

## Convention of States Project's (COSP) false & silly claims and JBS's truthful & sensible responses

**COSP's false claim:** The Framers gave us the Article V convention for use when the federal government exceeds its constitutional limits.

**The Truth:** COSP never produces a quote which says that, and can't because no one at the federal convention of 1787 (where our present Constitution was drafted) said it. What the Framers *actually said* is that the purpose of amendments is *to remedy defects* in the Constitution. See [The George Mason Fabrication](#).

**COSP's silly claim:** People who claim to love the Constitution should support an Article V convention because it's in the Constitution.

**The Truth:** Just because something is in the Constitution doesn't mean it's a great idea and we ought to do it. Should we have supported the fugitive slave laws because they were authorized by Art. IV, §2, cl.3, US Constitution? Of course not! Slavery was *a defect in the Constitution* which we remedied with the 13<sup>th</sup> Amendment.

**COSP's misleading claim:** That the convention method was added to Article V shows that our Framers thought another convention was a great idea.

**The Truth:** Only the Anti-federalists wanted another convention, and they wanted it so they could get rid of the new Constitution then being drafted [[read this](#)]. Most of the Framers opposed another convention. But the convention method was added to Article V because our Framers knew they couldn't stop future generations from exercising that "self-evident" right, set forth in our Declaration of Independence, to throw off one government and set up a new one. In 1776, we threw off the British Monarchy. At the federal convention of 1787, we threw off the Articles of Confederation and the government it had created, and drafted a new Constitution which created a new government. *That we have the right to throw off the Constitution we have and impose a new one doesn't mean it's a good idea* - particularly when factions of "insidious views" are financing the push for an Article V convention.

**COSP's silly claim:** When the federal government violates the Constitution, the solution is to amend the Constitution.

**The Truth:** That makes as much sense as saying that since people violate the Ten Commandments, God should amend the Ten Commandments. Adding amendments to a Constitution politicians already ignore *to fix problems the politicians caused* is not going to fix our Country.

**COSP's silly claim:** We need an Article V convention so we can get amendments which “limit the power and jurisdiction of the federal government”.

**The Truth:** Our Constitution *already limits* the federal government to a handful of enumerated powers which are “few and defined”. But people *don't know* these existing limitations, and so ignore them. **Do you know the enumerated powers by heart?** Furthermore, amendments can't “rein in” the federal government when it “violates its constitutional limitations” because when it does so, it is ignoring the existing limitations on its powers. We cannot fix federal usurpations of non-delegated powers by amending the Constitution to say the federal government cannot do what the Constitution never gave it the power to do in the first place!

**COSP's silly claim:** We need an Article V convention so States can get amendments which allow them to take their power back from the federal government.

**The Truth:** The Constitution *already limits federal power* to a small handful of enumerated powers. But the States willingly surrendered their and the Peoples' reserved powers (10<sup>th</sup> Amendment) and greedily accepted federal funds to implement unconstitutional federal programs. [The PEW Report](#) shows that for FY 2016, 32.6% of the States' average revenue was from federal funds.

**COSP's false & silly claim:** We need an Article V convention so we can get a balanced budget amendment (BBA) to rein in federal spending.

**The Truth:** Our Constitution already limits federal spending to the enumerated powers. If you go thru the Constitution and highlight the powers granted to the Legislative & Executive Branches, you will see what Congress is authorized to spend money on. A BBA would **change** the constitutional standard for spending *from* the enumerated powers, and *create a completely new constitutional authority to spend on whatever Congress or the President put into the budget*. Thus, it would vastly increase the powers of the federal government by granting to it constitutionally sanctioned power over *whatever* they decide to spend money on! The solution to out of control federal spending is to enforce the existing limitations on federal spending and downsize the federal government to its enumerated powers.

**COSP's silly claim:** We need an Article V convention so we can get a term limits amendment to get rid of career politicians.

**The Truth:** Our Constitution already imposes term limits: The term for Representative is 2 years; the term for Senator is 6 years – and they serve additional terms at the discretion of the voters. The problem isn't that they serve too long in Congress. The problem is they ignore the Constitution – yet we keep re-electing them. *We are the problem.*

**COSP's false & silly claim:** Federal judges have lifetime appointments. We need an Article V convention so we can get an amendment limiting the terms of federal judges.

**The Truth:** Federal judges don't have lifetime appointments. They serve during "good Behaviour" only (Art. III, §1). When federal judges usurp power, the remedy available to Congress is to impeach them and remove them from the Bench ([Federalist No. 81](#), 8<sup>th</sup> para). The remedy available to the President is to refuse to enforce their unconstitutional dictates ([Federalist No. 78](#), 6<sup>th</sup> para). The remedy available to the States is [nullification](#). And we the People should send to Congress people who will do a better job in vetting nominees for the federal bench.

