

1 Refutation of the article by Tim Brown 5-15-2015:

An Article V Convention Cannot Stop Federal Tyranny—But Here's the Real Solution

1 Opposition to Article V

**** Article:** *I was called on Tuesday to speak to the South Carolina House Judiciary Committee concerning opposition to an Article V Constitutional Convention (and yes, it is a Constitutional Convention).*

**** Response:** Flatly wrong. Article V calls it a convention of states to propose amendments to THIS constitution, not to write a new constitution. It takes 3/4 of the states (38) to ratify any changes. That is what is known as an amending convention. Further, the term “convention of states” was first used after the 1787 convention in the first application for an Article V convention, the application by Virginia, which eventually triggered Congress to get on the ball and propose the Bill of Rights.

Your statement that this is a constitutional convention is pure hogwash. Since you clearly do not understand the differences, maybe the following page will help educate you: <http://us6.campaign-archive1.com/?u=233fbbb51815a6599ee8cac99&id=65b2b209ba&e=1fb92c177f>

**** Article:** *Convention of States proponent Michael Farris was brought in to also speak to the committee. Various people from South Carolina voiced their opposition and I concur with what many of them had to say.*

**** Response:** Many of the people who presented to the SC committee in opposition to the COS application were on the far left. You joined forces with the left to attempt to stop the only civil, moral, and constitutional method to stop a runaway federal government. I will be direct: you should be ashamed. Of course, you will probably right now say that you are proud of your firm stance. After reading this response, you will not likely be so firm and an apology will be due.

2 Article V Convention Concerns

**** Article:** *The issue of an Article V Convention concerns many of us.*

**** Response:** On this you are correct, though we disagree as to why. An Article V convention is the only legal, civil and moral method still available to us to rein in the federal government. Any solutions you would propose (nullification and the like) have terrible consequences.

We who support an Article V convention are not only trying to save our country, we are trying do to so in a way that saves the union and leaves the country in a state worth saving!

3 Runaway Convention 1789

**** Article:** *Obviously, there is a concern of a runaway convention, just like in 1789 [sic],*

**** Response:** Ugh. First, the year was 1787, not 1789. This "runaway" convention business is tiresome. The Philadelphia convention was NOT a "runaway" convention. The States called the convention not the Congress. It had the concurrence of the Congress as to the date and time and Congress agreed to pay the expenses of the meeting. But that was all.

To be clear, I will state it another way: The Congress did NOT call the Philadelphia meeting under the Articles of Confederation. The States called the Convention under their plenary, retained powers as sovereign states.

All of the delegates, except those from two states were given broad instructions to meet the "exigencies" of the situation. The two states that wanted to limit the meeting to only amending the Articles of Confederation passed on to Congress their request to limit the topic. Congress did not have the power to control the topic -- because Congress did not call the meeting. Congress merely served as a communication conduit. Congress simply passed the request of those two states to the convention. The request from those two states was rejected early in the convention by the convention delegates -- because the orders for the rest of the delegates from the other states were broader -- they were there to solve big problems, not "fix" the Articles of Confederation. They were clearly there to replace the Articles of Confederation. The delegates from the states whose commissions were limited, seven delegates in all, stayed through the convention. However, only three of them signed the final document. One of those three declared that he was signing it personally, not as a delegate. So, the only aspect that was anywhere near "runaway" was two delegates who signed the document outside of their commissions. And their actions were later justified when their states ratified the new constitution.

4 Curb Tyranny with Words

**** Article:** *but more to the point is the fact that people actually believe they can curb tyranny with mere words on a piece of paper. This is what I sought to address.*

**** Response:** You really believe that we don't follow words on paper? Hogwash. Everything we do as a country, as citizens, as counties, as cities, as states and even as the federal government occurs because of words on paper. That includes the original constitution, all of the 27 amendments and all of the Supreme Court decisions. These are all written on paper. Your argument fails to hold water.

5 Which Constitution?

**** Article:** *The following is my very quick response, which because of time, I had to put together on the floor in the hallway before the meeting. I did make a few points along the way that are not contained in my notes, but I do hope they will cause people to think about how they are seeking to address tyranny in government. We will never deal with tyranny in government until we bring justice to bear on those that are tyrannical and those who are complicit in their tyranny.*

**** Response:** You (and pretty much every Article V opponent) start at the wrong place. Your focus is on the original constitution. To be fair, we would likely be in large agreement on our interpretations of the

original constitution. We would all love to return to those original interpretations. In fact, that is what Article V supporters seek to do!

But I have news for you. The original constitution of 1787 stopped existing when the ten amendments in the Bill of Rights were ratified. The Bill of Rights created a new version of the constitution which was an amalgamation of the original constitution and the first ten amendments. And the 11th amendment overrode the version that included the first ten amendments. And the 12th amendment overrode the version that contained the first 11 amendments. And so on for 27 amendments.

