters
 Fielding Dates 11/12/13 – 11/17/13
 FINAL TOPLINE

Is it important or unimportant to you that our elected leaders reduce the influence of [**SPLIT B corruption**] in political elections?

| Split B (N=500) | Total | Rep | Dem | Ind/oth |
|------------------------|--------------|--------------|--------------|----------------|
| Very important | 81.7% | 83.0% | 82.2% | 80.2% |
| Somewhat important | 15.6% | 14.8% | 15.2% | 16.6% |
| Important | 97.3% | 97.8% | 97.4% | 96.8% |
| Unimportant | 2.5% | 2.2% | 2.6% | 2.7% |
| Somewhat unimportant | 1.0% | .7% | 1.7% | .5% |
| Very unimportant | 1.5% | 1.4% | .8% | 2.1% |
| Refuse | .2% | .6% | | |

Is it important or unimportant to you that our elected leaders reduce the influence of [**SPLIT A: money**] in political elections?

| Split A (N=503) | Total | Rep | Dem | Ind/oth |
|------------------------|--------------|--------------|--------------|----------------|
| Very important | 60.5% | 53.5% | 64.9% | 63.1% |
| Somewhat important | 31.2% | 34.6% | 28.2% | 30.6% |
| Important | 91.7% | 88.1% | 93.1% | 93.7% |
| Unimportant | 7.3% | 11.9% | 5.5% | 4.8% |
| Somewhat unimportant | 3.5% | 4.0% | 3.8% | 2.8% |
| Very unimportant | 3.8% | 7.9% | 1.7% | 1.9% |
| Refuse | 1.0% | 1.4% | 1.5% | |



The Federal Convention of 1787 is not analogous to an Article V Convention

"It is frequently said that the only constitutional convention with which we have experience, the Federal Convention of 1787, was itself a "runaway convention." After all, the argument goes, the delegates to that convention were charged to consider amendments to the Articles of Confederation. Instead, the delegates proposed an entirely new charter of government. This argument is not persuasive for the simple reason that the Philadelphia convention occurred under the aegis of the Articles of Confederation, not Article V of the Constitution." - Office of Legal Policy, U.S. Department of Justice

"... the Convention of 1787 did not ignore Congress. The draft Constitution was submitted to Congress, consented to by Congress, and transmitted by Congress to the states for ratification by popularly-elected conventions." -The American Bar Association, Special Constitutional Convention Study Committee

Further, the States were bound only by a treaty, not a proper Constitution, and so they were free in their inherent authority to pull out of the treaty. No State was bound by the new Constitution without ratifying it. Rhode Island and North Carolina were briefly independent nations, as neither had ratified the Constitution before it was put into effect. Rhode Island even sent a letter to the first Congress requesting good foreign relations.

**TREATISE ON
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From the Rotunda Constitutional Law Textbook:

"The fact that there are no certain answers to these questions—just as there are no absolute answers about any event that will take place in the future, hardly means that a constitutional convention will be a hit or miss proposition. However one resolves these questions, it is important to bear in mind that a Constitutional Convention cannot, by itself, change the present Constitution, for Article V provides that no proposal (either from Congress or from the Convention) can become part of the Constitution unless three quarters of the states ratify it. Thus, Article V, when it created the amendment process, also created a built-in democratic check."