



Friends Of the Article V Convention
P.O. BOX 1242
Auburn, WA 98071-1242
E-Mail: info@FOAVC.org
<http://FOAVC.org>

FOUNDERS:

- Thomas E. Brennan – Former Chief Justice of the state of Michigan
- Byron De Lear – former candidate for Congress, Missouri 2nd
- Joel S. Hirschhorn, PhD – author of "Delusional Democracy"
- Dennis Murphy – business owner and Nebraska legislative activist
- Daniel Summers – software engineer, Treasurer of VOIDnow.org
- Bill Walker – former journalist and newspaper publisher



Friends Of the Article V Convention

May 10, 2016

Congressman Luke Messer
508 Cannon House Office Building
Washington, DC 20515

Dear Congressman Messer,

On behalf of Friends of the Article V Convention (FOAVC) I am happy to endorse the Article V Records Transparency Act of 2016 which will be shortly submitted to Congress by your office for its consideration. This is a vital and necessary piece of legislation which I was privileged to serve as a resource during its creation. With its passage, the National Archives and Records Administration (NARA) will be compelled to gather all state applications submitted to Congress for an Article V Convention call now currently buried in the vaults of NARA and create an official list of state applications for an Article V Convention for the first time in the nation's history.

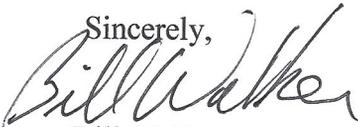
As you know Congressman, Article V of the United States Constitution mandates Congress call a convention for proposing amendments "on the application of two-thirds of the several state legislatures." The states have submitted applications to Congress since 1789. Without an official list of those applications however, Congress has been unable to fulfill its required duty to call a convention when the states have applied. Thus a vital constitutional procedure has been thwarted. Your legislation will correct this long standing issue of recordkeeping and permit full use of the entire amendatory process as intended by the Founders.

Several years ago FOAVC compiled the first unofficial list of state applications showing the actual text of the applications in United States history. Our list, currently showing 574 submitted applications from 49 states, was created using photographic copies of applications in the Congressional Record. Earlier scholarly works referencing the applications only listed the location of the application in the Congressional Record but omitted showing the actual text of these applications. The FOAVC list shows both enabling a reader to obtain a deeper understanding of the amendment issues the states desire a convention consider. The Article V Records Transparency Act of 2016 similarly requires copies of the actual text of the applications be gathered and electronically posted so that the official list can be studied by the American public.

In compiling our list we discovered numerous recordkeeping issues regarding the applications. We discovered because of lack of a cataloging procedure no one in government tracks the applications. Thus the applications are scattered among millions of pages of records in the NARA making them useless for their intended constitutional use. As noted in a 1977 report written by Mr. Jim Stasny and read on the Senate floor by Senator George McGovern, the record of applications was, and still is, a mess. As no system of cataloging applications has ever existed and Congress has never had in place a uniform procedure for accepting applications, the states have submitted them chaotically. Thus applications have been lost, not recorded or recorded more than once in the public record. Proof of this dismal state of affairs requires no more than examining the claims of every political group desiring an amendment via the convention system. Each has an "official" list of applications, all different in total, resulting in total confusion. The problem is even more exasperated by the fact while the Senate publishes the text of the applications in its records the House does not. Thus, as applications are published sometimes years after submission at different times, comparison between the published reports of Senate and House records of applications is impossible in order to arrive at a precise number of submissions. All that can be stated for certain are 49 states have submitted applications far exceeding the necessary two thirds required. However the "official" count of applications remains at zero.

Despite these issues, Congress is still constitutionally obligated to call a convention if the states apply in sufficient number to satisfy the two thirds term of the Constitution. Our photographic list shows the states presently have submitted sufficient applications to satisfy this constitutional requirement ten times. However, until Congress has an official list of applications and an official process in place to officially receive applications, Congress cannot proceed with its official responsibility to call the convention[s] based on the submitted applications because it has no official way of knowing whether or not the states have applied and therefore has no way of knowing officially whether it must call a convention. This constitutional transgression cannot continue.

The Article V Records Transparency Act of 2016 resolves all these recordkeeping problems. It provides that NARA shall locate, gather and catalog all applications within its files as well as conduct searches of state records to locate "missing" applications. Thus, within two years after passage as specified in the bill, an accurate official record of state applications will exist for the first time in United States history. Congress will then officially know what action, if any, it is required to perform regarding calling an Article V Convention or conventions. Your legislation provides a simple process whereby all future applications will be processed uniformly in Congress thus permanently eliminating the problem of lost or misplaced applications. In short, your legislation corrects a massive government records issue too long ignored which must, in order to satisfy a constitutional requirement, be addressed by Congress--now. Without reservation FOAVC lends its support to this legislation.

Sincerely,

Bill Walker
FOAVC Co-Founder