

ARTICLE V CONVENTION BRIEF

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“If we hold a constitutional convention, every group in the country — majority, minority, middle-of-the-road, left, right, up, down — is going to get its two bits in and we are going to wind up with a constitution that will be so far different from the one we have lived under for 200 years that I doubt that the Republic could continue.”

— Senator Barry Goldwater, February 26, 1979

INTRODUCTION

The following brief is an abridged version of a forthcoming booklet about the same subject written by this author. This brief carries on the more than six-decade-long commitment of The John Birch Society to publish truth — historical and constitutional truth. Unlike those pushing so hard for the calling of a convention for proposing amendments to the federal Constitution, in this brief, we will focus on the blackletter — the plain language of Article V. We will neither add nor subtract from that important constitutional provision.

It is a true and tragic fact that divorce in the United States is common. With the enactment of no-fault divorce statutes, marriages became much easier to dissolve, and the number of marriages ending in divorce began a steady increase. With those facts in mind, would any rational person suggest that the way to remedy the rise in divorce would be to add another line in the traditional marriage vows that read something like, “Remember, you’re not supposed to get divorced because divorce is terrible”?

Another way of looking at it is to consider the cause of many divorces: infidelity. Despite making a sacred vow to be faithful to one’s spouse, many spouses violate those vows and engage in extramarital affairs. Again, think this through logically: Would anyone sanely and seriously suggest that the best way to prevent people from cheating on their spouses is to include an additional line in the traditional wedding vows saying something like, “Remember, you’re making a vow to be faithful to your spouse, so you can’t cheat”?

No! No one believes that either of those proposals would have the slightest effect on the rate of divorce or the committing of adultery. To even propose such “solutions” should be laughed at or pitied. Yet, the groups pushing for a convention to propose amendments are doing that same thing when it comes to the limitations on power enumerated in the Constitution.

These groups are, apparently, earnestly suggesting that by adding some new lines to the Constitution, congressmen, judges, and presidents will suddenly stop breaking their oaths of office — oaths they swear to God to be faithful to the Constitution — as if an extra paragraph or two telling them that they really shouldn’t do what they’ve already sworn not to do would turn vow breakers into vow keepers.

Put simply, just as wedding vows aren’t to blame for cheating spouses, the Constitution isn’t to blame for corrupt politicians. Changing the former would have no effect on the latter.

The Constitution is a piece of paper and is unable to enforce itself. The limits the Constitution places on the power of government are being ignored by politicians, bureaucrats, and activist judges.

That is to be expected. As the Baron Montesquieu wrote in his influential book *The Spirit of Law*, “Constant experience shows us that every man given power is likely to abuse it, and to carry his authority as far as he can go until he comes up against limits.”

There are few thinkers as influential on the Founding Fathers as Montesquieu, and they undoubtedly read and understood Montesquieu’s warning and prepared for it.

They knew that a constitution, regardless of how well it’s constructed, cannot constrain a person committed to abusing power, or a people who have lost their virtue, an essential quality in a self-governing society.





As Samuel Adams explained:

Neither the wisest constitution nor the wisest laws will secure the liberty and happiness of a people whose manners are universally corrupt. He therefore is the truest friend of the liberty of his country who tries most to promote its virtue, and who, so far as his power and influence extend, will not suffer a man to be chosen into any office of power and trust who is not a wise and virtuous man.

Thus, it is with politicians as well as with spouses. Oaths — whether spoken at a wedding or swearing-in ceremony — no matter how solemn or binding, are but empty words if the person speaking them is not wise and virtuous.

The following questions must be asked and answered by those spending millions of dollars to see a such a convention called:

- Why, if they tie their hopes of saving the Constitution to Article V, do they never cite Article V?
- Why do they refuse to use the name for such a convention given by the Framers in Article V?
- Why are the publications, posts, and productions of Convention of States (COS) and its affiliated groups and hired salesmen full of illusory promises regarding the process of calling such a convention, the rules that would govern such a convention, and the likely outcome of such a convention, yet so completely **void** of verifiable history or citation of the blackletter of the Constitution?

The simple answer is that none of the claims and promises of the organizations and individuals anxious for the calling of a convention for proposing amendments can achieve that standard of proof. They know this. What they may or may not know is that their rhetorical magic tricks are serving as misdirection for those who would use such a convention to make our rights — and the Constitution that protects them — disappear.

Consider the following points laid out in the pages of this brief.

