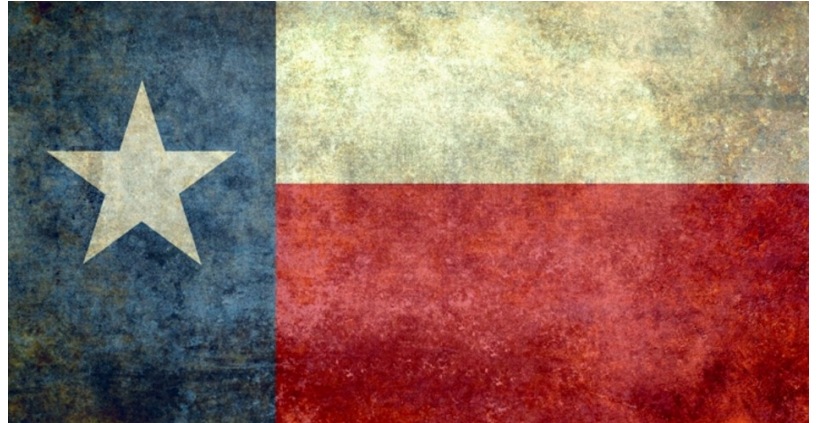




Written by [Alex Newman](#) on March 20, 2015

Battle Over Constitutional Convention Rages in Texas

The controversial national effort to have states call for an Article V Convention, which critics say could put the existing Constitution at risk, is hard at work in Texas, where the battle over a possible constitutional convention has been raging in recent weeks. With multiple bills currently being considered in the Texas legislature that could put the state on record as applying for a con-con, conservative and constitutionalist activists have also been working hard to educate lawmakers on the dangers — as well as viable solutions to rein in the increasingly lawless federal government in a manner that would not jeopardize the Constitution.



The pro-con-con side, led by the group Convention of the States, in addition to furiously lobbying the legislature, has been demonizing opponents of the plan.

When not verbally disparaging opponents, many supporters of a con-con suggested that amending the Constitution was urgent, possibly the only remaining hope for reining in a federal government that has grown completely out of control and now threatens the nation itself. Critics, meanwhile, portrayed an Article V Convention as the potential final nail in the coffin for America's existing constitutional system, arguing that a con-con may well undo the Constitution and the liberties it protects.

So far, despite the potentially historic consequences, the press in Texas has largely ignored the ongoing showdown in the Lone Star State and the resolutions — HJR 77, HJR 78, and HJR 79 — that would advance it. At least one media outlet, though, did cover the raging debate taking place. In an article in *Texas Monthly* headlined "[Texas Eagle Forum, John Birch Society Are Right](#)," writer R.G. Ratcliffe said he agreed with the arguments by the two of the leading conservative organizations fighting against an Article V convention. "The Eagle Forum and the John Birch Society are correct," the writer opined, saying that forcing Congress to call a con-con is a "dangerous idea" that could "destroy one of the best national charters" that was ever written — the U.S. Constitution. "There is no way to guarantee a constitutional convention will be limited to any one topic of the right or the left."

Ratcliffe also cited comments made by Texas Eagle Forum past-President Pat Carlson, who explained that there is nothing in the Constitution describing how a convention would work. "To say you're just nudging Congress is very dangerous," Carlson said, adding that Congress would likely set the rules for the convention in such a way as to lead to changing the Constitution. "Don't forget, there are liberal groups out there just waiting to jump in and pass their own stuff." Indeed, as *The New American* has reported, there are [a number of far-left anti-liberty forces also hoping to amend the Constitution](#) with a con-con to restrict the rights guaranteed under the First and Second Amendments, among others.

Ratcliffe couldn't agree more with the opponents, saying that Carlson and others were "completely correct." "The supporters are operating on an almost religious faith that the convention would go



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exactly as they want and be as limited as they want,” Ratcliffe wrote in his analysis. Indeed, statist activists have been vocal about hoping to change the Constitution to restrict election-related speech and spending by overturning the *Citizens United* decision and undoing the rights guaranteed under the First Amendment.

Nonetheless, in the article, Ratcliffe did ably set out the claims of the con-con advocates. He quoted State Representative Paul Workman, who has been promoting his resolution calling for a convention to rein in federal spending: “Congressional leaders and presidents of both major political parties have presided over the explosion of federal debt to an astounding \$18 trillion.” Workman added, “Congress has shown no serious desire to rein in its spending.” Other proponents of a con-con claimed a convention was necessary because the U.S. Supreme Court is the “biggest enemy of the people of the United States,” imposing abortion, sodomy, homosexual “marriage,” atheism in schools, and other policies. “This social change being ramrodded on us by the Supreme Court has got to stop,” witness Allen Adkins of Lubbock testified.

It was not clear how a con-con aimed at balancing the federal budget would rein in the out-of-control Supreme Court.

