

"The people were in fact, the fountain of all power, and by resorting to them, all difficulties were got over".

- James Madison August 31, 1787 Notes of The Constitutional Convention.

TO ALL MEMBERS OF THE PA GENERAL ASSEMBLY

VOTE "No" on HR206 (SR234), and any other applications asking Congress to call an Article V convention.

The danger of an Article V convention which (made James Madison "tremble," caused Alexander Hamilton "dread," and Chief Justice John Jay said would impose an "extravagant risque") is this: the delegates to a convention can *run away*: rather than propose amendments, they can write a completely new Constitution with a new – and easier – mode of ratification.ⁱ *The convention lobby implicitly acknowledges this danger* when they say State Legislatures should pass "unfaithful delegate" laws to control delegates.ⁱⁱ

The Declaration of Independence is the Fundamental Act of our Founding.ⁱⁱⁱ It declares that all men are created equal; our rights are bestowed by God; our rights are unalienable; and the purpose of government is to secure the rights *God* gave us. **The Declaration is not "law" – it is *higher than law*, for it sets forth **The Divine Standard which a Constitution – and the laws made pursuant to the Constitution – must meet.** It also declares that **a People have the self-evident right to throw off their government and set up a new one.****

These principles explain why the Convention of 1787, which was convened under the Articles of Confederation "*for the sole and express purpose of revising the Articles of Confederation*", resulted in a new Constitution. At that time, the States also drafted instructions which purported to restrict delegates to proposing amendments. But the delegates ignored their instructions and wrote a new Constitution [the one we now have]. In justification of their actions, Madison quoted the Declaration in Federalist No. 40. This self-evident right of the people to alter or abolish their form of government makes delegates immune to "unfaithful delegate" laws. In any event, the convention could choose to operate in secret, as did the delegates in 1787 rendering "unfaithful delegate laws" unenforceable, especially if all votes were cast in secret ballots.

How did this new 1787 Constitution pass the State Legislatures and become Law? **It didn't!** The new constitution changed the rules of ratification. It required special ratifying conventions in each state, bypassed the state legislatures, and lowered the requirement from a unanimous thirteen states to a super majority of nine.

This is possible because in our system **The People** create governments by means of constitutions. Since a government is the "creature" of its constitution, it can't be superior to its Creator, **The People**. That includes state governments. They have authority to put Congress into action when two-thirds of the State Legislatures ("mere creatures") apply for it. At that point, it is out of the State Legislatures' hands – the bell has tolled, and State Legislatures can't un-ring it. Congress "calls" the convention (sets it up); but when it assembles, the delegates, as Sovereign Representatives *of the People*, are not answerable to State Legislatures.

In summary, once enough states request Congress to call a convention, there is no guarantee that the several legislatures will have any additional way to affect the outcome. You **must vote no** on all measures that ask Congress to "call a convention" under Article V of the United States Constitution. It is the best way to **uphold and defend our Constitution** and **safeguard the power of individual State Legislatures.**

X

Endnotes

ⁱ The proposed **Constitution for the Newstates of America** creates a totalitarian dictatorship. The States are dissolved and replaced by regional governments answerable to the new national government. *It is ratified by a national referendum* [national popular vote] (Art. XII, §1). Other proposed Constitutions are also waiting in the wings for a convention. <http://www.sweetliberty.org/issues/concon/newstates.htm>

ⁱⁱ The American Legislative Exchange Council (ALEC) claims **their model delegate bill** "will eliminate the possibility of a 'runaway convention' [-] the reason most often cited by scholars for their opposition to an Article V Convention." <https://www.alec.org/model-policy/resolution-for-limitations-on-authority-of-state-delegates-to-a-convention-for-proposing-amendments-under-article-v-of-the-us-constitution/>

ⁱⁱⁱ Dr. Alan Keyes spoke of this on the radio some years ago; and it is the Key to understanding our Constitution.

MODEL RESOLUTION



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HOUSE OF REPRESENTATIVES
2019-2020 GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. ____

1 WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has, at various times,
2 previously made applications to the Congress of the United States of America to call a convention to propose
3 amendments concerning specific subjects to the United States Constitution, pursuant to Article V; and

4 WHEREAS, over the course of time, the will of the people of the Commonwealth of Pennsylvania may
5 have changed with regard to the General Assembly’s previous calls for a convention to amend the United States
6 Constitution; and

7 WHEREAS, the General Assembly of the Commonwealth of Pennsylvania does not want its previous
8 applications for a constitutional convention, most of which were made over 35 years ago and half of which pre-date
9 the revisions of our own Constitution, to be aggregated with calls for a convention from other states.

10 NOW, THEREFORE:

11 BE IT RESOLVED by the House of Representatives of the 2017-2018 General Assembly of the
12 Commonwealth of Pennsylvania, the Senate concurring therein, that the General Assembly rescinds all prior
13 applications to the Congress of the United States of America to call a convention pursuant to Article V of the United
14 States Constitution, including all of the following:

- 15 1. General Assembly Resolution No. 236 (Senate Concurring) [Balanced Budget]
16 as recorded in the Congressional Record – Senate on February 8, 1979 page 2113.
- 17 2. Memorial No. 377 aka POM-614 [Right to Life]
18 as recorded in the Congressional Record – Senate on April 25, 1978 page 11438.
19 as also referred in Congressional Record –House on May 1, 1978 page 12011
- 20 3. Petition and Memorial – of May 27th 1943 [Unconditional Federal Public Funds]
21 as recorded in the Congressional Record – Senate on October 12, 1943 page 8220
- 22 4. Concurrent Resolution and Memorial –1943 [Repeal of the 16th Amendment]
23 as recorded in the Congressional Record – Senate on October 12, 1943 page 8220

24 BE IT FURTHER RESOLVED that copies of this resolution be sent to the President and the Secretary of
25 the United States Senate, the Speaker and the Clerk of the United States House of Representatives, members of the
26 Pennsylvania congressional delegation, and the Administrator of the United States General Services Administration.

SYNOPSIS

This concurrent resolution rescinds all previous requests by the Pennsylvania General Assembly for a federal constitutional convention.