



# Con-Con Proponents Try to Force Congress to Call a Constitutional Convention

Across the political spectrum, 82 percent of likely U.S. voters “have at least a somewhat favorable opinion of the Constitution.” That is according to a nationwide telephone and online survey of 1,025 likely U.S. voters. The survey was conducted July 6-7, 2022 by Rasmussen Reports. Among the questions asked of participants was, “Do you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the following statement?: ‘The U.S. Constitution should be mostly or completely rewritten.’” According to the published results, most of President Joe Biden’s “strongest supporters” agree that the Constitution should be rewritten. Rasmussen reported:



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Most of President Joe Biden’s strongest supporters are in favor of rewriting the Constitution. Among voters who Strongly Approve of Biden’s job performance as president, 54% at least somewhat agree that the Constitution “should be mostly or completely rewritten.” By contrast, among voters who Strongly Disapprove of Biden’s performance, just 10% agree that the Constitution should be rewritten and 81% Strongly Disagree with rewriting the Constitution.

While most are at least somewhat supportive of the Constitution, it is nevertheless concerning that Biden’s strongest supporters believe that it should be rewritten. And what better way to “mostly or completely” rewrite the Constitution than through an Article V Constitutional Convention?

Article V is the amendment article of the Constitution. It describes the process for correcting any potential errors or defects in the Constitution without resorting to “chance or violence,” as Colonel George Mason explained at the Federal Convention of 1787. Article V provides two methods for proposing amendments to the Constitution and two modes to ratify the proposed amendments. Amendments may either be proposed by Congress when approved by two-thirds of both legislative chambers (the House of Representatives and Senate), or proposed by delegates at a federal convention (i.e., Constitutional Convention) called by Congress, after two-thirds of the state legislatures (34 out of 50) apply for one.

In either case, the proposed amendments officially become part of the Constitution when “ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress.” This only applies to constitutional amendments. If an entirely new constitution emerges from a Constitutional Convention, it would be ratified (made legally binding) by the new manner described within it, as was the case with the current Constitution (see Article VII).



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Despite Biden's "strongest supporters" (predominantly Democrats) being those who agree that the Constitution should be rewritten, certain *Republicans* are actually making it possible.

### **Republican Rewrite**

On February 3, 2022, failed Republican congressional candidate Brian Matthew McCall and Texas State Representative Kyle Biederman (R) filed suit against House Speaker Nancy Pelosi (D-Calif.), Vice President Kamala Harris (D), Senator Patrick Leahy (D-Vt.), and Senate Majority Leader Chuck Schumer (D-N.Y.). According to the complaint, the plaintiffs seek "to compel the Congress of the United States to call a Convention of States under Article V of the United States Constitution within sixty days." The suit was filed in the U.S. District Court for the Western District of Texas in San Antonio by attorney Francisco Raul Canseco, a former one-term Republican congressman from Texas.

Five months after the suit was filed, Republican Congressman Jodey Arrington of Texas introduced [House Concurrent Resolution 101](#), officially titled "Calling an Article V Convention for proposing amendments to the Constitution of the United States and stipulating the ratification of such amendments by State conventions, a vote of We the People, and for other purposes." If passed, H. Con. Res. 101 would officially call an Article V Constitutional Convention, just as the lawsuit in Texas seeks.

Under Article V, the U.S. president does not play any role in calling a convention for proposing amendments. Therefore, a presidential signature is not required nor can the president veto such a convention call. Only a simple majority of Congress would be required to enact the convention call.

According to H. Con. Res. 101, Congress would determine "the date and place for the Convention to occur during the 180-day period which begins on the date the Archivist of the United States notifies Congress ... that the Archivist has identified plenary or issue specific applications from at least two-thirds of the States calling for such a convention."

Under current U.S. law, the archivist of the United States keeps a record and tally of state applications to Congress for a Constitutional Convention. The resolution directs the archivist to identify both "plenary" (supposedly general or non-specific convention applications) and "issue specific applications." However, seeing as the resolution does not specify which "issue specific applications" to identify, presumably the archivist may identify applications specific to proposing a federal Balanced Budget Amendment (BBA) along with those seeking a campaign finance reform amendment, as supported by the leftist activist organization Wolf-PAC.

The basis for the convention call is the claim made in the resolution that the minimum number of states (34) required for Congress to call a Constitutional Convention has already been met. According to the resolution, "congressional and State records of purported plenary applications for amendments on any subject *and* [i.e., in combination with] applications for single subject Fiscal Responsibility Amendments [such as those for a BBA] compiled by the Article V Library list 42 total applications over time, 39 active applications in 1979, 40 active applications in 1983, and at least 34 active applications in many years thereafter." (Emphasis added.)

