Constitutional Rights and Public Interest Groups Oppose Calls for an Article V Constitutional Convention

Calling a new constitutional convention under Article V of the U.S. Constitution is a threat to every American’s constitutional rights and civil liberties.

Article V convention proponents and wealthy special interest groups are dangerously close to forcing the calling of a constitutional convention to enact a federal balanced budget amendment (BBA). This would be the first constitutional convention since the original convention in 1787 — all constitutional amendments since then have been passed first by Congress and then approved by three-fourths of the state legislatures. There are no rules and guidelines in the U.S. Constitution on how a convention would work, which creates an opportunity for a runaway convention that could rewrite any constitutional right or protection currently available to American citizens.

Under Article V of the U.S. Constitution, a convention can be called when two-thirds of the states (34) petition for a convention to enact amendments to the constitution. States can also rescind their calls by voting to rescind in the state legislature. Just a few states short of reaching the constitutionally-required 34 states to call a convention, Article V and BBA advocates have recently increased their efforts to call a new convention.

An Article V convention is a dangerous threat to the U.S. Constitution, our democracy, and our civil rights and liberties. There is no language in the U.S. Constitution to limit a convention to one issue and there is reason to fear that a convention once called will be able to consider any amendments to the constitution that the delegates want to consider. There are also no guidelines or rules to govern a convention. Due to the lack of provisions in the Constitution and lack of historical precedent, it is unknown how delegates to a convention would be picked, what rules would be in place, what would happen in the case of legal disputes, what issues would be raised, how the American people would be represented, and how to limit the influence of special interests in a convention.

Because there is no way to limit a convention’s focus, any constitutional issue could be brought up for revision by a convention. This includes civil rights and civil liberties, including freedom of speech, freedom of religion, privacy rights, the guarantee of equal protection under law, the right to vote, immigration issues, and the right to counsel and a jury trial, among others. Basic separation of executive, legislative, and judicial powers would be subject to revision as well. A convention might not preserve the role of the courts in protecting our constitutional rights. Even the supremacy of federal law and the Constitution over state laws could be called into doubt.

A 2016 *USA Today* editorial correctly stated that calling for a constitutional convention is “an invitation to constitutional mayhem” and “could further poison our politics and hobble American leaders at moments of crisis.” Notable legal scholars across the political spectrum agree. One of the nation’s most esteemed constitutional law scholars, Professor Laurence Tribe of Harvard Law School, has said a constitutional convention would put “the whole Constitution up for grabs.”

Georgetown University Law professor David Super wrote “a constitutional convention would circumvent one of the proudest democratic advances of the last century in America: one-person, one-
vote. Without a precedent, no one really knows how a convention would unfold, but proponents predict that each state would have an equal vote in whatever they got up to.iii

Former Supreme Court Chief Justice Warren Burger shared similar concerns, writing, “[T]here 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.”iv

The late Supreme Court Justice Antonin Scalia also warned of the dangers of a constitutional convention. “I certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?,” Scalia said in 2014.v

The undersigned organizations strongly urge state legislatures to oppose efforts to pass a resolution to call for a constitutional convention. We also strongly urge state legislatures to rescind any application for an Article V constitutional convention in order to protect all Americans’ constitutional rights and privileges from being put at risk and up for grabs.

