

The following commentary about Article V of the U.S. Constitution is taken from the *Notes on the Constitution of the United States with Expositions of the Most Eminent Statesmen and Jurists: Historical and Explanatory Notes on Every Article* written by Charles Chauncey Burr and published by J. F. Feeks in 1864.

Although an advocate for using an Article V Constitutional Convention to stop the then-raging American Civil War, C. Chauncy Burr admits that such a Convention “possess all the powers of the original Convention that formed the Constitution.”

However, modern advocates lobbying for an Article V Constitutional Convention, such as the Convention of States (COS) Project/Action, erroneously claim that such a Convention can be “limited” to proposing one amendment or a specific subject of amendments. This contemporary belief that an Article V Convention can be “limited” in scope is *not* supported by the text of Article V nor did it exist prior to the 20th century.

An individual may personally wish for such a Convention to restrain its actions; however, no external legislative body can control or limit the actions of the Convention delegates. Delegates to an Article V Convention represent the sovereign will of the people. They do not represent nor are they bound to the commissions of their originating state’s legislature. An Article V Constitutional Convention has the inherent power to either propose new amendments or draft an entirely new constitution, with its own method of ratification. Any individual or organization that says otherwise is either grossly misinformed or intentionally deceiving you about the truth of Article V.

every Northern State. Almost every attribute of a republican form of government have they swept away, and to the shame of the people of these States have they submitted to a despotism more insulting than the tyranny that has made Austria and Turkey by-words among the free peoples of the earth.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it 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, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of Ratification may be proposed by the Congress ; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article ; and that no State, without its consent, shall be deprived of its equal Suffrage in the Senate.

NOTE.

Two thirds of the *States*, not two thirds of the *peo-*

ple, can call a convention. And so three quarters of the *States*, not three quarters of the *people*, can alter the Constitution. This is a further proof of the absolute sovereignty of the States. The power to alter or abolish is in their hands as sovereign bodies, and not in the hands of the people at large. The people at large, as consolidated in a national Government, are no where recognized in this Constitution. There is no such body politic known to this Constitution as *The National Government*. As shown in another place, when a resolution was offered in the Constitutional Convention, that "a national Government ought to be formed," it was rejected, and a resolution passed, to form a government of "*the United States*." Ours is a government of Confederated States, of States united voluntarily, for the benefit of the *States*, and for no other purpose. The States which made this Union, can unmake it, and form another, or remain apart as they were previous to the first Confederation, according to the form of proceeding provided for in this Fifth Article of the Constitution. A Convention so called, would possess all the powers of the original Convention that formed the Constitution. Many have earnestly urged the propriety of calling such a convention to settle our unhappy difficulties. Both the President and Congress have usurped the powers which belong alone to such a Convention. The issues which fanaticism have forced upon the country, are beyond the lawful reach of the Executive and Congress. They concern the organic character of the Union, and can only be properly dealt with by the original and undelegated powers of the States. Why has the Administration

so bitterly and so spitefully rejected every proposition for the convention provided for in this article of the Constitution? Do they fear that such a convention would devise some plan to stop this horrible shedding of blood, and restore the Union to the exact basis on which it was originally formed? The malice with which they pursue the advocates of a Constitutional Convention, is proof that they dare not submit the issues to the just and lawful authority of the States so assembled in general convention, as provided for in this article.

SUPREMACY OF THE CONSTITUTION.

ARTICLE VI.

1. All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall