

If Not Now, Then When For An Article V Convention?

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The Constitution [states](#) "...on the application of the legislatures two-thirds of the several states, [Congress] shall call a convention for proposing amendments which.... shall be valid to all intents and purposes, as part of this Constitution...." Pretty straightforward language. If two-thirds of the states apply for a convention, Congress must call one. Yet despite the irrefutable fact all 50 states [have submitted](#) over **670** applications for an **Article V** Convention, 20 times the number of applications required, Congress refuses to call a convention as required by this straightforward language of the Constitution.

Convention opponents, who really oppose a balanced budget amendment, have elected the political tactic of attacking the Constitution rather than the issue they oppose. Their goal: win a political debate by having people fear a constitutional process. To that end, they have spread numerous false claims about a convention. The public record proves this. The states have submitted at least 20 amendment issues. The opponents only mention one. For example, a [recent commentary](#) by Judge Roy Moore stated:

"A new convention raises all sorts of frightening possibilities. Would valuable rights like the right to keep and bear arms or the right to worship God be kept intact? How would delegates be chosen? Would limitations on federal power remain? What would stop powerful special-interest groups from influencing the outcome? These are only a few of the questions **Article V** does not address and which remain to be answered."

One expects a former Alabama Supreme Court judge to cite references proving his assertions. After all, if we were in his court presenting a case, wouldn't he demand documented proof? He provides none. The Burger letter, for example, is unreferenced. A [simple examination of the public record](#) proves not a single state application requests repealing any amendment or right currently enjoyed by Americans. Indeed the record is the opposite. The states desire to increase the rights of Americans. They desire to place more, not less, limits on the power of the federal government.

As to applicable law regulating an Article V Convention I suggest reading [my brief](#) in my first lawsuit, Walker vs United States (2000) which used 208 Supreme Court rulings providing ample law and legal precedent answers all the questions raised by Judge

Moore. One wonders why a former Alabama Supreme Court judge didn't research his law before issuing his opinion. Despite the fact [hundreds of them have been held](#) in this nation and around the world since 1776, Judge Moore doesn't even provide a single example of even one convention having done anything he suggests. If a convention is so dangerous, why are the Philippines [preparing for a convention](#) in 2010?

The real question Judge Moore ignores is, "Why does Congress have the right to veto the Constitution? Apparently this fact doesn't concern him. Judge Moore even ignores the Constitution in his fear mongering. He suggests a convention might remove rights, be controlled by special interests and so forth. Does he even mention the fact the Constitution has its own check on any convention or congressional proposal? Ratification. If a convention proposed, as he suggests, repeal of the First or Second Amendments does he seriously believe the states would ratify it?

Judge Moore obviously does not know his subject and any jurist knows that before rendering an opinion, they must know all the facts. The public record of state applications simply do not support either his statements or fears.

The states have applied. The Constitution demands a convention. We Americans have the duty to resolve any issues that demand presents, not use them as an excuse to stymie the Constitution and certainly not to allow Congress to establish it has a right to veto the Constitution.

This nation faces major systematic problems which clearly cannot be solved by election. We have a runaway, out of control, federal government. We require new amendments giving us new tools to control the government. The government clearly is not disposed to regulate itself by doing so. A convention therefore is our only answer to this problem. How much worse must it get? If not now, then when for an **Article V Convention?**