National organizations:
African American Health Alliance
African American Ministers In Action
AFSCME Retirees
Alliance for Justice
American Federation of Labor and Congress of Industrial Organizations (AFL–CIO)
American Federation of State, County and Municipal Employees (AFSCME)
American-Arab Anti-Discrimination Committee
Americans for Democratic Action (ADA)
Asian and Pacific Islander American Vote
Bend the Arc Jewish Action
Brennan Center for Justice
Campaign Legal Center
Center for American Progress
Center for Community Change
Center for Law and Social Policy (CLASP)
Center for Media and Democracy
Center for Medicare Advocacy
Center for Popular Democracy
Center on Budget and Policy Priorities
Children's Defense Fund
Citizens for Responsibility and Ethics in Washington (CREW)
Coalition on Human Needs
Common Cause
Communications Workers of America (CWA)
Community Advocates Public Policy Institute
Daily Kos
Democracy 21
Democracy For America
Dream Defenders
Earthjustice
Eclectablog
Economic Policy Institute
EMILY’s List
Every Voice
Fair Elections Legal Network
Faith in Public Life
Family Values at Work
Food Research & Action Center (FRAC)
Franciscan Action Network
Greenpeace USA
International Association of Fire Fighters
Jobs With Justice
Leadership Conference on Civil and Human Rights
League of Women Voters of the United States
Main Street Alliance
Mi Familia Vota
NAACP
National Asian Pacific American Families Against Substance Abuse
National Association of Social Workers
National Council of Asian Pacific Americans
National Council of Jewish Women
National Council of La Raza Action Fund
National Disability Institute
National Disability Rights Network
National Education Association (NEA)
National Employment Law Project (NELP)
National Fair Housing Alliance
National Korean American Service & Education Consortium (NAKASEC)
National Partnership for Women & Families
National WIC Association
National Women's Law Center
People Demanding Action
People For the American Way
ProgressNow
Service Employees International Union (SEIU)
Sierra Club
Sisters of Charity of Nazareth Congregational Leadership

State and local organizations:

Alabama
Fair Housing Center of Northern Alabama

Arkansas
OMNI Center for Peace, Justice & Ecology

Arizona
AFSCME 2960
AFSCME Retirees Chapter 97
Arizona Advocacy Network
Phoenix Day
Southwest Fair Housing Council

California
California Common Cause
City of Chino Housing Division
Courage Campaign
Fair Housing Advocates of Northern California

Colorado
ACLU of Colorado
America Votes Colorado
Colorado AFL-CIO
Colorado Common Cause
Colorado Ethics Watch
Colorado Fiscal Institute
Colorado People’s Alliance
Colorado Sierra Club
Colorado WINS
New Era Colorado
League of Women Voters of Colorado
Progress Colorado
SEIU Colorado

Connecticut
Common Cause Connecticut
Connecticut Fair Housing Center, Inc.
Planned Parenthood of Southern New England
Holy Family Home and Shelter, Inc

Delaware
Common Cause Delaware

Florida
Common Cause Florida
Faith in Florida
Florida Consumer Action Network
Progress Florida

Georgia
Common Cause Georgia

Hawaii
Americans for Democratic Action Hawaii
Hawaii Alliance for Progressive Action
Hawaii Appleseed Center for Law & Economic Justice
Hawaii Government Employees Association
Common Cause Hawaii
League of Women Voters of Hawaii
League of Women Voters of Honolulu
League of Women Voters Hawaii Island
Life of the Land

Idaho
ACLU of Idaho
Better Idaho
Idaho AFL-CIO

Illinois
Common Cause Illinois
Oak Park River Forest Food Pantry
Project IRENE

Indiana
Common Cause Indiana
Fair Housing Center of Central Indiana

Iowa
AFSCME Iowa Council 61
Congregation of the Humility of Mary
Iowa AFL-CIO

Kansas
Kansas AFL-CIO

Kentucky
Common Cause Kentucky
Kentucky AFL-CIO

Louisiana
Greater New Orleans Fair Housing Action Center

Maine
Disability Rights Maine
Maine AFL-CIO

Maryland
ACE-AFSCME Local 2250
AFSCME Council 3
AFSCME Council 67
Baltimore Neighborhoods, Inc.
Benedictine Sisters of Baltimore
Common Cause Maryland
Disability Rights Maryland
Maryland Center on Economic Policy
Public Justice Center
The Xaverian Brothers

Massachusetts
Massachusetts AFL-CIO

Michigan
Common Cause Michigan
Fair Housing Center of West Michigan
Progress Michigan

Minnesota
Alliance of Chicanos, Hispanics and Latin Americans (Rochester, MN)
Common Cause Minnesota
Indivisible Minnesota Local
League of Women Voters of Minnesota
Minnesota AFL-CIO
Minnesota Citizens for Clean Elections
TakeAction Minnesota
Women & Advocates Minnesota

