

# Convention of States Project's "Simulated Convention" A Dog And Pony Show

## Foundational Knowledge

Our Constitution [delegates only a handful of powers to the federal government](#). But 100 years ago, we started electing

Progressives (Fabian socialists) to State and federal office.

With the enthusiastic approval of the American People, the Progressives set up the socialist regulatory welfare governments (state and federal) we now have. It's unconstitutional; but Americans didn't care because *they* were being taken care of by the governments, and their children were getting "free" public school educations.

So for the past 100 years, the federal and state governments *and the American People* have ignored our Constitution.

Now that our socialist system is collapsing, along comes the **"Convention of States" Project (COS)**, blames all our problems on the federal government, and claims we can fix the federal government's *violations* of our Constitution by *amending* the Constitution.[1]

And they say amendments which will "rein in the abuse of power by the federal government" when it "violate[s] its constitutional limitations", [2] can be obtained only at a convention called by Congress pursuant to Article V of our Constitution.

Article V provides that if two thirds of the States apply for it, Congress shall call a convention for proposing amendments to the Constitution.[3] <sup>3</sup> However, Delegates would have the

right, as recognized in the 2<sup>nd</sup> paragraph of our Declaration of Independence, to throw off the Constitution we have and write a new Constitution which creates a new government. This has happened before!

Our first Constitution was the [Articles of Confederation](#). It had defects, so on February 21, 1787, the Continental Congress called a convention to be held in Philadelphia [“for the sole and express purpose of revising the Articles of Confederation”](#). But instead of proposing amendments, the Delegates wrote a new Constitution, *with an easier mode of ratification*, [4] which created a new government. In [Federalist No. 40](#) (15<sup>th</sup> para), James Madison invoked the Delegates’ right to abolish our form of government, as recognized in the Declaration of Independence, to justify ignoring their instructions and drafting a new Constitution which created a new government.

So! Ever since the federal convention of 1787, it has been known that *any convention called to address our Constitution under Article V provides the opportunity to impose a new Constitution*. [5] That’s why the enemies of our Constitution periodically push for an Article V convention.[6]

**In response to the current push, constitutionalists are warning Americans that if Congress calls an Article V convention, a new constitution with a new mode of ratification is likely to be imposed – probably a new constitution which [moves us into the North American Union](#).**

### **COS’s “simulated” Article V convention**

So during September 2016, [COS held an “invitation only” “simulated convention” in Williamsburg, Virginia](#) attended by State Legislators handpicked by COS,[7] to show us that Delegates to a real Article V convention called by Congress will do nothing more than propose amendments.

And lo! At the “simulated convention”, all the handpicked invitees did was propose six amendments to our Constitution – they didn’t “run away” and propose a new Constitution with a new mode of ratification!

COS would like us to believe that their “simulated convention” proves that a real Article V convention called by Congress also won’t run away when, in fact, it proves nothing except that handpicked COS invitees fall in line with the COS agenda.

Now let’s look at the proposed amendments: COS posted them [HERE](#); an archived copy is [HERE](#).

### **COS’s six amendments**

Like [Newspeak in George Orwell’s “1984”](#), the amendments would do the opposite of what COS claims.

#### **“Fiscal Restraints Proposal 1”:**

*“SECTION 1. The public debt shall not be increased except upon a recorded vote of two-thirds of each house of Congress, and only for a period not to exceed one year.*

*SECTION 2. No state or any subdivision thereof shall be compelled or coerced by Congress or the President to appropriate money.*

So! Congress can’t increase the debt unless they decide to increase the debt. Wow. This is “fiscal restraints”?

If *you* read through the Constitution and highlight the powers delegated to the federal government, you will get a list of the objects on which Congress is authorized to spend money.

The reason we have a huge debt is because for 100 years, Congress has been spending on objects which aren’t on the list of delegated powers. The States go along with it because they get federal funds for implementing unconstitutional federal programs in their States. [31.9% of the States’ annual](#)

[revenues is from federal funds](#). All this federal money is borrowed and added to the public debt!