And on top of the amendments, there have also been 228 years of interpretations by the Supreme Court (and the legislative branch and the executive branch). These rulings have interpreted both the original constitution and the amendments. To be clear, many of these interpretations did not follow the principles used by the Founding Fathers.

The original constitution, the amendments and the interpretations combine to form our current body of law under which the federal government operates. It is certainly a mangled mess compared to the original constitution of 1787. But it is our current reality. Federal overreach exists because our body of law allows it. Our representatives are not a bunch of lawless thugs. They have been given both explicit and implicit authority to do what they do under our CURRENT constitution.

To stop the federal overreach, we must change the CURRENT constitution through amendments to override prior ill-advised amendments and to override false interpretations by all three branches. We need to return our CURRENT constitution as closely as possible to the original (with the Bill of Rights).

How did we get here? Simple, the states have failed to act to control the federal government, which was created by the States. The lack of action by the states has given implicit approval to all of the Supreme Court decisions, the actions of Congress and the actions of the Executive Branch. The fault starts with the federal government, but it ends with the States. The states have always had the power, under Article V, to stop the abuse. But they have never acted.

How do we fix our problems? Let's start with the false Supreme Court decisions: There are two ways to override Supreme Court decisions:

- 1) The Supreme Court reverses itself. For this to happen, we will need to have at least 5 extremely conservative justices. To make that happen, we first need 61 Senators who are also extremely conservative. That alone will take decades of getting entrenched incumbents out of the Senate. After we get 61 conservative Senators, we also need a series of strongly conservative Presidents. Concurrent with those conservative Presidents, we also need justices to start dying off. At a minimum with 6-year Senate terms, 4-year Presidential Terms and lifetime appointments for justices, we are talking well over 50 years before we can get the court stacked with enough true conservatives to actually start reversing the crucial false SCOTUS decisions from the last 228 years. If this were to actually happen -- AND THAT IS A BIG IF -- we simply do not have that many years. Our country will have gone down the tubes long before then.

2) We amend the current constitution to override the Supreme Court decisions. As you should know, there are two methods of proposing amendments:

a) 2/3 of both the House and the Senate must concur. This is an even higher bar than getting better justices -- because it requires 66 Senators AND 327 Representatives at the same time. This will take even longer!

b) The states call a convention to propose the amendments. Hey, what a novel idea! Who suggested that? Wait, I know! It was the Founding Fathers, arguably the best set of minds to ever gather together in the history of the world. An Article V convention could be called and executed within just a couple of years. Ratification would take a few more years after that. All of this could happen within about a decade, give or take a few years. That is something a true patriot can support!

Next, let's talk about how to reverse prior ill-advised amendments. I will use the 17th amendment as an example. Egregiously, the states gave up their only power to influence the federal government with the 17th amendment. Prior to the 17th Amendment they at least controlled the Senate. The only way to fix this issue is to repeal the 17th Amendment with another amendment. And we are back to how do we get those amendments proposed? Again, it will take many decades to get 2/3 of the House and 2/3 of the Senate populated with enough people to propose such an amendment. But it can be done with an amending convention of the states in around a decade.

6 Mayflower Compact

**** Article:** *When the Pilgrims arrived in America, they formed the Mayflower Compact, a mission statement of how their culture and their government was to exist. That compact stated clearly that they settled for the glory of God and the advancement of the Gospel of Jesus Christ.*

<in the interest of space, the quote is snipped>

America began as an explicitly Christian nation, in culture and government.

**** Response:** No arguments here. America was originally a deeply Christian nation in both culture and government.

7 First "Constitution" Abandoned

**** Article:** *Years later, she continued to exist until the period following the Revolutionary War. At that time, she abandoned her first "constitution," the Articles of Confederation.*

**** Response:** The Articles of Confederation needed to be abandoned. The delegates at the 1786 Annapolis Convention reached that conclusion. They called for a meeting on a broader topic the next spring in Philadelphia, which became known as "the" constitutional convention. Prior to these meetings, the states were having significant conflicts under the Articles of Confederation, particularly regarding trade issues. As the ties that bound them slowly eroded, other powers around the world were "licking their chops" in the hopes that the union would dissolve so that these powers could jump in and divide

up the spoils. At the time of the Philadelphia Convention, the country was about to break apart. The convention was called as a last-ditch effort to save the Union. The meeting was called for the explicit purpose of creating a new agreement among the states which could save the Union. The delegates were resoundingly successful in their work to replace the Articles of Confederation.

