

Testimony in Support of H 7702--Resolution Rescinding Previous Article V Convention Applications

Position: Support

Common Cause Rhode Island supports H 7792, a joint resolution that would rescind all previous calls issued by the Rhode Island General Assembly for a constitutional convention under Article V of the U.S. Constitution. This would reduce the chance that Rhode Island could help trigger a dangerous Article V convention that would put all of our rights at risk.

Over the last 80 years the Rhode Island General Assembly has sent four resolutions to Congress asking it to convene a federal constitutional convention under Article V of the Constitution. Those resolutions include:

- In **1940** an amendment to limit federal taxing power
- In **1971** an amendment to require federal revenue sharing with the states
- In **1977** an amendment to add a right to life provision in the Constitution
- In **2016** an amendment to reverse the Supreme Court's decision in *Citizens United*

All of those calls by the General Assembly for an Article V convention are still active. They could count toward the constitutional threshold of 34 states needed to trigger an Article V convention if Congress chose to. H7792 would rescind all of them at once. Connecticut did this in 2024 and Massachusetts did this in December, 2025. In total, just since 2021, nine states have rescinded prior Article V calls, and at least 30 state legislatures have rescinded previous calls over the decades. What H 7792 does is a common practice.

As the attached map indicates, several different efforts, including a Balanced Budget Amendments, Convention of the States, and Term Limits have all made efforts over the decades to trigger a convention. Currently, the movement for a Balanced Budget Amendment has the largest number of convention calls, at 28 states. However, there is nothing in the Constitution that says the needed 34 convention calls must be on a single topic. There are active proponents of aggregating the various convention calls to trigger an Article V convention. The Supreme Court made clear in *Coleman v. Miller* (1939) that it is a political question for Congress to decide because they have absolute control over the process of amending the Constitution.

Common Cause has opposed an Article V convention since the 1980s. In 2016 we vigorously opposed Representative Handy's resolution on the *Citizens United* case, even though we strongly oppose that decision. Our opposition stems from the threat posed by an Article V convention.

As the attached testimony of Professor David Super of Georgetown Law argues, there is nothing in the Constitution that would allow a convention to be limited to any topic, or limit the scope of any amendments. Quite literally, our Bill of Rights including the First and Second Amendments, and any of the protections for civil rights and liberties, and even the fundamental

structures of our federal system, would be up for debate. Mock constitutional conventions have proved this by going beyond their stated scope.¹

Professor Super also notes that there is nothing in the Constitution that would determine how delegates to an Article V convention are chosen. And there is nothing in the Constitution that would allow states to control their delegates to a convention. Since the *Citizens United* decision we have seen a drastic increase in dark money and the influence of a select few billionaires in our politics.² Just as dark money and billionaire donors have drastically increased in other elections, they would likely influence the selection of delegates to an Article V convention, however it might happen.

We are proud that a number of important organizations that work every day to support civil rights and liberties, women's rights, labor rights, and more, are supporting H7792. At the national level, there are more than 300 organizations on the left, right, and in the middle, who oppose an Article V convention.

