ARTICLE THE FIRST INITIATIVE™

# PATHWAYS FORWARD

## Proper Constitutional Representation

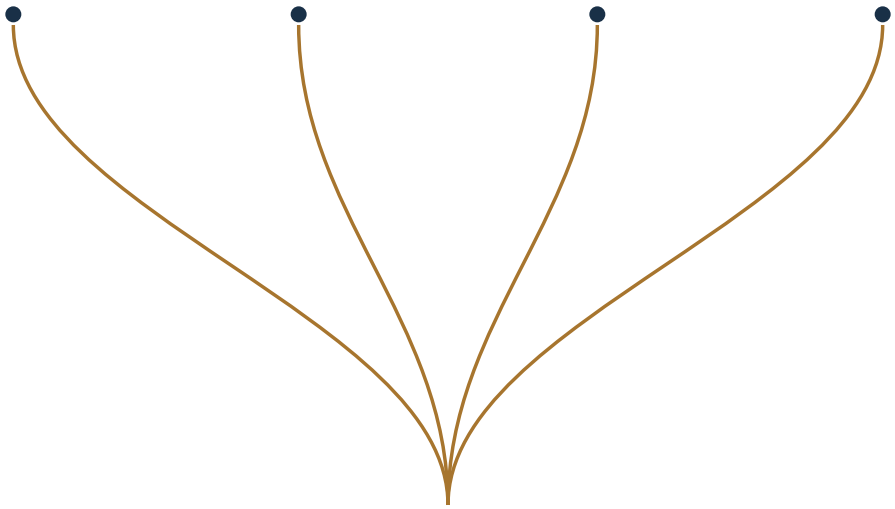



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# PATHWAYS FORWARD

## Proper Constitutional Representation



Four pathways examined

Ratification • Legislation • New Articles • Convention

*A More Perfect Union*

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# Ratification to Proper Representation

The journey from Article the First ratification to proper representation

The Article the First Initiative™ seeks representation that brings the People's House closer to the people it serves.

**Two connected actions: ratify Article the First and enact legislation that expands the House beyond 435 seats.**

Ratification is the main path. Addressing the 435-seat framework is the connecting footpath. Both belong in the complete journey.




## 1. The main path: Complete ratification

Article the First was the first of twelve proposed amendments Congress submitted to the states in 1789. It addressed the size of the House as the population grew. [1]

The National Archives identifies eleven state ratifications. Twenty-seven additional states would bring the total to thirty-eight, the present three-fourths threshold. Congress included no ratification deadline; the Archives describes ratification as theoretically still possible. [2, 3]

Assemble the historical ratification records and document the existing approvals.

Seek ratification of the original submitted amendment through the remaining state legislatures.

Submit certified state actions to the National Archives for the official record. [3]

Address any legal or procedural questions affecting recognition and certification.

Ratification concerns the amendment Congress actually submitted. An individual state cannot rewrite its wording as part of ratifying that proposal. [1, 3]

## 2. Understand what ratification would accomplish

Ratification would place Article the First's representation provisions in the Constitution. But its final wording matters. [1, 3]

After the House reaches two hundred members, the text provides for at least two hundred representatives and says:

> **"nor more than one Representative for every fifty thousand persons." [1]**

ATFI reads this as an upper boundary on the number of representatives. It does not promise one representative for every 50,000 people or direct Congress to fill every seat that boundary would permit. This is ATFI's textual interpretation of the submitted wording. [1]

**ATFI therefore does not present ratification alone as a guarantee of smaller districts or an automatically expanded House.**

That is the practical concern Martin Holtz's submission brings into focus, and it is why Path One includes the connecting footpath. His paper, *Hijacked*, critiques reliance on ratification alone; it does not evaluate this complete combined approach. [7]

## 3. The connecting footpath: Address 435

The House reached 435 seats through the 1911 legislation. The Permanent Apportionment Act of 1929 continued that framework, with later legislation shaping the present apportionment process. The number 435 comes from federal legislation. [4, 5]

ATFI's reading of Article the First's final wording gives us no basis to promise that ratification would automatically invalidate that framework. A House of 435 is not, merely because of its size, inconsistent with the amendment's stated minimum and population-based ceiling. [1, 4]

> **To deliver the expanded representation ATFI seeks through Path One, congressional legislation is also part of the work.**

**TWO LEGISLATIVE FORKS, ONE PRACTICAL GOAL**

### Fork A: Repeal and replace in the same legislation

Congress could remove the provisions maintaining the 435-seat framework and establish the replacement representation formula **in the same legislation**. The old arrangement would be removed and the new arrangement put in place together. Repeal by itself would not establish the new House size or formula. [4]

### Fork B: Amend the existing law

Congress could revise the existing provisions to establish a larger House or a formula that adjusts House membership with population, consistent with the Constitution. Both forks pursue legislation that establishes expanded representation and explains how it will operate. [4, 6]

## 4. Define the representation

The legislation needs to state the House size or population-based formula; how seats will be distributed among the states; how membership will adjust after future censuses; and when the new arrangement takes effect.

