



### Truth vs. Fiction: Correcting False COS Claims

**False Claim: An Article V convention is a ‘Constitutional Convention;’ in other words a ‘Con-Con.’**

**Truth: This is No Con. It’s an ‘amendments convention.’** It is wrong to imply an Article V convention held today would mirror the 1787 Philadelphia convention that produced the U.S. Constitution. The states that gathered then had individual supreme political powers. They were not bound to any Articles of Confederation procedures or guidelines for proposing amendments. Today, an Article V convention has limits, which are rooted in Article V of the U.S. Constitution. An Article V convention is limited to **only proposing amendments** to the existing Constitution. (For further information, a [comprehensive article](#) by Michael Farris was published in the Harvard Journal of Law and Public Policy and refutes the idea that the 1787 Constitutional Convention was a “runaway” convention.)

**False Claim: Convention commissioners could rewrite the entire Constitution.**

**Truth: No rewrite; only proposed amendments.** The goal of the Convention of States Project is firm, holding an Article V convention to propose amendments to the U.S. Constitution – amendments that address three pressing concerns – curbing the federal debt, limiting federal government power and jurisdiction, and imposing term limits on the judiciary, federal bureaucrats and elected officials. The convention is limited to this purpose and state legislatures provide specific instructions to their commissioners to adhere to this restriction. Appropriate amendments could include a balanced budget amendment and term limits on Congress and federal judges. (See the Missouri Article V Resolution ([SCR4](#)).

**False Claim: Holding an Article V convention is unprecedented.**

**Truth: Clear precedent *has* been established.** Since 1787, 33 interstate conventions have been held in the United States – each with a specified topic or meeting agenda. Thus, there’s a clear standard for how these meetings work. At interstate conventions, voting always is done as individual states – each has one vote, regardless of population or number of delegates in attendance. That’s why it’s a convention of states – not a convention of delegates.

**False Claim: Only Congress has the authority to amend the Constitution.**

**Truth: Article V of the U.S Constitution states:** “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. . .”

**False Claim: The Article V convention process has no safeguards. It won’t protect our Constitution from rogue delegates or special interest groups.**

**Truth: Significant process safeguards exist to prevent corruption. They include:**

#### 1) The Limited Scope of an Amendments Convention

The scope of authority for the convention is defined by the topic specified in the 34 applications that trigger the convention. Any proposals beyond that scope would be out of order.

#### 2) Restrictions on Commissioner Authority

Convention commissioners are the agents of their state legislature and are subject to the instructions given by their state legislature. The state legislature can recall commissioners who attempt to exceed their authority, and actions taken outside the scope of a commissioner's authority would be void. If state legislatures failed to stop commissioners from acting beyond their powers AND if a majority of the state delegations voted to propose an ultra vires amendment, AND if Congress nevertheless sent that amendment to the states for ratification, the courts could declare the action void.



### 3) State Voting Requirements –

It is a requirement that 38 states ratify *any* amendment proposed by the convention while only 13 states are needed to block any ill-conceived or illegitimately advocated proposal. The convention cannot change the method of ratification. Additionally, the U.S. Supreme Court has stated that an Article V amendments convention is empowered by the U.S. Constitution and subject to its rules. (See [The Process of an Article V Convention.](#))