



## Article V Runaway: A Brief Explanation – July 2021

A few claim that Article V's "...shall call a convention for proposing amendments..." could lead to a bad "runaway."

The "runaway" originated in 1951 by US Rep Patman (TX-D) attacking the attempt to repeal the 16<sup>th</sup> Amendment by state convention. He coined, it could "rewrite the whole Constitution,"

The term "constitutional convention" is not found in any 18th or 19th century state application or any court decision.

The claim is called the "runaway Scenario" and has almost no basis in history or law, needlessly frightening Americans. Madison noted our Constitution was unique and, "it was incumbent on their successors to improve and perpetuate."

Progressives needed to neutralize the Article V movement to protect their Court & government expansion gains.

In 1901 a congressional staff compiler gave the erroneous title "constitutional convention" to a state legislative resolution, and after 1903, a few resolutions actually used that term instead of *amending convention*.

Of the nearly 650 recorded conventions over 400 years, no evidence of a 'run away' can be found.

The principle of Article V is for the people, through their states, to bypass their governor, the President, and Congress (except to set the date and place) to PROPOSE changes to the Constitution's blueprint of their government.

Article V's second clause insured that Congress could not control the process of repairing a dysfunctional government.

What changes at an amendatory convention? Nothing: It only *proposes*, debates, votes, and forwards results.

Congress has attempted 12,150 amendment *proposals* with 33 being sent to states of which 27 have been approved.

If a 'runaway' were possible by the states, why hasn't Congress also 'runaway' and changed the Constitution on its own?

The Electoral College and Article V conventions are controlled by states, yet the EC has not been accused of a "runaway."

Since 1791, Congress has received enough state applications to have called eleven conventions & yet ignored them all.

Arguing against an Article V convention disables one of the Founders constitutional *checks* on bad government.

Conventions were held in the founding era, on average every 3 ½ years, codifying the process into the Constitution.

There is widespread support for amendments such as term limits and tax/spending constraints that Congress is not motivated to propose through Article V's first clause, leaving the second clause as the only solution.

The Bill of Rights & Article V's first two clauses protect Americans from government. Article V's second clause protects we the people from Congress.

Article V is a federalism feature of the states to check the national government.

Congressman Larry McDonald (GA), JBS Chairman, led an attempt by both clauses of Article V when he died in a plane crash. Known as the Liberty Amendment, it is in the House Congressional Record— Oct 9, 1975

Runaway prospects: Article VII & 21<sup>st</sup> Amendment ratification (52 conventions), 1814 & 1861 produced amendments.

The claim that only Congress should amend the Constitution because the convention process has never been used, ignores the scholarly and historical analyzed records of 400 years.