**ATFI's preferred representation ratio is a policy goal to be stated expressly in that legislation.** It should not be described as something the amendment's final wording automatically delivers. [1]

Any formula would operate within the Constitution, including Article the First if ratified. Whole-seat allocation among states also means an exact population ratio cannot be identical in every district. [1, 5, 6]

## 5. Put expanded representation into practice

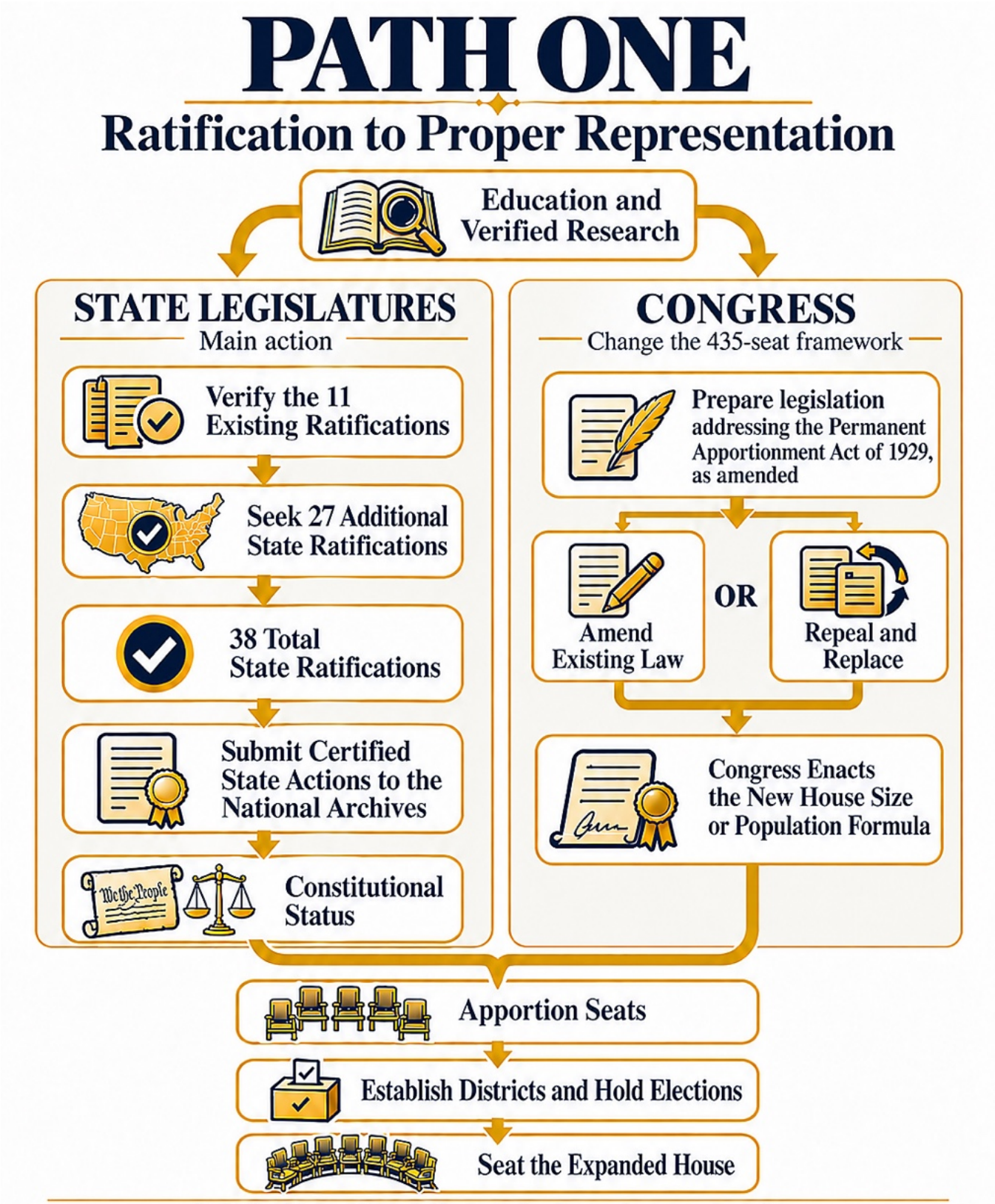
Federal and state implementation would include calculating each state's seats, establishing congressional districts, conducting elections, and seating the expanded House. Current federal law provides for single-member districts in states receiving more than one representative. The legislation should provide a workable transition. [4, 5]

**Verify and educate → pursue ratification → repeal and replace in the same legislation, or amend existing law → apportion seats and establish districts → elect and seat the expanded House.**

Ratification and legislative preparation can proceed alongside one another. Congress need not wait for ratification to work on expansion. Path One joins ratification with the additional legislative and practical steps needed to reach the representation ATFI seeks.

# PATH ONE

## Ratification to Proper Representation




**Ratification alone does not guarantee expansion.**

The state and congressional actions can proceed alongside each other.

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# References

Bracketed numbers in the text identify the sources below. ATFI's proposed journey and legislative choices are a synthesis, not steps prescribed by a single source. Web sources checked October 23, 2026.

