**The Constitutional Amendment Study: Article V Convention Alternative a Threat?**

The goal of the study of the Article V Convention alternative for amending the U.S. Constitution is to review the advisability of convening a convention of the states to amend the Constitution. The method of amendment used to date, as outlined in [Article V](https://www.law.cornell.edu/constitution/articlev) of the [U.S. Constitution](https://www.law.cornell.edu/constitution), has been Congress proposing an amendment with two-thirds vote in each house, followed by ratification by three-fourths of state legislatures or, in one case, of state conventions.



The Article V Convention method requires Congress to call a national convention “for proposing amendments” if requested to do so by two-thirds of the states. The historical record indicates that in 1787 the Founders established this alternative to balance the power of Congress and the states, giving the states an avenue to propose amendments if Congress refuses to do so. Today, it would require 34 states to call for an Article V Convention.

Article V offers no direction on the mechanics for implementing this provision; there is nothing on procedures for summoning such a convention, on determining how delegates might be selected, or on limiting the number of issues such a convention could consider. This opens the possibility of a “runaway convention” considering changes across the entire Constitution, including the Bill of Rights.

We have never had an Article V Convention, but in spite of the lack of success, there have been over 700 proposals since the first one in 1788; most were in the 20th Century and includes 33 states calling for a convention to erase the Supreme Court’s “one man, one vote” decision in the 1960s. These proposals have served various purposes, for example to have a “prodding effect” on Congress, which was successful in getting Congress to propose the 17th Amendment, the direct election of Senators; it was ratified in 1913.

The most recent effort was in the 1970s and early 80s when 32 states called for a constitutional convention to pass a balanced budget resolution. Twelve states subsequently rescinded their call, but recently there is increased interest in such a convention. The combination of technology-driven advocacy and the strength of its primary advocate, the American Legislative Exchange Council ([ALEC](http://www.alec.org/)), has breathed new life into this possibility. For information on ALEC, click [here](http://www.alecexposed.org/wiki/ALEC_Exposed).

The basic question League members must address in this study is, if two-thirds of the states call for a convention “for proposing Amendments,” is there any way to control what such a convention could do to our Constitution?

*“There is no enforceable mechanism to prevent a convention from reporting out wholesale changes to our Constitution and Bill of Rights.”*  Former Supreme Court Justice Arthur Goldberg

*“[M]ulti-colony and multi-state conventions [in the 1700s] were governed by universally-accepted convention practices and protocols [which] shaped the meaning of Article V.” These practices and protocols would prevent a “runaway” convention today.* Robert G. Natelson, Independence Institute in Denver, CO; affiliated with American Legislative Exchange Council