



THE UNKNOWN THREAT TO AMERICAN DEMOCRACY

The Dangers of an Article V Constitutional Convention

As Part of the Safeguard Article V from Exploitation Campaign

First Edition, First Revision



Kaden Ouimet, President

The Task Force Organization

Published 31 July 2023

Revised 31 July 2023

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ABSTRACT

Imagine a tool embedded deep inside the Constitution designed to safeguard American democracy, a tool designed to grow and adapt to the nation's needs—always there in case the people want a last resort to protect their liberties. Now imagine that same tool being weaponized against the very constitution and democracy it was designed to protect.

The first independent research report, "The Unknown Threat to American Democracy," delves into the ambiguity of the Article V Constitutional Convention (AVCC), a lesser-known provision that could fundamentally reshape individual rights, the country, and democracy. The report presents a broad analysis of AVCC, shedding light on its original intent, its past influence on Congressional action, its vulnerabilities, and the current attempts at its invocation.

Historically, AVCC was designed as a safeguard against power concentration, providing a mechanism for states to propose and ratify constitutional amendments without the involvement of Congress. However, the report reveals that AVCC's vagueness may actually cause the power concentration it was designed to prevent. AVCC's invocation is now closer to success than ever before, largely due to a new wave of funding, lobbying, and astroturfing operations fuelled by special interests and dark money.

The report introduces the term "Constitutional Convention Invocation Movement" (CCIM) to describe the group of special interests and advocacy organizations pushing for a two-thirds majority of states to call an Article V Constitutional Convention. It uncovers the dark money flow that benefits these proponents and highlights the risk of a runaway convention which would threaten American democracy. The report also delves into the role of prominent advocacy groups like the American Legislative Exchange Council (ALEC) and the Convention of States (COS) who are pushing for AVCC invocation. It uncovers their funding sources, their influence on state legislatures, and their potential impact on the democratic process.

However, the report does not simply identify the problem—it offers a call to action! It demands for a comprehensive review of AVCC and the passage of the Stop Article V Exploitation Act (the SAVE Act) to prevent AVCC from being abused. This would ensure that AVCC continues to serve its original purpose while mitigating the risks associated with its invocation.

PREFACE

“This Report” and “The Report” will frequently be used throughout this document to refer to “The Unknown Threat to American Democracy” for the purposes of maintaining a third person narrative.

Purpose and Objectives of this Report

"The Unknown Threat to American Democracy" was not conceived as a critique of any particular effort to invoke AVCC. Instead, the primary objective of this report is to scrutinize the potential risks that stem from the inherent ambiguity of AVCC—especially those that could potentially undermine the existing representative democracy in the United States. This report strives to maintain an objective stance, critically examining all attempts to invoke AVCC without favoring or discriminating against left-wing or right-wing initiatives. The concerns addressed in this report primarily revolve around the potential and existing exploitation of AVCC invocations—irrespective of political alignment—that could be detrimental to American democracy.

Not an Academic Paper

While I do not hold a formal degree and am not purporting to offer an academic perspective on this issue, the purpose of this report is straightforward and critical. It is an independently written paper designed to shed light on the potential threats that AVCC poses to our democracy. Although this paper shall evolve as I begin my academic research, it does not attempt to represent a scholarly outlook on the topics it covers.

Subsequent Editions of this Report

There shall be two subsequent editions of the “Unknown Threat to American Democracy”. Current plans are for the Second Edition to contain the proposed text for the SAVE Act as well as in-depth analysis of major reports regarding an Article V Constitutional Convention. The Third Edition shall be released following progress made toward reforming AVCC—reflecting on the successes and shortfalls of the SAVE AVCC movement as well as bringing new scholarly viewpoints to the report regarding AVCC and the legality of the SAVE Act. Timelines for these subsequent editions’ release will be made available in due course.

INTRODUCTION

“The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.”

Article V, United States Constitution

Within the heart of the United States Constitution lies a provision that, much like the atom, holds the potential for both creation and destruction. Article V, specifically the Constitutional Convention Clause, is a tool that Americans can wield to fundamentally reshape the government. However, its inherent ambiguity and lack of legal statute clarifying the convention process also make it a potential threat to the democratic republic that the Constitution seeks to uphold. Now, special interest groups are channeling dark money to trigger an Article V Convention with the capacity to rewrite the constitution, strip Americans’ fundamental liberties, and erase almost 250 years of progress and democracy.

The following report shall delve into the historical background, current implications, and potential future of the Article V Constitutional Convention (AVCC), with the aim of shedding light on its role in the balance of power between the American people and the federal government, and its potential to either uphold or undermine the democratic principles upon which the United States was founded.

This first of three editions to the Unknown Threat to American Democracy shall provide broad historical context and insight into AVCC’s evolution and how its ambiguity is one of the greatest unknown threats to American democracy. Subsequent editions of this report shall conduct more in-depth research, cover the movement to reform AVCC, and introduce scholarly voices to this report’s arguments.

ANALYZING THE HISTORICAL BACKGROUND OF AVCC

Despite the Constitution's framers engineering the world's first modern democratic republic, ultimately, concerned that the nascent United States might not uphold its republican values and decay into tyranny, the Constitution's architects included a "nuclear" provision to allow the states to fundamentally restructure government systems. Therefore providing an alternative pathway to achieve major institutional reform and protect the republic.

[Claim/topic sentence: AVCC meant to provide a pathway to fundamentally restructure government/constitution to avoid concentration of power should normal pathways of reform fail]

How AVCC Came to find its place in the Constitution

Early Anti-Federalists drafted AVCC to counterbalance Congress's power to introduce and ratify constitutional amendments.¹ AVCC was introduced to ensure that states could call for a fundamental restructuring of the United States if the concentrated national government—especially Congress—refused to act.²

Considering the Constitution as a 'living document', its framers intended it to adapt continuously to the needs and interests of the American citizenry. The framers included the Fifth Article in the Constitution to embody that adaptation process.³ However, the founding fathers—seeking to include alternative pathways to ratify amendments—outlined four methods to alter the Constitution. Those methods are:

- 1) A proposal by Congress with ratification by state legislatures;
- 2) A proposal by a national convention with ratification by state conventions;
- 3) A proposal by a national convention with ratification by state legislatures;
- 4) A proposal by Congress with ratification by state conventions;

As mentioned, this paper shall cover AVCC—which regards the clause in Article V referencing national and state conventions. Hence, AVCC pertains to the second, third, and fourth amendment processes.

The first amendment method has been used to ratify every constitutional amendment, except for one—the 21st Amendment.⁴ This paper will cover the reason for this anomaly later.⁵ However, the inclusion of the first amendment method appears clear—the Constitution's framers intended for Congress to represent the public's interests when amending the Constitution.

¹ National Constitution Center. "Article V: Constitutional Convention Myth." Constitution Daily, National Constitution Center, 27 May 2016, <https://constitutioncenter.org/blog/article-v-constitutional-convention-myth>.

² Mount, Steve. "Ratification of Constitutional Amendments." USConstitution.net, 24 Jan. 2020, <https://www.usconstitution.net/constamrat.html>.

³ National Archives. "America's Founding Documents: The Constitution." National Archives, <https://www.archives.gov/founding-docs/constitution>.

⁴ United States Senate. "The Constitution: Amendments 11-27." United States Senate, https://www.senate.gov/civics/constitution_item/constitution.htm.

⁵ See page 10.

However, should Congress fail to take initiative, the second, third, and fourth amendment methods (AVCC) serve as alternative means of fundamentally restructuring the Constitution.

Historical Figures who Advocated for the Constitutional Convention Clause to Providing Americans with the ability to Fundamentally Restructure their Government

The Constitution's framers provide explanations for the intent behind AVCC. Here too, the reasoning was clear; AVCC was included as a safeguard against power concentration. It serves as an alternative measure for the popular and more representative state delegations to propose and ratify constitutional amendments without involving the national government.⁶

The Constitution's principal author—James Madison—provides the strongest firsthand account regarding the inclusion of AVCC. Madison's *Federalist 43*, which discusses his reasoning behind AVCC, states the Constitution should be amended to address any "...illicit combinations, for purposes of violence".⁷ This suggests that the clause was included to protect the republic from political threats or ineptitude from the national government. Madison further asserts that states, being the more popular, representative institutions, should have the ability to amend the Constitution without Congressional consent. Madison went on to state, "...the essential interests of the whole [must be primarily considered] to the caprice or corruption of a single member."⁸

Federalist 43's mention of "corruption" signifies that Congress, if inept or unresponsive to American interests, ultimately constitutes a threat to the republic and that the states must address any such "infractions".⁹

Through his consideration of an alternative means to amend the Constitution, Madison ultimately demonstrated his skepticism of a broadly-powerful national government that is unwilling, or too compromised, to fundamentally initiate Constitutional reform. Hence, Madison conveys the framers' concerns regarding AVCC serving as a mechanism for localized populations to protect the republic.

How Calling a Convention Under Article V Ensures a Balance of Power Between the States and the Federal Government

The enablement of a constitutional convention through AVCC provides states with three distinct advantages to limit federal power. It (1) enables states to initiate amendment proposals, (2) provides them with a platform to ratify amendment proposals, and (3) allows those amendments to limit federal authority without placing restrictions on what Amendments may be proposed. By providing localized delegations the ability to initiate,

⁶ Neale, Thomas H. "The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress." Congressional Research Service, 2012.
<https://kouimet.org/wp-content/uploads/2023/08/R42592.pdf>.

⁷ Madison, James. "The Federalist No. 43." The Avalon Project. Accessed July 10, 2023.
http://avalon.law.yale.edu/18th_century/fed43.asp.

⁸ Ibid.