**[1]** National Archives. The Bill of Rights: A Transcription. Enrolled joint resolution of September 25, 1789; Article the First and submission to state legislatures. Read source online.

**[2]** National Archives, Jessie Kratz. "Unratified Amendments" (January 23, 2020). Eleven ratifications, twenty-seven additional states, and absence of a deadline. Read source online.

**[3]** National Archives. Constitutional Amendment Process. Article V threshold, state documentation, and the Archivist's administrative role. Read source online.

**[4]** U.S. Code, Title 2, Chapter 1 (2024 edition). Section 2 editorial note (1911 law); § 2a and its source notes (1929 and later laws); § 2c (single-member districts). Read source online.

**[5]** U.S. Census Bureau. Historical Perspective. House-size history, apportionment factors, and allocation among states. Read source online.

**[6]** U.S. Constitution, Article I, Section 2; Article V; and Fourteenth Amendment, Section 2. Population-based representation and the amendment process. Read source online.

**[7]** Martin Holtz. "Hijacked from the Very Beginning." Submitted PDF: *260929 Hijacked by Martin.pdf*. Cited for his argument that ratification alone would not secure small constituencies. click here for Martin's pdf.

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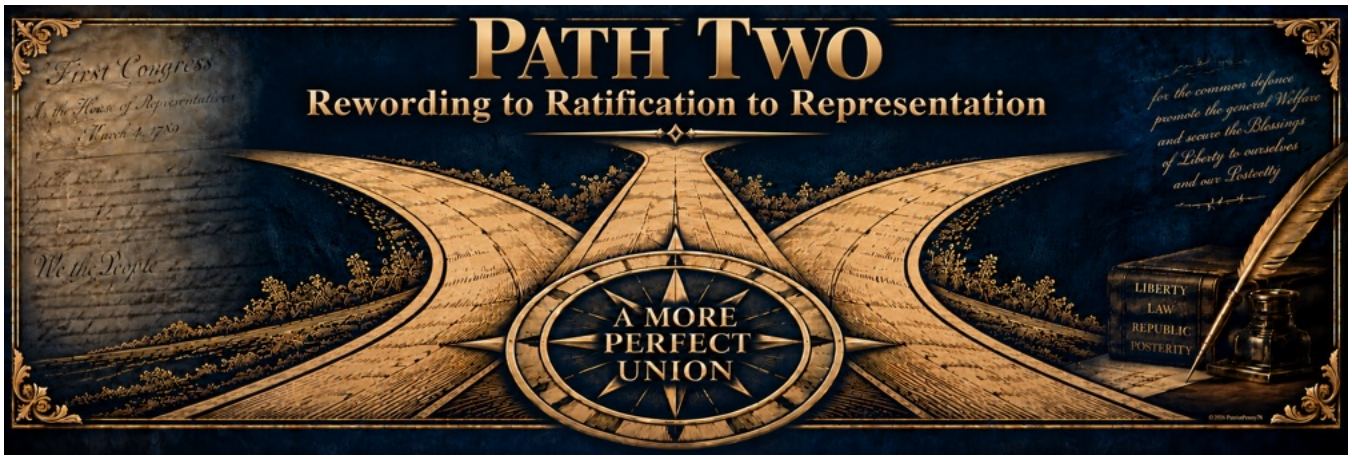
# Rewording to Ratification to Representation

The Article the First Initiative™ seeks representation that brings the People's House Closer to the People it Serves.

**Path One** pursues ratification of the original Article the First together with legislation expanding the House. Click for Path One link.

**Path Two** pursues a new article of amendment using "nor less" to establish a constitutional minimum of one representative for every 50,000 persons, together with language superseding the conflicting 435-seat limit.

**The main action goes directly to Congress. A supporting footpath action builds state legislative support for the same proposed wording. Both lead to congressional proposal and state-by-state ratification.**




## 1. The main initiative here is to "Bring the new article to Congress"

Prepare one carefully reviewed text and petition members of Congress to sponsor the new article. The congressional route does not depend on first securing resolutions from state legislatures. Supporters could begin with the new Congress in January 2027. [1]

Seek introduction of a joint resolution proposing the new article. Two-thirds of both the House and Senate would need to agree to propose the same text. The President does not sign or approve a proposed constitutional amendment. [1, 2]

Congress then submits the proposal to the states and selects ratification by state legislatures or state conventions. This plan seeks the state-legislature method. Ratification by thirty-eight states would make the new article part of the Constitution. [1, 2]

**Draft and review → secure congressional sponsors → obtain two-thirds approval in both chambers → pursue ratification in thirty-eight states.**

## 2. Understand why this is a new article

The Article the First submitted in 1789 ends with "nor more than one Representative for every fifty thousand persons." Path Two instead seeks a minimum expressed through "nor less," together with clear language addressing the statutory 435-seat limit. [3]

That change would create a new proposed amendment. It would not alter the pending 1789 proposal or carry its earlier state approvals into the new process. Thirty-eight states would ratify the new text after its formal proposal under Article V. [1, 3]