**COSP's false claim:** A convention is safe because  $\frac{3}{4}$  of the States have to ratify whatever comes out of it.

**The Truth:** *Amendments* to our existing Constitution must be ratified by  $\frac{3}{4}$  of the States before they become effective. However, Delegates to an Article V convention have that "self-evident right" recognized in our Declaration of Independence to throw off the Constitution we have and set up a new constitution which creates a new system of government. In [Federalist No. 40](#) (15<sup>th</sup> para), James Madison invoked this "precious right" as justification for what they did at the federal "amendments" convention of 1787: they ignored [their instructions to propose revisions to the Article of Confederation](#), and wrote a new Constitution which created a new form of government. **Any new constitution will have its own mode of ratification.** The proposed [Constitution for the Newstates of America](#) is ratified by a *national referendum* (Art. XII, §1). The States don't vote on it – they are to be dissolved and replaced by regional governments answerable to the new national government.

**COSP's false and silly claim:** An Article V convention is safe because States can pass "unfaithful delegate" laws which make it *illegal* for Delegates to ignore instructions from their State Legislatures.

**The Truth:** *This is an implicit admission that Delegates have the power to throw off the Constitution we have and impose a new one.* Delegates to a convention called to address our Constitution are the Sovereign Representations of The People and have the declared right and power to "alter or abolish" our government and set up a new one. Furthermore, State Legislatures are merely "creatures" of their State Constitutions, and have no power over the Sovereign Representatives of the People – the ones who set up, then "alter or abolish", their governments.

**COSP's false & silly claim:** A convention is safe because State legislators will monitor what the Delegates are doing and will text and tweet instructions to them.

**The Truth:** Delegates can make their proceedings secret, just as they did on [May 29, 1787](#) at our first

constitutional convention, and State legislators won't know what is going on. Furthermore, State legislators have no power over Delegates to a convention *called by Congress* to address our Constitution: It's a *federal* convention, called by the *federal* government, to address our *federal* Constitution. Delegates, as Sovereign Representatives of the People, are not answerable to state legislatures (which are "mere creatures" of the state constitutions) or to Congress (which is a "mere creature" of the federal Constitution). The Delegates have the power to eliminate the federal and state governments – and that is precisely what the proposed [Constitution for the Newstates of America](#) does.

**COSP's false & silly claim:** A convention is safe because the Delegates will be "moral and wise" people, most of whom will be Republican State legislators.

**The Truth:** The terrible mess our Country is in shows that "moral and wise" people haven't been in charge of anything for over 100 years! There are 3 ways to select Delegates: By Congress, by State governments, or by popular election. Who thinks Congress *or* State governments *or* the People will, all of a sudden, start selecting "moral and wise" people?

**COSP's false claim:** Article V, US Constitution provides for a "convention of states" which is totally controlled by State Legislatures.

**The Truth:** Read Article V! It doesn't say what COSP claims. [The only power States have is to apply to Congress for Congress to call the convention.](#) Art. I, §8, last clause, delegates *to Congress* the power to make all laws "necessary and proper" to carry out its power to "call" the convention. COSP has fooled some people into believing they can be against a "constitutional convention" (where our existing Constitution can be replaced); and yet support an "Article V convention" *which COSP has redefined as a "convention of states" controlled by state legislators! But there's no such thing in Article V! COSP made it up!*

**COSP's ridiculous claim:** That they know the States will appoint the Delegates to the convention called by Congress under Article V and each State will get one vote, *because* that's what happened in over thirty multistate conventions in the past.

**The Truth:** Any such "multistate conventions" are irrelevant because they weren't *constitutional conventions* called to address our federal Constitution. Furthermore, COSP doesn't mention the only relevant convention we have ever had: **the federal "amendments" convention of 1787**. The Continental Congress called that convention "[for the sole and express purpose of revising the Articles of Confederation](#)". But the Delegates *ignored* the instructions from the Continental Congress and [the States](#), and wrote a new Constitution with a new and easier mode of ratification.

**COSP's false claim:** That they want to get amendments to our existing Constitution which “limit the power and jurisdiction of the federal government”.