⁹ Ibid.

ratify, and limit federal authority—without the national government’s involvement—the Constitution, “...harnesses the powers of government to make sure they are used only to secure the freedom and common good of the people”^{10, 11}

The Constitution, which serves as a limitation on federal authority and secures the liberty and rights of Americans, would sensibly include provisions to ensure local populations could limit federal overreach. This reinforces the republicanism of the United States as well as decentralizing and democratizing constitutional authority.

The vertical separation of powers (between tiers of government) ensures that checks and balances can function between localized and national forms of government—not merely between the three branches of the federal government. Therefore, AVCC offers fundamental protection to the more representative state governments. It ensures that concerns raised by a threshold of localized communities would result in foundational reform.

Historical Instances where the Threat of an Article V Convention Influenced Congressional Action

Historically, AVCC has been flexed to prevent federal overreach even without meeting the threshold for a constitutional convention. This paper will consider two landmark instances where the mere threat of AVCC was enough for fundamental reform within the federal government.

Prior to the 17th Amendment’s adoption, Senators were appointed by state legislatures. However, as Americans’ dissatisfaction grew with Congress’ lack of responsiveness to popular sentiments, calls for the direct election of Senators emerged. The calls catalyzed a national movement across numerous states to initiate a convention to address the issue. However, as the number of states calling for a convention grew to 25 (nearing the 32 required for the convention), the Senate conceded and proposed what would become the 17th Amendment in 1912. Despite never leading to a convention, the threat of AVCC led to landmark changes for Congressional representation.¹² The 17th Amendment’s history demonstrates how AVCC could be used as a means of democratizing American systems of government, and ushering in a fundamental restructuring of federal institutions.

The second significant instance of AVCC resulting in fundamental reform within the national government (without a convention taking place) was the Gramm-Rudman-Hollings Act of 1985. Driven by popular “...concerns over the persistent budget deficits”, and reflecting wider, “...public perceptions of policy deadlock on the national level and discontent with the nation’s direction”,¹³ campaigns launched

¹⁰ "Government – Annenberg Classroom." Annenberg Classroom. Accessed July 10, 2023. https://www.annenbergclassroom.org/glossary_term/government/.

¹¹ Madison, James. "The Federalist No. 43." The Avalon Project. Accessed July 10, 2023. http://avalon.law.yale.edu/18th_century/fed43.asp.

¹² Neale, Thomas H. "The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress." Congressional Research Service, 2016. <https://kouimet.org/wp-content/uploads/2023/07/R42589.pdf>.

¹³ Ibis.

in many states nearly met the threshold for a national convention, however ultimately did not trigger one.¹⁴ However, fearing AVCC being triggered and the complications that would arise from that situation, Congress eventually passed the Gramm-Rudman-Hollings Act in 1985, taking significant steps to ensure a balanced federal budget.¹⁵ Once again, AVCC has demonstrated its capacity to reign in federal power even without its full application. Hence, AVCC in these instances may arguably be viewed as a safeguard for popular interests in the event of a perceived excessively-powerful federal government.

The 21st Amendment Anomaly

As previously mentioned, only one constitutional amendment has not been ratified using the usual congressional ratification process—the 21st Amendment. State conventions were used because of the belief that state legislatures might be unduly influenced by temperance groups and might not accurately represent the will of the people on this issue.¹⁶

Although state delegate selection varied across the several states, generally state populations would either directly elect or appoint (through state legislatures) delegates to conduct state conventions which resulted in the 18th Amendment's repeal.^{17, 18}

Interestingly enough, it was due to the influence of special interest groups on legislatures that the state convention method was chosen for ratification. However, Eric Berger, a legal scholar with the University of Nebraska claims that, "...individual state ratifying conventions were hardly analogous to the single convention now contemplated to propose amendments" and therefore should not be compared or used as a precedent for such.¹⁹

How the Requirement for a Supermajority to Ratify Amendments Proposed by an Article V Convention Serve as a Safeguard Against Potential Misuse of this Power

With merely the threat of AVCC being such an instrumental tool for reform, questions arise as to the institutional power a full convention could wield. As such, the founding

¹⁴ "Amendment Subject Index," Friends of the Article V Convention, accessed July 10, 2023, http://www.foavc.org/StateApplications/Amendment_Subject.htm.

¹⁵ Neale, Thomas H. "The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress." Congressional Research Service, 2016. <https://kouimet.org/wp-content/uploads/2023/07/R42589.pdf>.

¹⁶ "Delegate Selection, Representation Problems, and the Difficulties of an Article V Convention." Scholars Strategy Network. Accessed July 10, 2023. <https://scholars.org/contribution/delegate-selection-representation-problems-and-difficulties-article-v-convention>.

¹⁷ "Utah State Archives." Utah State Archives. Accessed July 10, 2023. <https://archives.utah.gov/digital/6300.htm>.

¹⁸ "21st Amendment." New Jersey Department of State. Accessed July 10, 2023. <https://www.nj.gov/state/archives/doc21stamendment.html>.

¹⁹ Berger, Eric. "Delegate Selection, Representation Problems, and the Difficulties of an Article V Convention." Scholars Strategy Network. Accessed July 31, 2023. <https://scholars.org/contribution/delegate-selection-representation-problems-and-difficulties-article-v-convention>.

fathers have made it incredibly difficult to trigger AVCC, resulting in all attempts to activate AVCC falling short of their required thresholds. The obvious reason for this provision is to ensure that AVCC cannot be triggered without the consensus of a two-thirds majority of the states (and by extension, their populations).²⁰ Ensuring that only the most severe political threats, federal overreaches, and infractions are addressed.²¹

What the two-thirds requirement demonstrates is that the Constitution's framers were also skeptical of how AVCC could be used. For better or worse, the two-thirds requirement has damned every attempt at AVCC's invocation failure.

The Reason Behind Leaving AVCC's Wording so Ambiguous and Open to Interpretation

Although this paper highlights how the vagueness of AVCC poses a threat to the democratic republic, understanding why the Constitution's framers left AVCC so ambiguous will shed light on their intentions for its use. Understanding that intention would therefore provide this paper with the insight needed to design a solution to the AVCC 'concern'.

The following section of this paper will analyze five contributing factors that resulted in AVCC's ambiguity. This section will specifically analyze arguments made by David Pozen and Thomas Schmidt, scholars and contributors to the Columbia Law Review.²²

Factor One: Historical Context

The original Constitutional Convention sought to rectify issues within the Articles of Confederation and establish a republic with a precise balance of state and federal authority. The adverse period in which the Constitution was drafted, marked by the Revolutionary War, a weakened United States, and Shay's Rebellion, contributed to a Constitution designed to uphold a firm governmental structure without compromising adaptability in light of expected short-term challenges.²³ The founding fathers—specifically George Washington—did not expect the Constitution to last for more than a couple decades. Washington hoped that by not over-structuring the document, it could leave room for adaptation, therefore expanding the Constitution's lifespan.²⁴ Numerous debates had not been resolved by the time of the Constitutional Convention. For instance, the question of slavery loomed over the new Constitution and the framers' conceded to create a document that would facilitate that debate when such

²⁰ "The Founders' Constitution." The University of Chicago Press, accessed July 31, 2023, <http://press-pubs.uchicago.edu/founders/documents/a5s12.html>.

²¹ Neale, Thomas H. "The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress." Congressional Research Service, 2016. <https://kouimet.org/wp-content/uploads/2023/07/R42589.pdf>.

²² Pozen David, Thomas Schmidt. "The Puzzles and Possibilities of Article V" Columbia Law Review, 2021.

²³ CMS Citation: The Editors of Encyclopaedia Britannica. "Constitutional Convention | History & Compromises." Encyclopaedia Britannica. Accessed July 31, 2023.

<https://www.britannica.com/event/Constitutional-Convention>.

²⁴ "New Light on 1787 and Washington's Doubts." The New York Times. July 4, 1987.

<https://www.nytimes.com/1987/07/04/arts/new-light-on-1787-and-washington-s-doubts.html>.

a time would inevitably arrive.²⁵ Historical and political adversity following the Revolutionary War made a detailed Constitution imprudent as it would disturb the careful balance of power and reignite disagreements prematurely. Evidence of this is embedded in AVCC itself as certain matters for debate are either restricted until 1808 or indefinitely—this paper covers those specifics in a later section.²⁶

Factor Two: Lack of Precedent

The United States, being the first modern constitutional republic, had very little precedent to base its structure on. The impromptu Convention of 1787 was not so much an independent group of delegates as it was an extension of the Second Continental and Confederation Congresses.^{27, 28} Hence, being unable to anticipate potential issues arising from the new Constitution, the founding fathers left AVCC ambiguous foreseeing a need to dramatically restructure the document in the coming decades to prevent the republic's collapse.²⁹

Factor Three: Political Compromise

The Constitution's existence is a result of compromise. Compromise produced the Constitution and AVCC's vagueness represents an inability for the founding fathers to arrive at a consensus regarding the specific process of codifying a convention. The careful compromise agreed to during the 1787 Convention ensured no singular faction could gain an upper hand on the other.³⁰

Factor Four: Fear of Abuse

Furthermore, the framers were cautious about ratifying a constitution with a clear process that could undermine the federal government's authority in one stroke. The concern being groups of federalists or anti-federalists could abuse AVCC for their own benefit. Therefore, making AVCC ambiguous would prevent any one group from having a direct pathway to undermining the Constitution or the republic.^{31, 32}

²⁵ "Creating the United States Constitution," Library of Congress, accessed July 31, 2023, <https://www.loc.gov/exhibits/creating-the-united-states/creating-the-united-states-constitution.html>.

²⁶ See page 21.

²⁷ "The Delegates." Teaching American History. Accessed July 31, 2023. <https://teachingamericanhistory.org/resource/convention/the-delegates/>.

²⁸ Confederation Congress not to be confused with the Congress of the Confederate States of America from the Civil War.

²⁹ "New Light on 1787 and Washington's Doubts." The New York Times. July 4, 1987. <https://www.nytimes.com/1987/07/04/arts/new-light-on-1787-and-washington-s-doubts.html>.

