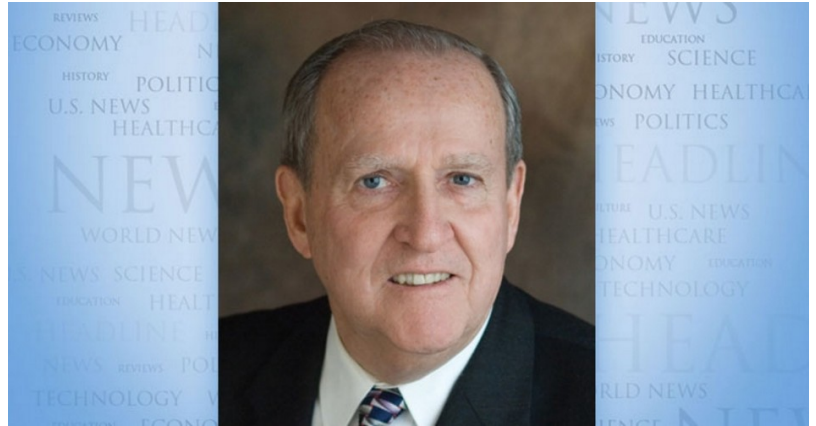




Written by [John F. McManus](#) on March 23, 2015

Falsehoods Mark the Campaign for a Constitutional Convention

For one excellent reason, The John Birch Society has always opposed the creation of a [constitutional convention \(Con-Con\)](#) as authorized in Article V of the Constitution. The Society isn't opposed to amendments and would support any that would cancel existing Amendments 16 (Federal Income Tax) and 17 (Popular Election of Senators). This could be done via the other route to adding an amendment noted in Article V, the passage of the measure by two-thirds of each house of Congress and then ratification by three-fourths of the states. This is the only route to adding an amendment that has ever been employed in the 228 years of the Constitution's existence.



Having both houses of Congress agree to an amendment before sending it to the states for ratification is the safe route to adding any amendment. It was the route taken when Amendment 18 (Prohibition) was erased by Amendment 21. A Con-Con, however, would open the entire Constitution for change, even total erasure — which is what occurred in 1787 when a Con-Con assembled under the Articles of Confederation met with the sole assignment to revise the Articles. But because a Con-Con cannot be limited, America's Founders used the power any Con-Con would have and scrapped the Articles. They then proceeded to write an entirely new Constitution, even changing the state ratification requirement from unanimous (under the Articles) to three-fourths in the new Constitution. Such a runaway could happen again because a Con-Con can't be limited.

Most of today's proponents of a Con-Con want to use it to add a [Balanced Budget Amendment](#) to the Constitution. Calling their proposal a "Convention of the States," they claim that it can be limited. But, in reality, what they claim for a Convention of the States is a nothing but a Con-Con which can't be limited to a single topic. Some of these proponents also claim that John Birch Society Founder Robert Welch and Congressman Larry McDonald, his 1983 successor, advocated the Con-Con route in favor of the "The Liberty Amendment." This proposed amendment, written more than 50 years ago by Willis Stone, is a brief proposal whose most appealing feature would require the federal government to divest itself of every "business, professional, commercial, financial or industrial enterprise except as specified in the Constitution." The money saved would enable the Federal government to abolish the federal income tax — another clause in the proposed amendment.

But neither Robert Welch nor Larry McDonald nor this writer (current JBS President) has ever advocated a Con-Con on behalf of the Liberty Amendment or any other amendment. After sponsoring Willis Stone for a speech in 1965, I became quite friendly with him (he is deceased). He even implored me to accept appointment as a state chairman for the amendment; a request I declined because I was already overloaded with other commitments. But I discussed the matter with Mr. Stone at length and



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knew that his plan sought to have state legislatures pass a resolution asking Congress to create a Con-Con was simply a tactic to call attention to his proposal. He very clearly explained to me that he feared a Con-Con. He expected that members of Congress, themselves fearful of what might happen if a Con-Con were created, would use their Article V authorization to propose the amendment directly and singly in both houses of Congress (the alternate method for starting the amendment process spelled out in Article V). When the number of state legislatures calling for a convention approached 34, he was certain that Congress would act and turn to the far safer portion of Article V to accomplish the first step toward passage of the Liberty Amendment.

I vividly recall questioning Willis Stone about the danger that 34 states would indeed call for a Con-Con. I noted that if that number of state applications for a convention were reached, then the Constitution requires that Congress “shall call a convention for proposing amendments.” He emphatically assured me, “No, I don’t worry about that because no one is stupid enough to want a Con-Con. We know what happened when the Con-Con met in 1787; its members cancelled the Articles of Confederation. If a Con-Con were held today [1965], it could and likely would lead to cancellation of the present Constitution and put in its place something far different.”

I know that Robert Welch never wanted a Con-Con. I know of no JBS official who wanted it. I never discussed the matter with Larry McDonald, but I’m sure he discussed it with Robert Welch. Anyone who claims that JBS leaders (past or present) ever intended to have Congress create a constitutional convention either doesn’t know what he or she is talking about or is being deceitful.



John F. McManus is president of [The John Birch Society](#) and publisher of The New American. This column appeared originally at the [insideJBS](#) blog and is reprinted here with permission.



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