8 Articles of Confederation Amendments

**** Article:** *According to the Articles of Confederation, it required unanimous consent of all 13 states in order to amend the document.*

**** Response:** That is correct. No argument ... until the next statements.

9 Delegates Ratified Incorrectly?

**** Article:** *However, even though delegates had instructions from their states not to do anything but amend the Articles of Confederation, they chose to go the route of rewriting in secret, without any press coverage, a new constitution, one that allowed for 3/4 of the states to ratify to become binding.*

**** Response:** Ughh. Again, the instructions to the delegates were broad (except the 7 delegates from two states). The delegates were meeting to write a constitution which could save the Union. They were given full authority as delegates from sovereign states, to meet the "exigencies" of the situation. That included writing a new constitution, completely replacing the failed Articles of Confederation. Further, if you really think that the delegates acted outside of their authority, then you must also reach the conclusion that the constitution is not a valid document and should be scrapped. Are you saying that as well? No. Thus you are being inconsistent. Either the constitution was created in an honorable process or not. Either the Constitution was a valid document or not. You can't have it both ways. By your apparent reverence of the document, you must also reach the conclusion that the process by which it was created was legal and even honorable.

10 Patrick Henry on Tyranny

**** Article:** *At the time of the convention, Patrick Henry, that man we love to quote as saying, "Give me liberty or give me death" declared, "I smell a rat." He knew that centralization of government would eventually lead to tyranny and time has demonstrated it to be true here in America.*

**** Response:** Several of the delegates had grave concerns about giving the federal government too much power. And in fact, that is one key reason that the state convention method of proposing amendments was inserted into Article V -- unanimously. Now, for some delegates, this was still not enough and they still refused to sign the final constitution. But all delegates agreed that the state convention method of proposing amendments belonged in the constitution and was an important final check on federal power.

11 Congress Calls the Convention

**** Article:** *When it comes to an Article V convention, there is much to be concerned over, since it is congress that calls the convention, not the states. According to Article V, the states petition congress [sic] (they request) and congress [sic] calls the convention.*

**** Response:** Here we go again with false interpretations of the word "call". Yes, someone had to be responsible for gathering and counting applications from the states to call a convention. Congress was an obvious choice. Just because Congress was given the responsibility to collect the applications and count them ("aggregate" them), does not mean Congress has all the power concerning the convention. That flies in the face of common sense.

Under Article V, there are two types of "conventions". There is a standing convention run by the House and the Senate which can, at any time, choose to propose an amendment on any topic. That method is controlled completely by Congress (particularly after the ratification of the 17th amendment). The second process, as you know, is for the states to make application for a one-off meeting at which they can propose amendments based on the topic of the meeting.

Here is the logic of many Article V opponents: You say that Congress "calls" a convention. You then make assumptions about the meaning of the word "call" and under those assumptions; Congress gets full power over the convention.

In this faulty vein of thinking:

- 1) Congress selects the date and place (on which we agree, but then your side goes on to imply that Congress has other powers)
- 2) Congress selects the delegates, which could even be they!
- 3) Congress sets the rules.
- 4) Congress controls the agenda, the meeting times, the number of meetings, the committee structures, etc.
- 5) Congress determines what is "germane" to the convention topic.
- 6) Congress controls the voting in the committees (through the delegates they select)
- 7) Congress determines when the meeting adjourns.

In other words, in the minds of most Article V opponents, the word "call" means the meeting can be controlled completely by Congress. The only thing that is not controlled by Congress is that the process was initiated by applications from the states. This is the alarmist picture painted by many Article V opponents.

Using this picture, then, there is effectively no difference between the two conventions. They would BOTH be controlled completely by Congress!

Since Article V opponents believe this to be the case (by the picture they paint), they effectively suggest that the authors of the Constitution were complete morons. Why would the Founding Fathers insert a second method of proposing amendments, which would require so much work to initiate and so much work to execute, only to have the same people controlling it and thus end up with the same results as could be achieved under first method? This interpretation of the word "call", and the subsequent implied powers it would give to Congress, is outrageous and flies in the face of common sense. It is ludicrous. I repeat, it makes the Founding Fathers out to be morons.

No, the Founding Fathers were not morons. They inserted, unanimously, the second method of proposing amendments for the purpose of GOING AROUND Congress, to produce a different result which could not be obtained through the first method. This second method is to be initiated by the States if and when they reach the conclusion that Congress is failing to act to preserve first principles.

The Founding Fathers did give Congress a limited, ministerial role of collecting the applications and "aggregating" (counting) the applications. When the correct number of applications is received on a topic, the Congress 'SHALL' call the convention. As with the conventions prior to 1787, this meant that Congress sets the date and place. They count the applications and then issue the invitation cards. That is the extent of their role in "calling" the convention.

Congress was selected to perform these ministerial duties only as a matter of convenience -- they were an already defined, existing centralized body which could perform these ministerial functions. If it were not Congress, another body would have had to be created just for these ministerial functions. That would have been wasteful and we know the founding fathers were frugal.

