

EXHIBIT 3

DATE 2/2/15

HB HJ4

3 Foundational Claims about an Article V Convention

Refuted by true experts

Claim #1: This is not a Constitutional Convention. It is much more limited.

Black's Law Dictionary, the most widely used and respected legal dictionary in the U.S., disagrees:

According to Black's Law Dictionary, a Constitutional Convention is

A duly constituted assembly of delegates or representatives of the people of a state or nation for the purpose of framing, revising, or amending its constitution. Art. V of the U.S. Const. provides that a Constitutional Convention may be called on application of the Legislatures of two-thirds of the states.

It is a Constitutional Convention.

Article V disagrees:

The only constitutionally-defined limit to the power of the amendment process says, "no state, without its consent, shall be deprived of its equal suffrage in the Senate."

There are no other limits to the power of the convention.

Claim #2: The Convention of 1787 was not a run-away convention, so we have no reason to expect a convention held today would run-away.

State Commissions

James Madison, the "Father of the Constitution", disagrees:

"To rely on & propose any plan not adequate to these exigences, merely because it was not clearly within our powers, would be to sacrifice the means to the end."

- Mr. Hamilton, Madison's Notes, June 18, 1787

Federalist #40 - "... it is therefore essential that such changes be instituted by some *informal and unauthorized propositions.*"

Federalist #40 - "... the transcendent and precious right of the people to 'abolish or alter their governments as to them shall seem most likely to effect their safety and happiness.'"

Claim #3: The states will control the convention and Congress will serve only a "ministerial" or "secretarial role".

Congress disagrees. According to the Congressional Research Service:

"Congress has not, in general, embraced the theory that its role is purely ministerial or clerical, and that its work is done once a convention has been called. On the contrary, it has traditionally asserted broad and substantive authority over the full range of the Article V Convention's procedural and institutional aspects from start to finish."

Conclude w/ Madison's Concern