



Written by [Steve Byas](#) on October 23, 2022

Convention of States Fundraising Letter Has Problems

I recently received in my mailbox a fundraising letter from “Convention of States,” asking me to donate to the cause of getting Congress to call a Constitutional Convention, or what they call a “Convention of States.” The problem is that I believe a Constitutional Convention is, at best, a risky business, and at worst a potential disaster for those who treasure our present Constitution.

I am sure that many readers have also received letters appealing for money for various causes, including political causes. I even received a letter one time from a group raising money for the Bill Clinton presidential library and museum in Arkansas. Needless to say I did not return a contribution, but I had to laugh when it said that I was one of Clinton’s biggest supporters. He must not be very popular, as I thought his eight years in office was a disaster.

But to be honest, giving money to a Clinton library would do less harm to the cause of the Republic than helping, in any way, this so-called Convention of States.

Article V of the Constitution provides for amending the Constitution. The Founders, as smart as they were, realized that they could not anticipate every potential way in which their brilliant work may need to be tweaked. Because of this, they provided for a way to correct “defects” in the original Constitution.

For example, the Kennedy assassination in 1963 led directly to the 25th Amendment, providing for a way to remove a president from office who was physically unable to function. The Kennedy case caused concern because he lived for about 30 minutes with half his brain destroyed — and the question was raised as to just what would happen had he lived on in that condition. The Constitution provided for a way to remove a president who deserved impeachment, but getting assassinated was not grounds for impeachment.

In Article V, there are two ways to propose an amendment to the Constitution. One, which has been used for all 27 amendments thus far, is for Congress, by two-thirds vote of each house of Congress, to send to the states for ratification a proposed amendment. The other — by a national convention called by Congress — has never been used.

For good reason. Because once a convention meets, there is nothing in Article V that prevents them from making wholesale changes to our present Constitution — as was done in 1787 by the convention in Philadelphia, when they scrapped America’s original Constitution, known as the Articles of Confederation.



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Sure, it is possible that a convention could meet, pass a few good amendments limiting the power of the federal government, and then go home. But I don't want to play Russian Roulette with our Constitution.

The supporters of this Constitutional Convention, which its supporters insist on calling a Convention of States (although that term does not appear in Article V), argue that their desire is to pass amendments to rein in an out-of-control federal government. And, while most of the amendments to our Constitution deal with correcting alleged defects in our original Constitution, such as the before-mentioned 25th Amendment, the first 10 amendments were passed for the purpose of placing limitations on the newly created national government. We call these amendments, collectively, the Bill of Rights.

Yet, in only seven years after the adoption of the Bill of Rights, with its first amendment which explicitly said that Congress had no power to abridge freedom of speech or of the press, Congress did exactly that with the passage of the Sedition Act.

In the letter I received, Convention of States asks, "You may be wondering, what amendments might be proposed?" They then answer their own question, "[O]nly amendments which call for limits on the power of the federal government."

That is a false statement, and that is demonstrated by the first two possibilities that they mention. One is "term limits." Now, whatever the merits of "term limits," they would do nothing to "rein in the federal government." The same electorate that elected Nancy Pelosi and Chuck Schumer would almost certainly vote right back in someone just like them. And, besides that, the prospect of knowing he cannot run again would make an incumbent less likely to care what his constituents think.

The next example of a potential amendment to "call for limits on the power of the federal government" is an amendment to require a balanced budget. However, we already have limits on federal spending — according to our Constitution, Congress can only lawfully spend money on items authorized by that Constitution. And, how would this "balanced budget" actually be achieved? Rather than cut spending, Congress is at least as likely to raise your taxes.

Robert Bork, who was nominated by President Ronald Reagan (who opposed a Constitutional Convention, by the way) to the U.S. Supreme Court, was an opponent of an amendment to the Constitution to provide for a balanced budget. He argued that it could provoke a "litigation nightmare" that would threaten to result in "judicial domination in the budget process."

And, considering that delegates to any such Constitutional Convention would include leftist radicals wanting to use the opportunity to enshrine the right to abortion in the Constitution, gut the Second Amendment, abolish the Electoral College, abolish the Senate — and perhaps the entire Constitution itself — is any possible good that could come out of such a convention worth the grave risk that one or more of these radical ideas could be passed?

As the late Justice Antonin Scalia said, this is just not a good century in which to write a Constitution. Besides Reagan and Scalia, others who have opposed the idea of a convention include Barry Goldwater, Phyllis Schlafly, Glenn Beck, and Ron Paul.

The Convention of States letter highlights the support of talk-show host Sean Hannity. Regardless of your estimation of Hannity, ask yourself this question: Is his understanding of this issue more trustworthy than that of Reagan, Goldwater, Scalia, Schlafly, Beck, and Ron Paul? Consider too, in all seriousness, that we should not be relying on experts anyway to tell us what we should think on this matter, but should doing our own research and looking at the issue ourselves to determine if it makes sense to amend the Constitution when the problem we face is not the Constitution, but the violation of



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the Constitution by those who have taken an oath to uphold it.

Instead of calling a Constitutional Convention, I would suggest using Article VI, which states that the Constitution — which does rein in the federal government — is the “supreme law of the land.” Every member of Congress takes an oath to that Constitution, which limits what laws Congress can enact, and, indeed, what any federal officer is empowered to do. It is up to an informed electorate to hold these federal officials to the Constitution they promised to obey.

And not just federal officials. State officials also take an oath to uphold the Constitution. When the federal government intrudes on the rights of the states and the people, the states already possess the remedy to declare those unconstitutional usurpations null and void via nullification.

This Convention of States organization is not getting a dime from me.





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