20 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 the people to challenge Congress' choice of the method of ratification.
13. There is no means provided for the states to challenge Congress' choice of the method of ratification.
14. There is no test provided for a qualifying application submitted by a state.
15. The acceptance by one Congress of a state application for a convention does not bind subsequent Congresses from accepting that application.
16. An application for a convention submitted by one state legislature does not prevent subsequent state legislatures from revoking the previous application.
17. All these issues would be challenged in court and would take years to be decided.
18. 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.
19. If 100 percent of registered voters opposed an amendment proposed by a convention, but the requisite number of state legislatures or ratifying convention (according to the process determined by Congress for consideration of proposed amendments) ratified it, then that amendment would become part of the Constitution regardless of the will of the people.
20. The same scenario is true if a proposed amendment was 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).



20 CRITICAL QUESTIONS THAT THE CONSTITUTION LEAVES UNANSWERED ABOUT AN ARTICLE V CONVENTION FOR PROPOSING AMENDMENTS

1. Who would select delegates to the convention?
2. Will the people be able to block appointment of a delegate?
3. Will the people be able to select any of the delegates?
4. How would the people prevent a person from being a delegate?
5. What are the qualifications for delegates?
6. How many delegates will each state send?
7. Could the people of the states stop a convention if it begins considering amendments beyond those agreed to in advance?
8. Can a convention be limited in advance?
9. How long will a convention last?
10. Will the deliberations of the convention be kept secret?
11. Will the process be subject to oversight by the U.S. Supreme Court?
12. Would the convention be put on hold while the Supreme Court considers the constitutionality of the process?
13. If Congress chooses conventions rather than state legislatures to consider ratification of proposed amendments, will the delegates to those conventions be elected by the people?
14. If delegates to the ratification conventions are not elected by the people of the states, will they be accountable in any way to the people?
15. If the convention proposes amendments inconsistent with the original Constitution, would Congress be obliged to forward those proposed amendments to the states or to conventions in the states for their consideration?
16. What if such amendments are ratified? To whom could the people appeal for redress?
17. If proposed amendments are ratified by conventions, do the people have a claim for violation of Article IV's guarantee of a republican form of government?
18. How would votes be taken in such a convention? By population? By state? By delegate?
19. Who would establish the rules by which such a convention would be bound?
20. Who would enforce such rules should they be violated?

LIMITED CONVENTIONS ARE UNCONSTITUTIONAL: BULLET POINTS

- The Constitution does not explicitly provide for a convention limited to certain amendments. Article V allows for amendments either through Congress or a convention, but it is silent on the scope or limits of such a convention. This ambiguity leads to the argument that a convention, once convened, cannot be limited in its scope, and may propose any amendments, making the concept of a limited convention inherently flawed.
- The only precedent for a constitutional convention is the 1787 Convention, which was initially called to revise the Articles of Confederation but ended up proposing a new Constitution. This historical example raises concerns that a new convention might exceed its mandate, leading to extensive and unforeseen changes in the Constitution.
- Even if states apply for a convention with specific amendments in mind, there is no clear mechanism to enforce these limitations once the convention is assembled. The delegates to the convention might assert their own authority to propose any amendments they deem necessary, as the original Constitutional Convention did.
- There is no historical precedent for a successful limited amendments convention. All 27 amendments to the Constitution have been proposed by Congress and ratified by the states. This lack of historical precedent adds to the uncertainty and perceived illegitimacy of the limited convention process.
- A limited amendments convention might be seen as a tool for partisan agendas. Given the polarized political climate, there is a risk that such a convention could be hijacked by groups with specific political goals, undermining the republican process that amendments to the Constitution should undergo.
- A convention that is convened and then attempts to exceed its stated limits could precipitate a constitutional crisis. If there is disagreement over the validity of the convention's actions, it could lead to legal battles and a lack of clarity about the fundamental law of the land.
- For a convention to be called, two-thirds of state legislatures must apply. However, there is an issue of consistency in these applications. States have submitted applications at different times, with varying wording and for different issues. This inconsistency complicates the process and raises questions about the validity of these applications as a cohesive request for a convention.
- Many legal scholars and political figures fear the unintended consequences of a constitutional convention. The potential for sweeping changes to the Constitution, whether intended or not, makes the concept of a limited amendments convention particularly risky.
- Allowing state legislatures to call for limited conventions to propose amendments bypasses the involvement of Congress, which contradicts the intentions of the Founding Fathers as found in the records of the Philadelphia Convention and in the plain language of Article V.
- Permitting state legislatures to dictate terms to a convention disrupts the carefully balanced division of power between state and federal interests — federalism — a fundamental principle in the Constitution.
- If the Framers intended for state legislatures to have the power to both propose and ratify amendments, there would have been no need to create the convention process set out in Article V.



