CONVENTION of STATES ACTION

Conventional Disinformation

Opponents of an Article V Convention of the States for Proposing Amendments to the U.S. Constitution are stoking fear with objections based upon disinformation.

A common objection to an Article V Convention for Proposing Amendments is the belief that the convention will "runaway" by ignoring the limitations placed on it. The Constitutional Convention of 1787 is often cited as an example of a runaway convention.

Limitations on a convention arise from two sources: the call and the commissions. The call is the first resolution calling for a convention, and it places limitations on the convention as a whole. A commission is a set of instructions a state legislature gives to its representatives (commissioners) and can be more restrictive than the call.

The claim that the 1787 convention exceeded its call starts with incorrect identification of the call. Consider the table on page 2, listing each of the resolutions leading up to the 1787 convention. The claim is made that the Continental Congress made the call on February 21, 1787 and restricted the convention to revising the Articles of Confederation. How could this be the call if six states had already selected and instructed their commissioners prior to February 21, 1787? How would those states know the subject matter, date, and location of the convention? In fact, the Articles of Confederation did not grant the Confederation Congress the power to call a Convention of the States.

It was Virginia that issued the call on November 23, 1786, without restricting the convention to revising the Articles of Confederation. New York and Massachusetts did issue commissions that restricted their commissioners to revising the Articles of Confederation, but the convention as a whole was not so restricted.

There have been at least forty-two Conventions of States in our history (see the table on page 3), and not one has deviated from the scope of its call (runaway). It is also worth noting in that same table that all forty-two previous Conventions of States operated on the principle of one state, one vote.

Another common objection claims that we do not know how a Convention of States would operate. The list of forty-two previous Conventions of States would demonstrate that we have a great deal of experience with operating Conventions of States. In addition, the operation of Conventions of States is well established in a significant number of court cases on the subject. A sampling of these rulings can be found in the table on page 4.

Finally, it is self-evident that the framers knew exactly what they meant by a Convention of the States when they drafted that mechanism into Article V because they were participating in a Convention of States at the time! In essence, the founders were saying, "if the states desire to propose amendments to the Constitution, use the same method we are using right now."

The data in the following three tables is clear evidence that an Article V Convention of the States for Proposing Amendments is the safe, reliable, and time-tested method the framers intended for such a time as this.

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The 1787 Constitutional Convention Call and Commissions

Date	State	Commission
11/23/1786	Virginia	devising and discussing all such alterations and further provisions, as may be necessary to render the Federal Constitution adequate to the exigencies of the Union. [meet Second Monday in May 1787 in Philadelphia]
11/24/1786	New Jersey	for the purpose of taking into consideration the state of the Union as to trade and other important objects, and of devising such further provisions as shall appear necessary to render the Constitution of the federal government adequate to the exigencies thereof
12/3/1786	Pennsylvania	devising, deliberating on, and discussing all such alterations and further provisions as may be necessary to render the foederal constitution fully adequate to the exigencies of the Union
1/6/1787	North Carolina	To discuss and decide upon the most effectual means to remove the defects of our foederal union, and to procure the enlarged purposes which it was intended to effect.
2/3/1787	Delaware	devising, deliberating on, and discussing, such Alterations and further Provisions, as may be necessary to render the Foederal Constitution adequate to the Exigencies of the Union [each State shall have one vote]
2/10/1787	Georgia	Devising and discussing all such alterations and farther provisions, as may be necessary to render the federal constitution adequate to the exigencies of the union.
2/21/1787	Confederation Congress	the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of government and the preservation of the Union.
3/6/1787	New York	the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of government and the preservation of the Union.
3/7/1787	Massachusetts	amend the Articles of Confederation to render the federal constitution adequate to the exigencies of government and the preservation of the union.
3/8/1787	South Carolina	in devising and discussing all such alterations, clauses, articles and provisions as may be thought necessary to render the foederal constitution entirely adequate to the actual situation and future good government of the confederated states
5/17/1787	Connecticut	Such Alterations and Provisions, agreeable to the general Principles of Republican Government, as they shall think proper, to render the foederal Constitution adequate to the Exigencies of Government, and the Preservation of the Union.
5/26/1787	Maryland	considering such alterations, and further provisions, as may be necessary to render the federal constitution adequate for the exigencies of the union.
6/27/1787	New Hampshire	in devising and discussing all such alterations and further provisions as to render the federal constitution adequate to the exigencies of the Union.

Because it is first, the Virginia resolution is the call, placing limitations on the convention as a whole. These cannot be the call, because six states had already selected and instructed their commissioners.
https://conventionofstates.com/files/defying-conventional-wisdom-the-constitution-was-not-the-product-of-a-runaway-convention-by-michael-farris-1

