

Why an Amendments Convention is not a “Constitutional Convention”

Sometimes a convention for proposing amendments to the U.S. Constitution is referred to as a “constitutional convention.” That title is both wrong and fatally misleading.

The correct name—given by the Constitution itself—is **convention for proposing amendments**. Other accurate names are *amendments convention*, *Article V convention*, or *convention of the states*. In the Founding Era and during the early Republic, the last name was most frequently used.



Article V of the Constitution permits either Congress or a “Convention for proposing Amendments” to propose amendments for state ratification or rejection. The convention for proposing amendments was based partly on similar provisions in state constitutions. It also was based partly on the practice of colonies and states sending delegations (“committees”) of delegates (“commissioners”) to work out answers to common problems.

From 1677 until Independence in 1776 there were [over 20 inter-colonial conventions of this kind](#). After Independence was declared and the colonies became states they continued to meet together in conventions—11 in all between 1776 and 1787. Among the topics considered by interstate conventions were price inflation, interstate trade, and military cooperation. Only one—held in Philadelphia in 1787—was “constitutional” in nature. [Although many people think it was called by Congress to revise the Articles of Confederation, it actually was called by Virginia \(and, secondarily, New Jersey\) to re-evaluate the entire “foederal constitution.”](#) (In 1787 the word “constitution” most often referred to the entire political system, just as it does in Britain today.)

Interstate conventions are diplomatic meetings among different governments. Each state selects its “commissioners” as it chooses, and binds them with formal instructions. Nearly all prior interstate conventions had power only to propose or recommend, as in the case with the Article V “convention for PROPOSING amendments.” One interstate convention, the Philadelphia Price Convention of 1780, received power to “pledge the faith” (bind) the participating states, but that gathering adjourned without agreement.

In sum, here are the principal differences between a constitutional convention and a convention for proposing amendments:

1. A constitutional convention is commissioned to write an entirely new constitution. A convention for proposing amendments is commissioned to consider and write amendments “particularized” (Sam Adams’ word) by the sponsoring states.
2. A federal constitutional convention operates outside existing law. Thus, the 1787 convention was commissioned directly by the participating states and not called under the Articles or bound by them. It was nearly “plenipotentiary” (James Madison’s word). But a convention for proposing amendments is held *under* the Constitution and subject to the same constitutional rules that restrict Congress when Congress proposes amendments. For example, the convention may not change the ratification rules or “deprive[]” a state, without its Consent . . . of its equal Suffrage in the Senate.” See U.S. Const., art. V.

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