



## The Runaway Convention Myth

Many well-meaning policy makers have been dissuaded from using the several states' most powerful tool to effect lasting, national change because of the fear of the hypothetical "runaway convention." This myth gained notoriety in the 1970s as a strategy to defeat applications for a fiscal responsibility amendment. Below are some of the safeguards that make a runaway convention impossible. A more complete discussion can be found in ALEC's [Article V Handbook for State Lawmakers](#) authored by constitutional scholar Rob Natelson.

### Institutional Protections

- An Article V convention for proposing amendments can do no more than propose amendments. Any proposed amendment resulting from such a convention would still need to go through the ratification process requiring 38 states to ratify it just like a Congressionally-proposed amendment. This means that 13 states have absolute power to "veto" any proposed amendment.
- State Legislatures select, instruct and at all times have the power to recall convention delegates who attempt to exceed the scope of each state's application calling the amendments convention. This power was as affirmed by the Supreme Court of the United States in its unanimous 2020 [Chiafalo v. Washington decision](#).
- Article V requires Congress to select a mode of ratification for a proposed amendment and could refuse to do so if the resulting proposal strayed from the original applications.
- The courts would likely void a proposed amendment that exceeded the authority of the applications that compelled Congress to call the amendments convention.

### Political Protections

- Thirty-two states with single-subject fiscal responsibility applications and a majority of states, by majority rule, have the power to restrict the scope of the convention to that subject.
- Delegates to an amendments convention are selected by their state legislatures. It is fanciful to believe that delegates would sacrifice their reputations and political careers by misleading the legislators who picked them in order to propose amendments that stray from the subject matter or scope of their state's application.

### Federal Fiscal Sustainability Foundation (FFSF) Backstops

- The Declaratory Judgment brief drafted by counsel for FFSF explicitly requests an amendment limited by the states to the subject of federal fiscal restraints, using the word "limited" 51 times.
- FFSF and the prospective states filing are asking for a court decision requiring a convention call only for the single subject of fiscal responsibility and no other. The plaintiffs have the power to ensure the relief demanded from the court includes these explicit limitations. Those concerned about the Court's judgment should insist that their state be among the plaintiffs.

As Senator Mike Braun (R-IN) said, "Our colossal national debt is an absolute threat to national security." Given persistent dysfunction in Congress and its decades-long failure to halt runaway debt, the states must step in and use Article V to propose a constitutional remedy.