RESCISSION AND REPUBLICAN GOVERNMENT: BULLET POINTS

- The idea that state legislature applications for a constitutional convention are irreversible is a false narrative totally unsupported by the Constitution, law, and logic.
- Insisting that applications cannot be rescinded goes against both the Constitution and the principles of a republican government.
- Representation is a core aspect of republican government, as emphasized by James Madison in *The Federalist* No. 10 and guaranteed by the Constitution in Article IV.
- The Constitution ensures that government represents the people's will, which can change with new elections and legislatures and must be kept sacrosanct in a republic.
- If a newly elected legislature reflects a change in public opinion against a constitutional convention, it should have the power to rescind previous applications. Otherwise, there is no representative government.
- Preventing a new legislature from overturning a previous convention application denies citizens the right to choose their representation and violates constitutional guarantees.
- Claims by proponents of a convention for proposing amendments that previous applications cannot be subsequently rescinded misinterpret the Constitution and undermine fundamental principles, such as the right to representation.

DELEGATES AND THE DAMAGE THEY COULD DO: BULLET POINTS

- Groups advocating for a constitutional convention often avoid actually reading Article V, misrepresenting it as a simple solution rather than acknowledging its complexities and risks.
- Claims that delegates to a convention would be solely dedicated to protecting the Constitution and restoring republican government are misleading and unrealistic.
- A simulated convention in 2023 showed bias in delegate selection, with three Republican lawmakers representing Illinois, a predominantly Democratic state, revealing a lack of true representation.
- The simulation clearly stacked the deck by inviting only Republicans to represent states, indicating a skewed and unrepresentative process.
- The political reality of states like Illinois, which lean Democratic, contradicts the selection of Republican representatives in the simulation, revealing a disconnect from actual state sentiments.
- It's highly predictable that actual delegates from left-leaning states to a real convention would not be Republicans, showcasing a significant representation issue.
- Delegates such as Gavin Newsom, Hillary Clinton, or Bill Gates could advance agendas far removed from true constitutional and conservative objectives, such as repealing the Second Amendment or promoting universal vaccination.
- Unlike the controlled environment of a simulated convention, a real convention would be unpredictable and possess significant power, potentially leading to sweeping and uncontrollable changes.
- The gap between the simulated convention and an actual convention highlights the unpredictability and potential dangers of a real constitutional convention.
- To pretend that a pantomimed, controlled, and contrived convention would in any way demonstrate the outcome of an actual convention is farcical and demeaning to people possessed of intelligence and common sense.



RUNAWAY CONVENTION: FACT OR FICTION, FEAR OR FANTASY: BULLET POINTS

- Historical evidence, such as *The Federalist* No. 40, debunks claims that a runaway convention is unfounded; such an event has already occurred in history.
- James Madison himself acknowledged in *The Federalist* No. 40 that the 1787 Constitutional Convention overstepped its mandate, creating a new Constitution and form of government.
- Today's potential delegates, such as Gavin Newsom, George Soros, or Hillary Clinton, could use their influence to push personal agendas far from the original intention of the proposed constitutional amendment.
- There's a real threat that delegates from states with strict gun laws could undermine the Second Amendment in the name of "safety" and "happiness."
- Madison conceded that in significant governmental changes, practicality and substance should trump strict adherence to established procedures.
- Today's political climate, rife with corruption and cronyism, heightens the risk of a convention being manipulated by wealthy and influential individuals.
- In a modern convention, it's uncertain who would determine what constitutes the happiness of Americans and whose version of happiness would be prioritized.
- The formation of factions within a convention could lead to a skewed amendment process, dominated by specific interests.
- Given the scarcity of true constitutionalists in state leadership, there's a significant risk regarding who would be chosen to amend the Constitution, and the irreversible damage they could inflict on both the Constitution and civil liberties.
- Those selling a convention completely ignore *The Federalist* No. 40.
- Those selling a convention claim that corrupt politicians and politically powerful people are at the heart of the tyrannical tack of the federal government, yet they deny that such corruption would have any sort of effect on a convention for proposing amendments to the Constitution.