Mississippi
Mississippi AFL-CIO

Missouri
Vision for Children at Risk

Montana
Montana AFL-CIO

Nebraska
Common Cause Nebraska
Nebraskans for Civic Reform

New Hampshire
New Hampshire AFL-CIO

New Jersey
CWA Local 1081
New Jersey Association of Mental Health and Addiction Agencies, Inc.
Monarch Housing Associates

New Mexico
ACLU of New Mexico
AFSCME Council 18
Common Cause New Mexico
League of Women Voters of New Mexico
New Mexico Hospital Workers Union (1199NM)

New York
CNY Fair Housing, Inc
Common Cause New York
Disabled in Action of Greater Syracuse Inc.
Long Island Housing Services, Inc.
Schenectady Inner City Ministry
Solidarity Committee of the Capital District

Nevada
AFSCME 4041
Culinary Union

North Carolina
Common Cause North Carolina
Disability Rights North Carolina
Independent Living Resources (Durham, NC)

North Dakota
North Dakota AFL-CIO

Ohio
Cleveland Nonviolence Network
Common Cause Ohio
Equality Ohio
Ohio Voice
ProgressOhio
Toledo Fair Housing Center
Toledo Area Jobs with Justice

North Dakota
North Dakota AFL-CIO

Ohio
Cleveland Nonviolence Network
Common Cause Ohio
Equality Ohio
Ohio Voice
ProgressOhio
Toledo Fair Housing Center
Toledo Area Jobs with Justice

Ohio AFL-CIO

Oregon
Common Cause Oregon
Disability Rights Oregon

Pennsylvania
Bhutanese Community Association of Pittsburgh
Common Cause Pennsylvania
Community at Holy Family Manor (Pittsburgh, PA)
Just Harvest (Pittsburgh, PA)

Rhode Island
Common Cause Rhode Island

South Carolina
South Carolina AFL-CIO

South Dakota
South Dakota AFL-CIO

South Dakota AFL-CIO

Tennessee
Nashville CARES

Texas
Clean Elections Texas
Common Cause Texas
Harlingen Community Development Corporation

Utah
Tabitha's Way

Vermont
Downstreet Housing & Community Development
P.S., A Partnership

Virginia
The Commonwealth Institute
Virginia AFL-CIO
Virginia Civic Engagement Table

Virginia
The Commonwealth Institute
Virginia AFL-CIO
Virginia Civic Engagement Table

Washington
Conscious Talk Radio
Washington AFL-CIO
Washington Community Action Network
Fuse Washington

Wisconsin
Access to Independence, Inc. (Madison, WI)
AFSCME Council 32
AFSCME Retirees Chapter 32
Citizen Action of Wisconsin
Common Cause Wisconsin
End Domestic Abuse Wisconsin
Grandparents United for Madison Public Schools
Independence First
League of Women Voters of Wisconsin
Madison-area Urban Ministry
Metropolitan Milwaukee Fair Housing Council
Midstate Independent Living Consultants
One Wisconsin Now
Options for Independent Living Inc.(Green Bay, WI)
School Sisters of Saint Francis (Milwaukee, WI)
Survival Coalition of Disability Organization of Wisconsin
The Arc Wisconsin
Wisconsin AFL-CIO
Wisconsin Aging Advocacy Network
Wisconsin Coalition of Independent Living Centers, Wisconsin Community Action Program Association
Wisconsin Council on Children and Families
Wisconsin Democracy Campaign
Wisconsin Faith Voices for Justice
Wisconsin Voices
National Association of Social Workers, WI Chapter
Dominicans of Sinsinawa - Leadership Council

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Wisconsin Council on Children and Families
Wisconsin Democracy Campaign
Wisconsin Faith Voices for Justice
Wisconsin Voices
National Association of Social Workers, WI Chapter
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West Virginia
West Virginia Citizen Action Group

Wyoming
Wyoming AFL-CIO
This statement was released in April 2016 and the list of signers was updated in February 2018.