If ratified, the new article would become a newly numbered amendment to the Constitution. If it were the next amendment ratified, it would be the Twenty-Eighth Amendment. It would not become the First Amendment or take effect as though adopted in 1789. Its new representation rule would govern according to its effective-date and transition provisions, superseding the conflicting 435-seat limit. [1, 2]

"Not less than one representative for every 50,000 persons" establishes a minimum number of representatives. It does not, by itself, establish exactly one seat per 50,000 or guarantee identical populations in every district. The complete text should explain the intended calculation and allocation. [1]

## 3. The supporting footpath action is by building state support

Kitchen-table discussion and local education can lead to petitions asking that state legislators support the new article. Participating legislatures could adopt resolutions endorsing one identical model text and petitioning their congressional delegations and Congress to propose it.

These are support resolutions, not advance ratifications. They build public and legislative support before Congress acts; Article V supplies no automatic congressional approval merely because states submit matching resolutions. [1]

**Kitchen table → state legislative support for identical wording → requests to Congress → join the main path → state-by-state ratification.**

This action can proceed alongside direct congressional outreach. Supporters do not have to obtain resolutions from all fifty states before petitioning Congress. Once Congress proposes the article, states would consider the exact text Congress submitted. [1]

## 4. Define the representation and address 435

The new article should establish the population-based minimum and expressly supersede any statutory House-size limit inconsistent with it, including the 435-seat framework associated with the 1911 and 1929 legislation and later amendments. Current apportionment law operates using the existing number of representatives. [4, 5]

Once effective, a ratified constitutional minimum of one representative per 50,000 persons would be incompatible with 435 seats at today's population. The conflicting limit could not govern against the new constitutional rule. This is the expected legal effect of the proposed design; the final wording and effective date would determine its operation. [1]

Address the conflicting House-size provisions precisely. Displacing the 435-seat limit does not call for discarding every provision of the 1929 Act, which also addressed census and apportionment matters. [4]

Before introduction, settle how the minimum is calculated, how fractional seats and state allocations are handled, when population changes trigger adjustments, and when the expanded House takes office. State plainly whether the ratio governs total membership, each state's allocation, or district populations. [1, 5]

## 5. Put expanded representation into practice

Provide an effective date and a workable transition: calculate state allocations, establish districts, conduct elections, and seat the expanded House. Coordinate federal implementing legislation with state action. Current federal law generally provides single-member districts for states with more than one representative. [5, 6]

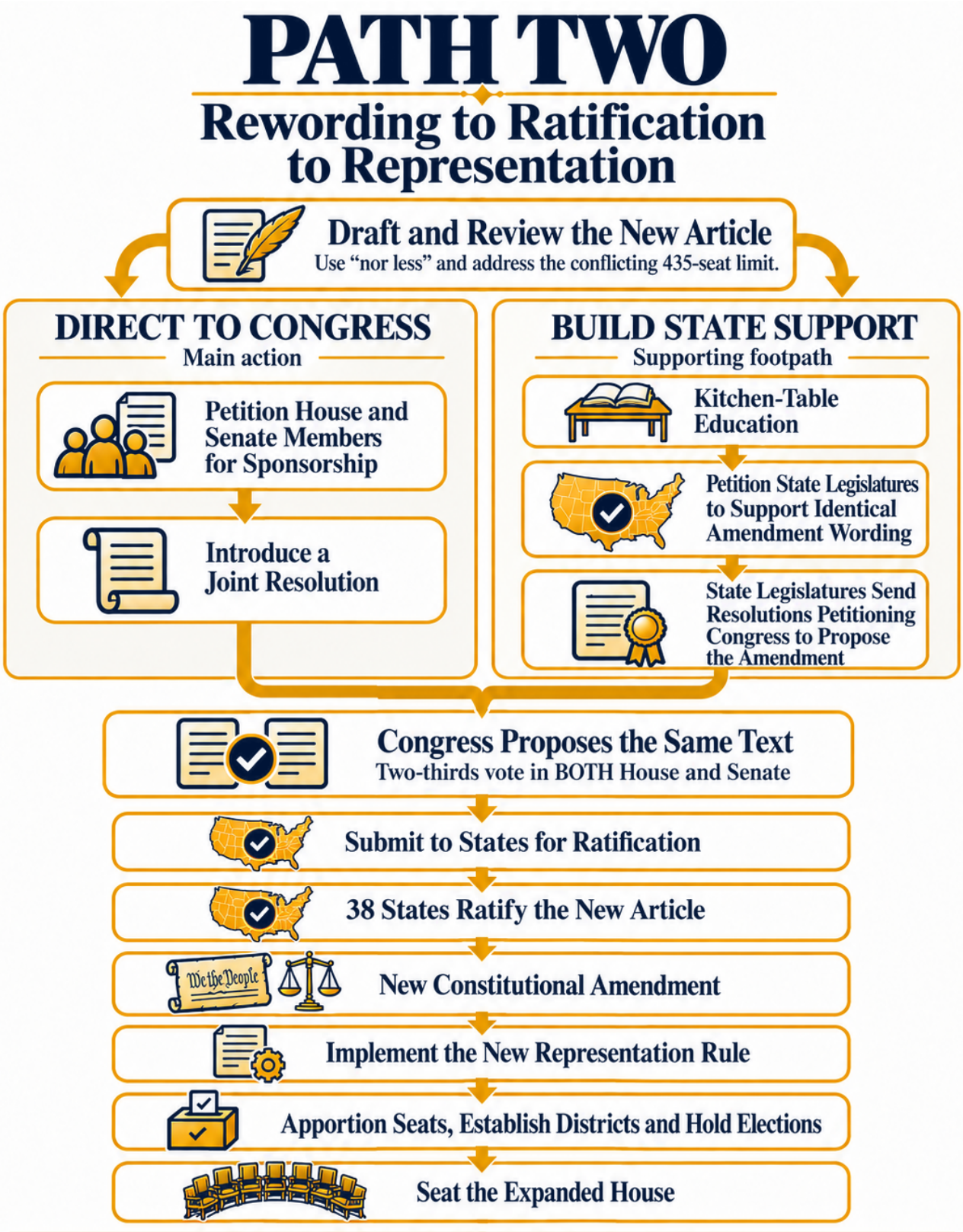
A constitutional change establishes the governing rule. Drafting the transition alongside it makes the path from ratification to actual representation clear.

