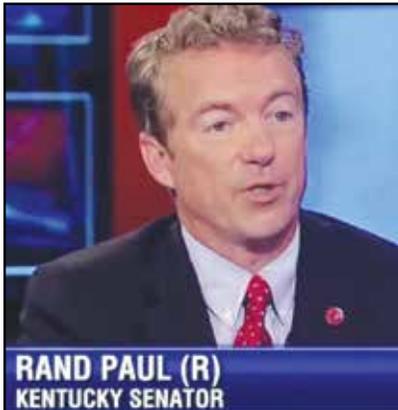




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## Campaign Action Report

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**Con-con promoters:** Establishment-approved “conservative” media idols, such as Glenn Beck, Sean Hannity, Mark Levin, and Rush Limbaugh, are all promoting a deceptive campaign in our state capitols that would subvert our Constitution through a modern constitutional convention. Supporting this drive are prospective presidential candidates Senator Rand Paul and Ohio Governor (and former Fox News commentator) John Kasich. And we thought conservatives were supposed to *defend* the Constitution!

### Dagger in the Heart: A Modern Constitutional Convention

The Constitution has once again become the target of an insidious, concerted attack by advocates of a modern constitutional convention (con-con). This well funded campaign is deceptively capitalizing on legitimate conservative concerns to stampede state legislators into calling for a disastrous con-con under Article V of the Constitution.

A modern con-con would most assuredly play right into the hands of the enemies of limited government. The last time state legislators fell for the con-con ploy, and came

close to calling one, it delighted the Constitution haters. Socially connected author and liberal political activist Gore Vidal could hardly contain his glee:

I am one of the few people outside of an institution who would like to see a new constitutional convention. To date [1987], 32 state legislatures have voted in favor of such a convention. When another two states vote in favor, such a convention will be unavoidable. It is a nice irony that the far-right — disguised as conservatives — can take credit for so fundamental and radical an

upheaval. In order to balance by law the budget, to put prayer to God and Mammon in the schools, to forbid abortion, pornography and drugs ... *they have set in motion the great engine that will overthrow the very Constitution which they insist be so strictly constructed.* [Emphasis ours.]

— Gore Vidal, “Reconvene the Convention and Rewrite the Document,” *LA Times*, 6-7-87

That time the assault narrowly failed, and the enemies of the Constitution had to back off and prepare for a better opportunity. Now, over two decades later, a new team, once more using a



deceptive conservative cloak, looks to “set in motion the great engine that will overthrow” the Constitution. We dare not let it happen!

## **Our Founders Feared a 2nd Con-con**

Deputy Charles Pinkney of South Carolina insisted: “Conventions are serious things and ought not to be repeated.” James Madison, often referred to as the father of the Constitution, was even more vehement in his opposition to an Article V convention. In a 1788 letter to a member of the Virginia House of Delegates, George Lee Turberville, Madison wrote: “Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a second....”

With today’s Establishment media supporting social revolution, does anyone believe that we have a more favorable climate for calling a convention? Or should we, too, “tremble for the result of a second”?

## **False leadership**

Without question, America suffers

from a bloated bureaucracy in Washington. Unlimited government threatens to bankrupt the nation and has already sabotaged middle class opportunities. Oppressive federal regulation, heavy taxation, and perverse federal programs have driven much of our manufacturing and heavy industry abroad.

These are very real problems, and America desperately needs real leadership to solve them. Instead, America is receiving false leadership that is deceptively pushing for a second constitutional convention as the remedy.

The con-con advocates working in our state capitols are supported by several popularized “conservative” media idols, such as Mark R. Levin, Glenn Beck, Sean Hannity, and Rush Limbaugh. These media personalities are using their platforms to represent a modern con-con as a great, perhaps even a last, opportunity to rein in out-of-control government.

And, for whatever reason, several prominent conservative politicians, such as Senator Rand Paul, have decided to support this organized plan

to put our Constitution at risk.

In brash disregard of contrary warnings, these conservative voices have sought to assure their followers that an Article V convention can be limited to single topics and that there is no compelling danger of a runaway convention.

In 1967, Senator Sam Ervin was so intrigued by Article V that he thoroughly researched the subject and came to the conclusion:

[A]s We the People are the true de jure sovereign of these states, We the People cannot be held by anyone to any single issue once we convene our convention. If we so choose, the entire Constitution could be rewritten.

