Author: Peter Rykowski
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Stop Idaho Federal Constitutional Convention Resolutions HCR 23 and HCR 25

Members of the Idaho Legislature are seeking to pass a resolution applying to Congress to "call a convention for proposing an amendment," under Article V of the Constitution, otherwise known as a federal constitutional convention (Con-Con), or a "convention of states," as some erroneously call it.

House Concurrent Resolution No. 23 (HCR 23) would apply to Congress for a convention to propose a congressional term-limits amendment, while House Concurrent Resolution No.25 (HCR 25) would apply to Congress for a convention to propose a so-called Balanced Budget Amendment (BBA).

Term limits would do nothing to limit the federal government or improve our representation in Congress. For example, they would throw out the best congressmen along with the worst. Furthermore, term limits ignore the most serious problems our nation faces, including fiscally-irresponsible policies and lack of adherence to the Constitution. Term limits in California have failed to limit the state's government. Meanwhile, **every BBA proposal actually contains major loopholes** that would allow reckless spending to continue and even constitutionalize spending that currently is unconstitutional.

Any Article V convention, no matter how well intentioned, is likely to devolve into a runaway convention that would reverse many of the Constitution's limitations on government power and interference. In other words, **a Con-Con could accomplish the same goals that many of its advocates claim to be fighting against.** As evidence, both a 2016 and 2023 simulated "Convention of States" resulted in amendments massively increasing the federal government and expanding its spending powers.

When speaking to your legislators, emphasize the following irrefutable facts about an Article V convention for proposing amendments:

1. There is no constitutional authority for a limited convention.
2. There is no guidance on how delegates would be selected.

3. There is no guidance on who could qualify as a delegate.
4. There is no guidance on how many delegates each state could send.
5. There is no provision for stopping a runaway convention.
6. There is no provision for how rules would be established.
7. There is no provision for how rules would be enforced.
8. There is no role provided for the people to play in the process.
9. There is no power provided for the people to stop a convention once it starts.
10. There is no description of the ratification conventions Congress could choose to call.
11. There are no rules governing the ratification conventions Congress could choose to call.
12. There is no means provided for either the states or the people to challenge Congress's choice of the method of ratification.
13. There is no test provided for a qualifying application submitted by a state.
14. The acceptance by one Congress of a state application for a convention does not bind subsequent Congresses from accepting that application.
15. Application for a convention submitted by one state legislature does not prevent subsequent state legislatures from revoking the previous application.
16. All these issues would be challenged in court and would take years to be decided.
17. The issues to be addressed at a convention to propose amendments would likely be moot by the time the challenges reached the U.S. Supreme Court for final adjudication.
18. If 100 percent of registered voters opposed an amendment proposed by a convention, but the requisite number of state legislatures or ratifying conventions (according to the process determined by Congress for consideration of proposed amendments) supported it, then that amendment would become part of the Constitution regardless of the will of the people.
19. The same scenario is true if a proposed amendment were approved by 100 percent of registered voters but rejected by the ratification conventions or state legislatures (according to the process determined by Congress for consideration of proposed amendments).

For more facts about convening an Article V convention, The John Birch Society urges you read and distribute copies of our latest 16-page "Article V Convention Brief," written by JBS Constitutional Law Scholar Dr. Joe Wolverton, J.D. Click HERE to download a free PDF of the "Article V Convention Brief," and click HERE to purchase professional print copies for educational distribution.

An Article V convention possesses the inherent power to propose ***any*** changes to the U.S. Constitution, including drafting and proposing an entirely new "modern" (i.e., socialist) constitution. Instead, ***the Idaho Legislature should consider Article VI and nullify unconstitutional laws.***

Furthermore, ***state lawmakers should also consider rescinding any and all previously passed Article V convention applications to Congress, regardless of the desired amendment(s).*** Passing rescission resolutions will help prevent aggregating past Article V convention applications with those from other states to force Congress to call a convention.

Above all, **urge your state representative and senator to oppose HCR 23, HCR 25, and all other pro-Article V convention resolutions, and to instead consider nullification as a safe and constitutional means to limit government.**

The Harsh Reality of a "Convention of States"

Debunking "Convention of States" False Claims