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Patriotic Americans Working to Prevent a Con-Con

With the federal government constantly  overstepping its constitutional boundaries — and growing the federal budget with each extra-constitutional step it takes — people across the nation realize there is a problem. Groups such as Compact for America, the Balanced Budget Amendment Task Force (BBATF), and Convention of States Action offer various plans to rein in the federal government by encouraging states to apply for an Article V Convention to amend the Constitution.

Almost all such groups — including the three listed above — deny that such a convention would be a Constitutional Convention with nearly limitless power to make sweeping changes to the Constitution, including the power to draft an entirely new Constitution. Their denials do nothing to set aside the reality: Even *Black's Law Dictionary* — the most widely used law dictionary in the United States — defines “Constitutional Convention” as “A duly constituted assembly of delegates or representatives of the people of a state or nation for the purpose of framing, revising, or amending its constitution” and lists the following example:

Delegates to the constitutional convention convened in 1787 quickly dispensed with any thoughts of retaining the Articles of Confederation and turned, instead, to the creation of a new Constitution.

And while the leaders of those groups deny an obvious truth, a distinction must be made between those leaders and the followers who are deceived by that dishonest denial. Since those groups are well-funded — thanks to a handful of wealthy special-interest groups such as the Kochs and the American Legislative Exchange Council (ALEC) — many thousands of good, patriotic men and women have believed the lies they have been told: that what Compact for America, the BBATF, COS Action, and other such groups are proposing is a safe, reasonable, limited solution to a federal government that runs roughshod over the rights of the people and the states.

Thankfully, there are also many thousands of good, patriotic men and women who have examined the facts for themselves and are working daily to prevent a modern-day Constitutional Convention from drafting a document that would be a product of its age as surely as the Constitution of 1787 was a product of its age. To those men and women — both past and present — every American owes a debt of gratitude.

In the early 1980s, informed patriots became alarmed to learn that America was two states away from a modern-day Constitutional Convention. According to Article V of the Constitution, if two-thirds of the states apply to Congress for a convention, Congress is obliged to call one. Since there are 50 states, two-thirds is 34. By the time patriots began working to reverse the trend by convincing states to rescind



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their previous calls, 32 states had already applied to Congress to call a convention.

At that time, Don Fotheringham was the John Birch Society (JBS) field coordinator for Idaho. He said he saw a report showing how close America was to a new Constitutional Convention and asked himself a question that shaped his thinking in regard to just how dangerous such a convention would be: Given the political climate (partisan divisions, creeping liberalism, and politicians who routinely violate their oaths to obey the Constitution), could our country even survive such a convention? And as relevant as that question was nearly 40 years ago, it is more so now. Consider the remoteness of the possibility that such a convention would not be positively dripping with Soros money. Consider the “leaders” of even Red states who go along with federal overreach when it benefits their states or their own political careers. Consider the historical fact that at the only such convention this nation has ever seen (1787), the delegates decided to overstep their original purpose of *amending* the Articles of Confederation and instead *scrapped them and drafted an entirely new Constitution*.



To coin a phrase: Phyllis Schlafly — best known for her work opposing the Equal Rights Amendment — was the first to refer to the push for a modern-day Constitutional Convention as a “Con-Con” — both an abbreviation and an apt description, emphasizing the fact that proponents were attempting to “con” Americans. (*Photo credit: AP Images*)

Recognizing the importance of preserving the Constitution, Fotheringham began working to expose the dangers of a Constitutional Convention. He told *The New American*, “It took time and effort to expose it — it was 13 years before the first state voted to rescind its application.” He added, “Politicians don’t like to admit they made a mistake.” But once Florida rescinded its application in the mid 1990s, other states soon followed. It appears that what politicians really don’t like is being the *first* to admit they made a mistake.

Within a few years of Florida rescinding, 11 other states followed suit. And — due to the efforts of Don Fotheringham and others — no other states made application to Congress for a convention during that time.

One thing that Fotheringham did was to reach out to well-known and well-respected jurists and law schools and asked their thoughts on a modern-day Constitutional Convention. As he told *The New American*, “The greatest advantage I had was, no matter what law school you contacted — whether it was Harvard, or Yale, or Duke, or wherever I went — all the constitutional scholars said, ‘No, we do not



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want this convention.” Fotheringham collected statements from nearly a dozen “constitutional specialists” who all said such a convention was a danger since it could not be limited in scope.