**Propose the new article → ratify in thirty-eight states → apply the new constitutional rule on its effective date → apportion seats and establish districts → elect and seat the expanded House.**

Path Two joins a new constitutional minimum with explicit treatment of the 435-seat limit and the practical steps for an expanded House.

# PATH TWO

## Rewording to Ratification to Representation




**State support resolutions are not ratifications.**
A new article begins a new proposal and ratification process.
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# References

Bracketed numbers identify the sources below. The main path and supporting footpath are an ATFI planning proposal. State support resolutions are an advocacy option, not an additional Article V ratification procedure. Sources checked October 23, 2026.

[1] U.S. Constitution, Articles I, V, and VI; Fourteenth Amendment, Section 2. Congressional proposal, state ratification, constitutional authority, and population-based apportionment. Read source online.

[2] National Archives. Constitutional Amendment Process. Joint resolutions, presidential role, submission, ratification records, and certification. Read source online.

[3] National Archives. The Bill of Rights: A Transcription. Article the First as submitted to the states in 1789. Read source online.

[4] U.S. Code, 2024 edition. 2 U.S.C. § 2a and source notes. Existing membership and the 1929 law as subsequently amended. Read source online.

[5] U.S. House of Representatives, History, Art & Archives. Determining Apportionment. House membership and allocation history. Read source online.

[6] U.S. Code, 2024 edition. 2 U.S.C. § 2c. Single-member congressional districts. Read source online.

# Related ATFI reading

Path One — Ratification to Proper Representation. The companion path pursues the pending 1789 wording together with legislation expanding the House. Path Two instead pursues a new article through a new proposal and ratification process.

Planning draft for review. The final proposed article is to be developed and reviewed separately; this pamphlet describes the route and drafting objectives.

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# Ratification and Original Intent

*Examining the claimed route from ratification to representation*

The Article the First Initiative™ seeks representation that brings the People's House closer to the people it serves. Path Three pursues ratification of the existing Article the First and recognition that its original intent displaces the 435-seat limit, followed by implementation of expanded representation.

This initiative depends on an original-intent interpretation of the submitted amendment. The following actions distinguish the established ratification process from the legal argument and implementation steps that remain unresolved.

Path One pairs ratification with legislation expanding the House. See Path One on page 4. Path Two pursues a newly worded article. See Path Two on page 9.




## 1. The main initiative is to ratify Article the First

The main action is to complete ratification of the amendment Congress submitted in 1789. The National Archives identifies eleven state ratifications and no congressional deadline. Twenty-seven additional ratifications would bring the total to thirty-eight, the present Article V threshold. Recognition and documentation questions would also be addressed. [1, 2, 3]

This uses the existing submitted text, including its final "nor more" wording. It does not submit a new "nor less" article. [1]

The proposed sequence places ratification first, followed by action on implementation. Completing ratification would establish constitutional status; the means of securing expanded representation under the original-intent interpretation would remain to be established.

**Educate → pursue remaining state ratifications → establish constitutional status → assert that original intent displaces the 435-seat limit → address implementation. The last two steps remain to be established and developed.**

## 2. State the legal argument precisely

This pathway initiative advances the argument that Article the First was intended to make representation grow with population. Under this interpretation, ratification would make the statutory 435-seat limit unenforceable through constitutional supremacy, while the method of implementation would be developed afterward. This is the initiative's proposed legal argument, not an established result of ratification. [1, 4]

Article V makes a validly ratified amendment part of the Constitution. Article VI establishes the Constitution's superior legal authority. A federal statutory provision cannot prevail against a conflicting constitutional provision. [3, 4]

**The unresolved question is whether the submitted amendment actually conflicts with 435 seats. Constitutional supremacy determines which rule prevails if there is a conflict; it does not itself establish that conflict.**

## 3. Explain the difference between wording and intent

After the House reaches two hundred representatives, the submitted text establishes a minimum of two hundred and a population-based maximum using "nor more than one Representative for every fifty thousand persons." [1]

ATFI's ordinary reading is that 435 seats fall within those boundaries today. On that reading, ratification alone would not displace the limit. This is a textual interpretation, not a judicial decision on the amendment after ratification. [1]

To establish the predicted result, supporters would need to explain why the enacted constitutional wording has a legally enforceable growth obligation despite its final ceiling. Evidence of a general preference for a growing House does not, by itself, identify the binding minimum, timing, or remedy.