Contrary to the faulty logic of Article V opponents, an Article V meeting of the states is run by the states. Congress sets the date and location. The States control everything else. The States set the topic in their applications. The States control the selection of delegates FROM the States. The States give instructions to the delegates. The States control the delegates, including penalties for the delegates for not following their instructions. The States set the rules of the convention. The States select the leaders at the convention (through their delegates). The States determine what is "germane" to the convention. Simply put, an Article V convention is a meeting of the states -- not another meeting of Congress.

I want to also address the topic of the "necessary and proper" clause. Yes, Congress is given broad powers to execute the powers they are given under Article 1 and other places in the Constitution. But FIRST they have to be given a power in order for the "necessary and proper" clause to come into play. Your side makes a fundamental error in logic in this regard. Article V opponets assume the definition of "call" as very broad and then applies the necessary and proper clause to assign all kinds of additional implied powers to Congress to execute the assumed broad definition of "call". This logic parallels the logic of progressive liberals as they seek to extend the "necessary and proper" clause to all manner of overreaching powers which do not belong to Congress. Article V opponents attempt to assign to Congress the power to control the convention by the same false reasoning.

The correct way to interpret the "proper and necessary" clause is to first determine what powers are given to Congress and then apply the "necessary and proper" clause to those powers. The "proper and

necessary" clause does not define the powers. It defines what Congress can do to implement the powers they are given and which are defined elsewhere. To define a power, we must use the context of the power within the constitution as well as external discussions by the Founding Fathers, such as the Federalist Papers. The word "call" should be defined in its context and THEN the necessary and proper clause should be applied to the accurate definition of "call".

In the context of Article V, and according to all external documents, it is clear that the amending convention is intended to GO AROUND Congress. Thus the conclusion should be that the word "call" is very limited, in fact limited to issuing the invitation. That is the reasonable definition and it is the definition supported by descriptions of the purpose of an Article V convention found within the Federalist Papers. Within that proper definition, Congress can then execute the "necessary and proper" clause to execute that limited power. In other words, regarding the power to "call" a convention, Congress is given the implicit power to buy a calendar, pick a date, buy some paper, print the invitations and mail the invitations. And that's about it folks.

12 Motives of Article V Supporters

**** Article:** *I don't seek to judge men's motives, except for those who tell me there [sic] motives. However, let me say that I believe there are indeed patriots who wish to pursue an Article V convention, people who are fed up with government overstepping its bounds into their lives.*

**** Response:** I can tell you that the motives of those who support an Article V convention. We wish to prevent our great country from falling off the impending fiscal cliff and political cliff. We wish to not only prevent the country from falling off these cliffs, but to also restore our constitutional republic. While doing this, we wish to avoid potential civil unrest, gun battles between the federal government and the States, breakdown of order and political processes, dissolution of the union, etc. We seek to use the only civil, legal, moral and CONSTITUTIONAL method to rein in the runaway federal government and leave our union intact.

13 Representatives Lack Principles

**** Article:** *They are sick of representatives who will not stand on their principles but will compromise in order to get things done (things I might add which are often unconstitutional and infringe on the rights of the people). Yet, Americans continue to elect them.*

**** Response:** Again, these statements assume a myopic focus on the original constitution and how far we have gone from it. Our focus should be on our CURRENT constitution and how to amend it to restore it to its original form. Yes, much of what our representatives do today is outside of the ORIGINAL constitution. But a very high percentage of what they do is well within the powers they have under the CURRENT, mangled constitution. Every day that passes is another day in which the states implicitly allow the federal government to retain the powers they have grabbed from the States under the CURRENT constitution. For well over a century, the states have sat idly on the sidelines allowing the federal overreach to grow without constraint -- largely because they have failed to use the one "check" left to

them since the passage of the 17th amendment -- an Article V meeting of the states to propose amendments.

14 Feds Ignore the Constitution

**** Article:** *I received an email just this week from the vice president [sic] of a large conservative outlet with many websites who told me, "Join the fight for an Article V convention to fight against federal tyranny." I have one question for anyone who can answer: When in all of human history have words stopped tyrants? By definition, a tyrant is a lawless man and in our case we not only have one lawless man, we have many who are complicit in his lawlessness by their silence (not one article of impeachment). This is not new, the federal government has been ignoring the constitution for well over 150 years, Abraham Lincoln being the supreme usurper of the US Constitution.*

Take a look at the Bill of Rights and tell me there are numerous laws on the books in the federal government that violate every one of them. The only way to deal with tyranny is to bring justice upon it, something we have not done.

**** Response:** Your logic is faulty at several points. The analogy you attempt to make concerning "tyrants" and our current federal representatives is a false analogy. You fail to accurately define "tyrant" and you then you falsely transfer whatever the reader thinks in their mind is a "tyrant" to our current federal representatives, most notably implying that they do not follow words on paper. Utter nonsense and hyperbole meant only to "whip up" your audience.

