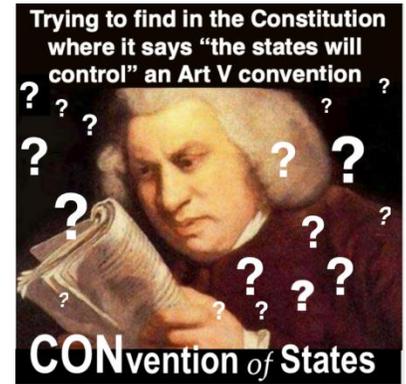


The US Constitution & Congressional Research Service Report show that COS's assurances that State Legislatures will control a convention are "false" and "reckless in the extreme"

Spokesmen for the "Convention of States Project" (COS) present a long list of assurances which *they say* show exactly how a convention called by Congress pursuant to Article V of the Constitution, will work. But they never present any *Evidence* to support their assurances.¹



To *this* old lawyer, the above is astonishing. In trials, we are required to present Evidence. A lawyer who attempted to conduct a trial in the way COS presents to State Legislative Committees, would soon be interrupted by the Judge saying, "Counselor, do you plan to put on any evidence today?" And if the lawyer said, "Oh, no – you are supposed to just believe me"; the lawyer would lose the case.

So State Legislators must be like the Bereans² and demand that COS prove their assurances.

But *COS cannot prove their assurances because their assurances are false*. They are contradicted by the Constitution. They are also contradicted by the Congressional Research Service Report which shows that Congress understands that the Constitution grants *to Congress* extensive powers to organize a convention. The only power the States have is to "apply" to Congress *for Congress* to "call" the convention.

1. Two Constitutional provisions respecting an Article V Convention

Article V, US Constit., says:

"The Congress, whenever two thirds of both Houses shall deem necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention..." [italics added]

Article I, §8, last clause, US Constit., says Congress shall have the Power...

"To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers, and all other Powers vested by this Constitution in the government of the United States, or in any Department or Officer thereof." [italics added].

So *Congress* calls the convention and makes the laws necessary and proper to organize the convention.

¹ COS's entire case is based on their **false and absurd claim** that a Convention called by Congress under Article V of the Constitution is the remedy our Framers gave us for use when the fed gov't violates the limits our Constitution places on them. What our Framers actually said is that *the purpose of amendments is to correct defects in the Constitution*; and that *the purpose of a convention is to get another Constitution*. Madison repeatedly warned that those who secretly wanted to get rid of our Constitution would push for a convention *under the pretext of getting amendments*. The Proof is [here](#).

² Acts 17:11 "And the people of Berea were more open-minded than those in Thessalonica, and they listened eagerly to Paul's message. They searched the Scriptures day after day to see if Paul and Silas were teaching the truth." (NLT)

2. The April 11, 2014 Report of the Congressional Research Service

[The Report](#) shows that Congress understands that Article V grants to Congress *exclusive authority* to set up a convention. The Report exposes as *false* COS's assurances that the States would be in control of a convention:

“Second, While the Constitution is silent on the mechanics of an Article V convention, Congress has traditionally laid claim to broad responsibilities in connection with a convention, including **(1) receiving, judging, and recording state applications;** (2) establishing procedures to summon a convention; ... **(4) determining the number and selection process for its delegates...**” (page 4).

So Congress has the exclusive power to receive and judge the applications; how to count the applications, which ones to count, whether to aggregate the different “flavors” of applications, etc.

And nothing in the Constitution requires Congress to permit States to select Delegates. Congress “determ[in]es the number and selection process for its delegates”; so Congress is free to select the Delegates. Congress may appoint themselves as Delegates.³

And as the Report states on page 27:

“In the final analysis, the question what sort of convention?” is not likely to be resolved unless or until the 34-state threshold has been crossed and a convention assembles.”

So we'll have to get a convention before we know how it is going to operate. *But by then, it will be too late to stop it.* And if the proceedings are secret, we won't find out anything until they are finished.

3. The People have the power to set up or take down Governments

Our Declaration of Independence (2nd para) is the Fundamental Act of our Founding and part of the “**Organic Law**” of our Land. It recognizes that The People take down and create governments. When Delegates meet in convention to address a Constitution, they are the Sovereign Representatives of The People. They cannot be controlled by the “creatures” of Constitutions previously ratified – the federal or state governments [[link](#)].

Accordingly, *even if Congress permits States to select Delegates*, State Legislatures have no competent authority to control Delegates at a convention called by Congress pursuant to Article V. The Delegates, as Sovereign Representatives of The People, have the power to *eliminate* the federal & state governments!⁴

4. Olson & Titus Legal Policy paper

See also the Legal Policy Paper by conservative constitutional litigators, William Olson & Herb Titus, which gives additional reasons that COS's assurances are “false” and “reckless in the extreme” [[link](#)].

³ Page 40 of the Report says there doesn't seem to be any “. . . constitutional prohibition against [U.S.] Senators and Representatives serving as delegates to an Article V Convention. . .”

⁴ The proposed [Constitution for the Newstates of America](#) does just that. And Art. XII, §1 provides for **ratification by a national referendum (national popular vote)! Do you trust the voting machines?**