³⁰ Madison, James. "The Federalist No. 10." The Avalon Project: Documents in Law, History and Diplomacy. Yale Law School Lillian Goldman Law Library. https://avalon.law.yale.edu/18th_century/fed10.asp.

³¹ Ibis.

³² Pozen David, Thomas Schmidt. "The Puzzles and Possibilities of Article V" Columbia Law Review, 2021.

Factor Five: Intentional Ambiguity

The framers' perception that the Constitution is 'a living document' likely influenced AVCC's ambiguity, as they believed it should be adapted to the republic's needs as the nation evolved.³³

Precedent, a Brief History of the Original Constitutional Convention

Understanding the purpose of the original Constitutional Convention provides insight into the conduct of modern conventions. The purpose for the original Convention was to revise the flawed Articles of Confederation which had plagued the post-revolutionary United States with unbalanced state power and a national government rendered too weak to enforce federal statutes and levy taxes.³⁴ The Convention was initially conceived as a tool to rectify the Articles of Confederation and ensure a balanced and effective federal structure.³⁵

The original convention's delegates had been elected by their respective state legislatures.³⁶ Seventy delegates were appointed to the Constitutional Convention, of which, fifty-five attended. Delegates were mostly appointed from former members of the Second Continental and Confederation Congresses. The exception being Rhode Island, which did not send any delegates to the Convention.³⁷ Delegations from the several states ranged in number, however each delegation acted as one vote from their respective state.³⁸

Although the Convention originally intended to rectify flaws within the Articles of Confederation, it quickly became apparent to many delegates that a new governing structure was necessary for the United State's vitality. These delegates would lay the foundation for the new Constitution and would soon shift the Convention's attention from repairing the Articles of Confederation to secretly drafting a new Constitution.³⁹

³³ Benjamin David Steele, "The Vague and Ambiguous US Constitution," Benjamin David Steele, December 1, 2015,

<https://benjamindavidsteele.wordpress.com/2015/12/01/the-vague-and-ambiguous-us-constitution/>.

³⁴ Library of Congress. "Congress Tries to Revise the Articles of Confederation." Accessed July 31, 2023.

<https://www.loc.gov/static/collections/continental-congress-and-constitutional-convention-from-1774-to-1789/articles-and-essays/to-form-a-more-perfect-union/creating-a-constitution.html>.

³⁵ Library of Congress. "James Madison and the Federal Constitutional Convention of 1787." Accessed July 31, 2023.

<https://www.loc.gov/collections/james-madison-papers/articles-and-essays/james-madison-and-the-federal-constitutional-convention-of-1787/>.

³⁶ Center for the Study of the American Constitution, "Instructions to the Convention Delegates," University of Wisconsin-Madison,

<https://csac.history.wisc.edu/document-collections/the-constitutional-convention/convention-delegates/>.

³⁷ "The Delegates." Teaching American History. Accessed July 31, 2023.

<https://teachingamericanhistory.org/resource/convention/the-delegates/>.

³⁸ Center for the Study of the American Constitution. "Instructions to the Convention Delegates." Accessed July 31, 2023.

<https://csac.history.wisc.edu/document-collections/the-constitutional-convention/convention-delegates/>.

³⁹ Ibis.

What resulted from this shift was a ‘hundred-day debate’ now known as the Constitutional Convention of 1787. The delegates had abandoned the Confederation outlined by the former Articles, and instead engineered a document that would serve as the basis for the new Constitutional Republic.⁴⁰

The Issue With Precedent

Precedent is a recurring theme throughout the AVCC debate. The 1787 Convention established a precedent for national conventions to follow. The 21st Amendment provided a similar precedent for state conventions. However, precedent is not legally enforceable as it provides no statutory basis for convention processes. For instance, the two Presidential term precedent was established by Washington and not codified until the 22nd Amendment after Franklin D. Roosevelt had been elected to four terms. The concern with AVCC is that codification for future conventions may not occur until after Congress observes the potentially destructive effects of a first AVCC. Therefore, this report—in the Reforming AVCC segment—outlines preventative measures that, if taken proactively, may codify precedent and avert a constitutional crisis.

Segment Summary: Historical Analysis

Ultimately, the findings of the historical analysis section outline five distinct pathways by which AVCC has been intended, or been implemented to preserve democracy’s integrity in the United States.

First, Article V’s wording introduces four methods by which the Constitution may be amended. Three of these methods include the process for Conventions that take place at the state level (state conventions), or are triggered at the state level (for national conventions). The role of states in these conventions ensure that constitutional amendments may not solely be adopted through centralized authority. Furthermore, states—being the more localized and democratically-controlled authorities at the time of the Constitution’s ratification—were intended to uphold popular interests as it pertained to constitutional amendments. Therefore representing how AVCC would be initiated by, and would serve to protect localized democracy.

Second, the framers’—specifically James Madison—viewed AVCC as a safeguard against federal overreach. Madison especially believed AVCC could be used to stem federal corruption or political threats to the republic by the national government. Furthermore, should the national government attempt to exert its authority past what popular interests warranted, AVCC could be initiated (by those popular, localized interests) to restrict federal overreach, protect American federalism, and institute fundamental reforms of the national government—without its imposition or involvement.

Third, as proven by history, the mere threat of AVCC invocation has been enough to enhance democratization within the federal government—by means of the 17th

⁴⁰ Library of Congress. "James Madison and the Federal Constitutional Convention of 1787." Accessed July 31, 2023. <https://www.loc.gov/collections/james-madison-papers/articles-and-essays/james-madison-and-the-federal-constitutional-convention-of-1787/>.

Amendment. Additionally, AVCC has exerted great influence over federal policy by reforming spending guidelines through the Gramm-Holdings Act of 1985.

Fourth, the supermajority requirement attempts to ensure that AVCC may only be initiated by a grand majority of Americans—either through state ballot initiatives, or through their respective state legislatures. Therefore poissing AVCC to be implemented to address only the gravest concerns to American democracy.

Fifth, the original constitutional convention sets a precedent where delegates were appointed by popularly elected state legislatures. Furthermore, the original Convention of 1787 demonstrates how a convention could result in a stronger, more stable democracy—favoring popular interests, protecting state interests, and limiting federal influence.

The intention and history of Article V ultimately demonstrate how AVCC (despite never being triggered) has reigned in federal authority, and democratized the United States, therefore supporting the claim that it functions to deter the concentration of power.

THE CONVENTION CONUNDRUM

Although AVCC's historical context asserts there was purposeful intent to leave the clause ambiguous, ultimately, most of the reasons the framers left AVCC vague were pertinent to their era and carry little relevance today. Moreover, AVCC's ambiguity has created a new combination of reasons for the clause to be specified instead of left vague. Therefore, this section will not only lay out (1) why the reasoning for AVCC ambiguity in 1787 is no longer pertinent, but also (2) how AVCC ambiguity is now counterintuitive to the Founding Fathers' intent, and (3) why current threats to democracy by means of AVCC ambiguity warrant the clause's specification through the reforms this report will later outline.

Why AVCC's Ambiguity is no Longer Relevant

The founding fathers had intended for the Constitution to continually adapt to an ever-evolving democratic republic. Hence, supporting the idea that the reasons they listed for AVCC's ambiguity may no-longer be relevant, and therefore should be disregarded given modern circumstances. The following are the arguments for why the framers' five reasons for leaving AVCC vague should no longer be considered.

Factor One Counterargument: Historical Context

As the United States has grown past a fragile confederation, healthy debate neither threatens the union, nor the ratification of a proposed Constitution. The political instability that plagued the 1787 Constitutional Convention era no longer permeates debate halls. Hence, Entertaining discussion regarding AVCC's vagueness is viable, eliminating Factor One's argument that igniting debate about AVCC's specifics would threaten the Constitution's ratification.

While modern scholars would agree the United States' current political landscape is highly polarized, ultimately, it is not so fragile. Modern governmental institutions—while leaving much to be desired regardless of political orientation—are sound and the United States remains a nation where debate can be fostered regarding fundamental structures. No longer is the republic in a situation where significant debates could result in a state's succession. Following the Civil War, the state of the union is relatively strong..

Factor Two Counterargument: Lack of Precedent

Following the ratification of the Constitution in 1787, the United States, for nearly two-hundred and fifty years to this day, has enjoyed stability under a constitutional republic—with the brief exception of the Civil War, which still did not terminally threaten the Constitution. The Constitution's resilience demonstrates how productive and positively consequential the 1787 Convention turned out to be. Therefore establishing a firm precedent to follow. While that precedent is not codified, it remains to serve as a base model for productive results—eliminating the second argument for AVCC's ambiguity.

Factor Three Counterargument: Political Compromise

Similar to the counterarguments stated to Factor One, governance in the United States is no longer contingent on a consensus by several states attending a convention. The Union is not dependent on some near-unanimous consent to execute basic government functions.

Factor Four Counterargument: Fear of Abuse

The fourth factor remains the fear of AVCC's abuse by specific interest groups. However, it is not a specified AVCC, but rather a vague AVCC that threatens to provide a disproportionate advantage to special interest groups bent on undermining democracy—as this report shall discuss later. The very purpose of this report outlines why AVCC is now in a prime position to be abused more than ever—or lead to a 'runaway convention'.

Factor Five Counterargument: Intentional Ambiguity

This last factor continues to be relevant and is in fact the reasoning for why the other factors are no-longer relevant due to the United States evolving past its post-Revolutionary turbulence into a strong stable representative democracy.

Ten Points of Contention and Additional Points of Inquiry

The report has explored the history of AVCC, how it has been historically utilized, and why it was left ambiguous. Going forth for this segment, the report shall reflect on its own concerns with AVCC's vagueness, as well as bring forth concerns raised by the nonprofit Common Cause, the Department of Justice (DOJ), and the Congressional Research Service (CRS).⁴¹

The inclusion of concerns raised by Common Cause, the DOJ, and CRS are pertinent to this report in that those entities have conducted the most thorough research into AVCC's flaws. Their research—for this section—will help guide this report's own concerns with AVCC's vagueness.

