



Written by [Joe Wolverton, II, J.D.](#) on August 17, 2023

Convention of States: Trust Us to Keep the Second Amendment Safe; JBS Warnings “Debunked”

“A vast majority of Convention of States supporters are also firm supporters of the Second Amendment,” a recent Convention of States (COS) blog post declares.

Really? A vast majority? So, not all, then, right? If I’m reading their own article correctly, they are saying that not all of those who support COS are “firm supporters” of the right to keep and bear arms. That admission alone is reason enough to worry about who might attend and what might happen should COS ever be successful in calling for a second constitutional convention.



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In the post, COS tries to put distance between its call for an “amendments convention” and the one being proposed by California Governor Gavin Newsom. In the immortal words of Shakespeare: “Methinks the lady doth protest too much.”

The article insists:

Although Newsom insisted that his proposed amendment would leave the Second Amendment intact, critics quickly pointed out that this would not be the case, as any federal attempt to restrict Americans’ right to bear arms would be contrary to the Founders’ original design and intent.

Well, to be fair, wouldn’t a balanced budget amendment and term limits — both of which COS wants to see added to the Constitution — violate the Founders’ original design and intent? I’ve written on these topics in previous articles, so suffice it for now to say that a balanced budget has nothing to do with the Constitution and everything to do with those who hold office under it. And the number of terms served by a congressman or a senator has nothing to do with the Constitution and everything to do with those people who keep electing the same people to office year after year.

There’s not a syllable of the Constitution that authorizes the federal government to amass a debt of over \$32 trillion. But here we are. Frequent elections could prevent people from spending their entire lives in Congress. But here we are.

It’s this simple: The tyrants in D.C. disregard the limits on their power set by the Constitution, and they would continue to do so even if we added a few more lines to it. It’s not about what the Constitution has or hasn’t done, can or cannot do; it’s about what kind of people are being sent to “serve” us in government. As forgotten Founding Father Melancton Smith wrote, speaking of the proposal to add amendments to the Constitution aimed at limiting the power of the federal government:

The amendments contended for as necessary to be made, are of such a nature, as will tend



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to limit and abridge a number of the powers of the government. And is it probable, that those who enjoy these powers will be so likely to surrender them after they have them in possession, as to consent to have them restricted in the act of granting them? Common sense says—they will not.

Common sense still says they will not.

Now, let's turn to this whole "in a COS convention, the Second Amendment will be safe" claim made in the group's blog post.

The first thing the author of the post claims is that "Newsom's resolution is completely unrelated to ours." So? There are other groups besides the Convention of States that have pushed for an Article V convention. The fact that they're not working together says more about the motives of those funding these efforts than about the goals of the efforts themselves.

If you support the Convention of States or an amendments convention or an Article V convention or Gavin Newsom's convention or whatever label you want to put on this risky scheme, let me ask you this question: Do you really believe that, if COS is successful in calling for an amendments convention, all the delegates sent there by, oh, I don't know, California, would be "proudly pro-Second Amendment?" Or do you think maybe there would be at least a dozen or so "blue states" that would send representatives interested in following a less conservative agenda?

Any honest and sincere seeker of truth would have to admit that there is no way to control who the states will send to represent them at any convention called to propose amendments to the Constitution. Such selection would be up to the states, and there is no way states like California, New York, and Illinois are going to send delegates to that convention committed to preserving the Bill of Rights as we know it today.

COS' recent [mock convention](#) was just that: [a mockery of what an actual convention would look like](#). All of the delegates from every "blue state" represented at the mock convention were Republicans! Do you think that would happen in an *actual* Article V convention?

Next, the COS article crows that their proposal for an "Article V convention" is "limited to restricting the power and jurisdiction of the federal government." Guess what else has those same goals: the existing Constitution! Does this sentence ring a bell? — "The powers delegated by the proposed Constitution to the federal government are few and defined." That's from *Federalist* 45, written by James Madison.

None of that matters if the electorate and the elected choose to disregard the document. None of it. In the face of the ignorant, the misinformed, the tools, and the tyrants, the Constitution is nothing more than a "parchment barrier." In fact, let me give you the entire quotation by Madison in which he warns about that. Here is what he wrote in *Federalist* 48:

Will it be sufficient to mark, with precision, the boundaries of these departments, in the constitution of the government, and to trust to these parchment barriers against the encroaching spirit of power?

How, COS and supporters of amendments conventions, would a new piece of "parchment" be any more of an effective barrier to tyrants than the existing parchment? There isn't enough paper in the world



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and there isn't language tight enough and pretended punishments strong enough to prevent a person from abusing power if that person is set on doing it and the people seem set on allowing it.

I recall the words of Samuel Adams:

Neither the wisest constitution nor the wisest laws will secure the liberty and happiness of a people whose manners are universally corrupt. He therefore is the truest friend of the liberty of his country who tries most to promote its virtue, and who, so far as his power and influence extend, will not suffer a man to be chosen into any office of power and trust who is not a wise and virtuous man.

The Constitution is not the problem. The lack of limits on power and fiscal restraints in the Constitution is not the problem. Samuel Adams identified the real problem, but COS doesn't want to admit that. You can't trick people into supporting your cause. The powers behind COS know — and history shows — that adding words to a Constitution that's being ignored is not going to make people start following it again.

And that's the answer, you see? We don't need to fix the Constitution, we need to follow the Constitution.