— *Los Angeles Times*, 1-15-92

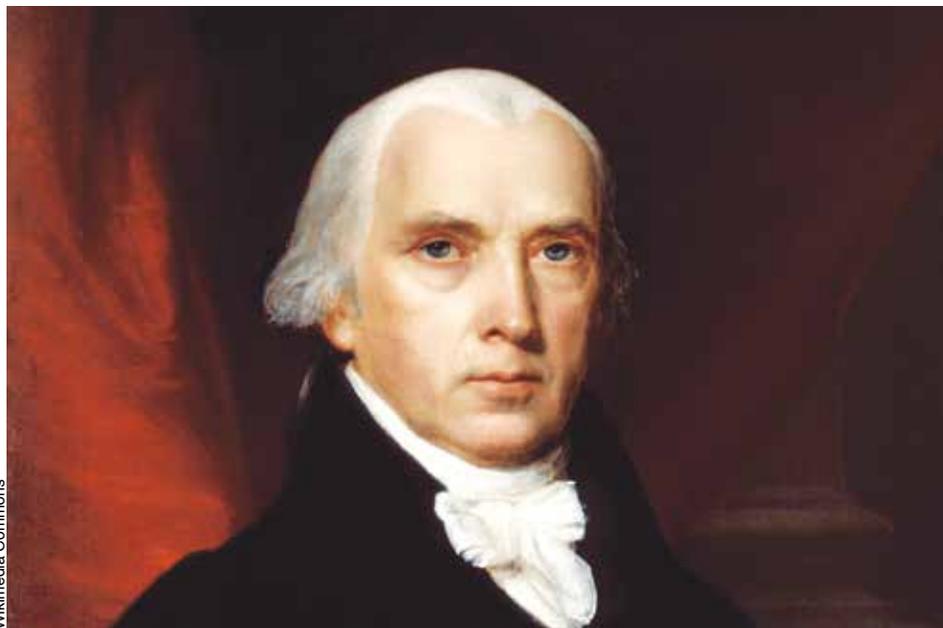
Numerous scholars of constitutional law, such as Charles L. Black of Yale University Law School, have corroborated Senator Ervin’s findings.

## **An Organized, Concerted Campaign**

A major force working in the state capitols is the Convention of States Project, led by Michael P. Farris, chairman of the Home School Legal Defense Foundation, and Mark Meckler, President of Citizens for Self Government. In February of 2015, they were joined by former U.S. Senator, from Oklahoma, Tom Coburn.

The Convention of the States Project claims to be active in all 50 states. When the legislatures of 34 states apply for a convention, Congress must schedule it. The COS Project’s announced goal is to obtain the magic number of 34 state resolutions in 2015 so that the nation’s second constitutional convention will occur in late 2016. State legislators are under great pressure to make these dangerous applications.

Below the radar screen of most constituents, cooperative legislators have introduced con-con resolutions



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**Trampling the truth:** America’s Founders did NOT view a con-con as the way to rein in the federal government. They gave us the Constitution to do that. James Madison wrote: “I should tremble for the result of a second [convention].”

in many states, and COS Project leaders are testifying in the committee hearings. In addition, Ohio Governor, and presidential hopeful, John Kasich has met with legislators in several Western states to champion a con-con as the means to obtain a balanced budget amendment.

### Quick Fix Relies on False Premise

The enticing promise of a quick fix via a state-initiated con-con relies on an entirely false premise that there is little outside stubborn Washington politics to stand in the way of making sound change.

Such a convenient, but uninformed, view ignores the massive influence of organized forces, such as major tax-exempt foundations, that have labored for decades to push America off track and centralize more and more unconstitutional power in Washington.

These forces of revolution continue to dominate the major media and the teaching of American history, greatly influencing the thinking of millions of Americans. They will not be defeated by any quick fix, in particular by a modern con-con. In fact, they would most assuredly dominate the environment in which a modern con-con would do its work.

### Amendments — the Wrong Solution

In addition to championing change through an uncontrollable con-con, proponents distract attention from what really needs to be done by advocating phony solutions to the wrong problem. What America faces is an enforcement problem, not a problem with its written Constitution.

The size and scope of our federal government has exploded precisely because most of what it now does is not permitted by the Constitution. There is absolutely no constitutional authorization for a federal Department of Education, a Department of Housing and Urban Development, federal involvement in health care and countless other areas.



**Cozy colleagues:** Michael Farris (L) heads up the Convention of States Project, strongly endorsed by Mark Levin (R), author of *The Liberty Amendments*. Both seek a dangerous con-con, using phony pretexts.

Yet the phony pretext for the con-con drive is that the structure needs to be fixed through amendments. This is akin to passing more laws to address a failure to enforce existing laws. *Amendments are not the solution to a government that persistently disregards its constitutional limits.*

### A Balanced Budget Amendment

The call for a balanced budget amendment (BBA) is perhaps the most popular and persistent of the misdirected complaints serving as a pretext for a constitutional convention. Yet a BBA is an outrageous fraud.

The demand for a BBA ignores *the origins* of a debt problem that did not exist for the majority of our nation's history. In the early part of the last century the federal government managed to obtain deep pockets, through the unconstitutional Federal Reserve Act and the income tax. (Note that the states have no mechanism for running huge deficits.)