[The Article V Library](#) is a website put together by Robert Biggerstaff, an Article V Convention promoter. The number of applications mentioned in the resolution [i.e., 42 over time, 39 in 1979, 40 in 1983, and 34 for many years following] is in fact inflated by aggregating limited applications for a convention to propose a BBA together with unrelated/non-BBA Constitutional Convention applications. Article V Convention promoters are now claiming that these unrelated/non-BBA Constitutional Convention applications are "plenary," or without a limited purpose, thus enabling them to be combined with those



for a limited purpose. This is the whole basis of the aggregation scheme.

### **Aggregating Applications**

The Article V Library’s “Article V Convention Application Analysis” for a BBA aggregates the following unrelated applications, which they deem as being “plenary,” together with BBA Constitutional Convention applications:

- Virginia’s 1788 application for a Constitutional Convention;
- New York’s 1789 application for a Constitutional Convention;
- Georgia’s and South Carolina’s 1832 applications related to tariffs;
- Applications from 1861 attempting to prevent the then-impending American Civil War;
- A plethora of applications ranging from 1899 to 1911 for the direct election of U.S. senators; and
- Wisconsin’s 1929 application for a Constitutional Convention motivated by a desire to repeal the 18th Amendment (prohibition).

Examining these applications further, we find that New York’s 1789 application — similar to Virginia’s 1788 application — requests “that a Convention of Deputies from the several States be called as early as possible, with full powers to take the said Constitution into their consideration, and *to propose such amendments ... to ... secure ... the great and unalienable rights of mankind.*” (Emphasis added.) This objective was met on December 15, 1791, when the Bill of Rights, the first 10 amendments to the Constitution, was ratified.

Furthermore, in 2004, the Virginia Legislature rescinded all of the state’s previous convention applications, including the 1788 application. Given the age of the application, the fact that its objectives were met with the ratification of the Bill of Rights, and that no other states have since applied for a convention to propose amendments for the explicit purpose of securing “the great and unalienable rights of mankind,” this application is no longer valid and therefore ineligible to be included in any current count of state applications for a Constitutional Convention.

Likewise, in the lawsuit before the U.S. District Court in Texas, the plaintiffs argue that “there are at least 36 states that have applications by their state legislative bodies to convene a Convention.” Although they fail to specifically identify the 36 states they claim have outstanding, or “live,” applications for a convention, such a dubious high count undoubtedly includes the supposedly “plenary” convention applications such as New York’s 1789 application to Congress for a convention to propose a Bill of Rights.

As for the Article V Library’s list of amalgamated applications, it is not useful or practical. In addition to already achieving a Bill of Rights, the objectives of constitutional amendments for the direct election of senators and repealing prohibition were met with ratification of the 17th and 21st amendments, respectively. Therefore, the remainder of applications listed in the count are likewise obsolete and thus invalid for any feasible modern consideration.

Combining unrelated convention applications with those for a BBA is dishonest and a disservice to those who voted for them under the belief that they were applying for a convention limited to addressing a specific topic or proposing a single specific amendment. But even *if* they were all aggregated, they still would not add up to 36 — or even 34 — applications. As of September 2022, the Article V Library’s dubious count for a convention to propose a Balanced Budget Amendment stands at just 32 state applications — two short of the two-thirds of the states required for Congress to call a convention. Both the resolution’s call for a convention and the lawsuit’s attempt to force Congress to call a convention



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are based on a *retroactive* aggregation of obsolete and unrelated Constitutional Convention applications. Essentially, they are demanding a convention that they believe should have previously been called but was not. Determining whether the conditions to call a Constitutional Convention have been met is a question that the Constitution commits exclusively to Congress. Under Article V, *Congress* calls the convention — not the states, the courts, or any nongovernmental advocacy organizations.

The main organization promoting the bill in Congress to call a convention is Let US Vote for a Balanced Budget Amendment Citizen’s Campaign, Inc., also known as “Let US Vote for a BBA.” A [news release](#) by Let US Vote for a BBA published online *the day after* Congressman Jodey Arrington introduced H. Con. Res. 101 in Congress praised the bill. The news release said, in part:

The Let US Vote for a Balanced Budget Amendment Citizen’s Campaign, Inc., a coalition of nonpartisan advocates concerned about the impacts of inflation and out-of-control national debt applauded the introduction of House Concurrent Resolution 101 calling for an Article V Convention of States to propose Amendments to the United States Constitution and stipulating ratification by state conventions, effectively a vote of the people.

