

## Article V Convention Quotes

**"The framers did not provide an unchecked grant of power to a convention: every amendment proposed would be subject to the same conditions faced by those proposed by Congress—"... the notion of a 'runaway' convention, succeeding in amending the Constitution in a manner opposed by the American people, is not merely remote, it is impossible." -The U.S. Senate Judiciary Committee in its 1984 report to the 98th Congress**

**"This paper concludes that Article V permits the states to apply for, and the Congress to call, a constitutional convention for limited purposes, and that a variety of practical means to enforce such limitations are available." - Limited Constitutional Conventions under Article V of the United States Constitution, Office of Legal Policy, U.S. Department of Justice**

**"...The Convention Clause provides an important means to adopt or force Congress to adopt amendments that are perceived to be in the national interest by significant percentages of the American population, but that are detrimental to the interests of members of Congress -The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process, Harvard Journal of Law & Public Policy**

**"I think the convention can be limited. The fact is that the majority of the scholars in America share my view." -Former Attorney General of the United States, Hon. Griffin Bell**

**"Much of the fear surrounding a convention is unfounded. The Convention Clause's text and history indicate that it grants power to the States to limit the scope of any such convention. In addition, the States have the ability to reject any amendments proposed by a convention through the ratification process." -The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process, Harvard Journal of Law & Public Policy**

**"I think the Article V convention represents a profound political protection for us, as a people, against the tyranny of central government. And whatever we say about Article V, I think it is very, very wrong, just because we may disagree with the content of any particular constitutional amendment that is now being proposed, to interpret Article V in such a way as to clip its wings as a protection for the liberties of the people. That is why I think it is profoundly important, particularly for constitutional scholars, to be hospitable toward the concern that Article V represents, which is that there be a way out for the states and the people if a willful and intransigent central authority governs us in a way we find unacceptable." -University of Chicago Professor, Paul Bator**

**TREATISE ON  
CONSTITUTIONAL LAW**  
SUBSTANCE AND PROCEDURE

Fifth Edition

by

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**From the Rotunda Constitutional Law Textbook:**

"The fact that there are no certain answers to these questions—just as there are no absolute answers about any event that will take place in the future, hardly means that a constitutional convention will be a hit or miss proposition. However one resolves these questions, it is important to bear in mind that a Constitutional Convention cannot, by itself, change the present Constitution, for Article V provides that no proposal (either from Congress or from the Convention) can become part of the Constitution unless three quarters of the states ratify it. Thus, Article V, when it created the amendment process, also created a built-in democratic check."



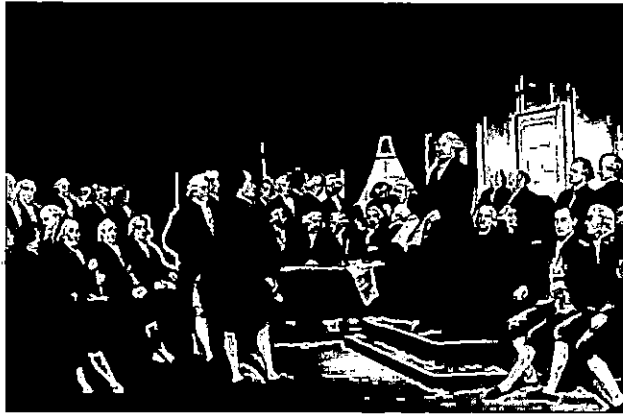
**Article V Convention Applications must be on the same topic in order to count towards the 34 state constitutional threshold required to hold a convention**

How do we know this?

- Congress is constitutionally required to call a convention upon the applications of 2/3 of the state legislatures (currently 34 states), yet throughout our history there have been over 400 applications submitted from all 50 states on a variety of topics.
- **Congress has officially counted over 70 applications from 35 states- more than the constitutional threshold.** This count can be found on the U.S. House Clerk's website. If Congress was counting applications without considering subject matter they would have to call a convention tomorrow, but they are clearly counting them in separate piles based on the specific topic or group of topics found in each application.

"In summary, we believe that a substantively-limited Article V convention is consistent with the purpose of the alternative method since the states and people would have a complete vehicle other than the Congress for remedying specific abuses of power by the national government; consistent with the actual history of the amending article throughout which only amendments on single subjects have been proposed by Congress; consistent with state practice under which limited conventions have been held under constitutional provisions not expressly sanctioning a substantively-limited convention; and consistent with democratic principles because convention delegates would be chosen by the people in an election in which the subject matter to be dealt with would be known and the issues identified, thereby enabling the electorate to exercise an informed judgment in the choice of delegates." - *American Bar Association, Amendment of the Constitution by the Convention Method Under Article V*

"With some notable exceptions, most commentators hold that state applications for a convention must address the same issue in order to be counted toward the two-thirds threshold established by the Constitution, but they need not be identical." - *Congressional Research Service, The Article V Convention Method for Proposing Constitutional Amendments: Historical Perspectives*



