FRIENDS OF THE ARTICLE V CONVENTION

One Friend At A Time

The "Runaway Convention" Never Existed

One of the major arguments against calling an Article V Convention is fear of a "runaway convention." This urban legend traces its roots to the John Birch Society. The legend says when the Federal Convention of 1787 "ignored" the instructions from Congress to "revise" the Articles of Confederation but instead proposed a new Constitution it became a "runaway" convention.

What the urban legend doesn't say is on September 27, 1787 when the question of whether to accept the recommendation of the convention for a new Constitution and forward it to the states possible ratification was brought up in Congress, the first objection to it was raised by Congressman Richard Henry Lee of Virginia. Lee believed Congress (and therefore the convention) had violated the Articles of Confederation under which Congress (and the convention) operated. Lee's motion said (in part) "Resolved That Congress after due attention to the Constitution under which this body exists and acts find that the said Constitution in the thirteenth Article thereof limits the power of Congress to the amendment of the present confederacy of thirteen states, but does not extend it to the creation of a new confederacy of nine states..."

Therefore, according to Lee, the convention acted unconstitutionally and was therefore a "runaway." The motion was debated. In the end Congress voted 25-6 against Lee's motion. Under the Articles, all states were bound to accept whatever decision Congress reached on any question before it. The official vote by Congress determined the convention was not a "runaway" but instead was authorized under the Articles. Thus Congress officially voted on the question of a "runaway" convention and determined it never existed. The question of a "runaway" convention was never again raised in debate on ratification of the Constitution. Click this link for further details. The Journal of Congress record showing Lee's motion and the vote are shown below. Click to enlarge.

