



Written by [Joe Wolverton, II, J.D.](#) on September 14, 2023

COS: Constitutional Convention Only Way to Stop Federal Land Grab

As is their habit, the Convention of States (COS) organization is pushing a constitutional convention (and please don't try to argue that's not what it is) to fix the Constitution, when the problem they're highlighting could be solved simply by following the Constitution.

In a [recent blog post](#), COS rightly lamented that the federal government is "holding the citizens and states hostage" through its claim to control so much of the land within the states. There is no constitutional authority for the federal government to "own" 80 percent of the land within the sovereign borders of any state, as it does in the state of Nevada. Therefore, the federal government's control over that land is unconstitutional and, as tyrants will never willingly relinquish power once it has been seized, it is the role of the states to force the federal beast back inside its constitutional cage.

As for COS, their suggested method for making America states again is to call a constitutional convention for the purpose of placing further restraints on the power of the federal government. They want to convince states to call a convention per the procedure set out in Article V of the U.S. Constitution and have the delegates to that convention — whose membership the people would have absolutely no say over — propose amendments to the Constitution that would finally persuade the plutocrats to stop violating the Constitution.

That's the issue. COS thinks that adding a new piece of paper to the Constitution would be the thing that finally convinces the tyrants to obey it. Once an amendment is added to the Constitution it becomes part of the Constitution, so, by the illogical reasoning of COS, the best way to force the feds to obey the Constitution is to constitution harder!

It makes no sense, and if it weren't for the millions of dollars the organization and its shadowy network of financiers spend on marketing, it would be impossible to understand how any right-thinking person could support such an ill-fated and ill-advised scheme.

As for the federal government's constitutional authority to "own" or "control" land within the states, the totality of it is set forth in Article I, Section 8, Clause 17:

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of Particular States, and the Acceptance of Congress,



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become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.

There you go. No more and no less. Put simply, the federal government cannot control land at all unless the following constitutional hurdles are cleared:

1. The land must be purchased by the federal government
2. The state legislature of the state where the land is located must consent to the purchase
3. The land must be for military use ("forts, magazines, arsenals, dock-yards, and other needful buildings")

When people complained that the federal government shouldn't be allowed to own or control any land within the states, James Madison wrote in [*The Federalist No. 43*](#): "All objections and scruples are here also obviated by requiring the concurrence of the states concerned, in every such establishment."

Simple. The federal government cannot control .08 percent of the land in a state — much less 80 percent — without the concurrence of the state concerned, as set out in Article I, Section 8 and as explained in *The Federalist No. 43*.

Now, the federal government does not adhere to the limits of that authority. (To be honest, the federal government doesn't adhere to any of the limits placed on any of its authority, so why would this be any different?)

The issue, then, is how would the states (or the people) go about forcing the feds to retreat back inside the boundaries of the authority granted to it by the states in the Constitution?

There is a remedy to the problem, there is a rightful remedy, and it isn't trusting the patriotism, education, and virtue of the billionaires who would buy seats at the COS convention.

No, the rightful remedy is the refusal by the states to enforce any unconstitutional act of the federal government. Period. No convention. No threat to the Constitution. No giving George Soros and Gavin Newsom the keys to the Constitution and asking them to be careful and not get in any accidents.

We, the people of the several states, must turn our focus to our state legislatures and state governors. We must elect people we know to be virtuous and wise and who would never make an oath to God to support the Constitution and then go break that oath, destroying the lives, liberty, and property of the people and blaspheming God. There *are* such people yet, and we must find them and fill our state assemblies and governors' mansions with them.

Then, faithful to the U.S. Constitution, to the trust placed in them by the people, and to the oath they swore to God, these state lawmakers and executives would demonstrate their fealty by refusing to cooperate with any act of the federal government that violates the Constitution. It's that simple. Here's how James Madison explained it in [*the Virginia Resolution*](#):

That this assembly most solemnly declares a warm attachment to the Union of the States, to maintain which it pledges all its powers; and that for this end, it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that Union, because a faithful observance of them, can alone secure its [sic] existence and the public happiness.



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That this Assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact, to which the states are parties; as limited by the plain sense and intention of the instrument constituting the compact; as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.

At any time did any of the Founding Fathers suggest another convention as the right idea for repairing perceived defects in the Constitution? No, never. I have written about this extensively [here](#) and [here](#) and [here](#). Take your time and read those things before you go listening to actors hired by COS to dress up like George Washington and pretend the Father of Our Country supported such a scheme. He didn't.

State lawmakers and governors must unashamedly disregard any act of any branch of the federal government that exceeds the very narrow limits of its enumerated power. Any such act purporting to have the force and function of law must be considered and treated as *ab initio* null, void, and of no force or effect.

Then, after consistently practicing this principle of state sovereignty and nullification, we will begin to restore this federation of republics to the four cornerstones of the Constitution upon which it was wisely built.

And all without letting men like Soros or Newsom or Gates gather at a convention promising to fix the Constitution.





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