To say that State Legislators display hypocrisy when they decry “out of control federal spending” when they have their hand out for all the federal money they can get, is an understatement. **The amendment authorizes such spending to continue for as long as Congress continues to approve increases in the debt! The amendment legalizes – makes constitutional – all such spending and debt increases!**

Section 2 gives us nothing. Our existing Constitution doesn't permit the federal government to require States or local governments to spend money.

**“Federal Legislative & Executive Jurisdiction Proposal 1”:**

*“SECTION 1. The power of Congress to regulate commerce among the several states shall be limited to the regulation of the sale, shipment, **transportation, or other movement of goods, articles or persons**. Congress may not regulate activity solely because it affects commerce among the several states. [boldface added]*

*SECTION 2. The power of Congress to make all laws that are necessary and proper to regulate commerce among the several states, or with foreign nations, shall not be construed to include the power to regulate or prohibit any activity that is confined within a single state regardless of its effects outside the state, whether it employs instrumentalities therefrom, or whether its regulation or prohibition is part of a comprehensive regulatory scheme; but **Congress shall have power to define and provide for punishment of offenses constituting acts of war or violent insurrection against the United States**. [boldface added]*

*SECTION 3. The Legislatures of the States shall have standing to file any claim alleging violation of this article. Nothing in this article shall be construed to*

*limit standing that may otherwise exist for a person.*

Section 1: The original intent of the interstate commerce clause (Art. I, §3) is to **prohibit the States from imposing tolls & tariffs on merchandize as it is transported through the States for purposes of buying & selling; and to permit the federal government to impose duties on imports & exports, both inland & abroad.**[8]

With Roosevelt's "New Deal", the federal government began to *pervert* the original intent so as to exert power over whatever they wanted to regulate.

The amendment *legalizes* the perversions! It delegates to the federal government *powers it has already usurped* to regulate the sale, shipment, transportation, or other movement of goods and articles.

**Furthermore: the amendment delegates to the federal government a sweeping new power over the movement or transportation of persons across state lines!** It would, e.g., authorize the federal government to prohibit use of privately owned vehicles to cross state lines, and to require prior written permission to cross state lines. I saw in communist East Europe & the Soviet Union a system where governments control movement of persons. Will "Papers, please" be heard at checkpoints *in America*? **This malignant amendment would be constitutional authority to impose such a system here.**[9]

Section 2: The federal government has no existing constitutional authority to regulate *intra* state commerce, so the first clause of this section adds nothing our Constitution doesn't already prohibit.

But the second clause **delegates to the federal government another significant new power over persons**: it comes verbatim from Randy Barnett's so-called "bill of federalism":[10]

*"...Congress shall have power to define and provide for*

*punishment of offenses constituting acts of war or violent insurrection against the United States."*

Why does Barnett, who attended the "simulated convention" as "Committee Advisor", want the federal government to have this new power? What's an "act of war against the United States" – doing [what the Bundys and their supporters did](#)? **The amendment delegates to Congress the power to *define* "acts of war against the United States" – and to *re-define* it from time to time – to encompass *whatever* they want!**

We need to understand the implications of delegating such power to Congress. As with "treason" under the Tudors in England, anyone can be accused of "acts of war against the United States". Does Randy Barnett, *law professor*, understand the implications? James Madison understood them and thus said that "treason" must be defined *in the Constitution*; [11] *obviously, no one of Madison's caliber was at the "simulated convention"*.

Section 3: Our Framers didn't advise the States to file lawsuits against the federal government when it violates the Constitution! Our Framers told the States to *nullify* such violations.[12]

### **"Federal Term Limits & Judicial Jurisdiction Proposal 1":**

*"No person shall be elected to more than six full terms in the House of Representatives. No person shall be elected to more than two full terms in the Senate. These limits shall include the time served prior to the enactment of this Article."*

This amendment is a feel-good palliative which caters to Americans' pervasive desire for a quick "fix" which permits them to avoid dealing with the real causes of their problems.

