

Article V. Org Seeks Official Congressional Count of Convention Call Applications

By Bill Walker

At the suggestion of United States House of Representatives Parliamentarian Tom Wickman, Dan Marks, of ArticleV.org has sent a [letter of inquiry](#) to Karen Haas, Clerk for the United States House of Representatives. The purpose of the letter is to obtain the official congressional count of state applications for an Article V Convention call currently on file with the Congress of the United States. Under the terms of Article V, Congress is required to call an Article V Convention if “two-thirds” of the state legislatures so apply and therefore required to track the number of applications submitted and from which states.

Under [House rules \(Rule II, 2\(b\) and Rule VII\)](#) the clerk of the House is responsible for providing any reports required by law to be made to Congress. This of course includes a report listing the number of applying states requesting a convention call. The “law” in question is Article V of the Constitution. The procedure for recording applications was established on [May 5, 1789](#) and has remained unchanged. Therefore, according to House rules, the record is public domain as it has existed over 30 years. Under House rules the clerk is considered the “custodian” of all records of the House of Representatives including state applications for a convention call.

Together with his letter Marks sent 42 copies of separate individual state applications taken from [FOAVC Records](#) . These records are photographic copies of pages of the Congressional Record. In all FOAVC has recorded 748 applications from 49 states. Included in the material was the only official act (May 5, 1789) by Congress regarding the cataloging and counting of applications. As discussed by Congressmen Elias Boudinot and James Madison (author of Article V at the 1787 Convention) the call is based “on a certain number of states” and “proper number of applications”. No mention is made of any other term or condition such as amendment subject, age of application and so forth. The record was to be kept, according to Boudinot, until “the proper number of applications came forward.” Madison then stated Congress shall have “no debate, vote or committee” in the matter as such acts would imply “a right to deliberate upon the subject” and this “was not the case.”

“Our purpose is not necessarily to cause a convention call,” Marks said, “but to establish the actual count of applications recognized by Congress. Obviously if the count has exceeded two thirds we would expect Congress to perform its mandated duty and call the convention.” He then continued, “Regardless of what number Congress states, having an actual number of states officially recognized by Congress will further the goal of having Congress call a convention. We will then know which states have already submitted applications, how many states have submitted applications and therefore how many are still required and which states need to be addressed.”

Marks added that there has been a great deal of controversy among convention advocacy groups, pro and con as to the actual number of applications officially recognized by Congress. "We hope this official number will clear the air of a great deal of speculation," he said

Further events will be reported as they occur.