BALANCED BUDGET: UNNECESSARY TODAY AND UNHEEDED TOMORROW: BULLET POINTS

- The federal government lacks constitutional authority for its current spending and tax-collection practices, a fact that remains true despite efforts to convene a convention for proposing amendments.
- The U.S. Constitution is a list of specific powers granted to the federal government, not a list of prohibitions, meaning any power not listed remains with the states and the people.
- The Tenth Amendment reinforces that powers not given to the federal government are retained by the states and the people, guarding against federal overreach.
- The Constitution can be likened to an employment contract where the federal government's powers are clearly defined and limited.
- Like an employee overstepping their authority, the federal government often exceeds its constitutional powers, especially if state legislatures (middle managers) fail to enforce limitations.
- State legislatures, akin to middle managers, play a crucial role in monitoring and restricting the federal government's actions to ensure adherence to the Constitution.
- A principled and watchful figure (analogous to a manager) can enforce the Constitution by highlighting and stopping unauthorized federal actions.
- The fact that the federal government's oversteps have gone unchecked in the past does not justify their continuation; strict adherence to the constitutional "contract" is necessary.

TERM LIMITS: UNCONSTITUTIONAL AND UNREPUBLICAN: BULLET POINTS

- Convention of States (COS) and similar groups wrongly demand term limits for Congress, not recognizing the broader implications or admitting that such a scheme would be unconstitutional and unrepugnant.
- Imposing term limits would limit the electoral choices of voters and potentially remove good, constitutionalist congressmen.
- Term limits could result in a largely lame-duck Congress, less responsive to the people's needs.
- Term limits don't tackle the fundamental issue of public understanding and responsibility for electing representatives.
- Imposing term limits contradicts the American government system established by the Founders.
- The Constitution's provision for frequent elections effectively serves as term limits, as intended by the Founders like James Madison.
- The Founders envisioned state legislatures as checks on Congress, a concept COS undermines.
- Alexander Hamilton, in *The Federalist* No. 72, criticized the superficial appeal of term limits, a view applicable to many COS proposals.
- At the Constitutional Convention, Morris warned against term limits for their negative impact on motivation and good governance.
- The Constitution already sets "good behavior" as a term limit for federal judges, with removal power vested in Congress.
- COS's push to limit Supreme Court justices' terms overlooks the existing constitutional provision and responsibility of Congress to impeach underperforming judges.
- COS's proposals resemble "nanny state" interventions, implying that citizens can't manage their governance responsibilities.
- Effective governance can be achieved by enforcing the existing Constitution, not by amending it to limit terms.

NULLIFICATION: CONTRACT LAW IS THE KEY TO THE CONSTITUTION: BULLET POINTS

- The Tenth Amendment already provides the means to restrain the federal government and counter unconstitutional acts.
- A convention for proposing amendments is unnecessary because the Tenth Amendment already allows states to check federal power.
- The Constitution already establishes clear limits on the federal government, undermining the need for further amendments through a convention.
- Convention of States (COS) is pushing for a convention despite the existing constitutional provisions that already address its concerns.
- The Constitution’s design of frequent elections effectively serves as a natural term limit for federal officeholders.
- States have the constitutional right to nullify federal actions that exceed constitutional limits, a power grounded in the principle of the Constitution as a contract.
- The relationship between the states and the federal government can be understood through contract law, where states have remedies if the federal government breaches the provisions of the contract that created and controls its powers.
- The federal government, as an agent of the states, cannot legally act beyond the authority granted by the states, the principals, in the Constitution.
- States have the right under contract law to rescind the entire agreement (the Constitution) if the federal government persistently breaches its terms.
- Despite many lawmakers being lawyers, there is a widespread neglect of basic contract and agency law principles in understanding the state-federal relationship.
- There’s a common misconception that the federal government was created with inherent supremacy over the states, leading to a failure to assert states’ rights. “In pursuance thereof” is the opposite of how the federal government has viewed the constitutional limits on its power.
- Government-run education and federal funding have misled states into believing they must comply with all federal dictates, regardless of constitutionality.
- Legal and historical evidence supports the states’ right to enforce constitutional limits on the federal government’s powers.