The companion Archivist Article V Application Counting & Calling Act, HR 8419, is designed to ensure Congress complies with its ministerial mandate to call an Article V Convention “upon the application of two-thirds of the states.” It parallels the Archivist’s current responsibility to count state ratification resolutions and certify when an Amendment is added to the US Constitution.

While not as well-known or well-funded as some other pro-Article V Convention advocacy groups, Let US Vote for a BBA is certainly one worth keeping an eye on, especially considering who is on their leadership team.

### **Deep State Ties**

Let US Vote for a BBA was co-founded by David Biddulph and David M. Walker. Walker previously served as the comptroller general of the United States and CEO of the Government Accountability Office (GAO) from 1998 to 2008, during both the Bill Clinton and George W. Bush administrations. In 2008, Peter G. Peterson, director emeritus of the globalist Council on Foreign Relations (CFR), personally recruited Walker to serve as the CEO of the newly formed Peterson Foundation. Walker was also a member of the Trilateral Commission.

The Trilateral Commission (TC) is a group of globalist establishment insiders — comprised of prominent politicians, elected officials, business and labor leaders, academics, and media personalities — from North America, Europe, and Japan. Its avowed aim is to deepen the political and economic “cooperation” and “interdependence” of these three regions. For example, they will identify Soviet/Russian aggression, the growing influence of China, climate change, and Covid-19 as examples of common “threats” to North America, Europe, and Japan. To address these common “threats,” the TC proposes false solutions in the form of various integration schemes (such as multilateral “free trade” agreements) that ultimately undermine national sovereignty and independence.

David Rockefeller, who was also the chairman of the CFR from 1970 to 1985, founded the Trilateral Commission in 1973 based on the recommendations in Zbigniew Brzezinski’s 1970 book *Between Two Ages*. Brzezinski was the U.S. national security advisor to President Jimmy Carter and a member of both the TC and the CFR.



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In *Between Two Ages*, Brzezinski wrote, “an effort must be made to forge a community of the developed nations that would embrace the Atlantic states, the more advanced European communist states, and Japan.” He further elaborated, “Movement toward such a community will in all probability require two broad and overlapping phases. The first of these would involve the forging of community links among the United States, Western Europe, and Japan.” The Trilateral Commission is that first community link. In his book, Brzezinski also endorsed the idea of a Constitutional Convention to rewrite the Constitution:

The approaching two-hundredth anniversary of the Declaration of Independence could justify the call for a national constitutional convention to re-examine the nation’s formal institutional framework. Either 1976 or 1989 — the two-hundredth anniversary of the Constitution — could serve as a suitable target date for culminating a national dialogue on the relevance of existing arrangements, the workings of the representative process, and the desirability of imitating the various European regionalization reforms and of streamlining the administrative structure.

In other words, a Constitutional Convention is needed to draft a new constitution that will enable the United States to imitate the “regionalization” of what has since become the European Union. The American Declaration of Independence and Constitution stand in the way of the “regionalization” and “interdependence” — leading to an eventual global government — that the Trilateral Commission seeks. David Walker’s prior membership in the TC removes any doubt about the Deep State’s involvement in the movement for an Article V Constitutional Convention. A BBA is merely the most popular cheese on the trap for a convention to rewrite the Constitution.

The Let US Vote for a BBA news release quoted Walker praising Representative Arrington for introducing the resolution to call for a Constitutional Convention. “I commend Rep. Jodey Arrington, the lead sponsor, and all the cosponsors for their leadership in introducing legislative proposals designed to restore federal fiscal sanity and recognize the rights of the states under Article V of the Constitution,” Walker said.

Another member of the Let US Vote for a BBA leadership team quoted in their news release and who also has ties to the Deep State is four-star Admiral William A. Owens (USN retired). Admiral Owens served as the vice chairman of the Joint Chiefs of Staff in the Clinton administration, and is currently a member of the CFR.

The Council on Foreign Relations is a New York-based think-tank made up of political, academic, and media elites who favor a so-called New World Order, a euphemism for a one-world government. It was founded in 1921 by proponents of Wilsonian “internationalism” — current and former policymakers and scholars who disdained America’s traditional foreign policy of noninterventionism. In fact, the CFR was formally established after the U.S. Senate rejected President Woodrow Wilson’s request that the United States join the League of Nations — the first major attempt at establishing world government and a forerunner to the United Nations. The CFR regularly publishes task-force reports and policy papers, as well as the bimonthly journal *Foreign Affairs*, all of which are used to guide and direct future U.S. foreign policy in a more internationalist direction.

