



Written by [Paul Dragu](#) on March 7, 2023

Con-Con Bites the Dust in Wyoming; Mark Levin Misses With Jab at Birchers

Mountain Westerners are a tough bunch to fool. Wyoming's legislature is the most recent to reject an application for an Article V Convention, or a Con-Con, thanks in large part to hard work by John Birch Society volunteer members.

On February 27, the Wyoming House Committee of the Whole killed a resolution to apply for a Constitutional Convention by a vote of 41-21. Wyomingites sided with anti-Convention arguments over pro-Convention ones. Even co-sponsors of the Con-Con bill ultimately [turned against it](#). And, as it turns out, neocon "Slick Rick" Santorum's pro [Con-Con stump tour back in January](#) didn't help. Who knew a Republican with a [career voting record](#) that aligned with the Constitution only 62 percent of the time could be so unconvincing?



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The death of Con-Con resolutions in Wyoming comes on the heels of similar outcomes this year in South Dakota, where two similar resolutions were quashed, and in Montana, where three were killed. However, in Montana there is still one last hurdle, Senate Bill 211, a deceptive attempt to ensure Montana legislators of control over their state's delegates at a Convention. Montana's Birchers worked hard for about a year to ensure legislators don't let the Treasure State fall for a Con-Con. The defeat of this last bill would put the threat away in Montana until the next legislative session two years away.

The battle over a Constitutional Convention has been happening for decades. Birchers took up the cause in the 80s, when we were only two states removed from the necessary 34 needed for Congress to call a convention. A lot has happened since. Thanks to the work of multiple generations of Birchers, today we are down to 26 states with active applications to Congress for a Balanced Budget Amendment Con-Con and 19 states for those applying to Congress for a convention modeled after the Convention of States Project's model resolution. Nevertheless, this battle will likely continue for the foreseeable future. The legislatures of Iowa, New Hampshire, and North Carolina are or will each be hosting similar fights this year as we've seen in Montana, Wyoming, and South Dakota. And New York and Texas may soon host Con-Con rescission battles.

The Constitutional Convention issue is not generally covered by or even familiar to mainstream talking heads on the Left or Right. It doesn't generate flashy headlines and it lacks the allure of balloons floating through American airspace as well as the simplistic and punchy passion of abortion and gun rights. Yet it is perhaps the most important political battle barely anyone knows about. It is a battle to preserve the U.S. Constitution and our nation with it. The radical Left would love to cut open the U.S. Constitution and gut it. Super leftist magazine *The Nation* made this clear with an article in their



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November 20/27, 2017 issue. The subtitle says it all: “Why the left should embrace the movement for a new constitutional convention.” *The Nation* argued that a Convention is the perfect opportunity for the Left to codify its socialist policies into the Constitution. Furthermore, 733 [leftist organizations favor amending the Constitution](#).

The action organization Convention of States Project, known as COS, which claims to be a conservative entity, is leading the misdirected march toward a Convention. COS’ goal is to convince 34 state legislatures to pass resolutions to apply for an Article V Convention, which would trigger a process that will supposedly result in term limit and balanced budget amendments. The big idea is that these amendments would reign in Big Government and make America great again. That’s the sales pitch of COS CEO Mark Meckler, anyway. The problem, however, is it’s likely hogwash.

Like any crafty marketing man, Meckler appeals to emotion and avoids substantive argument as much as possible. When [Iowa radio DJ Simon Conway asked Meckler](#) on February 20 why Iowa Republicans opposed a Con-Con, he said he didn’t know and pivoted to a rant about how leftists are terrified of a Convention. Meckler either experienced the most potent brain fart ever known to man or he was profoundly dishonest, because two days later when he called in to the popular right-wing neocon show hosted by Mark Levin, he had a different story.

When Wyoming’s legislature was debating the Con-Con, [Meckler called his pal Levin](#) to prompt Cowboy State listeners into pressuring their state legislators to vote for a Con-Con. Meckler asked Levin to allay fears of a runaway convention. He also told Levin that JBS members were frustrating Con-Con attempts. Levin went on a diatribe intended to erase fears of a runaway convention. He also ridiculed the idea that Birchers were getting in the way of a Con-Con. “The idea that [The John Birch Society] have any influence over this process is laughable,” he blustered.

Levin has minimized the JBS for years. What is actually laughable is that Levin is getting it straight from the horse’s mouth, yet he doesn’t believe it. Meckler has been on the ground, suffering defeat after defeat at the hands of the JBS. When Santorum made his Cowboy State Con-Con stump tour, [he too credited the JBS](#) with getting in the way of a Con-Con.