The connecting action is to seek acceptance of the original-intent interpretation. Ratification would not itself record an official decision that "nor more" establishes a minimum or that 435 is unlawful. The initiative therefore depends on securing that interpretation through legally effective action, rather than treating it as an assured result.

## 4. Identify what the historical evidence establishes

Washington supported changing the Constitution's permitted ratio from one per 40,000 to one per 30,000 in 1787. Madison's notes also record Gorham explaining that the change gave Congress greater latitude rather than establishing an absolute ratio. That episode predates the 1789 amendment and does not settle the legal meaning of its final wording. [5]

Any argument that "more" resulted from a copying error calls for evidence and qualification. The 2010 Clemons opinion reproduces the congressional instruction changing the final "less" to "more." This is cited only for its historical account, not as binding precedent: its judgment was later vacated for dismissal on jurisdictional grounds. The submitted text itself contains no 100-million population trigger. [1, 6, 7]

## 5. The unfinished connection to representation

Completing this initiative calls for answers to the following questions:

What precise constitutional rule makes 435 unlawful, and what minimum House size follows from it? How does the historical record support that rule despite "nor more"?

How would Congress be persuaded to recognize and implement that interpretation? If litigation were pursued, who could bring a legally viable case, what relief would be sought, and what jurisdictional barriers would arise? A court hearing or favorable ruling cannot be assumed.

If Congress retained 435 or the interpretation were rejected, what next action would supporters take? If the argument succeeded, how would seats be apportioned, districts established, elections scheduled, and the expanded House seated? Current law supplies an existing apportionment framework, not the complete proposed replacement. [8]

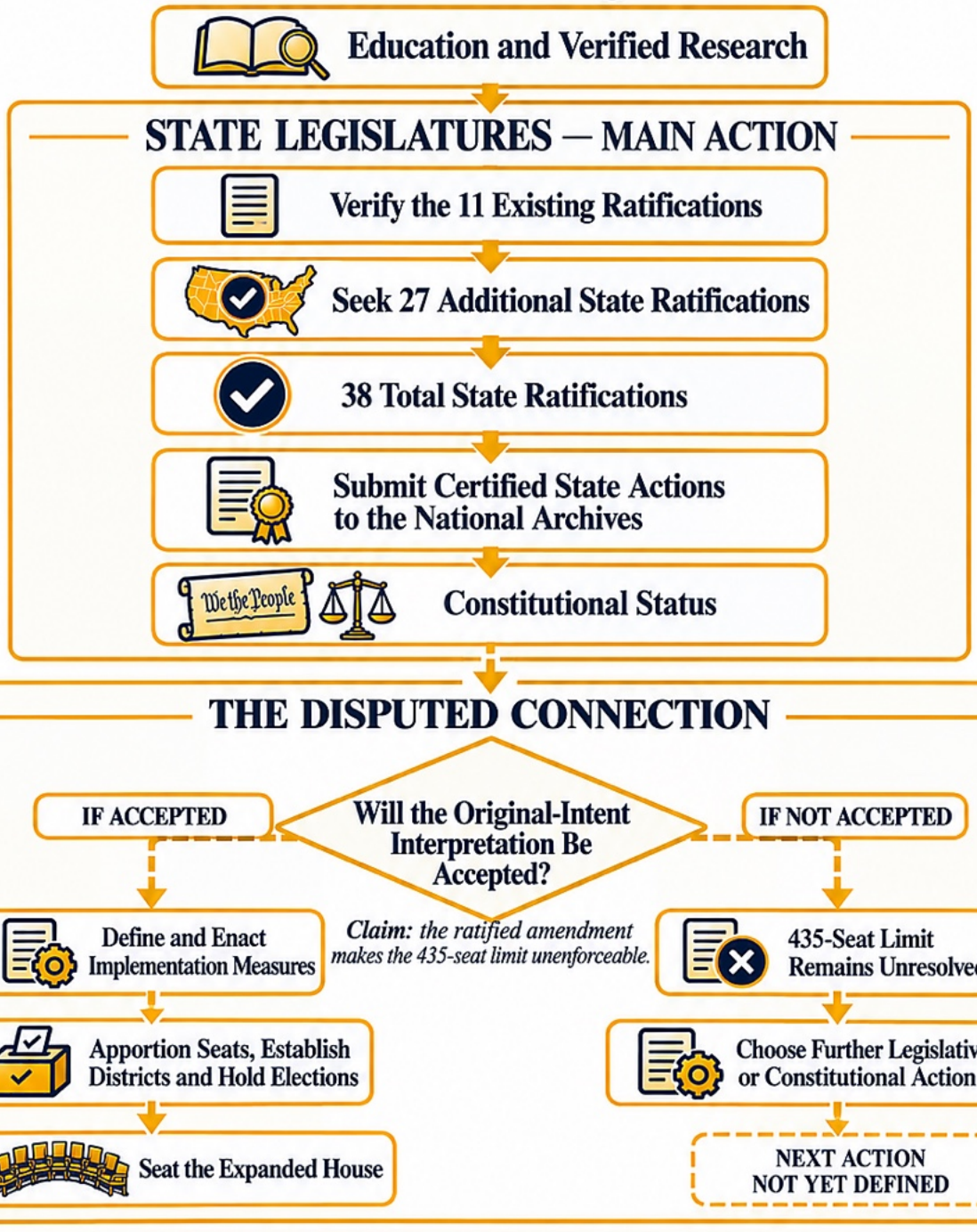
A claim that the limit becomes unenforceable does not itself provide an operational transition. Even acceptance of the original-intent interpretation would leave implementation work to complete.