See [Term Limits: A Palliative not a Cure](#).

### **"Federal Legislative & Executive Jurisdiction Proposal 2":**

*“SECTION 1. The Legislatures of the States shall have authority to abrogate any provision of **federal law** issued by the Congress, President, or Administrative Agencies of the United States, **whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form.***  
[boldface added]

*SECTION 2. Such abrogation shall be effective when the Legislatures of three-fifths of the States approve a resolution declaring the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified.*

**Section 1: Article I, §1, US Constitution, provides that all legislative powers granted by the Constitution shall be vested in Congress. Only Congress may make laws [and laws are restricted to the powers granted in the Constitution].**

**Accordingly, executive orders and federal agency rules and orders are not “law”.**

**The amendment would *supersede* Art. I, §1. It would elevate to the status of “federal law” every order or regulation burped out by bureaucrats in the executive branch; every executive order signed by every President; and every order barked out by jack-booted thugs working for federal agencies. And unless three fifths of States agree that you don’t have to obey – you must obey or bear the consequences of violating what would be – thanks to this amendment – “federal law”.**

**Section 2: James Madison, Father of our Constitution, showed how [individual States or several States could carry out resistance](#) to the federal government’s unconstitutional encroachments. But the amendment would require 30 States to agree before any one State *or person* could defend itself!**

**“Fiscal Restraints Proposal 2”:**

*"SECTION 1. Congress shall not impose taxes or other exactions upon incomes, gifts, or estates.*

*SECTION 2. Congress shall not impose or increase any tax, duty, impost or excise **without the approval** of three-fifths of the House of Representatives and three-fifths of the Senate, and shall separately present such to the President.*  
[boldface added]

*SECTION 3. This Article shall be effective five years from the date of its ratification, at which time the Sixteenth Article of amendment is repealed."*

**This amendment doesn't impose "fiscal restraints" – it authorizes Congress to impose new and different taxes on us!**

The words in boldface authorize Congress to impose **"any tax"** if three fifths of both Houses agree. "Any tax" includes a national sales tax *and* a national value added tax (VAT). [Statists love the VAT because it raises a "gusher of revenue for spendthrift governments"](#). This is what will replace the income, gift, and estate tax.

**"Federal Legislative & Executive Jurisdiction Proposal 3":**

*"Whenever one quarter of the members of the United States House of Representatives or the United States Senate transmits to the President their written declaration of opposition to any proposed or existing federal administrative regulation, in whole or in part, it shall require a majority vote of the House of Representatives and Senate to adopt or affirm that regulation. Upon the transmittal of opposition, if Congress shall fail to vote within 180 days, such regulation shall be vacated. No proposed regulation challenged under the terms of this Article shall go into effect without the approval of Congress. Congressional approval or rejection of a rule or regulation is not subject to Presidential veto under Article 1, Section 7 of the U.S. Constitution."*



As shown in [The “Regulation Freedom” Amendment and Daniel Webster](#), rulemaking by federal agencies is unconstitutional as in violation of Art. I, §1 of our Constitution.

The proposed amendment would *supersede* Art. I, §1 and legalize such rulemaking! And the existing Code of Federal Regulations and the rulemaking process itself – which now violate the Constitution – would be made constitutional!

The solution to the burden created by unconstitutional federal agencies is to **do away with the agencies!** Downsize the federal government to its enumerated powers!

## **Conclusion**

The “simulated convention” was a dog and pony show put on to produce amendments to con us into believing that a real Article V convention called by Congress won’t “run away”.