NULLIFICATION: STILL THE RIGHTFUL REMEDY: BULLET POINTS

- The Tenth Amendment is the solution to restrain the federal government and stop unconstitutional acts, making a convention for proposing amendments unnecessary.
- The push for a constitutional convention by the Convention of States (COS) is driven by financial interests, not constitutional necessity.
- The Constitution already defines federal limits, negating the need for a convention if these limits are respected.
- COS leadership fails to address fundamental questions about the federal government's limits that the Constitution already provides.
- COS overlooks the Tenth Amendment's constitutionally safe and sound power to rein in federal overreach, preferring to run the risk of a convention instead.
- Adding new amendments won't cause constitutional adherence if current provisions are disregarded.
- The Constitution is a compact among states, giving them the power to nullify unconstitutional federal acts.
- Sovereignty resides in state governments and the people, who have the ultimate authority to reject federal overreach.
- Historical documents like the Virginia and Kentucky Resolutions support states' right and responsibility to nullify unconstitutional federal actions.
- The people of the states should elect officials committed to upholding their constitutional duty to prevent federal tyranny, rather than risking a new convention.

So, what recourse do we have?

***THE FEDERALIST* NO. 46: MADISON'S PLAN FOR FORCING THE FEDERAL BEAST BACK INSIDE ITS CONSTITUTIONAL CAGE**

In *The Federalist* No. 46, Madison addressed himself to those “adversaries of the Constitution” that an “uncontrolled” federal authority eventually would swallow up state governments and assume all state prerogatives.

Madison described a symbiotic relationship between the state and federal governments that would obviate a clash of powers. Madison believed that states would maintain their supremacy over the federal government in terms of their sovereignty principally through the effects of the greater attachment of the “affections” of the people to their state governments than to the distant federal authority.

The strategies and tactics Madison suggests that states should pursue (if they find the general government encroaching on the power they have retained to themselves) should illuminate state legislators committed to forcing the federal beast back inside its constitutional cage.

“[S]hould an unwarrantable measure of the federal government be unpopular in particular States,” Madison instructs, there would be several powerful weapons in the arsenals of the states, each of which is able to destroy federal despotism and to protect the arrangement of authority created by the Constitution. Madison maintains that these mighty weapons are “powerful and at hand.”

Admittedly, throughout *The Federalist* No. 46, Madison insists that these weapons will never need to be wielded. They are, nonetheless, available should the — to him — unthinkable happen, that is, should the federal government “extend its power beyond the due limits.”

So as not to be caught foolishly relying on Madison’s promises of federal restraint, it is wise to take inventory of the arms in our arsenal, as reported by Madison.

Here are those weapons that James Madison describes in *The Federalist* No. 46 as “powerful and at hand.” Those pushing for a convention for proposing amendments ignore these constitutionally and historically potent and sure weapons, preferring instead to launch a nuclear weapon, one that could destroy our Constitution, the liberties it protects, and the union it holds together — and one whose additional fallout cannot be measured or imagined.

- **People’s Unease as a Catalyst:** The widespread unease and anxiety among citizens can be a powerful force in keeping the federal government in check.
- **Public Resentment Against Overreach:** People’s strong resistance and unwillingness to comply can effectively challenge and oppose federal overreach.
- **Active Non-cooperation:** Citizens and local authorities choosing not to cooperate with federal agents can significantly hinder the enforcement of overreaching federal laws.
- **Governors Standing Up to Federal Power:** State governors can take a strong stand against federal overreach, refusing to implement federal mandates that exceed constitutional bounds.
- **State Legislative Strategies:** State legislatures have the power to use creative legislative tactics to frustrate and impede the federal government’s unconstitutional actions.
- **Forming a United Front:** The collective opposition of state governments and their people can pose formidable barriers to federal encroachment, too substantial for the federal government to easily overcome.

- **Strategic Resistance Plans:** States can develop coordinated strategies to resist federal overstepping, reinforcing their constitutional rights and autonomy.
- **Unified Action Across States:** A united spirit and collective action among states can lead an effective campaign against federal tyranny, safeguarding states' rights and citizens' freedoms.

Then, Madison helped us even further by describing how these weapons could be used to drive the despots back within the boundaries of their authority. Here are his directions for wielding the powerful weapons he said already existed in the Constitution for fighting against federal tyranny:

- **Widespread Alerts for Federal Overreach:** James Madison envisioned a scenario where actions by the federal government that overstep their bounds would set off nationwide alarms, alerting all states to potential threats to their autonomy.
- **United Front Among States:** Other states would hear this alarm and unite, collectively standing against federal overreach, similar to joining forces against a common enemy.
- **Opening Lines of Communication:** States would start communicating with each other, building a network to share information and strategies.
- **Coordinating a Resistance Plan:** Together, these states would develop coordinated plans to resist and counteract federal overreach.
- **Unified Spirit and Action:** A shared commitment and purpose would drive and guide the collective actions of these states, creating a powerful and united resistance.
- **States Banding Together Like Against a Foreign Threat:** Madison believed that states would band together against domestic federal encroachment with the same vigor and unity as they would against foreign domination.
- **Potential for a Showdown:** If the federal government does not voluntarily step back, states might be compelled to forcefully defend their rights and authority, mirroring the resistance strategies used against external threats.