About that same time, Phyllis Schlafly — who founded the Eagle Forum and was famous for her opposition to the Equal Rights Amendment — coined the phrase “Con-Con” as an abbreviation for “Constitutional Convention” to show that it is a con job on the American people, who are being lied to in order to gain their support. Schlafly wrote, “I think the Con-Con issue is really diversionary. I’ve always been against Con-Con, from the very first the time the idea was raised. Everybody knows that.”

Schlafly — like Fotheringham — traveled the nation, testifying before state legislatures of the facts of such a convention.

Schlafly’s and Fotheringham’s early work to expose the Con-Con helped protect the Constitution from the ravages of a convention. Their work also laid the foundation for those who would follow and have to pick up the mantle of defending the Constitution from those who would claim they are trying to save it by changing it.

It is no exaggeration to say that had it not been for Schlafly and Fotheringham, the Constitution would have faced a convention and would almost certainly have been replaced with a document much more to the liking of the very politicians who routinely disregard it.

But while well-informed patriots not only fought the Con-Con movement to a standstill, but actually *reversed* the trend by convincing states to rescind and withdraw their applications for a convention, the forces bent on pushing for such a convention have not stopped pushing. Furthermore, they have changed tactics. Now, most of them deny that what they are calling for — and what Article V describes — is a Constitutional Convention, claiming instead that it is merely a “convention for proposing amendments.” By this clever device, these groups have renewed the danger that America may face a Constitutional Convention that will be limited only by the imaginations of its delegates.

Fortunately, the work that Fotheringham and Schlafly began also continues. And the premier organization working to inform state legislatures of the danger of such a convention — and thereby prevent it from taking place — is The John Birch Society.

JBS field staff and volunteer members take the time and effort to inform others of the danger of a Con-Con, expose the organizations behind it, and testify before state legislatures to both prevent future applications for a Con-Con and convince states to withdraw previous applications.

Across this nation, JBS members and others who use JBS materials have fought a good fight and have been able — through great effort and expense of both time and money — to keep the danger at bay.



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Picking up the mantle: Robert Brown — like many other well-informed patriots across America — is continuing the good work of those before him, such as Fotheringham and Schlafly.

One man who has continued the work of Fotheringham and Schlafly is Robert Brown. A former field coordinator and regional field director for the JBS, Brown — a lifelong student of the Constitution — began his efforts to combat the Con-Con in about 2009. Since that time, he has given hundreds of presentations across the country, covering almost every state in the nation.

Brown told *The New American* that it is difficult to track the exact number of active applications from the states, since Congress — which is tasked by Article V with calling such a convention — has never made it clear how it aggregates those applications. Would applications need to be similar? Would they need to be identical? Would applications for a convention all count toward the two-thirds threshold regardless of the stated reasons for the applications? Congress has never decided.

And since Article V states, “Congress ... shall call a convention,” it is in the power of Congress to decide. Brown also points out that this illustrates one great danger of such a convention: While advocates *claim* that the states would choose delegates, Article V does not say that. In fact, since “Congress ... shall call” the convention, it is highly likely that Congress would at least have some say in choosing the delegates and setting the rules for the convention.

Brown also shows that there are other dangers associated with such a convention. In his presentations across the nation, he asks attendees a series of questions designed to bring those dangers to light. He asks whether anyone thinks lobbyists would have any interest in — and therefore attempt to influence — the outcome of the convention. He asks the same question about groups such as Antifa and BLM. He asks whether anyone thinks mainstream media would miss an opportunity to manipulate public opinion regarding the proceedings and outcome of the convention. Ditto foreign governments. These are all great questions that show the obligation of patriotic Americans to seriously weigh the promises of convention advocates against the facts.

Brown points out that the “leaders” of groups advocating for a convention are routinely dishonest. For instance, COS says — as mentioned above — that what they are proposing is something distinct from a Constitutional Convention, claiming that Article V does not describe a Constitutional Convention, but a “Convention of the States” to amend the Constitution. But, as Brown shows, the Founding Fathers



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referred to the Constitutional Convention of 1787 as “a Convention of the States for the sole and express purpose of revising the Articles of Confederation,” and they instead drafted an entirely new Constitution.

As the fight to protect the Constitution from the ravages of a modern-day Constitutional Convention continues, groups advocating for such a convention continue to use deception and subterfuge to convince patriots to support this dangerous plan. But — thank God — there are thousands and thousands of other patriots who have taken the pains to examine the facts of the issue and are working on their own time and with their own money to expose the dangers.

C. Mitchell Shaw, a freelance writer, is a strong advocate of both the free market and privacy. He addresses a wide range of issues related to the U.S. Constitution and liberty.



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