

Why The Constitutional Convention Could Destroy What's Left Of America

Article V of the Constitution has only 22 words about a convention for proposing amendments, but the most important is the word "call." Since only Congress can "call" the convention, it means that states have no control over who can be a delegate, who makes the rules, who sets the agenda or who wields the gavel. –Phyllis Schlafly

I don't see a single flaw in the constitution, all I see are failures to obey the constitution. –Bill Whittle

Many on the [left and the right are working together to rewrite our 1787 Constitution](#), that magnificent and precious document, the fountainhead of our unparalleled American freedom, independence, and prosperity which secured our God given unalienable rights. They believe that changing our Constitution or adding amendments will force politicians to obey it. With that premise, since few obey the 10 Commandments, should we change them as well?

The dangers are many, and euphemistic sounding reasons for another Convention convince constitutionally uneducated citizens of the need for a [Balanced Budget Amendment](#) (BBA). Few Americans have read the actual BBA bill, which would change our constitution and legalize the already unconstitutional spending by Congress, and when Congress couldn't meet the budget because of their spending, they'd simply raise taxes on the American people. [The Constitution lists the enumerated powers by which Congress is limited in its spending](#), the BBA Amendment changes those enumerated powers.



Two Methods for Proposing Amendments

[Article V](#) of the Constitution includes two methods for proposing amendments. The first and only method used for 27 amendments thus far empowers Congress to propose an amendment, "whenever two thirds of both houses shall deem it necessary."

The second method for proposing amendments, which has never been used since the original 1787 Constitutional Convention (Con-Con), is through a convention called by Congress "on the application of the legislatures of two thirds of the several states." Once 34 state applications are received, Congress is bound to "call a convention for proposing amendments."

Article V tells of two modes of ratification. The amendments proposed by Congress or at a convention, can only become part of the Constitution once they've been "ratified by the legislatures of three fourths (38) 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."

Advocating Constitutional Change

Conservatives who advocate for a Con-Con fail to understand that once Congress convenes a convention, it cannot be undone, and no predetermined rules or limitations, adopted by either Congress or the states will have any bearing on what the

convention delegates may choose to do or propose. [Link](#) The delegates would have free latitude to propose any changes they see fit, including the writing of an entirely new constitution, along with changes to the mode of ratification, so as to guarantee the adoption of their amendments. It would be a runaway convention and it is not without [historical precedent](#).

Imagine the delegates appointed by state legislatures like California, New York or Illinois. Every God given freedom would be eliminated and every leftwing socialist program would be enforced.

Throughout American history there have been those who wish to rewrite our U.S. Constitution. [Link](#) In 1943, it was a Chicago lawyer for Marshall Fields and Time, in the 1960s it was Senator Everett Dirksen, and we came close to a convention in the late 1980s. Now in the 21st century we are again faced with those on the left and right advocating for another convention.

In his book, [Six Amendments: How and Why We Should Change the Constitution](#), (2014), former Supreme Court Associate Justice John Paul Stevens, who wrote the dissenting opinion in the Supreme Court's [Citizens United case](#), proposes to change the Second Amendment to read:

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms *when serving in the militia* shall not be infringed.

The addition of these five words essentially allows for the criminalization and disarming of homeowners and law-abiding citizens.

Stevens, appointed by Gerald Ford, would also change the First Amendment to limit political speech, change the Eighth Amendment to forbid the death penalty, and change the Tenth

and Eleventh Amendments to end sovereign immunity for the states and absolute immunity to state and local elected officials when they don't follow federal laws.

Then there's Henry Hazlitt, American economist, and libertarian (1894-1993), who was the former economic advisor to James Dale Davidson, founder and former head of the National Taxpayer's Union (NTU). Davidson's NTU was instrumental in promoting a Con-Con in the early 80s and he claimed he gave \$100,000 every year to the cause. Hazlitt wrote [A New Constitution Now](#) in 1942, and republished it in 1974. His book makes the argument for replacing America's presidential system of government with a parliamentary one resembling Great Britain's. I thought we fought a revolutionary war to escape that form of government!

Hazlitt states, "An amendment could be proposed that would strike out everything after We the people," and that of course, includes the Bill of Rights.

Warnings from Statesmen

On November 2, 1788, James Madison, the Father of our Constitution, wrote a [letter to G.L. Turberville](#) when he was asked how he felt if another General Convention should be called. Here is a portion of his letter, written only a year after the 1787 Constitution:

An election into it would be courted by the most violent partizans [sic] on both sides; it would probably consist of the most heterogeneous characters; would no doubt contain individuals of insidious views, who under the mask of seeking alterations popular in some parts but inadmissible in other parts of the Union might have a dangerous opportunity of sapping the very foundations of the fabric.

Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a Second,

meeting in the present temper of America, and under all the disadvantages I have mentioned.

In [Federalist No. 49](#), Madison warns against a convention to correct breaches of the Constitution. He said the legislators who caused the problem would get themselves seats at the convention and would be in a position to control the outcome of a convention.

In [Federalist No. 85](#) (last paragraph), Alexander Hamilton said he “dreads” the consequences of another convention because the enemies of the Constitution want to get rid of it.

Our first US Supreme Court Chief Justice John Jay wrote that another convention would run an “[extravagant risque](#).” (obsolete spelling of risk)

US Supreme Court Justice Arthur Goldberg reminds us in his [September 14, 1986 editorial in The Miami Herald](#) that at the convention of 1787, the delegates **ignored their instructions** from the Continental Congress and instead of proposing amendments to the Articles of Confederation, wrote a new Constitution; and that “**...any attempt at limiting the agenda would almost certainly be unenforceable.**”

US Supreme Court Chief Justice Warren Burger said in his June 1988 letter to Phyllis Schlafly:

...there is no effective way to limit or muzzle the actions of a Constitutional Convention...After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda...A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn...