This report will categorize AVCC concerns into two groups:

The Ten Points of Contention will consist of concerns that pose an immediate and direct threat to American democracy. As this report has previously established, the Founding Fathers intended for AVCC to safeguard popular sovereignty and democracy. Therefore, immediate and direct threats are defined as variables that may result in (1) an undemocratically appointed slate of delegates, (2) a convention unlikely to protect popular sovereignty and democracy due to lack of accountability, and (3) a convention likely to empower federal overreach or become itself an entity with broad national jurisdiction.

⁴¹ See Preface, Impactful Sources section on page [] for more information about the influence Common Cause, the Department of Justice, the Congressional Research Service have had on this report.

The Additional Points of Inquiry will serve as a compilation of ‘lesser’ concerns brought up by this report as well as other organizations concerned with AVCC, however this report does not believe they are as urgent as *The Ten Points of Contention* yet will still elaborate on them. These ‘lesser’ points of inquiry relate to indirect threats to American democracy—therefore threats that are more procedural concerns and do not fall under the three categories mentioned under *The Ten Points of Contention*.

Ten Points of Contention

1. Who would be the delegates selected for the convention and what process would they follow to deliberate on matters related to the convention?

One of the most concerning unknowns is who the delegates of the convention shall be. Another concern would be the required qualifications to be a convention delegate. Presumably, delegates would be members of Congress. Precedent indicates they are representatives or statesmen appointed by state legislatures, however, no current statutes exist codifying that precedent into law.

The critical concern here is that delegates could potentially be self-serving, members of the elite, or individuals who ordinarily should not be serving in public office such as convicted felons, especially those with a history of economic, civil, or political violations.

2. How would delegates be selected for the convention?

Equally as important to consider who the delegates are is how they are elected or appointed. Again, precedent indicates that the state legislatures should appoint delegates, however, seeing as that precedent is not codified, the business of appointing the delegates is left undelegated. Questions arise as to whether the delegates are democratically elected or appointed. If they are appointed, are appointments performed by representative institutions, and which ones (state legislative districts are not immune from gerrymandering and disproportional representation)? If they are elected, are they elected on a local, state, or federal level? Will delegates have to run campaigns and are hence, subject to campaign regulations? Could ranked choice voting be used to elect delegates, thus making their election more democratic? Did the founding fathers intend for delegates to be directly accountable to constituents (similar to Congressmen) or to states and their legislatures (similar to Senators prior to 1912)? Do delegates face democratic accountability, is there a process for recalling, impeaching, or removing them from office if they fail to represent their constituents’ interests? Lastly, who facilitates and directs the agenda of the convention, is there a presiding officer elected from among the delegates as precedent would have us believe?

Defining how delegates are appointed entirely determines whether the convention can operate democratically and will serve Americans’ interests. The lack of any parameters regarding delegate appointment or election within AVCC is deeply concerning as there is no method of ensuring democratic accountability.

3. How would the delegates—and by extension the convention—be empowered to make decisions on proposed amendments?

Another critical aspect AVCC has not defined is how delegates are required to make decisions within the convention (not the final ratification). Do they require a simple or super majority of delegates present? What parliamentary rules of order are to be upheld in the convention chamber?

For instance, in the Senate, the Filibuster is reasoned by some as an effective tool to protect minority interests, while others view it as a function that creates a tyranny of the minority. Clarifying how decisions are made within the convention helps us understand to what extent the convention will empower the majority and protect the minority.

4. What duration would delegates be expected to serve and how long would the convention duration be?

Yet another undefined parameter about the delegates is how long they serve, if they have terms, if there is a duration to those terms, and if there are term limits. Another variable is how long the convention could take, the concern being that the unelected slate of delegates could retain power for far longer than would be reasonably acceptable.

5. To what extent is the convention democratic and to what degree and how does proportional representation factor into convention decisions?

Going off of the second concern with AVCC regarding how delegates are appointed, a further concern arises as to whether the number of delegates is proportional to state population or whether states should each have equal representation. The only basis for precedent lies in the Articles of Confederation through the Second Continental Congress which entitles each state to retain anywhere from two to six delegates who act in committee to provide each state one vote in the Second Continental Congress. The Articles further specified that each state legislature was responsible for the appointment of delegates, leaving the responsibility to them.

AVCC neither outlines whether there shall be proportional representation in a supposed constitutional convention, nor whether it is the business of the respective states to determine whether representation should be proportional. Furthermore, the Articles of Confederation state that each state is ultimately allotted one vote in Congress, whereas AVCC outlines no such specifics.

6. To what extent does the convention preserve the integrity of American liberal democracy and the republican governance of the United States outlined in the Constitution?

The Constitution is specific when outlining that certain aspects of government must be republican in form and should ultimately serve the interests of the people, whether expressed or implied. For instance, Article IV, Section 4 of the

U.S. Constitution decrees that all state (and by extension local) governments must be republican in form, indicating that the Constitution is specific when outlining whether an institution should be by nature representative and ensure a republican outcome. AVCC makes no mention of the convention being mandated to protect the United States' republican system of government, its representative democracy, or the individual liberty of its people.

The ambiguity regarding what outcomes may arise from a constitutional convention potentially threatens the future of American democracy. The danger is all too great for an unelected slate of delegates to undermine the republic and throw American civil liberties into jeopardy.

7. To what degree are special interests groups (and their advocates) represented at the convention?

One of the major challenges burdening American democracy today is undoubtedly the influx of special interests and “dark money” in the halls of power. Our current ethics institutions are unable to combat the spread of dark influence and out of the 535 members of Congress, 462 (83%) accept corporate Political Action Committee (PAC) donations in 2022.⁴² However, even with the stakes much greater among convention delegates, there exist no ethics provisions to ensure democratic accountability. Furthermore, as no ethics regulations exist for constitutional conventions, special interests and their lobbyists could potentially have a seat at the table with the delegates, perhaps even drafting new Constitutional amendments similar to how they currently draft bills proposed in Congress—leading to the name ‘shadow legislature’ being coined.⁴³

8. To what extent is the convention transparent with the public regarding its activities?

Another essential point to protecting accountability within a constitutional convention is ensuring transparency of what measures are being proposed, which delegates who are supporting them, and assessing the potential impact those amendments may have. The original convention was noted for having little to no transparency regarding its activities, with delegates being shut away in the Pennsylvania Statehouse for one-hundred days. Many Americans were not even aware a constitutional convention was taking place as the gathering of delegates was initially branded as a meeting to rectify flaws in the Articles of Confederation. Delegates of the 1787 Convention argued the lack of transparency was to ensure free debate on issues.⁴⁴ However, modern increased American

⁴² Gonzales, Nathan L. "Corporate PAC Donations: Who's Accepting and Who's Rejecting." Roll Call, January 25, 2021.

<https://www.rollcall.com/2021/01/25/corporate-pac-donations-whos-accepting-and-whos-rejecting/>.

⁴³ "Sixty Percent of Laws Approved During a Two-Year Period Were Sponsored by Outside Interests." Daily News. Last modified July 10, 2010.

<https://www.dailynews.com/2010/07/10/sixty-percent-of-laws-approved-during-a-two-year-period-were-sponsored-by-outside-interests>.

⁴⁴ Toppr, "Why did the delegates agree to keep the proceedings of the Constitutional Convention secret?," Toppr, accessed July 31, 2023,

dissatisfaction over government secrecy would throw into question whether a secret convention would be aligned with popular interests and democratic values.

9. What is the extent of the convention's jurisdiction and to what degree could it be considered to have super-constitutional authority?

AVCC enumerates that a convention could propose constitutional amendments for ratification by the state conventions. However, AVCC neither places limits on the number of amendments a convention could produce, nor does it prohibit delegates from disposing of the current constitution and drafting a new governing document—similar to the original convention with the Articles of Confederation. Furthermore, AVCC makes no mention as to whether proposed Amendments must be single-issue and therefore must be ratified by separate motions of the convention. Ambiguity with whether amendments are single-issue permits the convention to potentially propose several amendments for ratification through one motion.⁴⁵

The overarching question arises as to what authority a supposed constitutional convention possesses. Does the convention act on some Super-Constitutional authority? Are all provisions in the Constitution open to amendment or complete abolition by the convention? What limits does AVCC set as to what may or may not be amended?

There are only two observable limits outlined in AVCC.⁴⁶ The first prohibits the amendment of the first and fourth clauses of Article I, Section 9 as follows:

First Clause, "The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person."⁴⁷

Clause One was written as a concession with Southern states to prevent any restrictions on the importation of enslaved people to the United States until 1808 when the matter would be reopened for consideration. Eventually, the 13th and 14th Amendments (ratified in 1865 and 1868 respectively) abolished slavery and placed protections on immigrant rights respectively.

<https://www.toppr.com/ask/en-us/question/why-did-the-delegates-agree-to-keep-the-proceedings-of-the-constitutional-convention-secret/>

⁴⁵ See page 29 for more information about runaway convention concerns.

⁴⁶ Congress, "ArtV.5 Unamendable Subjects" Constitution Annotated, accessed July 31, 2023.

https://constitution.congress.gov/browse/essay/artV-5/ALDE_00013059/#:~:text=1U.S.%20Const.-,art.,Suffrage%20in%20the%20Senate.%20

⁴⁷ United States Constitution, Article I, Section 9.

Fourth Clause, "*No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.*"⁴⁸

Clause Four was written to ensure fair taxation among the states by ensuring states were exclusively taxed proportional to their population and that highly populated states—with more congressional representation—did not unfairly levy taxes on smaller, less represented states. However, this clause has been effectively nullified by the ratification of the 16th Amendment in 1913, allowing Congress to levy taxes on the states as they see fit—resulting in the federal income tax.

