

FRIENDS OF THE ARTICLE V CONVENTION

One Friend At A Time



Can State Legislators face Criminal Charges for Supporting JBS, COS?

Yes. Generally speaking state legislators enacting laws favoring either the John Birch Society (JBS) theory of “rescission” of state applications for a convention call or Convention of States (COS) “master/slave” theory of exclusion of **the people** from election of convention delegates or threaten felony arrest against convention delegates for failure to follow “instructions” by the state legislature face possible federal criminal prosecution.

As states operate under the **federal** Constitution when involved in the amendment process federal law applies. In the case of “rescission” of previously submitted applications, federal law (18 USC 1001) prohibits anyone to “make or use any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry....” in a federal public record. **There is no evidence proving states have authority to rescind or order the rescission of any federal public record including applications for a convention call.** Thus a “rescission” is what is known as a “legal fiction.” To submit this “fiction” to Congress as a federal public record is a federal crime. Additionally, other federal criminal laws apply.

State legislators face possible charges of criminal conspiracy for attempting to have members of Congress illegally remove a federal public record (18 USC 371). Federal law prohibits any federal official from unlawfully removing a federal public record (18 USC 2071). No federal law allows Congress to remove any application from the public record nor is such a law likely to be enacted. Further details regarding “rescissions” can be read here.

State legislators who enact COS legislation threatening criminal prosecution against convention delegates for failure to vote as instructed or required appointment of delegates by the state legislature rather than **election by the people** face possible charges of deprivation of civil rights (18 USC 242) or violation of 18 USC 601, or both. No state legislator has yet been charged with federal crime. Nevertheless the fact remains legislators advocating the COS plan of electoral exclusion **of the people** or felony arrest of delegates or advocate the JBS theory of rescission of applications may face federal criminal charges for enacting such legislation. The various laws may be read below (click on images to enlarge).