Despite his assertive public persona, Levin hasn’t always proved the brightest. When *Chronicles* magazine, one of the most intellectually robust conservative American publications, [reviewed his book *American Marxism*](#), it found it severely wanting. “The problem is that Levin’s book is so far off the mark that it can only make its readers less prepared to handle what the ‘American Marxists’ of the title are bringing our way. If we want to effectively oppose a thing, we must first know what it is. Levin, however, is deeply confused about the nature of Marxism, even if his blustering style might succeed at convincing some readers that he has expertise rather than just empty swagger.” The reviewer continued his tear, adding, “Many of his readers will come to this book equally uneducated on the relevant terms. They will go away from it believing they have learned something useful. They will be mistaken.”

Just as he doesn’t understand Marxism, Levin seems to be in the dark about the JBS and the outcomes of a Con-Con. Unfortunately, he’s not alone.

Meckler’s playbook includes luring people in with the emotional bait of the evident truth that our nation needs restoration, a point no rational American will dispute. Then he presents the silver bullet, a Con-Con. Meckler sounds convincing so long as his audience doesn’t know about the Con-Con minefield. He’s appeared on Newsmax’s *Chris Salcedo Show*, Steve Bannon’s *War Room*, and Fox Nation’s *Tucker*



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Carlson Today, among many other shows he may or may not be buying his way onto. These shows have refused to let us present the other side of this argument.

The one-way conversation about a Con-Con is, unfortunately, par for the course. But fortunately, while cash can buy advertising — COS's 2019 filings show a budget of nearly \$7 million — it can't buy a Con-Con, although it's not for lack of trying. On June 16, Montana's Commissioner of Political Practices found COS in violation of campaign practices for not including "Paid for by" attribution on advertising it provided for Wayne Rusk, Jason Ellsworth, and Ross Fitzgerald. The complaint showed that COS, an organization headquartered in Washington, D.C., spent \$121,314.50 on media advertising for those Montana candidates. All three won their races.

Meckler has repeatedly refused JBS constitutional scholar Robert Brown's challenge to a robust debate about the outcome of a Con-Con. That's likely because debate favors the argument *against* a Con-Con. Over the last couple of years, Con-Con application resolutions have failed in the deep-red legislatures of Ohio, Iowa, Utah, South Dakota, Montana, South Dakota, and Wyoming. In many of these cases, if not all, Con-Con applications would have passed with conservative support only, discrediting Meckler's blame-the-leftists talking point.

A Constitutional Convention is dangerous. It can be hijacked by anti-American delegates, a point Meckler and advocates ridiculed for years yet have taken seriously enough to begin introducing "faithful delegate" bills. Longtime Con-Con supporter talk show host Glenn Beck [withdrew his support in September](#). "I have been a supporter of the Article V Convention of States. I've been a pretty big supporter, vocal supporter. I'm reversing that today," he said during a broadcast of his show, adding, "We are not the people to open up this sacred document. We are not the people." Also, in December 2021, Representative Thomas Massie (R-Ky.), one of the most constitutionally faithful federal legislators, said, "Show me a single state where constitutionalists comprise a majority of the state legislature. At this point in history, an Article V Convention of the States would be a disaster." The late Justice Antonin Scalia, a notable constitutionalist, said he opposed a Constitutional Convention because there's no telling what would come out of that. And liberty stalwart Ron Paul also opposes a Con-Con, maintaining that we just needed to follow the Constitution we have now.

All rational patriots agree America is in trouble. But the rules aren't the problem. We don't need a "better" Constitution. We already have a great one. We don't need term limits. We already have them — they're called elections. And we already have fiscal restraints. States already have budgets, as does the federal government, a fact we are reminded of whenever there's a battle over the debt ceiling, which ultimately always end with the big spenders winning. Furthermore, Article I, Section 8 of the federal Constitution specifically lists the powers of Congress, including what it is allowed to spend money on. Congressional spending on anything that isn't enumerated in Article I, Section 8 is unconstitutional.

The answer is more educated voters; Americanist voters who know the Constitution and will hold their elected officials' feet to its purifying fire. COS doesn't educate voters.

The John Birch Society, however, has worked since 1959 to help Americans better understand. We've helped Americans learn the principles and values that have made America great. And we've published mountains of material — books, pamphlets, videos, documentaries — on the international collectivist threat that seeks to destroy our way of life. We've helped Americans understand why so many of the programs, policies, and ideologies proliferating in American society are intended to destroy us. And we've provided tools such as the Congressional and Legislative [Scorecards](#) to show which legislators really obey the Constitution and which don't.



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