

Double-Speak, Lies, and Precedents Driving the Convention of States

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By Tom DeWeese - American Policy Center

The drive for an Article V Convention of States is assaulting state legislatures at an intense level. Obviously, proponents of such an action are counting on the discontent of Americans as the Biden cabal proves the misery of massive federal intrusion into every aspect of our lives. Americans naturally want to rein it in.

The problem is the Article V Convention of States strategy is a false hope being perpetrated by forces pretending to be conservative, promising a workable solution to balance the federal budget, stop out-of-control regulations, and give the government back to the people. In truth, the Article V Convention of States movement is one of the greatest flimflams ever perpetrated on the American people. It's nearly the equivalent of combining the lies of the covid pandemic with election fraud and climate change. In short, the drive for the Article V Convention of States is just that dangerous because unaware state legislators are falling for it, and naive and trusting constituents are supporting them. The Republic is at stake.

The Convention of States Project is the main force pushing the lie in state legislatures. 1984 author George Orwell would have been impressed by this group's mastery of "double-speak." They claim that Article V of the U.S. Constitution allows the States to call for a convention that will only consider amendments to the U. S. Constitution. They insist that such a "Convention of States" is not a Constitutional Convention. They claim that the states can control the convention agenda as well as the process of choosing the delegates. Further, they claim that, since anything the convention produces must be approved by a three-fourths majority of the states, there is no possibility that bad things can happen. Worse, they create the impression that freedom-loving advocates of limited government will control the process – you know – Conservatives! NONE OF THESE CLAIMS ARE TRUE!

Here Are the Facts

Article V of the Constitution grants only the following powers regarding such a convention:

- First, state legislatures must apply to Congress for a convention.
- Second, when two-thirds of the States have presented such an application Congress then calls for the convention.
- Three-Fourths of the States are then needed to ratify the actions of the convention.

That's it. Those are the only guidelines provided in the Constitution for a Convention of States. There are no guidelines on how delegates will be chosen, or how the agenda will be decided. Once enough States apply for the convention, all those decisions concerning when there will be a convention, where it will be held, and who will be delegates, are decided by Congress. This becomes a Constitutional Convention or a Con Con. There is no such thing as a Convention of States controlled by the States.

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Today, that means that Nancy Pelosi will lead the decision process on how delegates are chosen and who they will be. Can you imagine what that delegate line-up will look like under her direction? Picture every radical interest group like ANTIFA and Black Lives Matter joining forces with the producers in global corporations and the wonderful insight of the World Economic Forum. And, of course, we will need a solid representation of illegal aliens, who will have so much at stake in the outcome of such a historic gathering. Yep, let's put the genius of Madison, Jefferson, and Washington on the operating table for these forces to give it a lobotomy! Do you think anyone who isn't marching in goose-step with, or having ideas and credentials not in line with cultural Marxism will be allowed?

Yet, Convention of States Project head, Mark Meckler is busy assuring state legislators that the States can bypass Congress, States will make the rules, control the delegates, limit the convention topic, and will consider only amendments to the Constitution.

The fact is, once chosen, the delegates to a Constitutional Convention become the most powerful force in the country. They have no boss. They are free to move forward as they see fit. To prove that point, here is a little history.

There has been only one Con Con in U.S. history. That was in 1787. It was not intended to be a Con Con. At the time the nation was operating under the Articles of Confederation. There were problems with how the states were dealing with each other through interstate commerce and it was known that the Articles of Confederation needed some revisions. So, it was decided to call a meeting of the States to discuss such revisions. The States did not want this convention to create a new constitution. Rhode Island refused to send delegates for fear that it could become such a convention. Delegates from several other states were given specific instructions by their state governments to not participate in a Constitutional Convention. There was also a very strongly worded resolution by Congress limiting the meeting to the "sole and express purpose of revising the Articles of Confederation." Those instructions were completely ignored. As soon as the delegates arrived in Philadelphia, the doors were closed, and the meeting was kept secret until finally they were opened to announce a completely new Constitution for the nation. **That is a Precedent!**

Second, the Articles of Confederation specifically ordered that no changes could be made to that legal document unless 100% of the States supported the changes. Obviously a new Constitution to replace the Articles of Confederation qualifies as a change! However, then a very radical event took place. As the new Constitution was presented to the people to be ratified by the States, the 100% rule of the Articles of Confederation was completely ignored. Instead, Article VII of the new Constitution, which at this point was only a proposed document to be considered, was used as the guideline to ratify the new constitution. Article VII says "But ratification of the new Constitution *The Ratification of the Conventions of nine states, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.*" So, in fact, the rules of an unratified document were used to ratify itself. **That is a Precedent!**

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Why are these details important to the debate over an Article V Convention of States? Because, as Mark Meckler and his Convention of States Project are assuring that such things could never happen, that states will control the issues discussed, and that there will not be a Constitutional Convention, there are very specific precedents to the contrary already established. You can be assured that they will be used by those forces who seek to trash the current Constitution. For example, what would stop the delegates from writing a new constitution that simply said the majority of delegates could formally ratify it into law? There would be no need for the states to approve it. It would simply become law. The precedent is there to allow it.

New Constitutions have Already Been Written

Now add to the debate that many forces have already written their own preferred versions of a new constitution to replace our Republic. There are more than twenty such constitutions in existence, just waiting for the opportunity offered from a Convention of States.

The National Constitution Center, a quasi-official branch of the federal government, sponsored a Constitution Drafting Project. They brought together three teams of leading constitutional scholars. The three teams included Team Libertarian, led by representatives from the CATO Institute and the Goldwater Institute; Team Progressive, led by representatives from the Georgetown Law School, Columbia Law School, and the New York University School of Law; and Team Conservative, led by representatives from Princeton University, Stanford Law School, and Arizona University. Just the folks you would want to replace James Madison and Thomas Jefferson. In 2021, they released their three proposed new constitutions.

According to constitutional expert Publius Huldah, each would transfer massive new powers to the Federal government and would legalize many of the unconstitutional acts that have been going on for 100 years. The Progressive Constitution would make abortion, pedophilia, and bestiality constitutionally granted rights. Team Conservative was headed up by Princeton professor Robbie George, who also happens to be a Board Member of the Convention of States Project. That version of a Conservative constitution makes a severe attack on gun rights, authorizing the state and federal governments to ban the possession of all arms, unless they are “ordinarily used for self-defense recreational purposes...” The question must be asked, why would a board member of the very group which promises that there would be no new constitution, actually help write a new constitution?

Meanwhile, a second movement dedicated to writing a new constitution is called Constitution 2020. George Soros heavily bankrolled this movement. The project seeks to create a “progressive” consensus as to what the U.S. Constitution should provide. It would focus on the issues of Equity, Citizenship, and “hopeful pragmatism.”

Mark Meckler of the Convention of States Project argues that there is no possibility of a runaway convention, because the states would be in control of it. The reality is that the runaway has already begun as massive forces are gleefully preparing what will happen when the convention doors are

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If the American Republic is to survive, then state legislators must see through the lies and deliberate fraud contained in the Convention of States resolutions which they face. Know this. The Constitution of the United States is not in need of fixing. Instead, those we have entrusted to protect it must be eliminated. The Constitution cannot protect us unless we protect the Constitution.