Clauses One and Four have not only both exceeded the year limiting their amendment (1808), however, both clauses have been superseded by constitutional amendments nullifying them (13th, 14th, and 16th Amendments).

The second limit outlined in AVCC prohibits any amendment that deprives a state of its equal standing in the Senate.

*"...and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."*⁴⁹

This last sentence of AVCC was intended (similar to the fourth clause of Article I, Section 9) to restrict the ability of high-population states to impose their will on states with lesser populations.⁵⁰ This last line of AVCC raises two questions. First, does the fact that AVCC prohibits any amendment from disrupting equal suffrage in the Senate entail that no amendment may abolish the Senate by extension? For there is no disruption to equal suffrage in the Senate if the Senate ceases to exist. The second question is that of consent as states may be deprived of equal suffrage in the Senate—with their consent. Does "*Consent*" refer to the consent of the respective state legislatures, or does it refer to the last major caveat of AVCC?

10. What are the parameters and limits of the state conventions?

The last major concern arising from AVCC's ambiguity regards state conventions.

*"...when ratified by... Conventions in three fourths [of the states]..."*⁵¹

Besides stating that convention proposals may be ratified by conventions in three-fourths of the states, AVCC provides no additional context about what state conventions are, how they are organized, who serves on them, or if they are democratically appointed.⁵²

⁴⁸ United States Constitution, Article I, Section 9.

⁴⁹ United States Constitution, Article V.

⁵⁰ Stewart, David O. *The Summer of 1787: The Men Who Invented the Constitution*. Simon & Schuster, 2007.

⁵¹ United States Constitution, Article V.

⁵² However, the 21st Amendment provides limited precedent on how state conventions could be conducted, see page 10.

Essentially, every concern thus far mentioned in regard to the national constitutional convention also arises for these supposed state conventions.⁵³ However, here, there is more legal precedent to address the 10th concern. The 21st Amendment was ratified by state conventions providing a partial legal basis to address the ambiguity of state conventions.

Furthermore, connecting back to Concern 9, states may be deprived of their suffrage in the Senate with their “*Consent*”. The question is as to whether that consent originates from the democratically-elected and representative state legislatures—or from the possibly unelected state convention. Could states’ entire representation in Congress be determined by an unelected body?

Additional Points of Inquiry

The Additional Points of Inquiry demand increased research and scholarly opinions regarding their implications. Few resources are currently available to expound upon their role in relation to AVCC, these points of inquiry will be updated as the investigation progresses.

1. Potential for increased partisanship resulting from an Article V convention.
2. Subsequent legal challenges due to upending centuries old precedent.
3. Disputes over the legality of convention outcomes and amendments.
4. Without clear procedures and rules, the convention could be delayed by disputes, challenges, and procedural questions. This could potentially delay important constitutional amendments and lead to unrest surrounding the convention.
5. AVCC ambiguity opens the door to broad Supreme Court interpretations of convention outcomes that may not be in favor of popular or democratic interests.

The Convention Conundrum:

The following is a summary of the *Ten Points of Contention*, the ten most immediate and direct threats AVCC poses to American democracy.

- 1) *Delegate Qualification Uncertainty*: The qualifications for delegates are not clearly defined, and there is a lack of procedural process.
- 2) *Democratic Accountability Deficit*: Delegates are not required to be elected or appointed by an elected body, and there are no mechanisms for impeachment, removal, or recall.
- 3) *Procedural Ambiguity*: The convention lacks clear procedures and thresholds for proposing amendments.
- 4) *Duration and Term Limit Indefiniteness*: The convention's duration is undefined, and there are no term limits for delegates.
- 5) *Representation Unspecified*: The convention does not specify whether representation should be proportional or by state.
- 6) *Democracy and Republicanism Preservation*: There is no requirement for the convention to preserve liberal democracy and American republicanism.

⁵³ This 10th concern pertains to Amendment processes two and four listed on page 7.

- 7) *Special Interest Influence*: The potential for undue influence by special interest groups is a concern.
- 8) *Transparency Concerns*: The level of transparency with the public during the convention is uncertain.
- 9) *Jurisdictional and Authority Issues*: The limitations on the convention's jurisdiction are undefined, raising the potential for super-constitutional authority.
- 10) *State Convention Parameters Unclear*: The parameters for state conventions are not clearly defined.

Threat to American Democracy

As outlined previously, the above concerns represent how AVCC's ambiguity may easily lead to (1) the potential for delegates to be appointed through non-democratic means, (2) the risk of a convention that fails to uphold the principles of popular sovereignty and democracy due to a lack of accountability mechanisms, and (3) the danger of a convention that either enables excessive federal power or evolves into an entity with expansive national jurisdiction.

Thus, this report can conclude that an Article V Convention poses a direct and immediate threat to American democracy and measures should be taken to address its ambiguity.

AVCC Enables the Power Concentration it was Intended to Prevent

[claim/thesis]. Article V was designed as a safeguard against the concentration of power and a tool for Americans to fundamentally restructure government should it systematically fail to uphold its mandate. However, the necessity for a comprehensive review has become evident. The ambiguity of AVCC, the lack of a legal framework detailing the convention process, and the potential for an undemocratic convention or a less-than democratic outcome, have led this report to determine that AVCC poses a risk. AVCC could concentrate federal power and undermine its reasons for existence. The potential appointment of delegates through non-democratic means, the risk of a convention failing to uphold the principles of popular sovereignty and democracy due to a lack of accountability mechanisms, and the danger of a convention enabling excessive federal power or evolving into an entity with expansive national jurisdiction, are all significant concerns. Therefore, this report must consider solutions to AVCC in a manner that ensures it continues serving its original purpose while mitigating the above risks.

Analyzing current attempts at AVCC invocation

AVCC's invocation is closer to success than it has ever been. The reason for this success is due a new wave of funding, lobbying, and astroturfing operations being facilitated by special interests hoping to play a role in a constitutional convention. The current attempts at AVCC invocation are significantly more dangerous than any attempt at a convention previously proposed. As this report has determined, former attempts at AVCC invocation have largely been spurred by popular grassroots movements aimed at democratizing Congress and curbing federal overreach. Current attempts, however, are

dissimilar in that they have been sponsored by wealthy special interests exerting their influence over public policy. Enabled by the FEC. vs. Citizens United Ruling [footnote], these special interests are leveraging their Political Action Committee (PAC), 501(c)(3), and (c)(4) advocacy wings to 'educate' and influence state legislators to support AVCC invocation at the state level.

The report will analyze the AVCC invocation attempt underway for several years by ALEC and its allies. Though many organizations may appear to support AVCC's invocation, many of their fundors and beneficiaries can be tied back to ALEC and its donors. The report is analyzing these attempts at AVCC invocation because it has determined them to be the most immediate and direct threat to a democratic implementation of Article V. The Citizens United Ruling has tarnished the objectivity of lawmakers on both the left and right, therefore, as long as special interest—backed by wealthy donors and industries—are playing a substantive role invoicing AVCC and later influencing a convention, then the convention cannot be expected to wield an outcome that protects American democratic institutions.

The Constitutional Convention Invocation Movement (CCIM):

For the purposes of this report, the Constitutional Convention Invocation Movement refers to the group of special interests and their advocacy organizations pushing for a two-thirds majority of the states to call an Article V Constitutional Convention. The reasons provided by proponents for CCIM are to ratify a Balanced Budget Amendment (BBA) to reign in supposedly excessive federal spending.

However, this report's purpose is not to render an opinion on the BBA proposal. Rather, this report is intended to analyze the risk of a runaway convention and demonstrate how CCIM proponents (comprising billionaires, corporations, special interests, and their advocates) are unlikely to protect America's democracy and popular interests in a Constitutional Convention.

The following segment of this report shall explore (1) who CCIM proponents are, (2) how the source and flow of dark money benefits CCIM proponents, and (3) how the risk of a runaway convention threatens American democracy.

CCIM Proponents

The two most prominent advocacy arms of these special interests heavily pushing for AVCC invocation are the American Legislative Exchange Council (ALEC) and the Convention of States (COS).⁵⁴

ALEC has garnered an infamous reputation across grassroots circles and watchdog organizations for their closed-door tactics with state

⁵⁴ ALEC and COS enjoy making the distinction between a Constitutional Convention (a "ConCon") and an Article V Constitutional Convention (AVCC). Although in certain respects the two are not the same, AVCC's broad powers greatly resemble a ConCon such as the one held in 1787. In fact, restrictions on AVCC are even less than the 1787 Convention, which was supposed to be limited to rectifying the Articles of Confederation. Therefore, this report shall ignore that distinction as AVCC's broad powers practically make it a ConCon, apart from the aforementioned 1808 exceptions.

legislators—working to lobby for their financiers' interests. ALEC advocates for and is funded by large industry tycoons such as Pfizer, ExxonMobil, and AT&T.⁵⁵ ALEC's influence in state legislatures has curbed actions related to addressing big pharma's dominance and its disastrous consequences on America's health system. Furthermore, ALEC's big oil and tech ties have led the organization to support climate-change denialism, environmentally destructive initiatives, as well as actions against universal broadband and internet access policies. Now, their attention is directed toward rewriting the Constitution through AVCC.⁵⁷

ALEC's tight grip on state legislatures (through campaign funding) has been known to undermine democracy in the United States. A Democracy Wire report by Common Cause stated that ALEC, "...has a long history of pushing an extreme agenda that includes such anti-democracy measures...", therefore supporting the angle that ALEC's objectives are not in the best interests of America's democracy.⁵⁸

COS—and their Super PAC Convention of States Action (COSA)—despite branding themselves as a "a movement of grassroots citizens",⁵⁹ COS and COSA are funded by right-wing billionaires and corporate advocacy organizations such as the Mercer Family Foundation,⁶⁰ Koch Industries (a venture of the Koch Brothers), and America First Works.⁶¹ COS and COSA were established by the organization Citizens for Self-Governance (CSG). CSG advocates for individual freedom policies yet is funded by DonorsTrust and Donors Capital Fund, two funding conduits the Koch Brothers are known to use, according to SourceWatch.⁶²

⁵⁵ Exposed by CMD. "ALEC Is Using Wolf-PAC to Help the Right Rewrite the Constitution - EXPOSEDbyCMD." EXPOSEDbyCMD, May 23, 2023.

