

Article V Convention

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

What is an Article V Convention?

In Article V, the U.S. Constitution offers **two ways to add amendments** to our nation's governing document. The first is the process that has been used for **all 27 amendments added to the Constitution since 1789**: Amendments must pass with a two-thirds vote in each chamber of Congress and then be ratified by three fourths of the states. The other, totally untested method 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 for Americans.
- 💰 Wealthy special interest groups could set the convention's agenda and use their power and money to 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 clear path to determine which courts might have jurisdiction to resolve any legal conflicts over procedures or outcomes from an Article V convention.
- ❗ An Article V convention could disregard ratification procedures just as the 1787 Philadelphia Convention disregarded the ratification procedures in the Articles of Confederation.

Article V leaves many key questions open

How will delegates be selected? What limits, if any, will be placed on the role of well-funded special interests in influencing the selection of delegates?

How will votes be allocated among delegates? One-person-one-vote? One vote per state? Something else?

What kinds of changes will the convention consider?

How many votes does a proposed amendment need to pass? Two-thirds? A simple majority of those voting? Something else?

Will the convention start with the existing U.S. Constitution or write an entirely new document, as the Philadelphia Convention did?

If the convention proposes amendments rather than a whole new constitution, will amendments be single or compound?



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)

How close are we to an Article V Convention?

Right now, there are three major campaigns for an Article V Constitutional Convention: the Balanced Budget Amendment campaign with 28 states, the Convention of States campaign with 20 states, and the term limits campaign with 12 states. Each has different goals, but BBA has convinced 28 states to call for a convention. That means they have just six states to go to reach 34 – which is the required two thirds of the states needed to call a Convention.

Who is behind the push for an Article V 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 megadonor Tim Dunn. Despite the special interest groups behind this effort, there is strong bipartisan opposition from legislators and public interest organizations across the country.

"This is intended to reverse 115 years of progressivism."

— MARK MECKLER, PRESIDENT OF THE CONVENTION OF STATES PROJECT



Untested

An Article V convention is an untested, risky process to change the Constitution.



Unaccountable

Wealthy special interests will likely have the biggest say in a convention and delegates would be unaccountable to voters.



Undemocratic

The American people will not be equally represented in a convention.



Unknown

There are no rules or guidelines in the Constitution to protect our constitutional rights from being changed.

Complete text of Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, 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; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.



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