**The Truth:** Our Constitution already limits the federal government to a handful of enumerated powers. **The various amendments COSP has proposed give the lie to their claim that they want to limit the powers of the federal government.** All their proposed amendments *increase* the powers of the federal government: Michael Farris’ “[parental rights” amendment](#) delegates power over children to the federal and state governments. [Mark Levin’s “liberty amendments”](#) legalize powers the federal government has already usurped and strips States of existing rights. The amendments proposed at [COSP’s “simulated convention”](#) delegate to the federal government dictatorial new powers over Americans and legalize powers the federal government has already usurped. **The convention lobby can’t produce even one amendment which fixes usurpations of undelegated powers.**

**COSP's false claim:** That the real “constitutional scholars” support an Article V convention.

**The Truth:** COSP has *redefined* “constitutional scholar” to mean “any person who supports an Article V convention”. So in [COSP “Newspeak”](#), lawyers who oppose an Article V convention are not, by definition, “constitutional scholars”. But the Truth is that *4 US Supreme Court Justices have warned against an Article V convention*; James Madison and Alexander Hamilton warned against it; and so have numerous other lawyers who are “scholars”. [See these Brilliant Men.](#)

**COSP'S false claim:** Theirs’ is a “grass-roots” organization funded by small donations.

**The Truth:** See [The Pernicious Influence Of The Koch Brothers.](#)

**COSP's silly claim:** That since **Mark Levin** supports an Article V convention, you should also.

**The Truth:** Talk is cheap. We shouldn’t be guided by what people say, but by their fruits. The amendments Mark Levin has proposed all *increase the powers of the federal government* by legalizing powers they have already usurped, by granting new powers to the federal government, or by stripping States of existing rights. See [Mark Levin's "liberty" amendments: legalizing tyranny.](#)

**COSP's false claim:** The Constitution permits the federal judiciary to be the final interpreter of the Constitution; and the Framers did not construct adequate checks and balances vis -à-vis the judiciary.

**The Truth:** *The Oaths of Office* are in the Constitution, and those Oaths require each Branch of the federal government *to obey the Constitution*. The federal judges’ “check” on Congress is to declare their acts unconstitutional [when they are]. Congress’ “check” on federal judges is to impeach &

remove them when they usurp powers (Federalist No. 81, 8<sup>th</sup> para). The President's "check" on federal judges is to refuse to enforce their unconstitutional edicts (Federalist No. 78, 6<sup>th</sup> para). Furthermore: **The States created the federal government** when they ratified the Constitution. The Judicial Branch is merely the "creature" of Art. III, §1). As the "creators", *the States are the final authority on whether their "creature" has violated the compact the States made with each other* (Madison's [Report of 1799 to the Virginia Legislature on the Virginia Resolutions of 1798](#), under discussion of the 3<sup>rd</sup> Resolution.)

**COSP's silly claim:** The Constitution, *as interpreted by the Supreme Court today*, is the problem. This *interpreted* Constitution allows runaway spending, undeclared wars, government agencies spying on the citizens, massive debt that will impose economic slavery on our children, rule by executive order, coercive medical insurance, and the rise of a dominating bureaucracy.

**The Truth:** COSP admits that the Supreme Court's *violations* of the Constitution are the problem. So why would they obey an amendment saying they must obey the Constitution?

**COSP's ignorant claim:** The interstate commerce clause wasn't written tightly enough to effectively implement the drafters' intentions to allow Congress to set the rules for interstate shipping.

**The Truth:** *Interstate shipping? Rubbish.* [Webster's 1828 Dictionary](#) says "commerce" is *the buying and selling of goods*. In [Federalist No. 22](#) (4<sup>th</sup> para) & [No. 42](#) (9<sup>th</sup> & 10<sup>th</sup> paras), Hamilton & Madison explain the purpose of the clause: *To prohibit States from imposing taxes & tolls on merchandize as it is transported through the States for purposes of buying and selling.*

**COSP's ignorant claim:** The general welfare clause (Art. I, §8, cl.1) wasn't written tightly enough to effectively implement the drafters' intentions.

**The Truth:** In [Federalist No. 41](#) (last 4 paras), Madison shows that Art. I, §8 employs general terms which are immediately followed by the enumeration of particular powers which explain and qualify, by a recital of particulars, the general phrase. It's error to focus on general expressions and disregard the specifications which ascertain & limit their import; thus, to argue that the general expression provides an unlimited power is absurd. In [No. 83](#) (7<sup>th</sup> para), Hamilton says the Constitution declares that "the power of Congress...shall extend to certain enumerated cases. This specification of particulars...excludes all pretension to a general legislative authority, because an affirmative grant of special powers would be absurd, as well as useless, if a general authority was intended..."