If you are talking about tyrants who operate completely without a constitution, but only by the tip of the sword, then you are correct, words will not stop that type of tyrant. Only force will stop that type of tyrant.

Your statement makes the implication that our current federal government are this kind of tyrant and that they don't care about words. That is pure hogwash and has no basis in reality. Our federal lawmakers stand for elections. When they are defeated in an election, they leave office. Our federal officials follow the 27 amendments (though their interpretations of those amendments may be incorrect). For instance, blacks are allowed to vote and women can vote and Senators are elected in popular elections within the States. Our federal system does operate under written laws – it operates according to all of these sets of words and millions more! Our federal officials are not the "tyrants" as you seem to define "tyrants" in your statement.

It is clear that your logic is faulty. You are attempting to use hyperbole to justify your conclusions. Egregious hyperbole. It rings of patriotism and sound good, but is based on a false analogy and does not have a basis in reality. High sounding, but purely false.

Now, because our federal officials are not the "tyrants" you imply does not mean that all is well. Our lawmakers are well outside the vision the Founding Fathers had for this country. Whose fault is that? It's the fault of We The People, who have failed through our states legislatures to act under Article V to rein in the federal government !!

Right now our CURRENT constitution (the amalgamation of the original constitution, 27 amendments and 228 years of interpretation) allows our representatives to do things which you and I detest when compared to the liberties provided for in the original constitution. But the actions they take are legal under the CURRENT constitution. To make these actions illegal and to stop the soft tyranny, we must amend the CURRENT constitution to restore the original vision for our country.

15 BBA

**** Article:** *Article V proponents want such things as a Balanced Budget Amendment, a Parental Rights Amendment and term limits. / But stop and think about it: the BBA doesn't stop unconstitutional spending - it legalizes it, along with more debt.*

**** Response:** Let's discuss the BBA first here and take up the Parental Rights Amendment and term limits in the next section.

As you are probably aware, somewhere between 25 and 28 states have passed a call for an Article V amending convention to propose a BBA.

First, I will point out that all of these states, in passing applications for a convention on the topic of a BBA (or any Article V application), have rejected all of your arguments concerning a runaway convention. They have concurred with the conclusions reached by the Convention of States Project that an Article V convention can and will be constrained to the subject of the call. In the case of the BBA applications, it is only the BBA. Further, most (maybe all) of those states have also passed laws concerning how they (the states) will select their delegates and how the states will control those delegates. All of your side's blustering about a runaway convention is just hot air and a majority of state legislatures have already rejected your arguments -- regardless of the status of the COS applications or the status of other applications.

Second, the Convention of States Project team recognizes the inherent problem with the BBA application language (noting that the language is not exactly consistent across the states) in that the typical BBA application only requires that Congress balance the budget. It does not specify **HOW** the budget should be balanced. In other words, the BBA as contemplated in the applications could result in Congress receiving a "blank check" to raise taxes to balance the budget. To be fair, Congress would probably not get away with raising taxes high enough to actually balance the current federal budget. Thus a BBA would probably result in *SOME* spending cuts, but only as an incidental, indirect benefit -- not because the BBA directly constrains spending.

The Convention of States project's model language solves the problem of the limited BBA application language by using the general topic of "fiscal restraints". Under this general topic, a proposed balanced budget amendment could be passed that *ALSO* has specific spending constraints. The specific mechanism to limit spending (e.g., a percent of GDP, the replacement of the income tax with a sales tax capped at a certain percent and other such ideas) will be hashed out at the convention. Note also that the BBA applications do not include in their scope how taxes are collected, whereas the COS general topic includes the topic of how taxes are collected.

16 UN and Parental Rights Amendment

**** Article:** *Or consider the Parental Rights Amendment. I understand this was mainly to combat documents from the United Nations, but tell me, where are we to be funding and housing the UN in the Constitution. It seems the remedy is clear: Stop funding them and remove them from US soil. The federal government is given no authority in the Constitution for dealing in the jurisdiction of the family, so why do we want to put language in there that can be twisted in the manner of the general welfare clause or the supremacy clause by evil men?*

**** Response:** So, two issues. The first is the UN. The second is the Parental Rights Amendment.

I won't discuss at length the topic of housing the UN in the United States. I would venture to say that a high percentage of the people involved in the COS project would also like to kick the UN out of the country and discontinue our membership. However, under the treaty which created the UN (and follow-up agreements under that treaty), the United States has given authority for the UN to operate on US soil. It may not be palatable to us conservatives, but it is legal -- and Constitutional. Was it something that our Founding Fathers would have supported? Not likely. Is it allowed under the UN Treaty? Yes.