Here we are left with another question that cannot be answered by the people and groups pushing for a convention for proposing amendments: Why do they insist on running the risk of an untried, untested, and uncertain process — a convention — when they completely ignore the tried, tested, safe, and sound processes prescribed by James Madison in *The Federalist* No. 46?

CONCLUSION

When it comes to the calling, carrying on, controlling, and confining a convention for proposing amendments to the Constitution, there are so many questions, but so few answers.

Not only are there no acceptable answers to these critical constitutional concerns, but the people pushing for a convention pretend the answers don't matter, misstate the historical and constitutional record, or ignore the questions. They purposefully — and perhaps for personal gain — ignore the historical record that makes these questions so crucial to the future of the Constitution and the freedom it protects. Perhaps that is because what John Adams said is true:

Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence.

The facts presented in this brief are uncomfortable for those selling the fictional promises of what they claim will be achieved by calling an Article V convention. Nevertheless, they will spend any amount of money, sell any amount of snake oil, and use every trick in the book to create an illusion to fool patriotic Americans into supporting their scheme — a scheme the Founding Fathers called “dangerous” and the great Barry Goldwater called “fool hardy.”

Another stubborn fact that irritates the Convention of States (COS) leadership and similar groups is that the clear and present danger to the Constitution caused by a convention for proposing amendments is unnecessary, and the safeguards they have contrived are unconstitutional.

Article V does not provide any of the guarantees promised by the people pushing and paying for a convention. Nothing in provision that supports the scenarios, set-ups, and simulations that these groups put forward as facts. Nothing. Not a syllable of constitutional or historical support for their theatrical premises.

What there is irrefutable constitutional and historical support for, however, is the right, duty, power, and prerogative of the states to stand as sentinels on the watchtowers of liberty and the Constitution that protects it. States created the federal government, and states drafted the contract wherein the federal government's “few and defined” powers are listed: the U.S. Constitution.

We need not risk calling a convention that would be comprised of corrupt politicians and politically powerful elites slavering to get their hands on the Constitution, particularly the First and Second Amendments. Such a scheme is unnecessary, unproven, and unwise.

The rhetorical tone always presents in anything published, produced, or pronounced by COS and groups devoted to seeing the same scheme perpetrated, reminds me of an observation made by forgotten Founding Father Samuel Bryant:

But our situation is represented to be so critically dreadful that, however reprehensible and exceptionable the proposed plan of government may be, there is no alternative, between the adoption of it and absolute ruin.

Things are not at that crisis; it is the argument of tyrants. William Pitt, the renowned British statesman, noted this tyrannical tactic, as well, in this warning:

Necessity is the plea for every infringement of human freedom: it is the argument of tyrants; it is the creed of slaves.

These statements — these prescient observations from history — reveal yet another pair of uncomfortable questions

for the people pushing for and paying for a convention for proposing amendments: Why do they constantly clamor for a convention, denying even the constitutionality of state authority to refuse to conform to any unconstitutional act of the federal government? Why do they adopt the attitude of tyrants when they claim to want to rid the federal government of them?

As we have proven beyond all reasonable doubt in this brief, state refusal to conform to or cooperate with unconstitutional acts of the federal government is historically, legally, and constitutionally sound.

Whether it's marijuana, gun control, or raw milk, states are practicing the timeless and timely principle of contract law known as nullification and they are doing so successfully and safely.

There's another stubborn fact that sticks in the craw of the convention floggers.

For the love of the Constitution, the union it created, and the liberty it protects, let's not support a scheme that would unnecessarily allow corrupt and conspiring foxes into the henhouse of the Constitution. Let's not call a convention to *fix* the Constitution, without first insisting that our elected officials *follow* the Constitution.

Lest we pursue a cure that is worse than the disease, let's take a healthy dose of the "rightful remedy" and use the Tenth Amendment, federalism, and the wise counsel of James Madison provided in *The Federalist* to restore our liberty by forcing the federal beast back inside its constitutional cage.

We can make America great again if we insist on making America STATES again!

For more information on how we can make American STATES again read the book *What Degree of Madness: Madison's Method to Make America STATES Again*, written by this author. Copies are available on ShopJBS.org. And for more information about an Article V convention for proposing amendments, visit JBS.org/ConCon.

