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# Congress Defies Article V of the U.S. Constitution

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When it comes to amending the U.S. Constitution, Congress has shown respectful behavior to one type of action by states: state decisions on ratification of amendments proposed by Congress. But when it comes to states invoking Article V's option for a convention of state delegates to propose amendments, Congress has, for the entire history of the nation, blatantly and illegally ignored those state applications.

As part of FOAVC's project to make available all such Article V convention applications for public scrutiny, it has made an important observation. Like ratification actions, Congress has categorized these as "memorials" from the states. Congress has referred these "memorials" to the House and Senate judiciary committees where they die.

But unlike the state ratification actions, that can also be found scattered through the Congressional Record pages along with convention applications, the latter have never been recorded and tabulated. In other words, Congress has never pursued any process setting the stage for a decision to honor the requests by states for an Article V convention. The applications are merely published, ignored and forgotten. The public has had no effective and detailed information on the entire scope of state applications for a convention. No effort has ever been formally made to decide whether the simple numerical constitutional requirement for a convention has been satisfied. Hence, there has never been an Article V convention even though the constitutional requirement for one has more than been satisfied.

The monumental difference between congressional handling of memorials regarding ratification versus a convention shows that Congress only respects one of the two methods specified in Article V for proposing constitutional amendments: proposals coming from Congress but not from a convention of state delegates. In acting this way Congress has intentionally violated the Constitution and the intent of the Founders to provide an alternative to Congress making amendment proposals. They anticipated that Congress might not propose amendments that the public would embrace and that Americans could lose trust in the federal government and need a way to circumvent it.