<https://www.exposedbycmd.org/2023/05/23/alec-is-using-wolf-pac-to-help-the-right-rewrite-the-constitution/>.

⁵⁶ "American Legislative Exchange Council," SourceWatch, last modified July 8, 2023, https://www.sourcewatch.org/index.php/American_Legislative_Exchange_Council.

⁵⁷ "ALEC Backs Extreme Climate Denial, Constitutional Rewrite, Corporate Wish List at Nashville Summit - EXPOSEDbyCMD," EXPOSEDbyCMD, last modified December 6, 2017,

<https://www.exposedbycmd.org/2017/12/06/alec-backs-extreme-climate-denial-constitutional-rewrite-corporate-wish-list-nashville-summit/>.

⁵⁸ Common Cause. "We the People Will Not Allow ALEC to Undermine Our Democracy." Democracy Wire. Accessed July 10, 2023.

<https://www.commoncause.org/democracy-wire/we-the-people-will-not-allow-alec-to-undermine-our-democracy/>

⁵⁹ <https://conventionofstates.com>

⁶⁰ The Mercer Family Foundation maintains support for right-wing think tanks such as the Federalist Society and Heritage Foundation. "Mercer Family Foundation." SourceWatch. Accessed July 31, 2023. https://www.sourcewatch.org/index.php/Mercer_Family_Foundation.

⁶¹ America First Works (AFW) is a right-wing advocacy group promoting the nationalist "American First" policy agenda which, according to the nonprofit watchdog SourceWatch (a project of The Center for Media and Democracy) has engaged in voter suppression, school privatization, anti-LGBT, and reproductive freedom restriction campaigns. AFW additionally has financial links to the Koch Brothers.

⁶² "Convention of States Action." SourceWatch. Accessed July 31, 2023.

https://www.sourcewatch.org/index.php/Convention_of_States_Action.

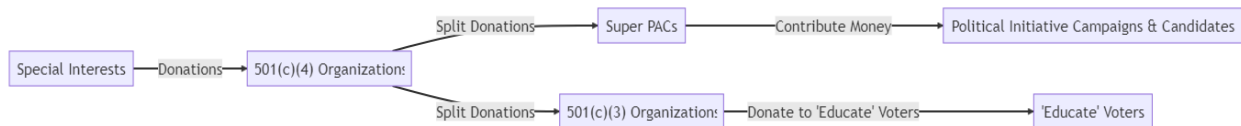
Investigative reports have provided the above information on ALEC's and COS's contributors. However, ALEC's and COS's (c)(4) advocacy wings do not have to disclose their donors in line with IRS regulations, hence, finding ALEC's and COS's supporters is practically impossible.

Dark Money Flow: The Role that 501(c)(3), 501(c)(4), and Political Action Committees (PACs) Play in Influencing AVCC Invocation

The report wishes to briefly explain the relation between these three organizational classifications and how they work together to anonymously raise 'dark money' tax-free, then covertly disperse it among seemingly 'grassroots' organizations for a desired outcome.⁶³

Dark Money Flow: 501(c)(4) organizations can receive donations from individuals and corporations, and their special interest advocates. These donations are not required to be disclosed. The 501(c)(4) organizations can then donate to Super PACs and 501(c)(3)s.⁶⁴ While Super PACs are required to disclose their donors, the original source of the money (the donors to the 501(c)(4) organizations) remains hidden, thus creating a flow of dark money. The Super PAC funds can then be contributed toward candidates and initiative campaigns, thus affecting their policy outcome. Furthermore, 501(c)(3) organizations that receive their funds from the (c)(4)—while not allowed to contribute to candidates or initiative campaigns—are permitted to use their funds to 'educate' voters about why specific initiatives, candidates, or issues are positive or negative for society.^{65, 66}

Here is a flow chart to visualize the flow of dark money:⁶⁷



⁶³ IRS regulations permit 501(c)(3) donations to be tax exempt and tax deductible. 501(c)(4) donations are just tax exempt. Ultimately, dark money flowing through either channel is non-taxable.

⁶⁴ As a result of the FEC vs. Citizens United Ruling, the Supreme Court has defined “corporations” as “people” and “money” as “speech”, determining that corporations (people) are permitted—by the First Amendment—to contribute unlimited money (speech) to political candidates and initiatives. Following the Citizens United Ruling, the flow of dark money has impacted politics in the United States, resulting in it being one of the greatest threats to American democracy.

⁶⁵ "Dark Money Basics," OpenSecrets, accessed July 10, 2023, <https://www.opensecrets.org/dark-money/basics>.

⁶⁶ Former Federal Elections Commission (FEC) Chairman Trevor Potter and Stephen Colbert gained notoriety for explaining the flow of dark money on *The Colbert Report*. Through the use of Colbert Super PAC, comedian Stephen Colbert highlighted the means by which special interests have used the Citizens United Ruling to circumvent campaign finance regulations. "Trevor Potter and the Colbert Report." Campaign Legal Center. Accessed July 31, 2023. <https://campaignlegal.org/trevor-potter-and-colbert-report>.

⁶⁷ Graphic is simplified for the purposes of this report.

As it relates to AVCC, special interests are anonymously donating to 501(c)(4) organizations such as ALEC Action which then siphon funds over to the ALEC 501(c)(3)—for the purposes of ‘educating’ policy makers and voters why an AVCC invocation would be positive. Furthermore, ALEC Action funds are also being siphoned through Wolf-PAC (ALEC’s Political Action Committee) to monetarily aid candidates and initiative campaigns that support AVCC’s invocation.⁶⁸

Additionally, ALEC uses astroturfing tactics to garner popular support from candidates and voters for CCIM.

Astroturfing refers to large advocacy organizations establishing localized nonprofits and initiatives which appear to be grassroots in nature, yet are deriving their funding from 501(c)(4) groups, who financially support their efforts and pay their ‘volunteers’.⁶⁹

In regards to the CCIM, ALEC’s SuperPAC—Wolf-PAC⁷⁰ has been teaming up with Convention of States Action (COSA) to operate seemingly ‘grassroots’ astroturfing campaigns across states that have not yet passed legislation calling for AVCC’s invocation.

ALEC and COS together constitute the greatest push for AVCC invocation in American history. Their relative success compared to other AVCC movements of the past is a direct result of the billions they have raised, and the thousands of state legislators they have been able to influence following the Citizens United Ruling of 2010. While their public intentions are to create a Balanced Budget Amendment, New Jersey Legislative leadership claim the BBA is simply a vehicle for CCIM to invoke AVCC and create an essential ‘back-door’ into the Constitution.^{71, 72}

Lastly, the anonymity of CCIM proponents and funding sources has contributed to the broad lack of awareness among Americans regarding threats posed by AVCC.

⁶⁸ Exposed by CMD. “ALEC Is Using Wolf-PAC to Help the Right Rewrite the Constitution - EXPOSEDbyCMD.” EXPOSEDbyCMD, May 23, 2023.

<https://www.exposedbycmd.org/2023/05/23/alec-is-using-wolf-pac-to-help-the-right-rewrite-the-constitution/>.

⁶⁹ Bienkov, Adam. “Astroturfing: What Is It and Why Does It Matter?” The Guardian. Last modified February 8, 2012. <https://www.theguardian.com/commentisfree/2012/feb/08/what-is-astroturfing>.

⁷⁰ Wolf-PAC, initially founded to oppose the Citizens United Ruling during the Occupy Wall Street Protests, has since been co-opted by ALEC and its allies to support corporate influence peddling over the AVCC invocation process.

⁷¹ Sweeney, Stephen, and Nicholas Chiaravalloti. “Sweeney & Chiaravalloti: An insidious assault on democracy is underway I Opinion.” NJ.com, January 2022. <https://www.nj.com/opinion/2022/01/a-constitutional-convention-would-further-endanger-democracy-i-opinion.html> (accessed August 1, 2023).

⁷² This report is not intended to evaluate the BBA, fiscal policy, and its proposed implementation. The purpose of this report in relation to the BBA is to explore how AVCC’s use to pass it may lead to a runaway convention.

Risk of Runaway Convention

Regardless of who CCIM proponents are, AVCC invocation by any group has always risked a runaway convention (as the founding fathers have previously established). However, due to the fact that current CCIM proponents benefit from democracy's erosion, it is therefore likely that they will use AVCC to undermine democratic systems as a means of advancing their bottom line.

As already established by the *Ten Points of Contention*, AVCC can easily be exploited to degrade popular representation and benefit special interests.

ALEC has provided a model for a "No Runaway Article V Conventions Act" which would supposedly ensure delegates do not deviate from the convention mandate provided to them by their respective state legislatures. However, considering that ALEC funds the campaigns of over 2000 state legislators, the "mandate" provided to delegates would likely be a mandate which serves ALEC's interests.⁷³

⁷⁴

Although CCIM proponents advocate for a BBA, ultimately, several factors such as their ties to dark funding, connection to big industry, use of shady advocacy wings (ALEC and COS), and history of anti-democracy initiatives render them unlikely to utilize AVCC as a means of protecting American democracy. Therefore AVCC would introduce risks for CCIM proponents to undermine constitutional rights, amend civil liberties, and erode representative democracy to benefit their own interests.