Now, foolishly, the COS article assures its readers that even if an anti-Second Amendment amendment was approved by the convention — so they're admitting it could happen — the states would never ratify it. The post claims:

However, we must also note that 34 states (the amount needed to trigger a convention) would never consider Newsom's proposal, which is to restrict gun rights. How do we know that? Because America is a majority "constitutional carry" nation, meaning a majority of the states (27) allow permitless [sic] concealed carry of a firearm. Advocates of this position say it is simply what the Constitution mandates, as the Second Amendment affirms that "the right of the people to keep and bear Arms, shall not be infringed." None of these states would consent to a convention whose sole purpose is to take away a right they otherwise affirm.

There are a few huge problems with this claim that I would have thought the editors at COS would have caught, and that would have made them spike this story.

First, how many Americans in 1913 do you think wanted to give part of their income to the federal government? Would it be safe to say that there were probably a "vast majority" of people in 1916 that would have preferred to keep all their income? The 16th Amendment was ratified anyway. Do you think most states in 1913 wanted to retain their power over the Senate? I'd bet they did, but the 17th Amendment was ratified anyway.

Furthermore, weren't all the states in 1913 bound by Article I, Section 9 of the U.S. Constitution? That didn't stop them from ratifying the 16th Amendment, which was in direct violation of that section. And weren't all the states in 1916 bound by Article I, Section 3 of the U.S. Constitution? That didn't stop them from ratifying the 17th Amendment, which was in direct violation of that section. You see, constitutional restraints on power aren't much of a deterrent when people at a convention are determined to ignore them.



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In light of that proof, please don't base your guarantees of safety on the claim that the states would never agree to amendments that would be against their interest and destructive of the lives, liberty, and property of the people.

Second question: Isn't there an existing amendment protecting the right of the people to keep and bear arms and prohibiting federal infringement on that right? Has that stopped the federal government from infringing on that right? Has the right of the people to keep and bear arms been infringed on by the government, despite the fact that the Second Amendment expressly forbids it?

Isn't there an existing amendment protecting the right of the people to be free from unwarranted searches and seizures? Are the people free from unwarranted searches and seizures? Has that stopped the federal government from creating an enormous surveillance network that treats all Americans as suspects and surveils and records electronic communications without a warrant? Has the right of the people to be free from unwarranted searches and seizures been violated, despite the fact that the Fourth Amendment expressly forbids it?

I could go on, but I think you get the picture.

So, why, COS, would an amendment added to the Constitution be expected to "restrict the power of the federal government" when existing amendments ratified for that very purpose have been unable to? In what magical way will the amendments you propose be stronger and more respected than the amendments proposed and ratified by our Founding Fathers in 1789 and ratified by the states in 1791? Do you think yourselves wiser than that generation? Do you think any convention called in the future will be filled with people wiser, more educated, more virtuous, or more committed to the cause of liberty than was the Convention of 1787?

And speaking of the Convention of 1787 (I've written about this subject a number of times so I'm not going to copy and paste those articles into this one, but you can find one of them [here](#), with a list of related articles at the bottom), the COS claim in its blog post that The John Birch Society alleges that "there is no such thing as a limited Article V convention" and that its warning of the probability of a runaway convention has been "debunked" is absolutely false and completely farcical.

Let me just repeat this little bit of history, and you tell me where I'm wrong, OK?

Some members of Congress (and other prominent men) were advocating that the Articles of Confederation needed to be amended in order to function better. After a couple of abortive attempts at a convention (Mt. Vernon and Annapolis), a number of congressmen convinced Congress to call for a convention that would consider and propose amendments to the Articles of Confederation. By the way, the Articles of Confederation was the capital "C" Constitution at that time; *it was the law*.

On February 21, 1787 Congress [passed a resolution](#) calling on the states to send representatives to a convention to be held in Philadelphia beginning in May 1787 for:

the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union.

Notice the language: "sole and express" and "report ... alterations and provisions" to the "federal constitution," the document called the Articles of Confederation. Again, it cannot be stressed



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strenuously enough that the Articles of Confederation *was* the Constitution in 1787! Despite what you were taught in social studies class, that “weak” document saw us through a victorious war with one of the world’s most powerful empires.

As soon as a quorum of states was present at the Convention of 1787, Edmund Randolph of Virginia introduced what we call the “Virginia Plan,” a proposal that created an entirely *new* constitution, wherein was created a entirely *new* form of government, one that would be ratified by an entirely *new* process than the one required by the Constitution that was then the law of the land.

Not only did the delegates at the Convention of 1787 violate the limits placed on their authority by Congress and the states, and not only did they break the rules established by Congress and the states before the convention began, but the product of that convention was a *new* constitution and a *new* form of government, completely tossing the then-Constitution and form of government onto the scrapheap of history.

I dare anyone from COS to challenge that recitation of the historical record of the Convention of 1787, and I dare them to show how that record does not prove the convention of 1787 was a runaway convention. Debunk it. I dare you.

Adding amendments to restrict the power of the federal government on to a Constitution that already has amendments to restrict the power of the federal government is illogical, ill-conceived, and ill-fated. Pretending that blue states would send pro-Second Amendment delegates to an amendments convention is farcical and insulting. Insisting that there is a single word in the Constitution that could control a convention called under Article V is deceitful and disingenuous. The claim that there is no possibility that such a convention could violate the limits and rules set for it in advance by the states or the people is easily proven false by the historical record, yet is purposefully repeated so as to keep people from studying that very historical record.

There are safer, surer, and constitutionally sounder ways to restrain the power of the federal government than to put the Constitution and the union it created in danger of destruction.





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