



1:5 - 1787: Ratification Process Changed

Originally, the delegates to the Philadelphia Convention of 1787 were tasked to simply revise, or amend, the Articles of Confederation and to “render,” or make, the then-existing Federal Constitution and the Federal form of government under it “adequate to the exigencies of the Union.” In other words, they were supposed to keep their form of government and improve the Articles of Confederation to meet the needs of the crisis at hand.

One of the delegates, John Lansing of New York, confirmed how the convention would be limited: “[T]he power of the Convention was restrained to amendments of a Federal nature, and having for their basis the Confederacy in being. The acts of Congress, the tenor of the acts of the States, the commissions produced by the several Deputations, all proved this. [...] it was un-necessary and improper to go further.”

- John Lansing of New York,

(James Madison recorded in his detailed diary of the convention)

Add to that, the Articles of Confederation said that any “alterations” or changes to them had to be made by the Confederation Congress and “*afterwards con-firmed by the legislatures of every state.*”

However, that’s *not* how the Convention played out.

Instead, the Articles of Confederation were replaced with a brand-new Constitution along with a more centralized form of government. The new Constitution was then ratified according to its own mode of ratification, spelled out in Article VII of the Constitution, which says: “The Ratification of the *Conventions* of *nine* States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.”

On June 21, 1788, New Hampshire became the ninth state to ratify it.

And on September 13, 1788, with only 11 of the 13 states having ratified the Constitution, the Confederation Congress passed a resolution stating that the new Constitution “...has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications, duly authenticated, have been

The John Birch Society

Author: [Olivia](#)

Date: November 16, 2023



received by Congress, and filed in the office of the secretary.”

The old framework of government, along with the rules to change it, were tossed aside and new one was created with its own rules for adopting it.

Given this historical precedent, who is to say that delegates to a Constitutional Convention, under Article V, today would not likewise dispense with the current Constitution and draft an entirely new one containing a new form of government and new method for ratification?

A new constitution could transform our form of a government from that of a Republic to a “democracy,” and in keeping with that spirit of “democracy,” require the new constitution to be ratified not by 3/4ths of the states but by the “people” themselves in form a national referendum. Given the results of the 2020 presidential elections, would you trust the results of a nationwide election to adopt a new constitution?

Learn more about Article V and the amendment process by visiting [JBS.org](https://jbs.org).