
Article V Convention *is* Long Overdue!

By Phillip Durrence

When should we have had a national amendment-proposing convention ? 2000? 1996? 1988? Try...1911 !!! To date, over 567 applications to Congress have been made by all 50 states, requesting a call for an Article V Convention for proposing Constitutional amendments. The Constitution requires that 2/3 of the state legislatures must request such a convention, and that threshold was reached in 1911. All but 3 of those applications were made between 1900 and 1992, and more than half made between 1960 and 1992.

So, why has Congress failed in its Constitutional duty to call for this Article V Convention ? It's not a matter of whether you think it is wise or not. It has nothing to do with our fears of runaway conventions. The fact is, Congress is obligated to call for a convention, if 2/3 of the states ask for it. Whether or not it will be a mistake will be for time to tell and history to make its own judgments.

People have tried to intervene through the courts, but the courts refuse to interfere, citing the "political questions doctrine" and granting Congress "exclusive authority" over the amendment process, and the authority to veto or ignore the text of the Constitution. The courts did not mind intervening in a presidential election however, and if anything was a point of political questions doctrine, that election was !

Walker vs. United States and Walker vs. Members of Congress: <http://www.Article5.org/>

Congress has said that those applications from the states have to be regarding a specific amendment (i.e. same-subject). At least **four** same-subject amendments have already been submitted by the required 2/3 of the states. But pray tell, where is this stipulation in the Constitution, or Article V, that the states' applications have to be amendment-specific? If that were the case, the states themselves would become amendment-proposing bodies, and that is unconstitutional. Article V clearly states that Congress "shall call" for a national amendment-proposing convention, when 2/3 of the state legislatures apply for one. That simple !

It may be a mistake. It may lead to disaster. But that is not the point. Our supreme law states that this must be done. Our founders put that provision in there for a reason, precisely so Congress would have not exclusive authority over the amendment process, which the courts have clearly granted them.

Could it be that their true fear, is not a runaway convention, but that the elites in Washington do not want ordinary men and women having such enormous power in their hands, shaping the document that is the supreme law of the land? What might we get from such a convention? An amendment declaring health care to be a right? An amendment banning lobbyists from public property or mandating public financing of all elections? Provisions for national referenda to be voted on by the electorate? Public recall of federal officials?

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