**As presently defined, Path Three reaches ratification and an asserted legal consequence. It does not yet specify a dependable route from that assertion to an expanded, functioning House.**

Adding expansion legislation would connect this initiative with Path One. Proposing a new constitutional minimum would connect it with Path Two. These are possible further actions; neither is included as a settled step in the initiative described here.

# PATH THREE

## Ratification and Original Intent




**Constitutional supremacy does not itself establish a conflict.**
**Ratification alone does not complete this pathway.**

Solid arrows: ratification steps  Dashed arrows: unresolved next steps

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# References

Bracketed numbers identify supporting sources. The assessment of where this initiative remains unfinished is ATFI's analysis, rather than a finding by a court. The original-intent argument is presented for examination, not as an assured legal outcome. Sources checked October 23, 2026.

[1] National Archives. The Bill of Rights: A Transcription. Article the First as submitted in 1789. Read source online.

[2] National Archives, Jessie Kratz. Unratified Amendments, January 23, 2020. Ratification history and absence of a deadline. Read source online.

[3] National Archives. Constitutional Amendment Process. Ratification threshold and documentation. Read source online.

[4] U.S. Constitution, Articles V and VI. Amendment authority and constitutional supremacy. Read source online.

[5] James Madison. Convention notes for September 17, 1787. Yale Avalon transcription. Gorham's proposal and Washington's support. Read source online.

[6] Clemons v. Department of Commerce, 710 F. Supp. 2d 570 (2010), historical discussion; judgment vacated, 562 U.S. 1105 (2010), with instructions to dismiss for lack of jurisdiction. Not a ruling on a ratified Article the First. Read source online.

[7] U.S. Supreme Court. Order of December 13, 2010, Clemons v. Department of Commerce, No. 10–291. The Court vacated the judgment and directed dismissal for lack of jurisdiction. https://www.supremecourt.gov/orders/courtorders/121310zor.pdf

[8] 2 U.S.C. § 2a, 2024 edition. Existing apportionment process and source notes. Read source online.

Review draft for discussion. This pamphlet identifies the initiative's proposed actions, disputed legal premise, and remaining work before expanded representation could be put into practice.

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# Convention of States

*State Applications to Ratification to Representation*

The Article the First Initiative™ seeks representation that brings the People's House closer to the people it serves. Path Four examines the Article V convention route for proposing a new representation amendment, followed by state ratification and implementation.

**State legislatures initiate applications. Congress calls the convention when the Article V threshold is met. The convention proposes an amendment; thirty-eight states then ratify it before it becomes constitutional law. Applications and ratifications are different actions. [1]**

"Convention of States" here describes the Article V process. This report does not endorse or adopt a particular organization's application, campaign, or count. Its focus is an amendment addressing House representation.




## 1. The main initiative begins with state legislatures

Begin with education, verified research, and a clearly stated representation objective. Develop a model application asking Congress to call a convention to consider that subject, together with a reviewed model amendment. A suggested text gives supporters a common objective; it does not guarantee the convention will propose that text.

Article V sets the application threshold at two-thirds of the state legislatures: thirty-four of fifty states. Applications request a convention; they neither ratify an amendment nor directly change the 435-seat framework. [1]

Coordinate the proposed subject and application language across participating legislatures. Keep certified records and examine whether applications can be counted together. The treatment of differing applications and convention procedures raises unsettled questions. [3]

**Education → state applications → thirty-four qualifying state applications → congressional call → convention proposal → thirty-eight state ratifications → implementation.**

## 2. Congress calls a convention for proposing amendments

Article V directs Congress to call a convention upon applications from two-thirds of the state legislatures. Establishing that the threshold has been met is a distinct step; a campaign's tally is not itself a congressional call. [1, 3]

This route differs from Path Two's congressional proposal route. Article V does not prescribe a two-thirds House-and-Senate vote approving the convention's amendment text. The convention is the proposing body. Congress still has constitutional roles in the call and the choice of ratification method. [1]

The constitutional text supplies no complete operating manual. Questions about application counting, subject limits, delegate selection, voting rules, and the allocation of procedural authority remain debated. The existing amendments were proposed through Congress, rather than this convention method. [2, 3]

## 3. The convention considers a new representation article

Delegates would deliberate and decide whether to propose an amendment under the procedures governing the convention. Neither an application nor a model draft guarantees a proposal or a particular final text. Article V itself states no convention voting threshold. [1, 3]

For the expansion ATFI seeks, the model article should expressly establish a representation minimum or population formula, address inconsistent statutory limits, and explain effective dates and the transition. These are ATFI drafting objectives, not text already approved by a convention.