But it’s impossible to fix federal usurpations of non-delegated powers with amendments, because amendments can’t take away powers the Constitution didn’t delegate in the first place. Thus, **the amendments the hand-picked attendees approved legalize powers already usurped or delegate sweeping new powers to the federal government over States and individual persons!**

Statecraft is serious business which requires systematic study to master. The “simulated convention” shows we live in a time of constitutional illiteracy where people of good intent can be misled by persons of “insidious views”. **Heed the words of [Daniel Webster in his 4th of July Oration, 1802](#):**

*“The politician that undertakes to improve a Constitution with as little thought as a farmer sets about mending his plow, is no master of his trade. If that Constitution be a systematic one, if it be a free one, its parts are so necessarily connected that an alteration in one will work an*

*alteration in all; and this cobbler, however pure and honest his intentions, will, in the end, find that what came to his hands a fair and lovely fabric goes from them a miserable piece of patchwork."*

## **Endnotes:**

[1] If your spouse commits adultery, will your marriage be saved if you amend the vows to permit adultery? When People violate the Ten Commandments, will morality be restored if we amend the Ten Commandments to permit sin?

[2] Michael Farris' words in "[Answering the John Birch Society Questions about Article V](#)" or [HERE](#).

[3] *None* of the Delegates to the convention of 1787 said the purpose of amendments is to rein in the fed. gov't when it usurps power. They said the purpose is to *fix defects* in the Constitution. See [The George Mason Fabrication](#) at subheading 4.

[4] [Article XIII of the Articles of Confederation \(AOC\)](#) required Amendments to the AOC to be ratified by the Continental Congress *and* all of the then 13 States. But Article VII of the new Constitution (the one we now have) provided that it would be ratified by 9 States.

[5] **The enemies of our Constitution knew from day one that they could get rid of our Constitution at an Art. V convention!** Our present Constitution was ratified by the 9<sup>th</sup> State on **June 21, 1788**. In [Federalist No. 85](#) (**mid-August 1788**), Hamilton addressed the arguments of the anti-federalists who were agitating for another convention in order to get rid of our new Constitution.

On **Oct. 27, 1788**, anti-federalist Patrick Henry introduced into the Virginia Assembly a Resolution asking Congress to call an Art. V convention. In Madison's letter to [Randolph of Nov 2, 1788](#) (pages 294-297), he speaks of Henry's "enmity"

“ag<sup>st</sup> [against] the whole system” [the new Constitution]; and “the destruction of the whole system I take to be still the secret wish of his heart, and the real object of his pursuit.”

[6] *New Constitutions are already prepared or being drafted*: e.g., the [Constitution for the Newstates of America](#) **is ratified by a national referendum** (Art. XII, §1). Globalists [e.g., the Council on Foreign Relations] who want to move us into the [North American Union \(NAU\)](#) need a new Constitution to transform us *from* a sovereign nation to a member state in the NAU.

[7] COS’s page is archived [HERE](#). See “[who attended the simulation](#)” in right column. [**Archived list of attendees is [HERE](#) or [HERE](#).**]

[8] Proof of the original intent of the interstate commerce clause & how it was abused is [HERE](#).

[9] Yet, Legislators from 44 of the States at the “simulated convention” approved this!

[10] See [Barnett’s Amendment 2 – Limits of Commerce Power](#). It’s archived [HERE](#).

[11]“Treason” is defined at Art. III, §3. In [Federalist No. 43](#) (at 3.) **Madison warns that *the definition must be locked into the Constitution*. Otherwise, malignant people fabricate definitions as needed in order to condemn their enemies.**

*Compare* Art. I, §8, cl. 10 which delegates to Congress the power “To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations”. In [Federalist No. 42](#) (1<sup>st</sup> & 4<sup>th</sup> paras), **Madison points out that *this class of powers is among those which “regulate the intercourse with foreign nations”*** and so must be handled by the general [fed.] gov’t. And since everyone’s definition of the terms is different, the fed gov’t should define them.

This class of powers wouldn't affect private Citizens. For more on the *limited* criminal jurisdiction of the fed gov't over private Citizens, see [What Criminal Laws are Congress Authorized To Make?](#)

[12] See [Nullification made Easy](#). And remember: State officials are required by the Oath at Art. VI to "support" the federal Constitution – *not to obey the federal government!*

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