



# Explained: The Threat Of An

# ARTICLE V CONVENTION

## 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 two-thirds of state legislatures (or 34) 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.

### *Article V of the U.S. Constitution*

*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.*

**“ [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. ”**

**Warren Burger**

Chief Justice of 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**



**Freedom of religion**



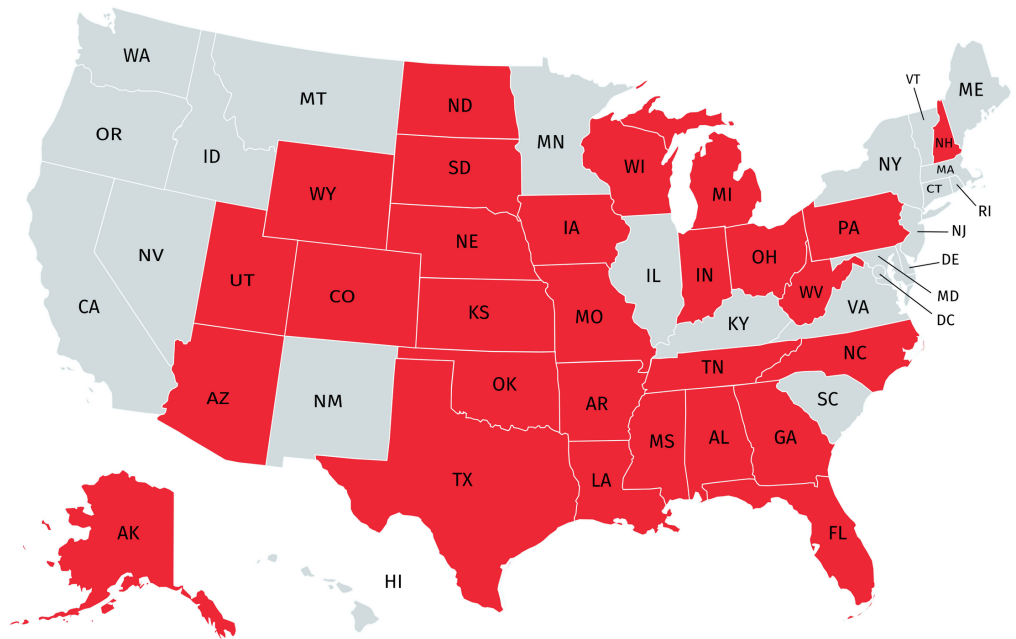
**Right to privacy**



**Right to vote**

## How close are we to an Article V convention?

While there are several different active campaigns to call an Article V convention, the one closest to reaching the constitutionally-required 34 states is focused on a balanced budget amendment. That measure has passed in **28 states - just six states away from a convention being called**. However, regardless what issue a convention is called on, there are no rules in the Constitution to limit a convention to one 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. To learn more about the threat of an Article V convention and how you can get involved, visit [defendourconstitution.org](https://defendourconstitution.org).

**“ 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 of the U.S. Supreme Court (1962-1965)