Using "nor less" could express a minimum of one representative per 50,000 persons. The complete article should explain calculation and state allocation; that phrase alone does not establish identical district populations. The eventual legal effect would depend on the actual text proposed and ratified.

Path Four would propose a new amendment. The eleven historical approvals of the pending Article the First would not count toward its ratification. It does not edit the existing 1789 proposal. [1]

## 4. The supporting footpath is procedural preparation

Alongside state applications, prepare a documented plan for the convention process: review application records, proposed subject boundaries, delegate selection, proposed voting rules, and the route for transmitting a proposal to the states.

A subject-limited application states the scope its supporters seek. It should not be presented as proof that every legal question about scope or enforcement has been settled. Likewise, the report should not assume an unlimited convention is inevitable. The scope question is disputed. [3]

This preparation supports the main initiative. It does not replace thirty-four qualifying applications or the separate thirty-eight-state ratification threshold. [1]

## 5. States separately consider ratification

Congress selects ratification by state legislatures or by state ratifying conventions. In either case, three-fourths of the states—thirty-eight today—ratify the proposed article. A convention for proposing amendments and state conventions for ratifying an amendment perform different functions. [1]

A state that applied for the proposing convention has not thereby ratified its eventual proposal. Ratification concerns the actual proposed text. The President does not approve constitutional amendments. [1, 2]

## 6. Put the new representation rule into practice

A validly ratified amendment becomes part of the Constitution. If its operative terms conflict with the 435-seat framework, the constitutional rule prevails to the extent of that conflict. Merely calling or holding a convention does not invalidate a statute. [1, 4]

Coordinate implementing legislation with the amendment's effective date: calculate House membership and each state's seats, establish districts, conduct elections, and seat the expanded House. Current law provides an existing apportionment process that would need alignment with the new rule. [5]

**Thirty-four states apply for a convention. Thirty-eight states ratify a proposed amendment. Expanded representation follows only if the adopted wording and implementation deliver it.**

# PATH FOUR

## Convention of States



Education and Verified Research

### STATE LEGISLATURES

Main action



Develop a Representation Application



34 Qualifying State Applications

### PROCEDURAL PREPARATION

Supporting footpath



Review Application Records and Scope



Prepare for Delegate Selection and Convention Rules

*Operating details remain disputed.*



Congress Calls the Article V Convention



Convention Convenes and Considers a New Article



Convention Proposes Amendment Text



Congress Selects the Ratification Method



State Legislatures

OR



State Ratifying Conventions



38 States Ratify the Proposed Article




New Constitutional Amendment



Implement the Representation Rule



Apportion Seats, Establish Districts and Hold Elections



Seat the Expanded House

**34 states apply. 38 states ratify.**

Applications are not ratifications.

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# References

Bracketed numbers identify sources. The suggested representation objectives and supporting footpath are ATFI planning proposals. The diagram summarizes the constitutional sequence; disputed operating details are not presented as settled law. Sources checked October 25, 2026.

[1] U.S. Constitution, Article V. State applications, congressional call, convention proposal, and separate ratification methods and thresholds. Read source online.

[2] National Archives. Constitutional Amendment Process. Proposal methods, presidential role, ratification, and certification. Read source online.

[3] Congressional Research Service, Constitution Annotated, ArtV.3.3, Proposals of Amendments by Convention, reproduced by Cornell Legal Information Institute. Debates over applications, scope, delegates, procedures, and congressional responsibilities. Read source online.

[4] U.S. Constitution, Article VI. Constitutional supremacy. Read source online.

[5] U.S. Code, 2024 edition, 2 U.S.C. § 2a and source notes. Existing apportionment framework and its statutory history. Read source online.

# Related ATFI reading

Path One — Ratification to Proper Representation. Existing Article the First plus legislation expanding the House. [Insert link.]

Path Two — Rewording to Ratification to Representation. A new article proposed through Congress, followed by state ratification. [Insert link.]

Path Three — Ratification and Original Intent. Existing Article the First and the disputed interpretation of its effect on 435. [Insert link.]

Path Four uses a different proposing body. Like Path Two, it seeks a new article and a new set of ratifications. It does not assume that existing applications on other subjects automatically count toward a representation convention.

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# Notes

# Notes

# Notes

# PATHWAYS FORWARD

## Proper Constitutional Representation

Examine the wording.

Understand the process.

Follow the pathway.

*A More Perfect Union*

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