*We have lost our Framers' understanding of "general welfare".* Webster's defines "welfare" (when applied to states) as "...the enjoyment of peace and prosperity, or the ordinary blessings of society and civil government..." **Our Framers understood that the enjoyment of peace & prosperity, and the ordinary blessings of society & civil government, is possible *only* with a federal government which**

is strictly limited in what it is delegated power to do! So the “general welfare” is served WHEN the federal government *obeys the Constitution!*

**COSP’s silly claim:** The only way to correct wrong “interpretations” and “views” of the Constitution is to amend the Constitution.

**The Truth:** It’s not feasible to amend our Constitution every time some ignoramus misunderstands it. Ignorant people should get educated on the genuine meaning of the Constitution – and they can begin by reading our Declaration of Independence, our Constitution, and The Federalist Papers. Furthermore, such wrong “interpretations” and “views” reflect *violations* of the Constitution. The remedy available to Congress is to impeach & remove federal judges who violate the Constitution. The remedy available to the President is to refuse to enforce the bad opinions. The remedy available to the States is to [nullify](#) the unconstitutional opinions.

**COSP’s silly claim:** Congress will never propose any amendments that reduce federal power.

**The Truth:** Neither will the convention lobby. Michael Farris’ “[parental rights](#)” amendment delegates power over children to the federal and state governments. Mark Levin’s “[liberty](#)” amendments legalize powers the federal government has already usurped, delegate new powers, or strip States of existing rights. At [COSP’s “simulated convention” dog and pony show](#), the handpicked delegates approved amendments which delegate *dictatorial new powers to the federal government* or legalize powers they have already usurped.

**COSP’s silly claim:** We can “curtail the power of the Supreme Court to approve federal power grabs by the other branches” by “changing the constitution.”

**The Truth:** COSP can’t produce an amendment which would do that. No amendment will make people in government obey the Constitution. **The remedy our Framers advised when the Branches of the federal government connive to usurp powers is nullification.** James Madison said in the [Report of 1799 on the Virginia Resolutions](#) that the sovereign states, as the parties to the constitutional compact the states made with each other, *have as much right to judge the usurpations of the Judicial Branch as they do the Legislative and Executive Branches*; that all 3 Branches of the federal government obtain their delegated powers from the Constitution; and they may not annul the authority of the States. *And if the Judicial Branch connives with other Branches in usurping powers, our Constitution will be destroyed.* So the Judicial Branch does not have final say as to the rights of the parties to the constitutional compact [i.e., the States]. Otherwise, the delegation of judicial power would annul the authority delegating it; and the concurrence of the judicial branch with the other branches in usurping powers, would subvert the Constitution forever ([page 196](#)).

**COSP's false claim:** That State Legislatures have total control over an Article V convention, including appointing Delegates and controlling what they do at the convention. COSP also insists that each State will have only one vote at the convention.

**The Truth:** *The text of Article V gives the lie to COSP's claims.* The **only power** States have under Art. V is to "apply" to Congress for Congress to "call" a convention. Pursuant to Art. I, §8, last clause, Congress has the power to make all laws "necessary and proper" to carry out its power to "call" the convention. [See this chart.](#) The [April 11, 2014 Report](#) of the Congressional Research Service also exposes as *false* COSP's assurances (see, e.g., page 4 of the Report).

Furthermore, here's the "rest of the story" COSP doesn't tell you: The federal convention of 1787 was [called by the Continental Congress](#) "for the sole and express purpose of revising the Articles of Confederation". But the Declaration of Independence (2<sup>nd</sup> para) recognizes the "self-evident" right of a people to throw off their government and set up a new one. So in [Federalist No. 40](#) (15<sup>th</sup> para), James Madison, who was a Delegate to the federal "amendments" convention of 1787, invoked that same "precious right" to throw off the Articles of Confederation and the government it had created, and propose a new Constitution which created a new system of government and which had its own new (and easier) mode of ratification.

**COSP's false claim:** We can solve our problems at an Article V convention where we can change the Constitution.

**The Truth: Our Constitution isn't the cause of our problems.** Our problems are the result of our own *ignorance* of our Founding Principles and Documents; *laziness* (we believe whatever we are told about the Constitution instead of reading it for ourselves); *lust for federal benefits & funds*; *gullibility* (we believe whatever we hear), and *cowardice* (our Framers told us to nullify unconstitutional acts of the federal government). Only a moral and spiritual regeneration of our People will restore our Land.

The true agenda of the big money funding the push for an Article V convention is to get a new Constitution for this Country. The globalists want to move the United States into the North American Union (NAU). To do that, they need a new Constitution which transforms us *from* a sovereign nation *to* a member state in the NAU. [See this.](#) Wake up, America!