

State Legislatures have *no power* to select & control Delegates to an Article V Convention

Congress calls the convention provided for in Article V, US Constitution, and makes the laws necessary and proper to organize the convention:



Article V, US Constitution, says:

“The Congress, whenever two thirds of both Houses shall deem necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, ***shall call a Convention*** for proposing Amendments...” [emphasis added]

Article I, §8, last clause, US Constitution, says Congress shall have the Power...

“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.” [italics added]

The April 11, 2014 Report of the Congressional Research Service [[CRS](#)] shows that Congress is well aware that it has the authority to organize and set up the convention ([p. 4](#)):

“Second, While the Constitution is silent on the mechanics of an Article V convention, **Congress has traditionally laid claim to broad responsibilities in connection with a convention, including** (1) receiving, judging, and recording state applications; (2) establishing procedures to summon a convention; ... (4) **determining the number and selection process for its delegates...**” [emphasis added]

[S. 1272, the Federal Constitutional Convention Procedures Act](#), passed the US Senate during 1973, and illustrates that Congress recognizes that it has the power to determine the number and selection process for Delegates: **It provided for the election of one Delegate from each Congressional District; and the election of two additional Delegates for the State at large.** ¹

The convention is *a federal function*, not a State function; and State Legislatures have no control over it. When those pushing for an Art. V Convention assure you that State Legislatures *will select Delegates & force them to sign Oaths of obedience to the State Legislature*, they are making stuff up. **Congress decides how Delegates will be selected!** Whether Congress provides for the election of Delegates (as in S. 1272); or Congress selects the Delegates, State Legislatures have [no power over Delegates](#). Furthermore, Delegates have [the self-evident Right](#) to “alter or abolish” the existing state & federal governments. **So no one has power over Delegates!**

We don’t know what Congress will do about selecting Delegates! Congress may appoint *themselves* as Delegates. ²

¹ So the number of Delegates each State gets would be the same as its number of electoral votes! E.g., Calif would get 55 Delegates.

² Page 40 of the [CRS Report](#) shows it’s been recognized that **there doesn’t seem to be any “... constitutional prohibition against [U.S.] Senators and Representatives serving as delegates to an Article V Convention. . .”**

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