



Written by [Charles Scaliger](#) on November 20, 2017

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Should a New Constitutional Convention Be Called to Fix the Constitution?

When the Founders framed the Constitution, they were humble enough to acknowledge that the document might require changes from time to time, to accommodate changing circumstances. Accordingly, they provided, in Article V, two ways by which the Constitution could be modified. The first, by amendment, required two-thirds of each of the two houses of Congress to propose, and three-fourths of the state legislatures to ratify, a difficult process that has delivered 27 amendments over the Constitution's nearly 230-year history. The second, by convening a new constitutional convention, requires the "application of the legislatures of two thirds of the several states," and has never taken place. Both methods were deliberately made difficult by the Founders, for a very important reason: The Constitution, as the "fundamental law" intended to restrain the government, should not be something the government itself can alter at whim.



As a result of the difficulties inherent in changing the Constitution, dozens of amendments proposed over the years have failed to meet the rigorous standards for ratification. There is now a growing movement in favor of convening a new constitutional convention, with a view to correcting en masse a host of alleged deficiencies in the document as it stands. It is touted as a one-time fix to seemingly intractable problems ranging from the right to life to term limits. A constitutional convention is clearly both legal and constitutional. But is it wise?

Consider the makeup of our two existing legislatures. Since the inauguration of President Trump and the swearing in of the latest bicameral GOP majority in Congress, we have waited in vain for the long-promised repeal of blatantly unconstitutional measures such as ObamaCare and Dodd-Frank. Tax cuts may prove politically feasible, but corresponding cuts in unconstitutional Big Government certainly will not. The only significant attempts to rein in Big Government have come from the president himself, who has exercised his very limited authority to reverse certain Obama-era executive usurpations. But the president's stated desire to "drain the swamp" obviously has few supporters, in either party, on Capitol Hill.

Nor will electing more Republicans necessarily be any solution. A large number of Republicans, both in the Senate and the House, have already demonstrated their distaste for limited government by



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stymieing a variety of spending cuts. In fact, not a single unconstitutional Big Government entitlement program has ever been repealed, which is why ObamaCare, Social Security, Medicare, Medicaid, student loan programs, and many others continue to deplete the public coffers.

This, then, is the true state of politics in the United States in our day. We the people have elected a majority of representatives and senators who refuse to honor their oaths to the Constitution, and are now so rudderless that they are incapable of even passing a federal budget. On their watch and ours, debts continue to pile up at a dizzying rate even as the constitutional system of limited government and checks and balances is systematically dismantled by that same leadership.

A constitutional convention would consist of the same sort of people who are running our government into the ground, low-information legislators eager to throw out or severely curtail the First Amendment, the Second Amendment, the 10th Amendment, and any other explicit constitutional check on federal power. The left-wing extremists at such a convention would, as always, have the loudest voices, and would be mostly opposed by milquetoast right-wingers eager for compromise. A large number of delegates to such a convention would be as ignorant of the Constitution and as contemptuous of our Founding Fathers and their values as our elected know-nothings in Congress. The likelihood of a second constitutional convention producing a brain trust in any way comparable to the Founding Fathers at Philadelphia is nil.

This alone is sufficient practical grounds for rejecting a new convention out of hand. But there is another, a matter more of principle than politics: The Constitution as it stands has no deficiencies requiring such an extreme measure as a full-blown convention for their remedy. The reason that our government has strayed so far from its constitutional roots is that our political leadership routinely ignores it, and the public that elects them refuses to hold them accountable. Unfortunately, no constitution, no matter how exquisitely crafted its checks on power may be, is adequate remedy for a populace enmired in ignorance and vice. Much of the American public is profoundly frustrated with their elected leadership — but not frustrated enough, yet, for a significant number of people to put aside the myriad stupefying sources of entertainment that keep them in thrall, and become acquainted with the ideas of the Founders. In other words, we have, by public inaction, permitted our government to set aside the Constitution, and now reassure ourselves that it is the Constitution itself that is to blame.

The Constitution, in any form, will only work to the degree that those being governed by it are willing to submit to such a radical scheme of government. In most traditional forms of government, the rulers tell the people what to do, under an assumption that only the ruling class possesses the virtue and understanding to govern effectively. Under our Constitution, the reverse is true — but only insofar as the people themselves possess the virtue and understanding to direct their political leadership. John Adams famously pointed out that “our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.”

Absent a moral, cultural, and educational renewal in our country, the status quo will persist. Should we the people reverse course and begin electing the likes of Ron Paul and Justin Amash to Congress with enough consistency to actual begin rolling back Big Government and re-enshrining the Constitution, the Constitution will work just fine. No convention, now or ever, is required.



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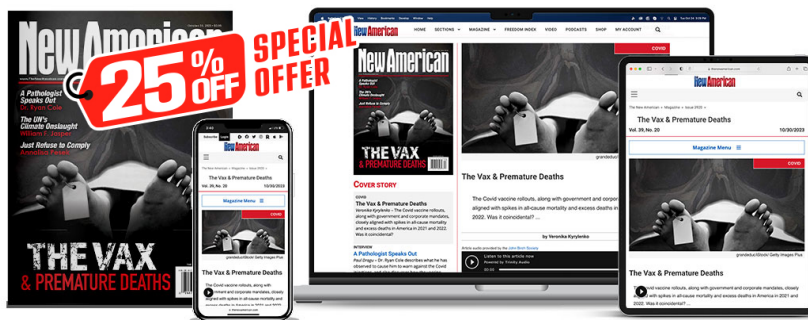
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