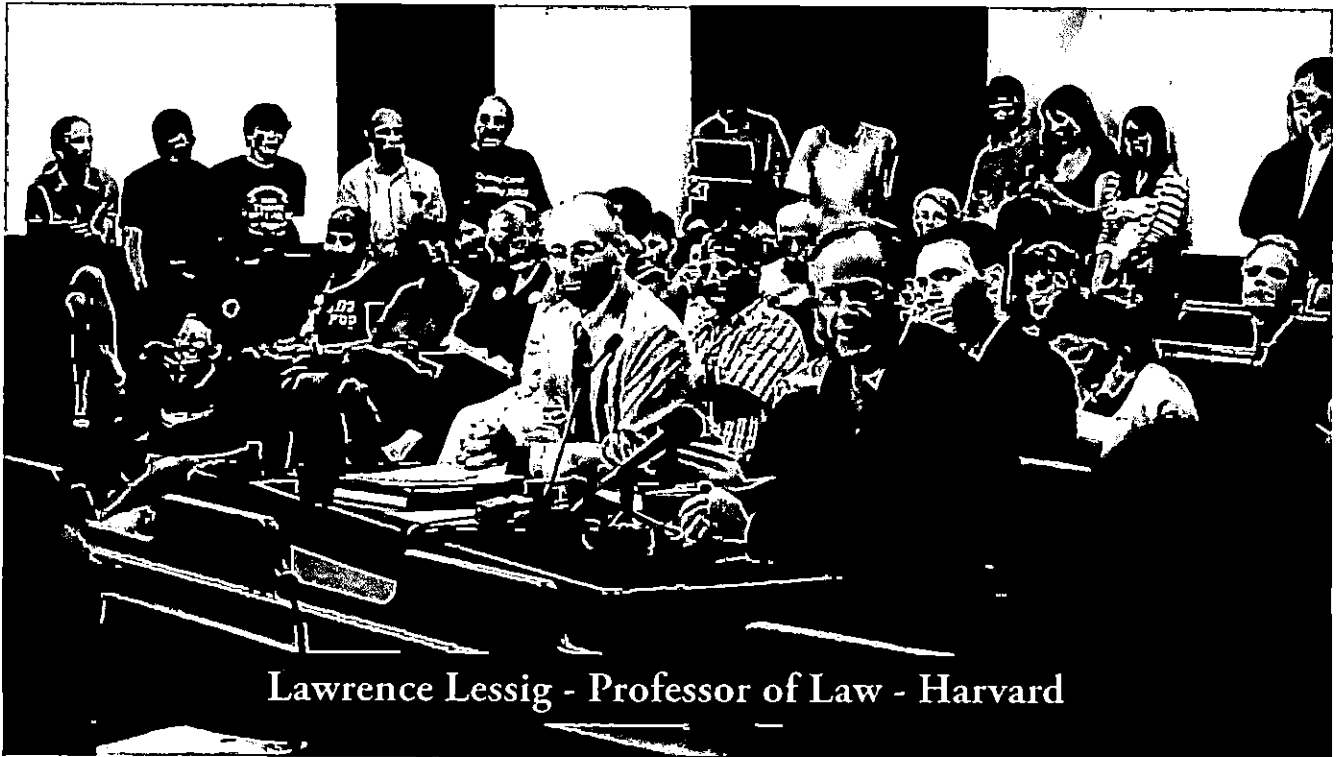
### **The Federal Convention of 1787 is not analogous to an Article V Convention**

"It is frequently said that the only constitutional convention with which we have experience, the Federal Convention of 1787, was itself a "runaway convention." After all, the argument goes, the delegates to that convention were charged to consider amendments to the Articles of Confederation. Instead, the delegates proposed an entirely new charter of government. This argument is not persuasive for the simple reason that the Philadelphia convention occurred under the aegis of the Articles of Confederation, not Article V of the Constitution." - Office of Legal Policy, U.S. Department of Justice

"... the Convention of 1787 did not ignore Congress. The draft Constitution was submitted to Congress, consented to by Congress, and transmitted by Congress to the states for ratification by popularly-elected conventions." -The American Bar Association, Special Constitutional Convention Study Committee

Further, the States were bound only by a treaty, not a proper Constitution, and so they were free in their inherent authority to pull out of the treaty. No State was bound by the new Constitution without ratifying it. Rhode Island and North Carolina were briefly independent nations, as neither had ratified the Constitution before it was put into effect. Rhode Island even sent a letter to the first Congress requesting good foreign relations.

**Testimony of Harvard Law Professor Lawrence Lessig at the Boston State House**  
July 10, 2013



**Lawrence Lessig - Professor of Law - Harvard**

When the framers drafted the first draft of the Constitution, its provision for amending the Constitution said Congress had the power to propose Amendments to the Constitution. Then an obvious question was raised: What if Congress is the problem. If Congress is the problem, we can't count on Congress to propose the reforms necessary to fix it. This was an obvious problem. The framers quickly changed the draft of the Constitution to include the essential backup to protect the liberty and the democracy which they were creating. And the essential backup is **you**. It is the State legislatures. Because what the framers did in Article 5 is they created a second path for amending the Constitution. That path said that if State legislatures believe it's time to act outside of the ordinary process, they have the power to compel Congress to create an Article V Convention.

Now I'm a law professor, so I'm going to quibble with the way people have spoken about this Convention. This is not a Constitutional Convention. This is not the sort of Convention that has the power to propose a Constitution or to change the Constitution. That's what we mean by a *(quote)* "Constitutional Convention". The only thing an Article V Convention can do is propose an idea for how to fix a broken system, a sick system that has been corrupted by a Congress that, let's say, can't function. So I **strongly** support legislatures around the country creating the movement around the country, to create this instance, this Article V Convention that could begin to give people who are not dependent on the corruption of Washington the opportunity to begin to think about how to fix this system.