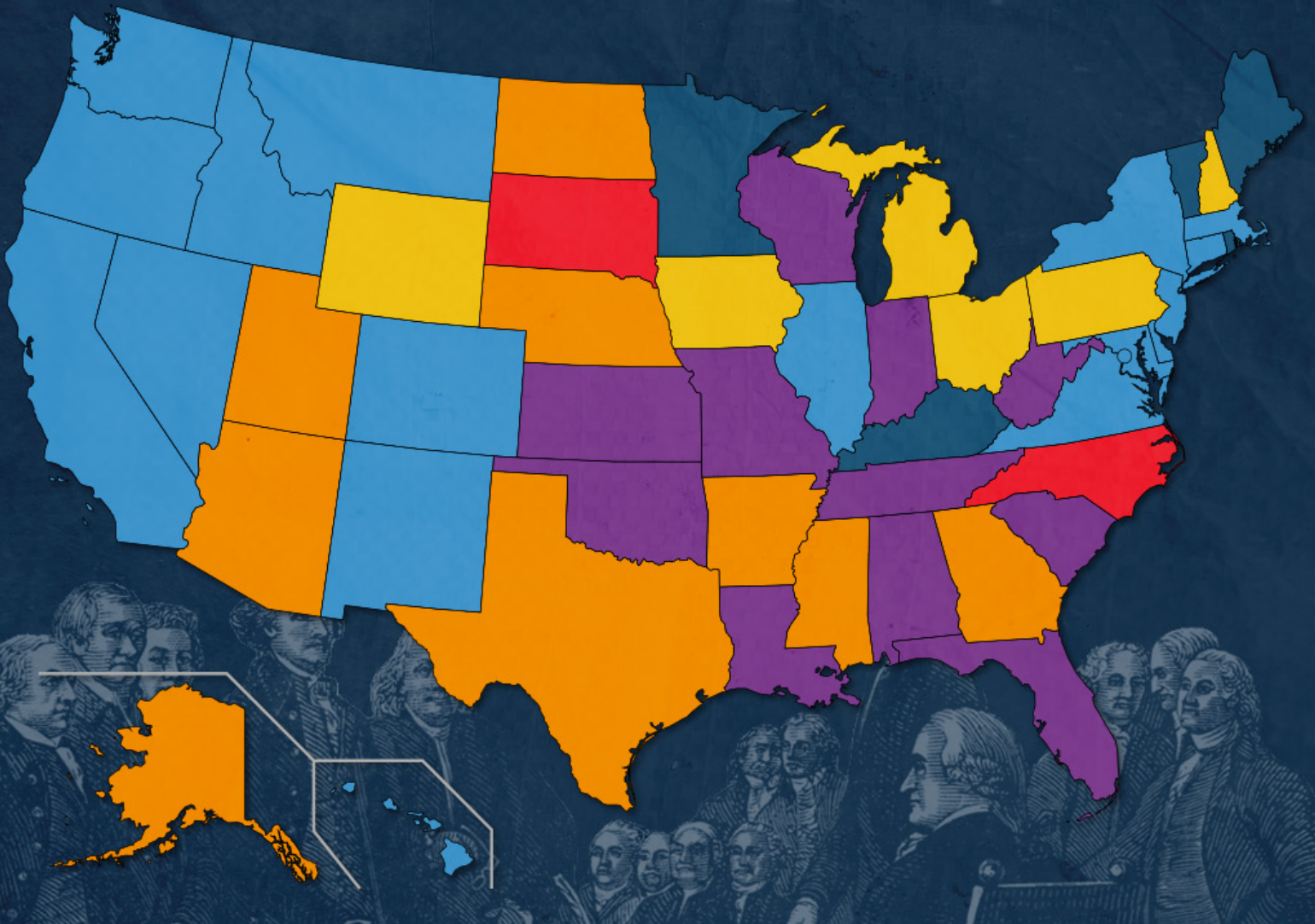
We urge the Committee on State Government and Elections to pass H7792 and rescind all of the General Assembly's calls for an Article V convention.

¹ See: <https://time.com/5356045/constitutional-convention-tea-party/>

² See: <https://www.nytimes.com/2026/03/09/us/billionaires-federal-election-campaign-contributions.html> and <https://www.nytimes.com/2026/04/03/us/politics/liberal-billionaires-dark-money.html>



THE STATE OF ARTICLE V



No convention calls 17

Balanced Budget Amendment (BBA) 6

Other/old calls 5

BBA & Term Limits (TL) 2

BBA & Convention of States (COS) 9

BBA, COS, & TL 11



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No Safe Path Exists to an Article V Convention

By David A. Super

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Some conscientious state legislators are mindful of the dangers of an Article V convention but would like to find a safer alternative. The hope is to find a controlled way to make desired changes in the U.S. Constitution without opening the Constitution up to amendments that could diminish basic freedoms or change the essential character of this country. Unfortunately, no safe method of holding a convention exists: Article V provides only two methods for amending the Constitution. Nothing in Article V authorizes anyone – not Congress, not the states, not the courts – to impose limits on a convention’s agenda nor does it authorize anyone to enforce such limits if they existed.

Proponents of an Article V convention like to insist that would be “a convention of the states”, not a “constitutional convention”. Neither term appears in the Constitution itself: Article V directs Congress to call “a Convention for proposing Amendments” on the application of two-thirds of the states. Proponents insist that this somehow limits the scope of what a convention could do by distinguishing amendments from a total rewrite of the Constitution. This argument does not withstand even casual scrutiny. Nothing in Article V or elsewhere in the Constitution establishes limits on what may be an “amendment”. The Constitution gained protections of free expression, gun rights, and security from searches and seizures through amendments; removing those protections could similarly be done by amendment. Diminishing the powers of the Senate, where all states stand equal, would be an amendment. Giving Congress plenary powers to legislate on any topic it pleases would be an amendment. Establishing a confederation with Canada, Mexico, or others would be an amendment.

