



P.O. Box 511  
Laramie, WY 82073  
317.607.9690

[www.wyomingpromise.org](http://www.wyomingpromise.org)  
[info@wyomingpromise.org](mailto:info@wyomingpromise.org)

---

## **WE DO NOT ACT OUT OF FEAR . . . WE LEAD WITH COURAGE**

### FAQ about an Article V Limited Convention of the States to Amend the U.S. Constitution

**ARTICLE V OF THE US 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.

***Why are some groups concerned about an Article V Convention?*** Most of the conspiracy theories about an Article V Convention have their genesis in the John Birch Society, a libertarian organization who also advocated that fluorinated water led to Communism. Before that, Article V calls by the states were extremely common and a pivotal tool for the democratic ends of amending the Constitution. Half of all the amendments started with an Article V call by the states, including the Bill of Rights (by New York and Virginia). It is already exceedingly difficult to amend the Constitution, so groups on any side of the political spectrum trying to discourage a tool our founders put into the Constitution is arguably un-democratic.

***Could an Article V Convention rewrite the Constitution?*** No. Nowhere in the Constitution does it allow for the wholesale rewriting of the document. Its express purpose as outlined is only to propose amendments to the existing Constitution. An Article V convention is not the same thing as a Constitutional Convention.

***What about the Constitutional Convention of 1787?*** That was before our Constitution was in effect and under the arguably flawed Articles of the Confederacy, so it is not applicable to an Article V limited convention of the states.

***Could an Article V Convention be limited to one topic/amendment?*** Yes. And by default it has already been limited by Congress throughout our nation's history. There are over 700 applications for an Article V convention called for by the states since the founding. 2/3, or 34 of the states, must call for a convention to have one, so why has there not been one when there are so many applications? It is because 34 states have

not called for a convention on the same issue. Recently, five states have called for a convention to address the issue of money in politics, and some have called for one addressing a balanced budget amendment, but neither has reached the required threshold yet. The closest call that got within 1 or 2 states of the threshold addressed the direct election of senators, which eventually became the 17<sup>th</sup> Amendment. The threat of an inevitable convention was enough to get Congress to act on its own.

***Could an Article V Convention “run away”?*** No, or at least it is no more likely than the current government could rewrite or “run away” with the Constitution. States can choose to recall delegates if they go off topic or try to cause mischief outside the bounds of their duty. 233 state constitutional conventions have never “run away” in the nation’s history. Although it could in theory, the electoral college has never “run away”, or gone against the voters of their state. If an off topic amendment comes out of a convention, it would still have to be ratified by  $\frac{3}{4}$  of the states, which ensures that nothing that does not have wide cross-partisan support could become part of the Constitution.

***Could they just lower the threshold of states that need to ratify?*** No. They would need to propose an Amendment itself that allows the lowering of the threshold to be ratified by  $\frac{3}{4}$  of the states first, then call another convention on some other issue for it to become applicable.

***Who would the delegates be? How would they be chosen? How would the convention be conducted?*** The Convention would follow Mason’s rules of legislative procedure. The Department of Justice, the Congressional Research Service, and the American Bar Association tend to agree that Congress can, and should, pass legislation to clarify procedures prior to reaching the threshold for a call.

***Are you not concerned about the uncertainty of a Convention? It has never been done before.*** There is certainly a degree of uncertainty that underlies an Article V limited convention of the states simply because it has never been done before. The unknown is scary, but fear more often than not leads to acting irrationally, so ***Wyoming Promise does not act out of fear . . . Wyomingites lead with courage.*** The [Department of Justice](#), the [Congressional Research Service](#), the [American Bar Association](#), and numerous Constitutional scholars, such as Larry Lessig, all believe that the risks involved with a convention are minimal, and Wyoming Promise believes that any risks are far outweighed by the nightmare scenario we currently live in with corporations, special interests, and dark money turning the United States into a flawed, if not failed, democracy.