

Article V Convention

A Dangerous Plot to Throw Out the U.S. Constitution





What is an Article V Convention?

The U.S. Constitution offers **two ways to add amendments** to our nation's governing document in Article V. The process that has always been used for all 27 amendments added to the Constitution since 1789 is for an amendment to pass with a two-thirds vote in each chamber of Congress and then be ratified by three-fourths of the states.

The other, untested way, laid out in Article V, is for 34 state legislatures to force Congress to call a constitutional convention, also known as an "Article V convention," to add amendments to the Constitution once they are ratified by three fourths of the states. Throughout the 230-year history of the U.S. Constitution, **an Article V convention has never been called by Congress.**

Why could an Article V convention be a threat?

The Constitution offers no rules for how a convention would work or if a convention can be limited to considering one amendment or subject. That leads to several potential problems:

-  With no rules, there is a threat of a runaway convention that could propose repealing or significantly changing important constitutional rights and civil liberties Americans have fought and died for
-  Wealthy special interest groups could set the convention's agenda and use their power and money to overtly influence the delegates at the convention.
-  With no guidelines in the Constitution, it is unclear how or if Americans would be equally represented in a convention and how their voices would be heard.
-  There is no clear process on how Congress or any other governmental body would count and add up Article V applications, or if Congress or the states could restrain the convention's mandate based on those applications.



“There is no way to effectively limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or one issue, but there is no way to assure that the Convention would obey.”

— WARREN BURGER, CHIEF JUSTICE, THE U.S. SUPREME COURT (1969-1986)

What could be at risk in an Article V Convention?

With no rules to govern or limit an Article V convention, any constitutional right or civil liberty could be subject to change, including:

-  Right to free speech
-  Right to privacy
-  Freedom of religion
-  Right to vote

How close are we to an Article V convention?

There are several active campaigns to call an Article V Convention but none of these efforts have reached the 34-state threshold. Frustrated by their lack of progress, pro-convention advocates have schemed a new way to reach the 34-state threshold: combine their collective calls for convention. Using this theory, pro-convention advocate counts vary widely from 27, 28, 33 or even 39. This fringe legal theory undercuts the pro-convention advocate talking point that they would be able to keep a convention to a single subject.

Who is behind the push for an Article V Convention?

There are several special interest organizations advocating for an Article V convention across the political spectrum. Conservative convention campaigns, including the balanced budget amendment effort and the Convention of States campaigns, tend to have the most resources and are closer to reaching the 34- state requirement to call a convention. Some of the conservative groups and donors behind the push for an Article V convention include shadowy corporate lobbying group the American Legislative Exchange Council (ALEC), the Koch donor network, the Mercer family, and Texas mega-donor Tim Dunn. Despite the special interest groups behind this effort, there is strong bipartisan opposition from legislators and public interest organizations across the country.

“There is no enforceable mechanism to prevent a convention from reporting out wholesale changes to our Constitution and Bill of Rights.”

— ARTHUR GOLDBERG, ASSOCIATE JUSTICE, THE U.S. SUPREME COURT (1962-1965)



To learn more about the threat of an Article V Convention, visit defendourconstitution.com.