Regarding the Parental Rights Amendment, many Article V opponents completely miss the point, as you have done, by focusing only on the original constitution, ignoring the reality on the ground. You indicate that the original constitution does not explicitly give the federal government any jurisdiction over the family.

First, your statement is simply not true. The federal government is given the power under the constitution to operate courts to ensure the rights of citizens are not infringed. They do have the power to defend rights. In the case of parents and children, both have recognized rights. Now, the issue comes as to whose rights should prevail -- those of the child or those of the parent? Note that the children are minors and thus they are represented by the States and the federal government. In effect, it is the parents against the state when it comes to parental rights.

Second, even if your statement were true, it would not matter because the Supreme Court has ruled differently and THAT is the law of the land -- whether we like it or not.

Since there is no specific statement in the Constitution regarding the topic of parental rights, both state courts and federal courts are free to use any number of sources to put forward arguments which define the rights of the child -- even including international law! The states and the federal government are thus implicitly given broad powers to protect the child from harm and to even to define "harm". The Parental Rights Amendment merely recognizes the long-standing tradition of parents to control the upbringing of their children and to elevate the rights of parents to raise their children. The PRA thus *****limits***** the federal government and the states. The PRA requires the highest legal standard be met

before the federal government or a state government would be allowed to interject in the parent's upbringing of their children. I will refer the reader to <http://parentalrights.org> for more details.

Again, the fact that you raise the PRA highlights a basic difference in the approach of Article V opponents and those who support the Article V approach.

Article V opponents look to the original constitution and say there is nothing in it which gives the power to the federal government (which, as discussed above is false, because the federal government is given the power to protect fundamental rights in the Declaration of Independence and other basic rights in the Constitution). The key thing is that Article V opponents *start* with the original constitution to see what SHOULD be happening. There is nothing wrong with that, but it is merely an academic exercise -- an important exercise, but just an exercise until something is ACTUALLY DONE about it.

Those who support the Article V approach, on the other hand, recognize that we no longer operate under the original Constitution but rather under a mangled CURRENT version. The issue of Parental Rights highlights this difference. In the year 2000, the Supreme Court issued a split ruling regarding parental rights. That ruling is now the law of the land, whether we like it or not. And that law, unfortunately, muddied the waters regarding parental rights. The ruling gives both the States and the Federal Courts broad powers. Be very clear about this, that ruling is now effectively part of our CURRENT constitution. We may not agree with it. We may recognize that it is faulty. We may say the Founding Fathers would have rejected it. But none of that matter other than for us to know how far we have "left the reservation". The reality is that parental rights are now controlled by that ruling. As discussed before, the best method to override this SCOTUS decision is to amend the CURRENT constitution to override that ruling.

By the way, any discussion of the Parental Rights Amendment at a convention of states would fall under the topic of "limiting the power and jurisdiction of the federal government" under the COS model language. It is not a foregone conclusion that the PRA will be introduced into the convention. However, the PRA is germane and COULD be introduced and go through the review and revision processes/rules established for the convention by the States. Thus, four things could happen: 1) the PRA could not be even introduced. 2) the PRA could be introduced and passed in its current form, 2) the PRA could introduced and passed in a different form, 4) the PRA could be introduced and not passed. If passed out of the convention, it is yet another question as to whether it would be ratified by 38 states. That would largely depend on what might be passed out of the convention.

17 Term Limits

**** Article:** *As for term limits, it sounds good, but doesn't solve the problem of an uninformed public that votes a party line or a popular name, having no idea what the person actually believes, does or there [sic] record (Consider what many learned afterwards about Barack Obama, or what many continue to be ignorant of concerning Mitt Romney). Further, it stifles those that do serve the people well from continuing to serve. Personally, I think for the sake of the people and the representatives, the people should allow them to serve one term and then remove them through elections for both of their safety.*

**** Response:** One of the key issues with our current government is that the seats in the legislatures are seen as "career positions". The politicians are given high salaries and lifetime pensions and benefits. On top of that, they seek the ever-increasing power being gobbled up from the states by the federal government (because the states have failed to act).

Further, the general public understands that the longer a representative stays in office, the greater their power, which also translates into more pork being brought home to the district. This helps explain why 70% or more of people (regardless of economic status, race, urban versus rural, etc.) favor term limits but that 90-95% or more of incumbents win re-election. This cycle of never-ending incumbency must be broken.

It's simple: without a hard and fast rule (e.g., an amendment), politicians will continue to seek office and the constituencies will continue to elect them.

This takes us back to the fastest way for amendments to be proposed, which as discussed earlier is clearly a convention of the states.

Are term limits the complete solution to all of the problems of parties, etc.? Of course not, but they will be an important (and required) component of the solution.

I will point out that term limits fall under the third part of the COS model language. It is almost certain that several states will propose various forms of term limit amendments at a convention. All the COS project seeks to do is allow the states to gather to discuss the pros and cons of term limits and to develop, if desired, a proposed amendment.