42 Historical Conventions of States

Year	Location	Purpose	Voting	Runaway
1677	Albany	Indian negotiations	1 State 1 Vote	No
1684	Albany	Indian negotiations	1 State 1 Vote	No
1689	Boston	Defense issues	1 State 1 Vote	No
1689	Albany	Indian negotiations	1 State 1 Vote	No
1690	New York City	Defense	1 State 1 Vote	No
1693	New York City	Defense	1 State 1 Vote	No
1694	Albany	Indian negotiations	1 State 1 Vote	No
1704	New York City	Defense	1 State 1 Vote	No
1711	Boston	Defense	1 State 1 Vote	No
1722	Albany	Indian negotiations	1 State 1 Vote	No
1744	Albany	Defense	1 State 1 Vote	No
1744	Lancaster	Indian negotiations	1 State 1 Vote	No
1745	Albany	Defense	1 State 1 Vote	No
1745	Albany	Indian negotiations	1 State 1 Vote	No
1747	New York City	Defense	1 State 1 Vote	No
1751	Albany	Indian negotiations	1 State 1 Vote	No
1754	Albany	Indian negotiations and plan of union	1 State 1 Vote	No
1765	New York City	Response to Stamp Act	1 State 1 Vote	No
1768	Fort Stanwyx	Indian negotiations	1 State 1 Vote	No
1774	New York City	Response to British actions	1 State 1 Vote	No
1776-77	Providence, RI	Paper currency and public credit	1 State 1 Vote	No
1777	Yorktown, PA	Price control	1 State 1 Vote	No
1777	Springfield, MA	Economic issues	1 State 1 Vote	No
1778	New Haven, CT	Price controls and other responses to inflation	1 State 1 Vote	No
1779	Hartford, CT	Economic issues	1 State 1 Vote	No
1780	Philadelphia, PA	Price controls	1 State 1 Vote	No
1780	Boston, MA	Conduct of Revolutionary War	1 State 1 Vote	No
1780	Hartford, CT	Conduct of Revolutionary War	1 State 1 Vote	No
1781	Providence, RI	War supply	1 State 1 Vote	No
1786	Annapolis, MD	Trade	1 State 1 Vote	No
1787	Philadelphia, PA	Propose changes to political system	1 State 1 Vote	No
1814	Hartford, CT	New England states response to the war of 1812	1 State 1 Vote	No
1850	Nashville, TN	Southern response to the North	1 State 1 Vote	No
1861	Washington, DC	Propose a constitutional amendment	1 State 1 Vote	No
1861	Montgomery, AL	Write the Confederate Constitution	1 State 1 Vote	No
1889	St. Louis, MO	Propose anti-trust measures	1 State 1 Vote	No
1922	Santa Fe, NM	Negotiate the Colorado River Compact	1 State 1 Vote	No
1928-29	Santa Fe, NM	Negotiate temporary Rio Grande Compact	1 State 1 Vote	No
1928-38	Colorado Springs, CO Santa Fe, NM	Negotiate the Rio Grande Compact	1 State 1 Vote	No
1937	Santa Fe, NM	Negotiate the Rio Grande Compact	1 State 1 Vote	No
1946-49	Denver, CO	Negotiate the Upper Colorado River Basin Compact	1 State 1 Vote	No
2017	Phoenix, AZ	Propose rules for an Article V convention to propose a balanced budget	1 State 1 Vote	No

https://articlevinfocenter.com/list-conventions-states-colonies-american-history/
https://articlevinfocenter.com/no-a-convention-of-states-could-not-change-the-one-state-one-vote-rule/

Selected Court Cases Related to Article V

Case	Holding
Barker v. Hazeltine, 3 F. Supp. 2d 1088 (D.S.D. 1998)	Article V is the only constitutional method of amending the US Constitution.
Dodge v. Woolsey, 59 U.S. 331 (1855)	Amendatory conventions may be single issue. The States and/or the people cannot dictate the amendments. A state application is valid solely because it was made by the state.
Gralike v. Cooke, 191 F. 3d 911 (8th Cir. 1999)	Article V Conventions cannot be prohibited from deliberation and consideration of a proposed amendment and thereby limited to pre-written wording.
Hollingsworth v. Virginia, 3 U.S. (3 Dall.) 378 (1798)	No signature of the President is required for a constitutional amendment to be valid and complete.
In Re Opinion of the Justices, 204 N.C. 306, 172 S.E. 474 (1933)	An Article V Convention may be limited in purpose to a single issue or to a fixed set of issues.
Leser v. Garnett, 258 U.S. 130 (1922)	The state legislature's discretion could not be supplanted by the rules imposed by a third party.
Opinion of the Justices to the Senate, 373 Mass. 877, 366 N.E. 2d 1226 (1977)	The governor plays no role in the approval process of an Article V Convention application.
Prigg v. Commonwealth of Pennsylvania, 41 U.S. 539 (1842)	No one is authorized to question the validity of a state's application for an Article V Convention.
Smith v. Union Bank of Georgetown, 30 U.S. 518 (1831)	An Article V Convention is a "convention of the States" and is therefore endowed with the powers of an interstate convention.
State of Rhode Island v. Palmer, 253 U.S. 320 (1920)	An Article V Convention will require only two-thirds of the quorum present to conduct business.
Ullmann v. United States, 350 U.S. 422 (1956)	The amendment and ratification processes cannot be changed to circumvent the Article V Convention.
United States v. Thibault, 47 F.2d 169 (2d Cir. 1931)	The federal or national government is not concerned with how an Article V Convention of a state legislature is constituted. Therefore, the Article V Convention is empowered to organize and conduct its business as the delegates or commissioners see fit.

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