

Convention of States Board Member Co-authored Anti-2A "Conservative Constitution"

by [Steve Byas](#) December 20, 2021

For years, many constitutional conservatives have been warning fellow conservatives about being taken in by the Convention of States (COS) Project and others calling for a constitutional convention to alter our present Constitution. Warnings that such a convention could result in scrapping the document that created our present constitutional republic have been ridiculed — with convention proponents arguing that they are not wanting an entirely new document, but only want to rein in the federal government.

Here is more cause for concern: A Legal Advisory Board member of COS has co-authored a model "[Conservative Constitution](#)" for the [Constitution Center's Constitution Drafting Project](#) as a replacement for our present document, potentially to be adopted at any constitutional convention — or, as advocates prefer to call it, a "Convention of States."

That board member is Robert P. George, a supposed conservative, whom COS Action President Mark Meckler calls "the foremost conservative constitutional scholar in America." George occupies an endowed professorship at Princeton, previously held by progressive Woodrow Wilson. (Interestingly enough, while at Princeton, Wilson advocated drastically altering our form of government, to make it more like the British system.) George is a member of the globalist Council on Foreign Relations (CFR) who "fiercely opposed" the candidacy of Donald Trump in 2016, later calling Trump's efforts to restrict immigration "unjust."

This background should explain why, while George's draft of a new constitution for America is called the "Conservative Constitution," the document is actually quite radical in places.

No doubt supporters of the constitutional right to keep and bear arms will be rightly alarmed at the draft's language on that subject:

“ Neither the States nor the United States shall make or enforce any law infringing the right to keep and bear arms *of the sort ordinarily used for self-defense and recreational purposes*, provided that States and the United States in places subject to its general regulatory authority, *may enact and enforce reasonable regulations on the bearing of arms, and the keeping of arms by persons determined, with due process, to be dangerous to themselves or others.* [Emphasis added.]

Those familiar with the rhetoric of the anti-gun Left will quickly recognize that this portion of the draft creates opportunities for federal and state governments to so regulate the private ownership of firearms to render such a right practically null and void.

But the draft goes far beyond essentially gutting the right to keep and bear arms.

As one reads through the draft, its similarity to the language used by the Founding Fathers is striking. Mixed in with that language, however, are changes that, rather than making the document friendlier to the concepts of limited government and liberty, would create a constitution transferring vast swaths of power to the federal government.

The "Conservative Constitution" would reduce from two to one the number of senators that would represent each state. While returning the election of senators to the respective state legislatures (rather than through a popular vote as required under the 17th Amendment) is a good thing, the draft adds language that is silly at best, and dangerous at worst. "Before taking office, each Senator shall pledge by oath or affirmation to promote the common good and long-term welfare of the nation and not the interests of any party or class."

As it stands now, each member of Congress takes an oath to follow the Constitution of the United States, an oath that is routinely ignored by almost all members. We can only speculate how promoting the "common good and long-term welfare of the nation" might be interpreted. Some members might decide that following the restrictions of a written constitution is not for the common good and long-term welfare of the nation.

The draft also modifies the impeachment process, lowering the threshold for conviction from two-thirds to three-fifths. Presently, the grounds for the removal of a president from office are limited to four offenses — treason, bribery, and high crimes or misdemeanors. This draft only says that the House "shall set forth specific grounds in written articles of impeachment." In the two Trump impeachments, advocates of his removal from office tried to skirt the four constitutional grounds, charging him with the more ambiguous "abuse of power," which is, of course, not mentioned in the present Constitution. Under the draft's proposal, Congress would have no limitations on any chosen grounds to remove

a president from office.

Not only does the document make it easier for Congress to remove a president from office, it makes a dramatic change in how that person is to be elected, specifically requiring a "national popular vote" to choose the president. Thus, the draft proposes to eliminate the Electoral College system that we now use. And, the draft removes the requirement for a president to be a natural-born citizen, changing that to "any" citizen.

Under the provisions of the proposed "Conservative Constitution," Congress is given the power to "create a central bank with the authority to issue currency and to make it legal tender for debts," and to expand the power of that central bank in order to "protect its independence." The central bank we now have — the Federal Reserve — already possesses immense power, but this draft proposes that a central bank be given even greater "independence" from our elected officials.

Finally, the draft proposes that "there shall be nine judges of the supreme court" — arguably a good thing — who shall hold office for 18 years, with a vacancy occurring every two years by staggering the terms. If a judge were to die, resign, or be removed by impeachment before the end of his term, "a new judge shall be appointed for the duration of the term only." This is a proposal that has received much support from the Left, angry that President Donald Trump was able to nominate one-third of the present Supreme Court.

In fairness, there are good provisions included in this draft, but that raises a very serious question. If a provision is worthy of changing the fundamental law of the country, then our present method of amending the Constitution should be sufficient. What we do not want is a wholesale change of our Constitution, which would include the abolition of the Electoral College, the gutting of the right to keep and bear arms, and other such bad provisions.

The very fact that a Legal Advisory Board member for the Convention of States Project has proposed a new model Constitution should serve as further evidence that an Article V Convention could open up our present Constitution to massive revisions, or even being replaced by an entirely new document. Our present Constitution is *not* the problem. The problem is that our public officials, in all three branches of government, do not adhere to it.

Instead of expending energy and money promoting a Convention of States, citizens should focus their efforts on electing good men and women to Congress and the presidency. At *best*, a convention would meet, adopt a few positive reforms, and adjourn. At *worst*, the convention would meet and overthrow our present system of government. As the draft demonstrates, it is highly unlikely that we would have a better constitution than the one James Madison, George Washington, and the other Founders crafted back in 1787. As the late Justice Antonin Scalia opined, our century is a poor one in which to write a constitution. Could anyone elected to such a convention today produce a document as good as the one adopted in the 18th century?

This coup d'etat against our republican form of government can be stopped by our state legislators, but citizens informed of the dangers of a constitutional convention absolutely have to let those state legislators know those dangers.

One cannot presume that they know what is wrong with having a constitutional convention. Even legislators who believe in our form of government can be misled by those intent on destroying our institutions. We must counter propoganda, such as this coming from the Constitution Center, with accurate information on the dangers of a constitutional convention.