As aforementioned—due to ALEC and COS—CCIM is closer than ever to success. According to information compiled from COS and Common Cause, thirty states have passed resolutions calling for AVCC—just four short of the two-thirds majority required in Article V (34).⁷⁵

The following is a visualized map of the states that have passed AVCC resolutions (in red), states that have resolutions on the docket (in orange), states that have passed AVCC resolutions in one legislative chamber only (red and orange stripes), and states which do not have any active AVCC legislation (in blue):

⁷³ Mike McIntire, "Conservative Nonprofit Acts as a Stealth Business Lobbyist," *The New York Times*, April 21, 2012, <https://www.nytimes.com/2012/04/22/us/alec-a-tax-exempt-group-mixes-legislators-and-lobbyists.html>.

⁷⁴ Common Cause. "Money, Power and the American Legislative Exchange Council." Common Cause, 2019. <https://www.commoncause.org/wp-content/uploads/2019/08/moneypowerandalec.pdf>.

⁷⁵ See graphic on page 30.

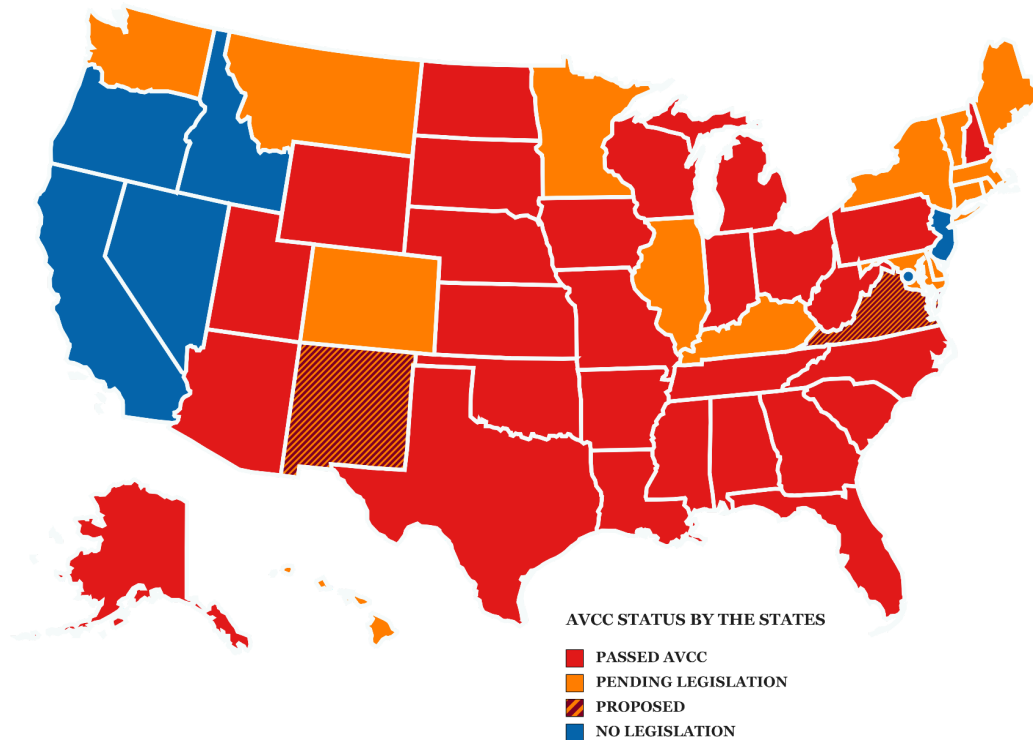


Figure based on data from Common Cause and Convention of States.⁷⁶

AVCC invocation is alarmingly close to success and the consequences of its success could be the Constitution, American democracy, and the United States itself.

Segment Summary: The Convention Conundrum

The ambiguity of the Article V Constitutional Convention Clause was a byproduct of its era, a necessary compromise in a nascent republic grappling with its identity. However, the reasons that justified its ambiguity in 1787 have now lost their relevance. Today, the vagueness of AVCC poses a new set of challenges that are counterintuitive to the Founding Fathers' intent and pose threats to democracy. This report has explored these challenges, highlighting the need for AVCC's reevaluation and specification.

The historical context that necessitated AVCC's ambiguity no longer exists. The United States has evolved from a fragile confederation into a robust representative democracy where debates over constitutional structures do not threaten the union's existence. The lack of precedent that once justified AVCC's vagueness has been replaced by a resilient Constitution that has withstood the test of time, providing a blueprint for future conventions. The political compromises that birthed AVCC's ambiguity are no longer necessary in a system where federal and state governments operate independently. The fear of AVCC's abuse by special interest groups, ironically, is now more likely due to its ambiguity. Lastly, while the Constitution remains a living document, its evolution should not compromise the principles of democracy and popular sovereignty.

⁷⁶ See commoncause.org and conventionofstates.com.

This report has identified the *Ten Points of Contention* that pose immediate and direct threats to American democracy due to AVCC's ambiguity. These concerns range from the uncertainty of delegate qualifications to the potential for a convention to overstep its jurisdiction. Furthermore, *The Additional Points of Inquiry*—while not as urgent—still warrant attention due to their potential to indirectly threaten American democracy.

The Constitutional Convention Invocation Movement (CCIM), spearheaded by organizations like the American Legislative Exchange Council (ALEC) and the Convention of States (COS), is closer to invoking AVCC than ever before. This movement, backed by wealthy special interests, is not a grassroots initiative but a well-funded political campaign machine that utilizes the channeling of dark money, astroturfing tactics, and influence over state legislators to push for AVCC invocation. The purported aim of this movement is to ratify a Balanced Budget Amendment (BBA), but the risk of a runaway convention and the potential for undermining democratic systems for their own benefit cannot be overlooked.

The AVCC invocation is alarmingly close to success, with thirty states having passed resolutions calling for it—merely four short of the two-thirds majority required. The consequences of such a convention could be far-reaching, potentially affecting the Constitution, democracy, and the United States itself. Therefore, it is imperative that this report address the ambiguity of AVCC and ensure that it continues to serve its original purpose of safeguarding popular sovereignty and democracy—while mitigating the immediate, and long term risks posed by its current vagueness.

The Convention Conundrum must not be allowed to turn into a Convention Catastrophe.

REFORMING AVCC

This report is calling for three immediate actions which will be explored in the following section.

- 1) Dramatic revisions of AVCC's ambiguity.
- 2) Rapid short-term actions to prevent the required four states from signing onto an Article V Convention.
- 3) Calculated long-term actions to prevent special interests from influencing AVCC's invocation (and by extension, constitutional liberties).

Halting Current AVCC Attempts

Prior to addressing AVCC's ambiguity, the current attempts at AVCC invocation must be stalled for the nation to avert a constitutional crisis. Only four more states would have to sign onto CCIM to trigger AVCC. Therefore, this report is recommending *immediate* ballot initiatives in the 17 states with pending legislation regarding AVCC invocation (orange and stripped states) to prevent AVCC's invocation. Furthermore, although the 'safer' blue states currently do not have any pending AVCC legislation, ballot initiatives should be followed through with them as well to prevent them from becoming 'at risk' states. Of the options considered to halt current AVCC invocation attempts, this one appears the most viable.

The content of these ballot initiatives should contain two general provisions.

- 1) Provisions to address *The Ten Points of Contention* by asserting that the state will only participate in conventions where democracy, transparency, and the removal of special interest influence are respected.

The first provisions would ensure that AVCC is specified without the need for a constitutional amendment (by making the change more feasible as well as led by grassroots ballot initiatives) and that the founding fathers' wishes are respected (by not having the process involve Congress and the federal government).

- 2) The state shall not sign onto any Article V convention until at least 17 states have approved similar ballot initiatives with the first provisions.

The second provision would ensure that no short term CCIM movement could succeed until one-third plus one of the states (17) have instituted the first provisions, preventing any CCIM from attaining the necessary two-thirds state majority and ensuring that any future CCIM movement would have to adhere to democratic standards or risk not obtaining the required states for AVCC invocation. Additionally, an even more achievable objective is to include language that prohibits states (which pass these two provisions) from ratifying any amendment proposed in a convention which does not adhere to democratic standards. Due to AVCC requiring three-fourths of the states to ratify amendments proposed in convention, this language would ensure that no undemocratic amendments could be ratified even if a convention is convened. The advantage being that only 13 states would be required to pass this provision.

The above provisions would have to immediately be passed in the 17 ‘at-risk’ states by ballot initiative—preferably in states with the lower populations and high-population densities to make canvassing for ballot signatures as easy as possible. This approach would also provide the one-third plus-one state quota to prevent any short-term CCIM movement from succeeding unless it adheres to democratic standards. These provisions, for the purposes of this report, shall form the basis of the *Stop Article V Exploitation Act (SAVE Act)*.

Other Options

The Supreme Court renders an opinion interpreting AVCC and providing it specifics in line with the desired democratic standards.

Introduces other variables as the Supreme Court is not under any method of accountability to ensure their verdict would protect democracy in AVCC. Furthermore, recent Supreme Court disdain for popularly supported individual liberties indicates the high court may not rule in the interest of popular demands.

Congress codifies specific statutes addressing the concerns listed in *Ten Points of Contention*.

Congress is compromised by special interests with Congressmembers and their parties (both Democrats and Republicans) maintain strong links with ALEC and other CCIM proponents. Furthermore, the Founding Fathers had intended for AVCC to not include Congress and the federal government. A violation of that intention may lead to undue federal influence on AVCC’s statutes.

Precedent for Long Term Strategic Plans for AVCC

There are three stages to reforming AVCC that have a firm basis in precedent. First, the Constitutional Convention of 1787 informs certain aspects of how a representative convention could be held and under what procedures. The original convention would advise what provisions to include in the SAVE Act to address the *Ten Points of Contention*. Second, the National Popular Vote Interstate Compact informs the second stage of AVCC reform, ensuring a compact of states forms to prevent CCIM from immediate success and laying the groundwork for landmark passage of the SAVE Act. Third, the American Anti-Corruption Act demonstrates how this compact of states could evolve into a cataclysmic movement for reform that results in either federal action or a constitutional amendment, therefore securing AVCC from exploitation.⁷⁷

The Constitutional Convention of 1787

The following is how precedent established by the original Convention would address the *Ten Points of Contention*.