US Supreme Court Justice Antonin Scalia said on [April 17, 2014 at the 1:06 mark of this video](#).

I certainly would not want a constitutional convention. I mean, whoa! Who knows what would come out of that?

Convention supporters ridicule these warnings as “fear mongering.” And they quote law professor Scalia in 1979, before his decades of experience as a Supreme Court Justice, to “prove” otherwise.

[Here](#) are additional letters and articles by eminent jurists and scholars to the same effect.

Any intelligent person must seriously consider these warnings from these brilliant men. James Madison, Alexander Hamilton, Justice Jay, Justice Goldberg, Justice Burger and Justice Scalia understood the plenipotentiary powers of delegates to an Article V convention. [Link](#) (h/t to Joanna Martin)

The Historic and Dangerous Legal Precedent

The only historic precedent for a Constitutional Convention occurred in 1787. The 55 attending delegates were tasked with the “sole and express purpose of revising the Articles of Confederation (AOC).” Article XIII of the AOC stipulated that “any alterations” made to them must be unanimously “confirmed by the legislatures of every State.”

Both of these mandates were exceeded. The delegates chose to replace the Articles with an entirely new federal Constitution. They altered the mode of ratification from being “confirmed by the legislatures of every State,” in Article XIII of the AOC, to “the legislatures of three fourths of the several states, or by conventions in three fourths thereof,” in Article V of the new Constitution. On September 13, 1788, with only 11 of the 13 states having ratified the new Constitution, the Continental Congress passed a resolution that it “had been ratified.” The new Constitution replacing the AOC was adopted before being “confirmed by the legislatures of every State,” as Article XIII required. With such precedent, who can say this will not happen again?

The 55 attending delegates to the 1787 Convention

- a) **ignored** their pre-set limited agenda;
- b) **trashed** the entire existing government;
- c) **wrote a new constitution**; and most important,
- d) (to assure adoption of their new constitution), they **ignored existing** ratification requirements, wrote new ones, and used the new rules to **bypass** the state legislatures.

A second Con-Con hasn't been held in 231 years because, by virtue of the only historic precedent, nothing can stop a second convention from doing everything the first did.

Phyllis Schlafly Eagles Oppose a Con-Con

An Article V convention cannot be limited. The text of the Constitution expressly states that only Congress may "call" it, and multiple "Amendments" will be allowed – a plural "s" after "Amendment." Nowhere does it state that a Convention can be called, opened or convened and bypass Congress.

Big liberal states like California and New York would have 10 to 30 times more power at an Article V convention than small conservative states would, because the Supreme Court has required the "[one man, one vote](#)" rule since 1964. The House would also require voting based on population.

Supporters of the "Convention of States" falsely claim that States would not ratify bad amendments. But state legislatures did ratify the 17th Amendment, often unanimously, even though that took power away from them to elect U.S. Senators. Media pressure to ratify amendments becomes unstoppable.

The original Constitutional Convention had three essential conditions that do not exist today: (i) secrecy from the media, (ii) participants who fought in the American Revolution against tyranny, and (iii) George Washington presiding.

Authorship of the 1787 Constitution was a collaborative effort, with Gouverneur Morris deserving the most credit for the elegant style of the wording in the document. The ideas

embodied in the Constitution were from many sources. Today we have liberals like Bernie Sanders and George Soros rewriting our Constitution, not to mention the moderate left leaning Republicans.

Tactics of the left are being used to try to pass a "Convention of States." That project is funded by secret donors who have hidden agendas. There are wealthy globalists who do not like our Constitution for many reasons. One of the prominent directors of the Convention of States has also been a leader of the "Never Trump" movement, who has helped only Hillary Clinton.

The first thing liberals would do in an Article V convention is to attempt to repeal the Second Amendment, and also to insert a right to taxpayer-funded abortion and gay marriage into the Constitution.

If the problem is that politicians do not obey the current Constitution, then writing a new one is no solution to that problem. Politicians who ignore the current Constitution would ignore a new one, unless of course it allowed them to do as they please and then they'd follow it.

On July 12, 2016, the Republican platform committee resoundingly rejected a call for an Article V convention, for many good reasons as stated by conservative delegates during a televised session.

Progressive Education

It's interesting to note that these folks pushing another convention often refuse to debate those who know the historic precedents and documents of our founders, but when they do, they always end up failures in the public forum.

We must realize that [progressive education](#) has destroyed academic education, and it happened long ago, other than in a few hundred private schools and among home schools, academic

teaching is gone. Eliminating the US Constitution and American history from education started in the late 1960s.

Progressive education does not believe in moral, religious or cultural absolutes, but rather only believes in questioning those absolutes and replacing them with relative truths, i.e., convenient lies. Indeed, we need to consider whether the proponents of progressive education have always been “intending to make a clean sweep of traditional values and start with a new set,” as C. S. Lewis put it in his 1943 book, “The Abolition of Man.”

America is shifting from a nation governed by a Constitution to a nation governed by an agenda. What the agenda is should matter to people who love their freedom. It doesn't matter whether Republicans or Democrats are in power, the agenda keeps moving forward either way, directing us all toward what is touted as a more “enlightened,” a more “socially conscious,” and a more “open and tolerant” society. [Link](#)

Unfortunately, our children are learning nothing of freedom and liberty, our heritage or Constitution, what they are learning is a socialist agenda.

Conclusion

The 1787 Constitution and the Bill of Rights secured our liberties and listed our basic God given human rights. America's founders were statesmen who stood against tyranny, taking great risks personally and financially to leave a legacy of freedom to the world.

© 2018 Kelleigh Nelson – All Rights Reserved

E-Mail Kelleigh Nelson: Proverbs133@bellsouth.net