



Written by [Joe Wolverton, II, J.D.](#) on August 19, 2023

California Calling for Con-Con to Redefine Second Amendment

Governor Gavin Newsom's quest to replace the U.S. Constitution continues, as California's chief executive is sponsoring legislation calling for a federal constitutional convention to rewrite the Second Amendment.

[Senate Joint Resolution 7](#) seeks "to call a constitutional convention under Article V of the Constitution of the United States for the purpose of proposing a constitutional amendment relating to firearms."

Based on the incorrect claim that "gun safety laws are proven to lessen the scourge of gun violence," the measure specifically seeks to add an amendment that would change the Constitution in the following ways:



AP Images
Gavin Newsom

1. Affirm that federal, state, and local governments may "adopt public safety regulations limiting aspects of firearms acquisition, possession, public carry, and use by individuals";
2. Affirm that such regulations are consistent with the Second Amendment "and the understanding that throughout American history private individuals have possessed firearms for home defense, hunting, and recreational purposes";
3. Impose universal background checks;
4. Set the minimum age to purchase a firearm at 21;
5. Impose a minimum waiting period for delivery of a firearm after purchase; and
6. Ban "private possession of assault weapons and other weapons of war."

The claim that stricter gun laws lead to less gun violence is contradicted by [a report by ABC News](#) that noted:

California has some of the most stringent gun laws in the country — many of which were enacted in response to several of the violent mass shootings in recent years. But that hasn't stopped a wave of mass shootings from plaguing the state in the first few weeks of 2023.

Given Newsom's known enmity for the U.S. Constitution generally and the Second Amendment specifically, it's remarkable that his proposals aren't more radical.

And given that the Second Amendment to the Constitution is so clear in its prohibition on any governmental infringement on the right of the people to keep and bear arms, it's sad that such proposals aren't radical.

They are, of course, radical in the purest sense, but given that federal restrictions on the right of the



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people to keep and bear arms are so expansive and in such direct violation of the Second Amendment, even radical restrictions seem reasonable in this age.

There is no reasonable restriction on the right to keep and bear arms. In fact, it should make a person wonder why a government — an entity created by mankind solely for the purpose of protecting life, liberty, and property — would have any need to disarm the people. Putting the lack of authority to one side, something sinister would certainly motivate any attempt by anyone to disarm another person or group of people. If you think about it reasonably, if you're being disarmed or prevented from purchasing weapons, there's probably something being planned that the government knows you would use weapons to resist ... if you still had them. That alone should motivate anyone to resist disarmament.

As for the authority, there is no authority in government — again, the servant of the people — to disarm the people or to contract in any way the scope of the natural right of self-defense.

In fact, for thousands of years people have understood that denial of the right to keep and bear arms precedes the denial of every other right. This is the reason for St. George Tucker's warning that:

Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any color or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.

Polybius, the ancient historian, wrote that "Anyone who is capable of understanding cause and effect should, by reading history, be able to predict the future of any country." In the case of California's call for a constitutional convention, the *cause* is attempted disarmament and the *effect* would be leaving the people unable to resist effectively any assault on life, liberty, or property on the part of government.

The resolution declares that it is not supporting a call for a convention for any other reason than those set out in the resolution. In other words, Newsom and the legislators supporting this measure are only interested in disarmament and aren't interested in a constitutional convention called for any other purpose.

A curious provision in the California call for a constitutional convention claims that the application is to be considered a "continuing application ... until such time as two-thirds of the several states have applied for a convention and said convention is convened by Congress."

That's certainly clever, but ultimately would serve to deprive the people of the republican form of government guaranteed by Article IV, Section 4 of the U.S. Constitution. In other words, one body of legislators cannot bind the acts of another body of legislators without restricting the second body of its ability to represent the people.

Think of it this way: If the people of California decide they don't want to support this Legislature's application for holding a constitutional convention, and so they elect candidates committed to repealing that call for a convention, to deny those newly elected legislators the power to do what they were elected to do would be denying the people of representation, which is the essence of republican government.

Finally, upon discovery of Governor Newsom's effort to call a constitutional convention for the purpose of disarming the people, the Convention of States (COS) organization published a blog post trying to put distance between their call for a convention and the one coming from California. Convention of States claims that Newsom's resolution proves that he recognizes that a COS convention would not threaten



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the right to keep and bear arms. Maybe. It could also be that Newsom noticed that in 10 years of trying, COS has failed to accomplish its sole reason for existing, so he decided not to attach himself to such an unsuccessful undertaking.

As of today, 51 state legislators have signed on in support of the call to amend the Second Amendment out of existence. A hearing by the state Senate's Public Safety Committee is scheduled for August 22.

Related article:

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