18 Interposition and Nullification

**** Article:** The rightful remedy for federal tyranny, according to Jefferson is interposition and nullification.

**** Response:** Ahh, the nullification argument rears its ugly head. Nullification is not legal, not effective and leads to only one thing: armed conflict between the federal government and one or more states. If you support nullification, you might as well say you are ready for civil war.

Those of us who support the Article V state convention process see an alternative to armed conflict and want to do everything possible to avoid armed conflict. In fact, the Founders added Article V to add Amendments to prevent "chance and violence". <http://indianaliberty.weebly.com/blog/convention-debates-june-11-1787>

19 Big Government Programs

**** Article:** *So far, we've seen South Carolina unable to pass a bill that was not nullification (we scrapped that because we wanted to keep more big government programs like Medicaid and Medicare), but simply sought to remove parts of Obamacare.*

**** Response:** Many state legislatures WANT to get rid of Common Core and Obamacare and so many other overreaching federal programs. But they are between a rock and a hard place. Over the last several decades, the states have painted themselves into a corner. They have come to depend on federal funds (in Tennessee, over 40% of the state budget is funded with federal money). Further, over the last several decades, the federal government has continued to increase taxes on the people in the states. Thus the people are taxed almost to a breaking point and the states are thus not able to tax them anymore. All of the money is going to the federal government and not to the states. The states cannot just give up that federal funding.

In other words, many state legislators would stop taking the federal money IF THEY COULD. But they can't. That is the reality. It's not like the state representatives like the federal control. On the whole state lawmakers detest federal control and would vote against it IF THERE WERE A PRACTICAL REPLACEMENT SOLUTION!

This exact topic was discussed by the Tennessee Senate when the COS application was debated on the floor of the Senate. They see the COS-based Article V convention as a way to stop the cycle where the federal government extracts taxes from the people in a state only to give part of that money back -- with strings!

By the way, the Convention of States application passed the Tennessee Senate 23-5-5.

20 Trust an Article V Convention?

**** Article:** *If we won't do that, why should we trust an Article V convention where a plethora of amendments are already being drawn up, even an entirely new constitution?*

**** Response:** This is more of the same "runaway convention" fear-mongering -- without any basis in reality. Again, Congress will NOT control the convention. The state legislatures will control the convention.

The state legislatures will select and control their delegates (Please do not respond with the flawed argument that the delegates to the 1787 convention were not controlled by their states. That's already been refuted. Out of all of the delegates, only 2 stepped out of their instructions -- and rather than those two being reprimanded by their states, their states effectively commended their actions when they ratified the constitution).

21 Missing Christian Morals

**** Article:** *The problem, again, is men without Christian character and morals. / While I don't believe our founders were all Christian men, I do think that most, at least with their mouths, made some form of appeal to Christian morality. / John Adams said that our Constitution was for a religious and moral people and that it was wholly inadequate to govern any other people. At that time, we were Christian. / George Washington in his famous farewell address said that no one could rightly call themselves a patriot if they sought to remove the indispensable pillars of religion and morality. Indeed! But whose morality? Whose religion? / I contest that America has abandoned her God, the Father of the Lord Jesus Christ and has in His place substituted the government which has grown into a tyrannical beast as part of the judgment of God. Look around and see the wickedness of our nation. That will not be solved with amendments. / It will be solved when the Church first repents of her sin and those in government, who are a part of the Church, recognize their duty to God, the protection of those that do good and the punishment of evil doers according to Romans 13:1-5.*

**** Response:** No disagreement here. We need more men (and women) of Godly character in our government. We will work side by side with you to do everything we can to make that happen.

However, you fail to mention an important point. The Founding Fathers knew that men were inherently sinful and that when presented with opportunities for power and financial gain -- and our current seats of power provide both -- that men would sin to take hold of those opportunities. Thus they designed a government where power was distributed and powers of one branch were checked by the powers of others. In other words, it was in the STRUCTURE of the government that the Founding Fathers hoped to constrain men who came into power for the sake of power, not for the good of the country. There are too many in the federal government who do not recognize and honor God. And thus in too many cases, the checks and balances, which depend on the character of the federal officials have failed to be used today. But there is still one very powerful check that was given to the states to check the power of the federal government -- Article V. As a whole, the state legislators honor God more highly. They can and will constrain the federal government.

22 Leftist Control

**** Article:** *The answer is not an Article V convention which leftists, socialists and communists have been trying to bring about for more than 5 decades.*

**** Response:** Article V opponents love to associate and even mix the efforts of leftists with the Convention of States Project, as if they are one. When that is done, it is not only misleading, it is an outright lie.