⁷⁷ The founding fathers, as established in this report, did not intend for AVCC to have federal involvement. However, the claim that federal action may occur to secure AVCC simply refers to the federal government executing a common ballot initiative passed by the states as opposed to the federal government influencing the legislation itself.

- 1) *Delegate Qualification Uncertainty*: In 1787, delegates were chosen by their respective state legislatures, and were generally well-respected statesmen, lawyers, and leaders. A similar approach could be taken today, with states setting their own qualifications for delegates. However, as several state legislatures have been compromised by special interests (especially ALEC), direct delegate elections may appear to be the more preferable answer.
- 2) *Democratic Accountability Deficit*: Delegates to the original convention were accountable to their state legislatures. Today, mechanisms could be put in place to ensure delegates are accountable to the public, such as elections or appointments by elected officials, as well as ethics and recall provisions.
- 3) *Procedural Ambiguity*: The original convention established its own rules and procedures. A modern convention could do the same, or enumerate overarching procedures in the SAVE Act that are democratically approved by state populations.
- 4) *Duration and Term Limit Indefiniteness*: The original convention lasted as long as was necessary to draft the Constitution. However, given the modern tendency for legislators to grow increasingly inferior from their constituents the longer they remain in office, term limits may be necessary. However, a modern convention could establish regular delegate elections until convention business is concluded.
- 5) *Representation Unspecified*: In 1787, each state had one vote, regardless of its population, although states had the ability to send two to seven delegates to the convention. Considering current favorability for popular representation, a modern convention would more likely resemble a representative assembly such as the House. However, a bicameral convention with both state and popular representation potentially could be viable and would call for more research.
- 6) *Democracy and Republicanism Preservation*: The framers of the Constitution were deeply committed to these principles. A modern convention could be required to uphold the same principles, such as expanding convention limitations to not only protecting Senate representation, but republicanism and proportional representation in the United States and its constituent jurisdiction.
- 7) *Special Interest Influence*: This is a modern concern that the original convention did not have to contend with as special interests had not solidified their place in the political system by 1787. However, transparency measures and strict ethics guidelines on lobbying and campaign contributions (for elected delegates) should mitigate this issue. This solution should be provided special attention as ALEC and COS have already demonstrated their intention to influence a constitutional convention.
- 8) *Transparency Concerns*: The original convention was held in secret to allow for free debate. Today however, transparency could be ensured through open meetings and requirements for public access to convention proceedings, further enhancing democratic accountability. Secrecy now poses a greater threat to democratic accountability than it did in 1787—again, due to the modern influence of special interests.
- 9) *Jurisdictional and Authority Issues*: The original convention exceeded its mandate by replacing the Articles of Confederation rather than amending them. To avoid a similar situation without popular consent, a modern convention could

be limited to considering specific amendments or topics. Single issue conventions are an option, as well as ensuring the convention does not impose on rights enumerated in the Constitution, and is limited to fundamentally restructuring the government.

- 10) *State Convention Parameters Unclear*: The process used for the 21st Amendment demonstrates that state conventions can be democratic, transparent, and effective in making decisions on constitutional matters. The process for these state conventions was relatively straightforward. Each state called for a convention, and delegates to these conventions were chosen by voters. The conventions then voted on whether to ratify the amendment. This process ensured that the decision was made by representatives directly chosen by the people, rather than by relatively out-of-touch legislators.

Ultimately, the Constitutional Convention of 1787 and the 21st Amendment both provide certain precedents that could be replicated in a modern convention. However, certain aspects of the original convention, such as secrecy regulations, delegate election, term and convention limits may have to be overhauled for a modern convention given current circumstances (special interests, dark money, out-of-touch delegates) to ensure a modern convention's democratic outcome.

The National Popular Vote Interstate Compact

The National Popular Vote Interstate Compact (NPVIC) is a compact among a group of U.S. states and the District of Columbia to award all their respective electoral votes to whichever presidential candidate wins the popular vote. The compact is designed to ensure that the candidate who wins the popular vote is elected President, and it will come into effect only when the total electoral college votes of states on the compact meets or exceeds the required 270 for a Presidential victory.

NPVIC differs from a National Popular Vote Initiative in that it does not require a constitutional amendment. Rather NPVIC does not abolish—but effectively nullifies the electoral college, therefore providing a more democratic outcome—a popularly elected President.

The Interstate Compact Theory

The Interstate Compact Theory suggests that popular reforms may circumvent institutional barriers in order to create a more democratic or socially equitable landscape. The Theory would be predicated on ballot initiatives popularly adopted by state populations. When enough states adopt these ballot initiatives, it would automatically trigger a *de-facto* constitutional reform—such as in the case of NPVIC.

As it relates to AVCC, the Interstate Compact Theory would be implemented and states would agree to some common ballot measure that would automatically initiate a constitutional reform—in this case AVCC specification—upon meeting the required number of states (17).

The American Anti-Corruption Act

The Amendment Threshold Theory initially introduced by Bloomberg News and currently being popularized by the nonprofit Represent US.⁷⁸ Represent US's aims are to implement the theory to pass the American Anti-Corruption Act through enough state ballot initiatives to secure federal action or a constitutional amendment. The American Anti-Corruption Act would seek to cut dark money out of politics, close the revolving door, introduce ranked choice voting, independent elections redistricting commissions, and institute Congressional term limits.⁷⁹ The reasoning being that Congress, having benefited from these mechanisms, would be reluctant to pass such a measure as the Anti-Corruption Act, therefore warranting grassroots initiated ballot initiatives in enough states to trigger landmark federal action or a constitutional amendment.⁸⁰

The Amendment Threshold Theory

The Amendment Threshold Theory stipulates that landmark constitutional reforms could be proposed through grassroots ballot initiatives which either spur federal action or a constitutional amendment's ratification. The key component of the Theory is that there is a specific threshold of state initiatives—based on several factors—that when crossed, catalyzes inevitable reform. A Bloomberg interactive article titled “This is How Fast America Changes its Mind” determined these factors to be, “...a court decision or a grassroots campaign reaching maturity—triggers a rush of state activity that ultimately leads to a change in federal law”.⁸¹ Specifically, the Amendment Threshold Theory believes that a grassroots campaign reaching maturity will initiate the wave of states that enact the landmark reform or constitutional amendment.⁸²

As it relates to AVCC, the Amendment Threshold Theory implies that after the required 17 states agree to an interstate compact against CCIM, the grassroots movement that compact triggers would inevitably lead to landmark federal action or constitutional reform to specify AVCC and ensure it remains a tool not to undo American democracy—but to preserve it.

Segment Summary: Reforming AVCC

The SAVE Act is currently under development and requires thorough research, drafting, and consulting with constitutional law scholars to ensure the Act's soundness and legal compatibility.

The ambiguity of an Article V Constitutional Convention (AVCC) and the potential for its exploitation necessitates immediate and decisive action. The proposed *Stop Article V*

⁷⁸ See represent.us.

⁷⁹ RepresentUs. "What's in the Act." Accessed July 31, 2023.
<https://anticorruptionact.org/whats-in-the-act/>.

⁸⁰ Ibis.

⁸¹ Bloomberg. "This is How Fast America Changes its Mind" Bloomberg.com, 2015,
<https://www.bloomberg.com/graphics/2015-pace-of-social-change/>. Accessed July 31, 2023.

⁸² Ibis. This report has already discussed one such instance which the Amendment Threshold Theory has led to democratization in the United States—the 17th Amendment. See page 9.

Exploitation Act (SAVE Act) is an instrument to preserve the democratic principles of the original Constitutional Convention of 1787 and the precedent set by the 21st Amendment.

Essentially, the SAVE Act, combined with the principles of the Interstate Compact and Amendment Threshold theories, provides a pathway toward reforming AVCC. A pathway that respects Founding Fathers' intentions, upholds the principles of democracy and republicanism, and ensures that AVCC remains a tool to preserve—not undermine—American democracy. The SAVE Act can only be passed through ballot initiatives across the United States; it will require the collective effort of grassroots advocacy organizations, and most importantly the American people, to save the United States from the unknown threat to its democracy. Therefore, this report calls for an immediate national grassroots movement to mobilize the American people to support, and vote for, the SAVE Act.

CONCLUDING FINDINGS

Article V, originally conceived as a mechanism for the people to protect American democracy, has morphed into the very institutional threat it was designed to guard against. AVCC's ambiguity and lack of legal statute outlining the convention process make it a threat to democracy in the United States. The historical instances where the threat of AVCC led to significant reform within the federal government demonstrate its potential as a tool for democratizing American systems of government. However, the current attempts at AVCC invocation, influenced by special interest groups and dark money, highlight the risk of a runaway convention that could undermine the democratic republic. Therefore, it is crucial to reform AVCC to prevent its future exploitation. This may be achieved by passing the SAVE Act via ballot initiative across the United States, requiring states to conduct a constitutional convention in a predetermined and democratic process. Therefore, doing so ensures AVCC continues serving as a safeguard for popular interests, without compromising the Founding Fathers' intent and preserving the democratic principles the United States was built on.

Subsequent Editions of this Report

Again, there shall be two subsequent editions of the "Unknown Threat to American Democracy". Current plans are for the Second Edition to contain the proposed text for the SAVE Act as well as in-depth analysis of major reports regarding an Article V Constitutional Convention. The Third Edition shall be released following progress made toward reforming AVCC—reflecting on the successes and shortfalls of the SAVE AVCC movement as well as bringing new scholarly viewpoints to the report regarding AVCC and the legality of the SAVE Act. Timelines for these subsequent editions' release will be made available in due course.