



Written by [Joe Wolverton, II, J.D.](#) on September 1, 2023

COS: The Founders Did Not Fear a Runaway Convention

A [recent blog post](#) by Convention of the States (COS) is yet again a candidate for the “Captain Obvious” Award for Journalism.

This week’s candidate is entitled: “WATCH: The current federal government is anything but limited.”

For those of you who consider the federal government to be limited, I would suggest first reading the Declaration of Independence; second, reading the U.S. Constitution; third, reading the Kentucky and Virginia Resolutions; and finally, reading the Federalist and Anti-Federalist Papers.



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For the rest of you, it’s worth being shown some of the errors published by the COS organization in its announcement of federal overreach.

First up, a statement the COS article highlights by one of its supporters: “The current federal government is anything but limited, and especially in these last 11 months.”

The federal government has been “anything but limited” for decades, and even centuries! If you look into the 1790s you’ll find the Alien and Sedition Acts wherein John Adams (with the collusion of Congress) made it illegal to criticize his administration or his policies.

If the worst damage done to the Constitution had occurred in the last 11 months, we could pretty easily repair that damage. To our shame, however, Americans and the governments of the states have allowed the federal government to grow into a Leviathan with an insatiable appetite for life, liberty, and property.

The author of the COS piece probably should have stopped writing when his worst crime was underestimating how long the federal government has been off the rails constitutionally, because he goes on to write something that isn’t just wrong, it’s a claim that it is easily — and to them, embarrassingly — refuted.

“The Founders feared a runaway federal government, not a runaway convention.”

This is wrong. It’s not wrong because the Founders didn’t fear a runaway government — they most decidedly did. It’s wrong because they also feared a runaway convention. In fact, many of the people who participated in the Constitutional Convention of 1787 — which itself was a runaway convention — warned of the dangers of another convention, predicting that any such assembly would end up ignoring predetermined limits on its authority and rewriting the Constitution.

I’ve written [many times](#) about the Founders’ counsel against conventions, so for purposes of this article, I’ll include just a couple of the warnings spoken by the Founders when asked about their opinion of another convention to propose amendments to the Constitution.

James Madison said, “Conditional amendments or a second general Convention will be fatal.” Fatal. Not



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helpful. Not “our only chance of saving the constitution,” but fatal.

In case that warning wasn’t direct enough, Madison also wrote:

I am confirmed, by a comparative view of the publications on the subject, and still more of the debates in the several conventions, that a second experiment would be either wholly abortive, or would end in something much more remote from your ideas and those of others who wish a salutary Government, than the plan now before the public.

In other words, in Madison’s day, people were already proposing another amendments convention (the first convention was supposed to be an amendments convention, but ignored its rules and limits and created an entirely new government) and Madison, having personal experience with how uncontrollable such conventions are, opposed an amendments convention and warned that if such an assembly were to happen, the people would end up with a constitution that they did not recognize and that was worse than anything they could have imagined.

Inexplicably, but habitually, COS [ignores very plain evidence](#) from history that the convention they are spending millions to make happen would adjourn having annihilated the Constitution and redefined our rights out of existence.

Take, for example, this statement made by Gouverneur Morris on July 23 at the Convention of 1787:

I consider the inference of Mr. Ellsworth from the plea of necessity, as applied to the establishment of a new system, on the consent of the people of a part of the States, in favor of a like establishment, on the consent of a part of the Legislatures, as a non-sequitur. If the Confederation is to be pursued, no alteration can be made without the unanimous consent of the Legislatures. Legislative alterations not conformable to the Federal compact would clearly not be valid. The Judges would consider them as null and void.

Whereas, in case of an appeal to the people of the United States, the supreme authority, the Federal compact may be altered by a majority of them, in like manner as the Constitution of a particular State may be altered by a majority of the people of the State. The amendment moved by Mr. Ellsworth erroneously supposes that we are proceeding on the basis of the Confederation. This Convention is unknown to the Confederation.

Anyone can access the record of the debates of the Constitutional Convention of 1787, so the COS leadership surely knows that the unbounded and uncontrollable power of a convention was admitted to even at the Convention that gave us our current Constitution. They know that once that gavel calls the delegates to an Article V Convention to order, whatever those delegates do is “unknown to the Confederation,” or, as we would say, “unknown to the Constitution.”

Delegates that would be selected to attend such a convention would arrive with a purpose and a plan to eviscerate the Constitution and to repeal the rights granted by God and guaranteed by the Constitution.

That has been historically proven. Surely COS knows this. The sad and shameful fact is, they do know it, but they are keeping these things hidden from their supporters by wrapping everything they do and publish in a flag and hiding behind a roster of “conservative” celebrities whose names alone will be enough to convince some people that conventions can be controlled and limited.



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They cannot.

The Founders knew that, many of them lived that, and most of them warned that a convention for the purpose of amending the Constitution would be beyond our control and would produce a Constitution beyond our comprehension.





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