



The Differences Between an Article V Convention and a Constitutional Convention

What JBS wants you to believe is that an Article V convention for proposing amendments is the same as a Constitutional Convention. This is complete nonsense and if they are not able to understand the clear differences between the two after reading the notes of the Convention by Madison, The Debates of the State Ratifying Conventions, the letters of the Framers between 1787-1790 and the Federalist Papers then they are either ignorant or their motive is to deceive.

Ok, let's review all of this.

1. The quote you see in the picture comes from a letter to G.L. Turberville dated Nov. 2, 1788. Madison is responding to him "You wish to know my sentiments on the project of another general Convention as suggested by New York." Notice the date of the letter? Although the Constitution had been ratified the new government it created would not begin until March 4, 1789. The state of New York wanted to hold another convention with full powers as the first one and they eventually submitted an Article V application calling for a such a one "that a Convention of Deputies from the several States be called as early as possible, with full powers to take the said Constitution into their consideration, and to propose such amendments thereto, as they shall find best calculated to promote our common interests, and secure to ourselves and our latest posterity, the great and unalienable rights of mankind." Madison just went through a gut-wrenching time fighting against the Anti-Federalists to get the Constitution ratified and before the people can even see the fruit of this new government in operation the state of New York wanted to hold another convention with FULL powers to revise the Constitution.

2. Instead of just reading that one sentence taken out of context please read the entire letter. For it is within the body of that letter that Madison explains the difference between a Constitutional Convention and an Article V convention for proposing amendments. Here is the quote: "A Convention cannot be called without the unanimous consent of the parties who are to be bound by it, if first principles are to be recurred to; or without the previous application of the State legislatures, if the forms of the Constitution are to be pursued. Did you see that? Please read that again. It requires the unanimous consent of the parties, when? When first principles are to be recurred, that is a Constitutional Convention. If forms of the Constitution are to be pursued it only requires two-thirds of the state legislatures, that is an Article V convention.

3. This is the exact same description provided for us by Alexander Hamilton in Federalist 85; "It appears to me susceptible of absolute demonstration, that it will be far more easy to obtain subsequent than previous amendments to the Constitution. The moment an alteration is made in the present plan, it becomes, to the purpose of adoption, a new one, and must undergo a new decision of each State. To its complete establishment throughout the Union, it will therefore require the concurrence of thirteen States. If, on the contrary, the Constitution proposed should once be ratified by all the States as it stands, alterations in it may at any time be effected by nine States. Here, then, the chances are as thirteen to nine² in favor of subsequent amendment, rather than of the original adoption of an entire system.

This is not all. Every Constitution for the United States must inevitably consist of a great variety of particulars, in

which thirteen independent States are to be accommodated in their interests or opinions of interest. We may of course expect to see, in any body of men charged with its original formation, very different combinations of the parts upon different points. Many of those who form a majority on one question, may become the minority on a second, and an association dissimilar to either may constitute the majority on a third. Hence the necessity of moulding and arranging all the particulars which are to compose the whole, in such a manner as to satisfy all the parties to the compact; and hence, also, an immense multiplication of difficulties and casualties in obtaining the collective assent to a final act. The degree of that multiplication must evidently be in a ratio to the number of particulars and the number of parties.

But every amendment to the Constitution, if once established, would be a single proposition, and might be brought forward singly. There would then be no necessity for management or compromise, in relation to any other point -- no giving nor taking. The will of the requisite number would at once bring the matter to a decisive issue. And consequently, whenever nine, or rather ten States, were united in the desire of a particular amendment, that amendment must infallibly take place. There can, therefore, be no comparison between the facility of affecting an amendment, and that of establishing in the first instance a complete Constitution."

It does not get any clearer than that folks. Madison was against holding a second Constitutional Convention not an Article V convention for proposing amendments. It would be insane to believe he was against an Article V because he was a strong supporter of the process, as the following quotes demonstrate;

Federalist 43

"That useful alterations will be suggested by experience, could not but be foreseen. It was requisite, therefore, that a mode for introducing them should be provided. The mode preferred by the convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility, which would render the Constitution too mutable; and that extreme difficulty, which might perpetuate its discovered faults. It, moreover, equally enables the general and the State governments to originate the amendment of errors, as they may be pointed out by the experience on one side, or on the other."

