

Considerations Regarding a Convention of States

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There's been quite a bit of talk lately about how a Convention of States could fix all of America's problems. For those uncertain of what that means, I refer you to Article V of the Constitution. In fact, the move is often referred to as an Article V solution. Article V provides that, should the states agree, they shall all come together and revisit, perhaps reconstruct the Constitution. Should there be any limitations on that reconstruction, they must be contained in the several resolutions of the states, for Article V itself is silent on the matter of restrictions. Those who favor an Article V solution are often comforted by the supposition that all fifty states might agree on any such restrictions. Those not thus comforted, fear an entire reconstruction, putting everything on the table.

After careful consideration, I have come to the conclusion that a Convention of States is an extremely bad idea.

No, no, no. Don't stop reading yet. Especially if you disagree with that conclusion. Feel free to offer thoughts to the contrary, but please keep an open mind for the next few minutes.

Thank you.

So, here's how it would work. First 34 states would need to pass a resolution calling for the Convention. That would mean that 34 state Houses of Representatives and 34 matching state Senates must vote in the affirmative. In order to insert limitations on what might be considered, those same 68 bodies must agree with each other.

All that would be very difficult to accomplish, but that's a good thing. We don't want to go forth willy-nilly and reinvent America.

One real fear though is that while 34 states would concur on the need for a Convention, obtaining agreement on the limitations would be nearly impossible, leading to the possibility that there might be no limits.

Presuming that, with limits or without, a Convention is called, then each state would designate people to act as delegates to the Convention. Those people are not identified in Article V and can be anyone from the Governor to a kindergarten teacher.

In situations such as that, where delegates are chosen by politicians and politicians have party affiliations and political pressures, the chosen delegate is undoubtedly going to have very specific instructions on what to support and what to oppose.

The Convention would quickly deteriorate into simple partisan politics. As such, the outcome would be very unlikely to be an advance in the Philosophy of Freedom and much more likely to be an advance in the powers of the party.

And that leads me to my opposition.

It has become quite clear that our politicians tend to address current events by filtering symptoms of a problem through political ambitions and party guidelines. Solutions are most often directed at the symptom of a deeper problem rooted in the abandonment of our Philosophy of Freedom, rather than the abandonment itself.

And all of this is to be done by Committee, rather than Commitment to that Philosophy.

Amendments arising from such a Convention are destined to be quite superficial.

Following the adoption of the planned amendments by the Convention members, 34 states must ratify the change. Those 34 states may or may not be the same ones that came together to call the Convention in the first place. Furthermore, the recommendations, being almost purely political, are likely to be very hotly debated in the halls of state legislatures and on the streets.

It is for these reasons that I conclude that a Convention of States is a bad idea. Addressing individual issues individually is a longer process, but is much less dangerous to the survival of our nation and the persistence of the Philosophy of Freedom upon which it is built.