Yes, there are some efforts by the left to call conventions for topics the left loves, most recently to try to overturn the Citizens United ruling, which has passed in four states in the last count I heard. Given the current makeup of the state legislatures (30 states controlled in both houses by Republicans), the left will never succeed in obtaining the necessary 34 states on such efforts. They may get a few more. But even that is doubtful. They are wasting their time -- and fundraising off their efforts.

Regarding your general statement on the left's historical view of Article V conventions, you simply have your facts wrong. On the whole, leftists and progressives have vehemently opposed an Article V amending convention because almost all of the efforts to call a convention have been on topics to limit federal power in one way or another. I will not take the time to slog through all of the evidence here. You will find a summary here: <http://www.articlevinfocenter.com/how-liberal-propagandists-suckered-conservatives-into-opposing-an-amendments-convention/> and further details here: <http://constitution.i2i.org/files/2015/03/Campaign-Against-Article-V.pdf> and here: <http://www.articlevinfocenter.com/more-evidence-that-warren-burger-was-defending-roe-v-wade-when-he-opposed-a-convention-of-states/> .

Simply put, the effort by the Convention of States Project is OPPOSED BY THE LEFT. You and your fellow fear-mongers are effectively joining forces with the left when you also oppose our efforts. In fact, if you check how progressives vote in State houses across the country, you will see them opposing the effort. █

23 Bible Abandoned

**** Article:** *The answer, I would humbly submit, is that we return and make our actions those that conform to "one nation under God," the God of the Bible, holding up His law, His punishments, and His justice. Then we will again know what it is to rejoice under the leadership of the righteous. For now we are a people suffering under the wicked. / We have abandoned God's law, and as William Penn rightly said: / "Men will either be ruled by god or be ruled by tyrants." a/ Or as G K Chesterton aptly put it: / "If men will not be governed by the Ten Commandments, they shall be governed by the ten thousand commandments."*

**** Response:** On general terms, I can agree, but I would want more specifics about how you would turn this statement into actions. We must recognize and honor God and His New Testament law, while avoiding a theocracy.

24 Amendment Convention became New Constitution

**** Article:** *I oppose an Article V convention based on the historical record that we have had an amendment convention that resulted in an entirely new constitution*

**** Response:** Ugghhh. Again, you try to confuse an "amending convention" with a "constitutional convention".

1787 was a constitutional convention. It was called by the states under their reserved sovereign powers for the purpose of creating a new constitution. It was NOT an amending convention called under the Articles of Confederation. Its purpose was to replace the Articles of Confederation which had proven to be unworkable.

An Article V meeting is an amending convention called UNDER the auspices of the existing constitution. It is NOT a constitutional convention. This is just plain common sense. Your attempts to twist the two are incorrect at best and deceptive at worst.

25 Christianity Abandoned

**** Article:** *and abandoned the mention of Christianity explicitly,*

**** Response:** It is well known that the constitution is to be construed in light of the Declaration of Independence and all mentions of deity in that document. There is no reason for the authors of the Constitution to repeat what was obvious to all of them and had been stated in the Declaration of Independence.

26 New Ratification Parameters

**** Article:** *with new parameters for ratification.*

**** Response:** Ugghh. The same tired old arguments again and again and again -- arguments first presented by the left in the 60's and 70's. The argument keeps being repeated over and over even though it has been demonstrated to be false over and over. Yes, the new constitution did have different parameters for ratification. It was NEW constitution. The delegates at the Pennsylvania convention could put in it whatever rules they wanted – it was a new constitution! I remind you that all of the states ratified the new constitution.

27 Amendments and Tyranny

**** Article:** *I oppose it because amendments are not an answer to tyranny:*

**** Response:** Again, we are suffering under federal overreach precisely because the states have refused to act to override false SCOTUS rulings and to override ill-advised amendments. We are in our current situation because we have failed to defend the original constitution all the way back into the 1800's. And the states have failed to amend our CURRENT, mangled version of the constitution under which the federal government operates today back to the original.

28 King Jesus

**** Article:** *justice and the return to the cries of the revolutionary period of "no King but King Jesus" are.*

**** Response:** Yes, we should all call on the name of the Lord. And, yes we should all become more and more familiar with the principles upon which our country was founded as a guidepost to where we should return.

However, in the end, we are still faced with the current reality in which our federal government is operating under a body of laws that the States have allowed to exist -- laws which are an amalgamation of the original constitution, 27 amendments and 228 years of interpretations. We have to revise and

amend that body of laws to "take out the garbage" and return the mangled constitution to its original state.

I encourage both the author of the original article as well as any readers to join the only moral, civil, legal and CONSTITUTIONAL method to restore our constitutional republic! Start by sending a petition to your state lawmakers to take action: cosaction.com/?recruiter_id=8642. Then create a profile at ConventionOfStates.com and follow the steps in your activist dashboard.

Let's do this!