"Should the provisions of the Constitution as here reviewed be found not to secure the Govt. & rights of the States agst. usurpations & abuses on the part of the U. S. the final resort within the purview of the Constitution lies in an amendment of the Constitution according to a process applicable by the States." Letter to Everett 1830

"In the first place, the responsibility which every department feels to the public will, under the forms of the Constitution, may be expected to prevent the excesses incident to conflicts between rival and irresponsible authorities. In the next place, if the difference cannot be adjusted by friendly conference and mutual concession, the sense of the constituent body, brought into the Government through the ordinary elective channels, may supply a remedy. And if this resource should fail, there remains, in the third and last place, that provident article in the Constitution itself, by which an avenue is always open to the sovereignty of the people, for explanations or amendments, as they might be found indispensable." Speech in Congress.

"States can, through forms of the constitutional elective provisions, controul the General Govt. This has no agency in electing State Govts., & can only controul them through the functionaries particularly the Judiciary of the General Government: That in case of an experienced inadequacy of these provisions, an ulterior resort is provided in amendments attainable by an intervention of the States, which may better adapt the Constitution for the purposes of its creation." Letter to M.L. Hurlbert May 1830.

It is just simply false and misleading to try to convince people that James Madison was opposed to an Article V convention.

4. Read the Debates of the Constitutional Convention by James Madison on September 15, 1787 and you will clearly see the two different kinds of conventions. After George Mason opposed Article V because it only allowed Congress to propose amendments, a motion was made to allow the states to hold a convention to propose amendments upon two-thirds application. This motion passed unanimously! Immediately after this vote a second motion was made to hold another convention:

“Mr. RANDOLPH in animadversions on the dangerous power and structure of the government, concluding that it would end either in monarchy or a tyrannical aristocracy— which, he was in doubt,— but one or other, he was sure. This Constitution had been formed without the knowledge or idea of the people. A second Convention will know more of the sense of the people, and be able to provide a system more consonant to it. It was improper to say to the people, take this or nothing. As the Constitution now stands, he could neither give it his support or vote in Virginia; and he could not sign here what he could not support there. With the expedient of another Convention, as proposed, he could sign.

On the question, on the proposition of Mr. Randolph, all the states answered, no.”

The delegates unanimously approved an Article V convention but they rejected a second Constitutional Convention. For even more evidence that not only the Framers understood the difference between a second Constitutional Convention and an Article V convention. Here are some quotes from delegates at the state ratifying conventions:

“If it be contended, that the second, being possessed of the various objections from the several states, must be better able to determine, I would ask, what conduct this second convention should adopt? Are they to take the proposed plan, and strike out everything objected to by nine states? Or may they likewise adopt and recommend the entire plan? In short, to appoint a second convention, merely to consult and propose, would be the most absurd expedient, that ever, in a matter of this amazing magnitude, was proposed. Does any man then entertain the thought of another kind of convention, invested with full powers to consult, amend, adopt, and confirm? A scheme like this was never yet, I trust, in agitation. But, if it were, I would propose this single question. Whether is it better to amend, before it be tried, that plan, which may be termed the result of the wisdom of America, or leave it to be amended, at leisure, as mature experience shall direct?”

“I shall not sit down, sir, without repeating, that, as it is clearly more difficult for twelve states to agree to another convention, than for nine to unite in favor of amendments, so it is certainly better to receive the present Constitution, in the hope of its being amended, than it would be to reject it altogether, with, perhaps, the vain expectation of obtaining another more agreeable than the present.”

“There will be a Congress in existence to collect their sentiments, and to pursue the objects of their wishes. Nine states may insert amendments into the Constitution; but if we reject it, the vote must be unanimous. Our state, in that case, would lose the advantage of having representatives according to numbers, which is allowed by the Constitution. Upon a few points, and those not of a local nature, unanimity may be expected; but, in discussing a whole Constitution, in which the very amendments, that, it is said, will not be agreed to by the states, are to be inserted, unanimity will be almost a miracle.” The Debates in the Several State Conventions of the Adoption of the Federal Constitution vol. 2

In summary:

1. A Constitutional Convention call requires unanimous consent by the states that are to be bound to it and can only be called by the states, not Congress, as the 1787 Constitutional Convention was called.
2. The finished product from a Constitutional Convention must be passed and ratified as a whole, everything all at once.
3. An Article V convention call only requires two-thirds and each amendment is ratified individually.
4. Madison opposed another Constitutional Convention but supported an Article V convention.
5. Alexander Hamilton presents the difference between the two in Federalist 85.
6. The 1787 delegates passed an Article V convention but rejected a second Constitutional Convention.