



Written by [James Murphy](#) on May 18, 2018

Calls for an Article V Convention Miss the Point Entirely

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Groups on both sides of the political spectrum are calling for a constitutional convention, or what advocates call a “convention of states,” under Article V of the Constitution to amend key provisions of our founding document. Some, including conservative luminaries such as [Mark Levin](#) and Sean Hannity, believe that this is a good idea — a chance for states to fight back against unpopular federal laws such as the Affordable Care Act. Constitutional Lecturer Robert Brown explains why this is not only a bad idea — but a potentially disastrous one — in his speech entitled *Rein in Big Government with Article VI, not V*.



Brown (shown) has been on a national speaking tour for The John Birch Society about reining in the federal government through the use of Article VI of the Constitution, rather than Article V. He spoke in Menomonee Falls, Wisconsin, on May 16. The speaking tour is a part of a nationwide campaign of [The John Birch Society](#) designed to save the nation from a possible runaway Constitutional Convention.

“The Article V movement is a movement to try to change the Constitution, with the promised assurance that if we only change the Constitution, this way or that way ... it would help solve some of the problems we’re facing,” Brown said. “On the other hand, the Article VI movement is about if we were to enforce the Constitution, it would solve the problems we’re facing.”

The Article V movement is coming from diametrically opposed sides of the political spectrum. Leftists want to remove corporate money from the political process (while leaving union money alone, oddly enough) and place stricter language on the Second Amendment. Those on the Right seek to strengthen the Second Amendment and push a balanced budget amendment. What’s frightening is that the two sides are starting to join forces.

Last November, “[The Nation magazine](#) ... declared that the Constitution is over two-hundred years old and it’s time to create a new one,” Brown pointed out. *The Nation* is a George Soros funded, far-left publication. They have recommended supporting the [Convention of States \(COS\)](#) organization, which is heavily supported by conservative talk-show host Mark Levin and other prominent conservatives. By supporting an Article V convention, the Left looks to get their own ideas on the table and, through compromise, achieve their goals incrementally.

“I think our only alternative is a convention where we get an amendment to clean up our politics and remove the unbelievable influence of money in our politics,” said Cenk Uygur, host of *The Young Turks* and founder of the Article V group [Wolf-PAC](#), said at a convention on the subject. “It was great to talk to the conservatives who I thought were much more reasonable than the media portrays them.”

The Convention of States Project’s stated goal is “bring back power to the states and the people, where



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it belongs.”

“I have whole-heartedly endorsed the Convention of States Project,” Levin said on the group’s website. “And they are promoting state applications for a convention for the purpose of limiting the scope, power and jurisdiction of the federal government.”

And what Levin says *sounds* good. Even what Uygur says sounds reasonable. So, why worry about a constitutional convention? One very good reason is that the people of today don’t know or understand the Constitution very well — including and especially those who look to amend it.

Brown explained that the Constitution wasn’t written to be incomprehensible to the common man; in fact, the opposite is true. The Constitution was written to be understood by all citizens, so that citizens could be a proper watchdog concerning what the branches of government are doing and hold them accountable. Brown gave the audience a “test” of sorts — 10 questions to see how a group of politically aware people understood the Constitution and were aware of key components of it. Nobody scored 100 percent. If that happens among a group of politically involved people, how would the average person on the street do?

“The scores within this room do no reflect the scores I would expect in this community as a whole,” Brown said. He then wondered how a nationwide test with the same questions would turn out. “I think it would be one out of ten, or maybe a little less.... Keep in mind that none of this was trivia.... Every bit that we shared just now were key provisions of the Constitution, which if they were currently enforced would dramatically change and solve most of the problems our nation is facing.”

Lamenting the citizenry’s ignorance of the Constitution, Brown compared the people of the United States to referees in a sporting event, who had no comprehension of the rules of the sport. “We’re the referees in the game; and we’re referees that are clueless,” he said. “Imagine a sporting game played where the referees have never even heard of the game they’re [officiating] and have no idea of how it’s supposed to be played.... The chaos we have today is totally predictable.”

The COS group proved Brown’s theory in September 2016 during a “role play” of a real convention in Williamsburg, Virginia. “Over the course of the convention they proposed amendments.... This is the exact language that came from one of them, that received a 70 percent vote from a group that was 96 percent Republicans.... ‘The states shall have authority to abrogate any provision of federal law issued by the Congress, President, or Administrative Agencies.’” Of course, neither the president or administrative agencies currently have any power to make laws. The wording of the amendment would have given them that power in an accidental and ignorant way.

Brown concludes that nobody in this day and age should be let near the Constitution for the purpose of amending it or, as *The Nation* wants, replacing it. “Whether you’re talking about a whole Constitution or just an amendment to the Constitution, this is a dangerous time to be doing that. In a day of great Constitutional ignorance, this is a bad thing to put on the table.”

Article V has specific purposes. It was never designed to rein in federal power but rather to correcting errors in the Constitution. “Changing the Constitution does not address the root of the problem,” Brown points out. “If we were to open the Constitution to change in today’s political environment, [conservatives] are at a tremendous disadvantage.” Political discourse has moved so far to the left over the years, that any new constitution or amendments to the current one would be decidedly left of the original.

However, under Article VI, conservatives — and anyone who is concerned about the rule of law — have



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an advantage. “Because what’s already in the Constitution, we couldn’t possibly do as well in today’s environment.”

Under Article VI, the states have the responsibility to resist laws that are unconstitutional. But, of course, over the years, the exact opposite has happened. States nearly always demur to the Federal Government (unless they are creating sanctuary cities). Article VI allows states to nullify any law that is unconstitutional by ignoring it.



Brown quoted Alexander Hamilton from *The Federalist*, No. 33, “Acts of the larger society which are NOT PURSUANT to its constitutional powers ... will be merely acts of usurpation, and will deserve to be treated as such.” (Emphasis in original.) Hamilton’s meaning is clear. Any law that does not meet Constitutional muster requires the states to treat it as if it has no authority.

Article VI gives the state governments the right (and the responsibility) to tamp down the overreaching of the federal government. The states routinely claim they have no enforcement mechanisms over the federal government. Article VI says differently. One encouraging sign is that states are now beginning to introduce nullification bills. “Last year when all the states were in session ... we were tracking nullification bills and got up to two-hundred nullification bills introduced in states all over the country,” Brown said. “This is a growing trend, year after year, more and more states are standing up and saying, ‘Wait a minute, we don’t have to go along with this. There’s nothing in the Constitution that requires the states to help implement unconstitutional programs for the federal government.’”

As of now, 28 states have live applications for a convention for the stated purpose of proposing a balanced budget amendment. Only six more are needed to trigger a call for a new and dangerous Constitutional Convention.

But the answer to the chaos in Washington is already in the Constitution. Nothing is wrong with the Constitution as it currently exists. The citizenry has just stopped caring about it and allowed government to run unchecked and unfettered by the document’s rules and principles. The Constitution doesn’t need amending. It needs understanding. Every citizen used to be taught the Constitution. Now, very few people know, or care about it. “What was one of the greatest strengths of the United States then, has become one of our greatest weaknesses today,” Brown concluded.



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