In addition, the Establishment media began supporting socialist agendas and refused to inform the public of constitutional objections.

Adherence to the Constitution is the original balanced budget mechanism. Obedience to the Constitution would quickly restore fiscal sanity and limited government by eliminating the unconstitutional agencies and

programs that sap billions out of the Treasury.

However, most of the champions of a BBA have no intention of forcing the federal government to live within the limits prescribed by the Constitution. Their BBA proposal is a deceitful ploy to placate the people (ratification could take up to seven years, once a proposed amendment is delivered to the states) while the federal government continues business as usual.

Were BBA champions truly interested in limiting government, they would focus on generating informed constituent pressure on U.S. representatives to play tough. The Constitution gives the House of Representatives power over the purse. With this power alone, a determined House could force a roll back. No BBA is needed.

As a further deception, the language for many of the BBA proposals allows deficits in time of war, serious military conflict, or even a 3/5 vote of Congress. When in recent times has the nation not been involved in some foreign conflict?

Although a BBA may sell well on Main Street, it is not a serious proposal for fiscal restraint. A BBA would implicitly validate unconstitutional programs, as long as they could be financed, and could even be used to force tax *increases!*



## Term Limits for Congress

Another popular demand is term limits for Congress. On this issue Alexander Hamilton wrote in *The Federalist*, No. 72: “Nothing appears more plausible at first sight, nor more ill-founded upon close inspection.”

The Constitution does not establish term limits for the simple reason that the Continental Congress had tried term limits and they did not work. Why? Because term limits gave the country a perpetual lame duck Congress. Under term limits a politician knew he would never have to stand for re-election and answer to his constituents.

During the 1787 Convention, Gouverneur Morris objected to a proposed term limits clause by pointing out: “The ineligibility proposed by the clause as it stood tended to destroy the great motive to good behavior, the hope of being rewarded by a re-appointment. It was saying to him ‘make hay while the sun shines.’”

Deputy Roger Sherman added: “Frequent elections are necessary to preserve the good behavior of rulers. They also give permanency to the government by preserving that good behavior because it ensures their re-election....”

The greatest term limit device ever invented is the ballot box.

## Ratification Safety Valve?

The con-con “con-men” regularly assure apprehensive state legislators that a safety valve protects us against anything ill-advised coming out of a convention: According to Article V, proposed amendments must be ratified by three-fourths (currently 38) of the states (according to one of two modes of ratification, to be specified by Congress).

Would 38 states ratify any bad amendments? They already did! They ratified the Fourteenth, Sixteenth, Seventeenth, and Eighteenth Amendments, all of which shifted power

to the central government at the expense of the states. All of these bad amendments were promoted by the White House and the press. Our pernicious mass media would never pass up another golden opportunity to promote radical social change.

The Convention of 1787 got around its ratification problem by changing the number of states required from thirteen to nine. There is no way to prevent a modern convention from similarly changing the ratification requirements, or even skipping them entirely. There is no security in the assurance that “38 states” will keep harmful alterations out of our Constitution in a modern constitutional convention.

## The Repeal of Prohibition

When the time came to repeal the Eighteenth Amendment (prohibition), Congress and the liquor lobby knew that the state legislatures in the southern Bible-belt states, and a few of the western states, would never ratify it. They were correct.

How did they get around this? They resorted to the option of ratification by public conventions.

In Utah, for example, they held a statewide vote on the issue. Then from this tally, 27 voters who favored repeal were selected for the ratifying

convention and unanimously approved repeal. Amazing! This trickery cannot be over-emphasized, for clearly 97 percent of Utah’s citizens opposed the amendment, and yet the non-drinking Mormon state “ratified” the Twenty-first Amendment to repeal prohibition.

**Recommended action:** Contact your state legislators, get this special report in their hands, and insist that they refuse to apply for any constitutional convention. Protect them from the infamy of being tricked into destroying our Constitution. Also, share this report widely with other Americans who will want to join you in standing against this serious threat.

**Note:** This special report draws heavily on the decades of work and research by Don Fotheringham, Freedom First Society’s Constitution Advisor. For additional argument and documentation, please see his “The Danger of a ‘Convention of States’” posted on the Freedom First Society website ([freedomfirstsociety.org](http://freedomfirstsociety.org)).

**Additional copies** of this special report are available from Freedom First Society, P.O. Box 15099, Colorado Springs, CO 80935, (888) 347-7809 at the following prices: 25 copies for \$6.00 or 100 for \$15 (shipping included).



**Stampeding state legislators:** Conservative-sounding revolutionaries in our state capitols are pressuring legislators to call for a destructive con-con. Please act quickly to give your legislators the arguments to withstand the pressure.



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