Admiral Owens and fellow CFR luminary Joseph S. Nye, Jr. co-authored an article titled “America’s Information Edge,” published in the March/April 1996 issue of *Foreign Affairs*. Their article focused on



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how America's information advantage in digital communications can help project U.S. dominance and influence in the 21st century. It also praised "American democracy" and explained how information should be utilized to "foster" and "bolster new democracies." On the subject of how America is perceived overseas and what must be done about it, the article concluded:

In recent years this most valuable foreign policy asset has been endangered by the growing international perception of America as a society riven by crime, violence, drug abuse, racial tension, family breakdown, fiscal irresponsibility, political gridlock, and increasingly acrimonious political discourse in which extreme points of view make the biggest headlines. America's foreign and domestic policies are inextricably intertwined. A healthy democracy at home, made accessible around the world through modern communications, can foster the enlargement of the peaceful community of democracies, which is ultimately the best guarantee of a secure, free, and prosperous world.

Although the above excerpt mentions "fiscal irresponsibility," which is a key driving force in the push for a BBA, it's also clear that the authors believe that the United States is a democracy, when in fact it's not. This is a republic, *not* a democracy. For a detailed explanation about the differences between the two, read [Republics & Democracies](#) by John Birch Society founder Robert Welch. Simply put, a republic is a nation governed by the rule of law (the federal Constitution in our case) and a democracy is a system of rule by the people, or more specifically, a tyranny of the majority. The Founding Fathers established America's form of government as a republic, and Article IV, Section 4 of the Constitution extends that to the individual states, stating, "The United States shall guarantee to every State in this Union a Republican Form of Government."

Anyone who believes the United States is a democracy and that it needs to enlarge an international "community of democracies" is not someone who should be meddling with the U.S. Constitution. What type of constitution would come out of a convention in which the delegates believe that the United States is a democracy, or that it needs to be a "healthy democracy"? Certainly not the same type of Constitution that our Founding Fathers gave us.

The other co-founder of Let US Vote for a BBA, David Biddulph, was also quoted in the news release praising the introduction of H. Con. Res. 101 in Congress. Biddulph said,

On behalf of my granddaughters, I want to thank U.S. Representative Jodey Arrington for correcting Congress' constitutional failure in 1979 to call the Amendment Proposing Convention of States. Ironically, 39 states, five more than needed, had filed Applications to Call the Convention to address high inflation amid rising debt. Most importantly, the Resolution would prohibit any proposed Amendments from being added to our Constitution without a majority vote by the people for yes-pledged delegates in three-quarters of the state conventions.

In addition to the fact that no one in 1979 referred to an Article V Convention as a "Convention of States" (they called it a "Constitutional Convention"), Biddulph is wrong when he says that "39 states, five more than needed, had filed Applications to Call the Convention to address high inflation amid rising debt." At no single time have there been 39 "live" state applications to Congress to call a Constitutional Convention specifically to propose a BBA.



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He is either ignoring state resolutions rescinding their state's previous BBA convention applications, or he's aggregating applications for a limited BBA convention together with the non-BBA related convention applications. Either calculation is misleading. Neither New York's 1789 application for a convention to secure the "great and unalienable rights of mankind" nor other states' century-old applications that were calling for the direct election of U.S. senators sought to "address high inflation amid rising debt," as Biddulph claims.

### **Ratification Roulette**

Biddulph also contended that such a convention would be safe when he said "the Resolution would prohibit any proposed Amendments from being added to our Constitution without a majority vote by the people for yes-pledged delegates in three-quarters of the state conventions." The claim that an Article V Convention is safe because three-fourths of the states have to ratify whatever comes out of the convention is one that is made by virtually all Article V Convention proponents, and it is utterly false.

The Declaration of Independence recognizes the sovereign "Right of the People to alter or to abolish [the existing government], and to institute new Government." This right was first invoked in 1776 when the Colonists rid themselves of the British monarchy. And it was invoked again by the delegates to the Federal Convention of 1787 to justify exceeding their state commissions and resolution from Congress assembled that limited their actions to "the sole and express purpose of revising the Articles of Confederation."

The delegates were only authorized to make amendments to the Articles of Confederation, not replace it. This fact was recognized by James Madison, the father of the Constitution, who in his notes on the 1787 Convention recorded New York delegate John Lansing as saying, "The power of the Convention was restrained to amendments of a Federal nature.... The acts of Congress, the tenor of the acts of the States, the commissions produced by the several Deputations, all proved this.... It was un-necessary and improper to go further."