In recent weeks, there have been several state House committee hearings on an Article V convention, overseen by Republican supporters of the measure. Ironically, despite the fact that the [Texas Republican Party passed a resolution several months ago officially opposing a constitutional convention](#), Democrats on the committee were opposed to a con-con, while at least some of the GOP lawmakers were supportive. In fact, multiple sources who spoke with *The New American* suggested that the committee leadership was biased against critics of the con-con.

Throughout the hearings, though, passionate activists warned that, among other concerns, an Article V Convention to propose amendments to the Constitution could end up re-writing the entire document, or at least seriously damaging it. That could [cement and even legitimize some or all of the federal government’s increasingly lawless power grabs](#), making a return to the principles of liberty even harder to achieve. Critics of the Article V effort also noted that the problem is not the Constitution — it is the fact that politicians in Washington, D.C., who swore to uphold it consistently trample it. Adding a balanced-budget amendment would hardly solve that problem, and opponents of calling a convention argue, citing legal scholars on both sides of the political spectrum, that the risks to the Constitution are simply too great.

Prominent Texas activist Barbara Harless, founder of the liberty-minded grassroots alliance dubbed the [North Texas Citizen Lobby](#), traveled to the capitol in Austin this week with 10 others to meet with legislators on various issues, including the con-con measures. In her testimony against an Article V convention during the committee hearing, Harless explained that the only way to actually achieve a real balanced budget — which she strongly supports — was by getting rid of the IRS, the 16th Amendment, and the privately owned Federal Reserve System, while returning to adherence to the Constitution. The federal government should also return to performing only constitutionally authorized functions to slash spending, balance the budget, and restore respect for the rule of law.

“A con-con is a bad idea because no matter how many good amendments are adopted, they won’t make the first 10 any more enforceable,” Harless told *The New American* after testifying against the measures. “Why? Because the Constitution is just a piece of paper without the people’s enforcement. Put another way; if just half of the Americans that understand the principles in the 200-page NFL rule book, also understood the principles in the U.S. Constitution — the one that fits in your shirt pocket —



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America would look totally different. That's the America I want to see, the one where the Constitution is enforced, again. Then we can look to amend the Constitution."

The people of Texas and their elected officials should also say no to a con-con, Harless added, "because each of the states have their own independent power to enforce the constitution we have now — it's called the 10th Amendment." Several bills dealing with the 10th Amendment are, ironically, sitting in the same committee currently exploring the Article V measures to make Congress call a convention. Harless said restoring and using provisions in the existing Constitution would be a better route to restoring the Republic and reining in the feds. Americans must know about the Constitution and what it says, though, to be able to restore and enforce it.

Part of her concern centered on who the delegates to a potential con-con would be. "How can I have confidence that my state officials will grow a spine in a convention of tyrants?" she asked. "But more to the point, why would I want my legislators to dilute their voice in a much larger convention, when they have the power they need to enforce the 10th Amendment now, which is already in the Constitution?" Harless also pointed out that she obtained the 1933 ratifying convention rules and journal from the state Legislative Reference Library. The picture it paints is bleak. "Here's the dismal conclusion: Congress could overrule any state policy on the selection of delegates or the convention process itself," she said. "The 1933 Texas rules said so, in the last section, section 17."

Another opponent of an Article V Convention who testified, Kelly Holt, a reporter for this magazine, told *The New American* that numerous arguments made by con-con critics were essentially ignored by the committee. Citing research and interviews with legal experts, judges, and officials, Holt explained that having Congress call a convention to amend the Constitution was a recipe for disaster. She also pointed to the example of Oklahoma, which has a constitutional provision requiring a balanced budget that was essentially rendered meaningless by the state's Supreme Court. "Those points weren't acknowledged or even questioned by the Article V committee, but I consider them to be huge," Holt told *The New American* after testifying.

Larry Greenley, as director of missions for The John Birch Society, explained last month in an in-depth article for this magazine that there are numerous key arguments against a con-con that have remained largely unaddressed by supporters of the effort. In the piece, entitled "[The Solution is the Constitution, Not Article V](#)," Greenley explained that a con-con would risk harmful changes to the Constitution that "very well could end our heritage of freedom and prosperity." The Constitution, he wrote, is not the problem — the fact that politicians ignore it and the American people allow it to be trampled on is the problem. As such, the solution is not to change the Constitution, but to educate Americans to ensure that it is enforced as written. Greenley also said that all Article V Conventions have the inherent power to become runaway conventions, potentially putting the entire Constitution in peril. It would allow powerful special interests to revise the Constitution in their favor, too, he added.

"What is absolutely necessary to turn this situation around is a large-scale, grassroots education campaign on the practical aspects of how the Constitution already limits the power of the federal government," Greenley concluded. "In order to restore our freedom, an informed electorate must be created that will roll back the power of the special interests by electing federal and state representatives who will enforce the Constitution as originally intended." A con-con, on the other hand, has the very real potential to destroy or undermine that same Constitution, putting all Americans' rights in jeopardy.

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