

MONTGOMERY BLAIR SIBLEY

November 19, 2015

Via Hand-Delivery
Speaker Paul Ryan
1233 Longworth House Office Building
Washington, DC 20515

Via Hand-Delivery
Senator Mitch McConnell
317 Russell Senate Office Building
Washington, DC 20510

Re: *Montgomery Blair Sibley v. The Honorable Mitch McConnell and
The Honorable Paul Ryan*
D.C. Superior Court Case No.: 2015 CA 002442 B
D.C. Circuit Court of Appeals Case No.: 15-5295

Greetings:

I am the Plaintiff and each of you are the Defendants in the above pending lawsuits. Those lawsuits arise out of my demand that Congress be ordered by the Superior Court for the District of Columbia to “call” an Article V Convention to Propose Amendments to the United States Constitution insomuch as more than 2/3rds of the States have made an “application” for such.

I am hand-delivering this letter to your respective offices as your respective legal counsel have indicated that each of you have no knowledge of my March 5, 2015, letter which demanded the aforementioned “call”. In particular, your counsel have now stated as a matter of record that you cannot: “confirm nor deny that receipt [of the March 5, 2015, letter] because [you] lack[] first-hand knowledge whether that letter was, in fact, received.” This of course though I have USPS Signature Confirmation that in fact the March 5, 2015, letter was received at each of your offices.

Accordingly, I am now hand-delivering a copy of that March 5, 2015, letter so that in the future such a denial-of-receipt will be more difficult to put forth with a straight face.

As to the underlying litigation, I would note that we are still at a stage where resolution can be had on a consensual basis and I am open to such, However, I would

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Speaker Paul Ryan
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require that I meet in person with a member of your respective staffs rather than just your legal counsel as I want to insure that my message regarding the duty to call an Article V Convention to Propose Amendments is received by you unfiltered through your legal counsel. Obviously, once the Courts begin to rule on the pending issues, this matter will be more difficult to resolve as our respective positions will change dramatically.

Simply stated, and remarkably, voices that range from Mark Levin, Rush Limbaugh, Sean Hannity and Glenn Beck to George Soros, Alliance for Democracy, Center for Media and Democracy, Code Pink, Independent Progressive Politics Network, Progressive Democrats of America and the Sierra Club have all called for an Article V Convention to Propose Amendments. Hence, the interest in my lawsuit has garnered significant attention from those – frustrated by the lack of response to their petitioning to Congress in this regard – who now see judicial compulsion as the only remedy for the arguable breach of the duty of each Member of Congress under Article V to make a “call”. Such a Court order would be singular and surely have a substantial negative political impact upon each Member of Congress found to be in breach of their Article V duty.

Thus, I respectfully request a settlement conference between me, a significant member of your respective staffs and, of course if you wish, your counsel at the earliest possible time.

yours,



Encl: March 5, 2015, letter

cc: Peter R. Maier – Special Assistant United States Attorney
William Pittard, Deputy General Counsel, United States House of Representatives

MONTGOMERY BLAIR SIBLEY

March 5, 2015

Via USPS Signature Confirmation
The Honorable Mitch McConnell
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510-1702

Via USPS Signature Confirmation
The Honorable John A. Boehner
United States House of Representatives
1011 Longworth House Office Building
Washington, D.C. 20515-3508

Re: *Your Article V obligation to “call a convention for proposing amendments”*

Greetings:

I write to exercise “the right, possessed by every citizen, to require that the Government be administered according to law. . . .” *Fairchild v. Hughes*, 258 U.S. 126, 130 (1922). In particular, that you see that Congress promptly discharges its duty to call an Article V convention to propose amendments to the Constitution.

As you both well know, Article V of the Constitution states in pertinent part: “The Congress . . . on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress.” Your attention is respectfully drawn to the decision in *United States v. Sprague*, 282 U.S. 716 (1931) in which the Supreme Court unequivocally stated: “[A]rticle 5 is clear in statement and in meaning, contains no ambiguity and calls for no resort to rules of construction. . . . It provides two methods for proposing amendments. Congress may propose them by a vote of two-thirds of both houses, or, on the application of the legislatures of two-thirds of the States, **must call a convention to propose them.**” (Emphasis added). The math is simple: $50 \text{ states} \times .66\% = 34 \text{ states}$ needed to “call a Convention”.

I write first to inform that in fact thirty-five (35) states have now made the “Application” for a such a Convention and thus Congress is obligated to discharge its

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The Honorable Mitch McConnell
The Honorable John A. Boehner
March 5, 2015
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Constitutionally-imposed ministerial duty to “call” such a Convention. A list of those states with reproduced copies of their respective “Applications” is enclosed.