Instead, the delegates drafted an entirely new Constitution that was subsequently ratified in accordance to its own mode of ratification contained in Article VII of the newly proposed Constitution. The delegates who proceeded to draft the new Constitution did so invoking the "original principle" from the Declaration of Independence to "alter or abolish" their government. This fact was also admitted by Pennsylvania delegate James Wilson at Pennsylvania's special ratifying convention. On November 26, 1787, Wilson said,

*The Federal convention did not act at all upon the powers given to them by the States, but they proceeded upon original principles, and having framed a constitution which they thought would promote the happiness of their country, they have submitted it to their consideration, who may either adopt or reject it, as they please. [Emphasis added.]*

At a modern Constitutional Convention convened under Article V, the delegates would likewise be able to invoke the same "original principle" to "alter or abolish" our current constitutional republic and replace it with a socialist democracy or whatever other tyrannical form of government they prefer. An Article V Constitutional Convention is not safe in our present age of widespread ignorance regarding the Constitution and the principles of individual liberty.

On February 26, 1979, shortly after the Arizona State Legislature passed an application to Congress applying for a convention to propose a Balanced Budget Amendment to the Constitution, then-U.S.



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Senator Barry Goldwater (R-Ariz.) said,

I think it would be very foolhardy, it would be a tragic mistake, to hold a constitutional convention for this one purpose. I say it would be foolhardy and dangerous because if we hold a constitutional convention, every group in the country — majority, minority, middle-of-the-road, left, right, up, down — is going to get its two bits in and *we are going to wind up with a Constitution that will be so far different from the one we have lived under for 200 years that I doubt that the Republic could continue.* [Emphasis added.]

It would behoove today's self-proclaimed conservatives to harken to Senator Goldwater's words rather than enable Biden's strongest supporters and establishment insiders to rewrite the Constitution to their liberal liking. If the Republic is to continue, any and all efforts to force to Congress to call a convention must be opposed.

Efforts to force Congress to call a Constitutional Convention, whether by litigation or proposed legislation, are a direct attack on the Constitution. In order for the Deep State to successfully bring about their long-desired "New World Order," deepening "interdependence" and harmonizing our laws with those of overseas governments such as the European Union, they need to get rid of the current Constitution.

And as Biden's strongest supporters become increasingly frustrated with the lack of their desired campaign finance reform, the Electoral College electing the president and vice president, and the Supreme Court overturning *Roe v. Wade* and unconstitutional gun-control laws, an Article V Convention to rewrite the Constitution will become increasingly appealing to them. Republicans and conservatives ought not pave the road to a Constitutional Convention.

### **Rightful Remedy**

Neither *The New American* nor its parent organization, [The John Birch Society](#), denies the need for fiscal restraint in Congress, but pushing for an Article V Constitutional Convention is *not* the solution. The right solution is nullification, which is firmly rooted in Article VI of the Constitution. Article VI says, "This Constitution, and the Laws of the United States *which shall be made in Pursuance thereof* ... shall be the supreme Law of the Land." (Emphasis added.) Only laws that are made in pursuance of (i.e., in adherence or obedience to) the Constitution are the supreme law of the land. Unconstitutional laws — those which do not follow the Constitution — are null and void.

The same applies to unconstitutional and reckless spending. For example, states should enact a "[State Sovereignty and Federal Tax Funds Act](#)," also called an "escrow bill." Under this law, the state government would interpose between the state's individual taxpayers and the federal government as a neutral third party (or "escrow agent") to calculate the percentage of *constitutional* federal spending and transmit only that percentage of the funds to the Internal Revenue Service (IRS). The remaining funds would either be sent back to the taxpayers or go toward state expenditures, depending on which version of the law the state enacts. This will save taxpayers more of their hard-earned income and help to wean states off of federal dependency. And unlike a Constitutional Convention under Article V, escrow bills pose no risk of rewriting the Constitution.

This is just one way states can use nullification to promote fiscal restraint. Another way is for the states to nullify the unconstitutional Federal Reserve and legal tender laws that violate the Gold and Silver Clause (Article I, Section 10) of the Constitution. (For more information about nullification and how it





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can be used to stop reckless federal spending, click the banner below.)

Convening a Constitutional Convention is no substitute for the power of a well-informed electorate. Rather than wasting the time, effort, and resources to force or convince Congress to call a Constitutional Convention, concerned citizens should organize to hold their elected officials accountable to their oaths of office. And there is no organization better equipped with the right resources for doing just that than The John Birch Society.





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