No coherent distinction exists between “amendments” and fundamental changes. The Philadelphia Convention of 1787 was called “for the sole and express purpose of revising the Articles of Confederation” but ended up writing an entirely new document. In fact, a few bits from the Articles were incorporated into the Constitution; had anyone cared, the Convention could have written the same new Constitution as a collection of amendments to the Articles. Similarly, the Constitution of the Confederate States of America included many provisions from the U.S. Constitution and could easily have been drafted as a series of amendments but it was obviously a fundamentally different document establishing a very different country. The same thing can happen again if Congress calls an Article V convention.

Proponents suggest that states can control the delegates to such a convention. Nothing in Article V gives them that power. Indeed, nothing in Article V even empowers states to choose the delegates. Congress could easily call an Article V convention and appoint its own members as the delegates. Even if Congress does allow states to choose the delegates, that does not require the delegates to follow the states’ instructions. And even if one state chooses obedient delegates, that provides no protection against what delegates from other states may do. If delegates are concerned about angering their states, they can avoid taking votes until a single action to approve a package of changes as the convention concludes, making it too late to recall the delegates even if states had that power.

Proponents also argue that an Article V convention would be “safe” because amendments would have to be ratified by states. This, too, is misleading. First, a convention could package together several disparate amendments to increase their chances of ratification. This has precedent: several of our existing amendments – including the First, Fifth, Sixth, Eighth, and Fourteenth – combine provisions on several disparate topics. Second, proponents may try to change the ratification process. House Budget Committee Chairman and convention

proponent Jodey Arrington has repeatedly introduced resolutions calling for the amendments that an Article V convention proposed to be ratified by referendum (“proposed amendment...shall be ratified by a vote of We the People”) even though that is not one of the ratification methods Article V allows. The Philadelphia Convention of 1787 changed the ratification process set out in the Articles of Confederation – which required unanimity among the states – to allow the Constitution it wrote to become effective with two-thirds of the states’ approval. Finally, even if a package of problematic amendments was initially denied ratification, it would continue to hang as a threat to our Republic, awaiting a wave election or a charismatic leader to push it over the top. Article V contains no procedure for eliminating proposed amendments that initially failed to win ratification. The Twenty-Seventh Amendment was ratified more than two centuries after it was proposed.

Proponents claim that a convention would be limited by the topics specified in states’ applications. Nothing in Article V imposes any such limitation or empowers Congress, the states, or the courts to do so. The Philadelphia Convention of 1787 almost immediately disregarded its mandate, which was to propose amendments to improve commerce. Indeed, proponents themselves seem to be abandoning this idea. Representative Arrington’s resolutions seeking to have Congress call an Article V convention have permitted combining applications on a wide range of subjects, from term limits and fiscal management to gun control, abortion, and world governance. The Convention of States Project, whose model application purports to confine a convention to fiscal responsibility, limiting federal power, and term limits, has suggested that an Article V convention could propose amendments that are none of those things. Its August 2023 convention simulation in Williamsburg, Virginia, proposed an amendment to freeze the Supreme Court at nine justices. And on March 17, 2026, it wrote that the Article V convention it seeks “can propose an amendment to secure federal elections”, which if anything would *expand* federal powers.

Finally, proponents of an Article V convention insist that this country has had many “conventions of the states” and nothing has gone amiss with them. To be sure, representatives of states have met often throughout this country’s history. The National Conference of State Legislatures, the National Governors’ Association, and other state government groups continue to do so. Indeed, in that sense Congress itself is a “convention of the states.” None of these meetings, however, have had the awesome powers that an Article V convention would have. The fact that meetings of state officials have gone well without those powers provides no assurance that an Article V convention will resist the intense pressure it will feel from big-spending interest groups. Former Chief Justice Warren E. Burger warned that an Article V convention “today would be a free-for-all for special interest groups, television coverage, and press speculation.”

The only safe way to amend the Constitution is the one this country has employed twenty-seven times: specific amendments proposed by Congress and submitted to the states for ratification. In that way, everyone can actually see what is being proposed and support or oppose it on its merits. Special interest amendments will fall short for lack of public support, as they should. James Madison, who knew more about constitution-writing conventions than any of those seeking an Article V convention today, predicted in 1788 that an Article V convention would attract “the most violent partizans on both sides” and fall under the sway of “individuals of insidious views, who under the mask of seeking alterations popular in some parts but inadmissible in other parts of the Union might have a dangerous opportunity of sapping the very foundations of the fabric” of our country. Our Constitution is simply too important, especially in these contentious times, to gamble away on an Article V convention without any guardrails or anyone to enforce limits if they did exist.

March 24, 2026