Hence, upon your Article VI “oath or affirmation, to support this Constitution”, you are now obligated to make the “call”. I trust you will. However, please be advised that your failure to make the “call” on or before April 15, 2015, will result in the filing by several different state officials of a Supreme Court Rule 17, Motion for Leave to File an Original Jurisdiction Action pursuant to 28 U.S. Code § 1251(b)(2) seeking a Writ of Mandamus to command Congress to perform the ministerial act of making the “call” that Article V recognizes as an absolute duty. I hope and trust that such an Action will not be necessary.

I close by reminding that no less than George Mason, a Virginia delegate to the Constitutional Convention, said that without providing the states a means of amending the document, “no amendments of the proper kind would ever be obtained by the people, if the [national] Government should become oppressive.”

I would expect the courtesy of an acknowledgment of your receipt of this letter. Of course, I am available to discuss this matter further.

yours,

A handwritten signature in black ink, appearing to read "Monty BSibley", with a stylized flourish at the end.

| Number | State | Exhibit Page # |
|---|-------------|---|
| Authority for Article V Convention Call | | |
| 1 | Alabama | 1 113 CONG. REC. 10,117-18 (1967). |
| 2 | Alaska | 3 ALASKA SENATE JOINT RESOLUTION NO. 18 |
| 3 | Arkansas | 4 121 CONG. REC. 11,218 (1975). |
| 4 | California | 5 98 CONG. REC. 4003-04 (1952). |
| 5 | Colorado | 7 113 CONG. REC. 18,007 (1967) |
| 6 | Connecticut | 8 104 CONG. REC. 8085-86 (1958). |
| 7 | Delaware | 10 124 CONG. REC. 19,683 (1978). |
| 8 | Florida | 11 115 CONG. REC. 24,116 (1969). |
| 9 | Georgia | 12 GEORGIA HOUSE RESOLUTION 1215 |
| 10 | Idaho | 14 111 CONG. REC. 1437-38 |
| 11 | Indiana | 16 122 CONG. REC. 931 (1976). |
| 12 | Iowa | 17,18 115 CONG. REC. 12,249 (1969); 44 CONG. REC. 1620 (1909). |

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| 13 | Kansas | 19 | 97 CONG. REC. 2936 (1951). |
| 14 | Kentucky | 20 | 121 CONG. REC. 27,821 (1975). |
| 15 | Maine | 21 | 46 CONG. REC. 4280 (1911). |
| 16 | Maryland | 22 | 111 CONG. REC. 5820 (1965). |
| 17 | Massachusetts | 23 | 123 CONG. REC. 22,002 (1977). |
| 18 | Michigan | 24, 25 | 89 CONG. REC. 2944 (1943); 87 CONG. REC. 8904 (1941). |
| 19 | Minnesota | 26 | 34 CONG. REC. 2560 (1901). |
| 20 | Mississippi | 27-28 | 125 CONG. REC. 2111-12 (1979) |
| 21 | Missouri | 29 | 121 CONG. REC. 12,867 (1975). |
| 22 | Nebraska | 30 | 111 CONG. REC. 24,723 (1965) |
| 23 | Nevada | 31 | 121 CONG. REC. 19,117 (1975) |
| 24 | New Jersey | 32 | 119 CONG. REC. 11,446 (1973); |
| 25 | New Mexico | 33 | 112 CONG. REC. 199 (1966). |
| 26 | New York | 34 | 40 CONG. REC. 4551 (1906). |
| 27 | North Carolina | 35 | 45 CONG. REC. 7117 (1910). |

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| 28 | Ohio | 36 | 111 CONG. REC. 25,237 (1965) |
| 29 | Oregon | 37 | 84 CONG. REC. 985 (1939). |
| 30 | Pennsylvania | 38 | 89 CONG. REC. 8220 (1943). |
| 31 | Texas | 39 | 113 CONG. REC. 17,634 (1967). |
| 32 | Vermont | 40 | 49 CONG. REC. 1433 (1913) [1912]. |
| 33 | Washington | 41 | 109 CONG. REC. 5867 (1963). |
| 34 | West Virginia | 42-43 | 1907 W. Va. Acts 433-34. |
| 35 | Wisconsin | 44 | 109 CONG. REC. 14,808 (1963). |
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| | Total States Calling for Article V Convention | 35 | Sources: A General Theory of Article V: The Constitutional Lessons of the Twenty-seventh Amendment, 103 Yale L.J. 677 (1993); How to count to thirty-four: the constitutional case for a constitutional convention, Harvard Journal of Law & Public Policy, Jun 22, 2011; both by Michael Stokes Paulsen |
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| Retreived from: www.MontgomeryBlairSibley.com/ArticleV.html | | | |