



Written by [Joe Wolverton, II, J.D.](#) on October 29, 2015

Florida Bill Would Repeal All Previous Article V Applications; Calls Con-Con “Dangerous”

On October 20, a bill was filed in the Florida state House of Representatives “urging Congress to repeal and nullify all existing applications by Florida Legislature that call for Article V constitutional convention.”

Sponsored by Democratic state representative Michelle Rehwinkel Vasilinda, the measure mandates that all previous calls by the Florida legislature “that call for either limited or general constitutional conventions to amend the United States Constitution, pursuant to the provisions of Article V” be immediately repealed.



The text of Representative Vasilinda’s bill reveals a sound understanding of the dangers associated with a so-called Article V convention.

First, the bill (officially a memorial to Congress) explains that an Article V convention “may propose sweeping changes to the United States Constitution, creating imminent peril to the well-established rights of the citizens and the duties of various levels of government.”

Next, Vasilinda’s bill points out that the Constitution is a “sound document” that has protected liberty and “has been amended, and may again be amended, without a constitutional convention.”

Finally, the bill plainly recites the horrors that would accompany an Article V convention, declaring: “There is no need for, and great danger in, opening the United States Constitution to sweeping changes, creating legal chaos in this nation, and beginning another two centuries of litigation over the meaning and interpretation of the United States Constitution.”

Vasilinda is correct on all points. Despite the allure of many of the sirens singing the song of the virtues of an Article V convention, pursuing such a course could result in wrecking the ship of our Republic on the destructive reef lying unseen beneath the surface.

It is noteworthy that Representative Vasilinda is a Democrat, as there are many “conservative” celebrities who have joined the chorus of Article V convention promoters.

Mark Levin, Rush Limbaugh, Sean Hannity, and Glenn Beck have all come out in favor of an Article V convention. Levin first drew attention to the issue among “conservatives” in his book *The Liberty Amendments: Restoring the American Republic*.

In the book he argues: “We, the people, through our state legislatures — and the state legislatures, acting collectively [through the Article V convention process] — have enormous power to constrain the federal government, reestablish self-government, and secure individual sovereignty.” Levin then devotes most of the space in his book to presenting his case for 11 different constitutional amendments he’d like to see proposed by a convention and then submitted to the states for ratification.



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Many conservatives have found Levin’s “Liberty Amendments” — his proposal for a Balanced Budget Amendment, for instance — appealing. And one “Liberty Amendment” in particular — his proposal to repeal the 17th Amendment that weakened state sovereignty by requiring that U.S. senators be elected by popular vote instead of by state legislatures — is particularly appealing to constitutionalists, very much including this writer. But his proposed amendments should prompt a question unrelated to their appeal or substance: If the political evils plaguing our nation are a consequence of the federal government’s unconstitutional actions, then wouldn’t the proper remedy be to restore and enforce the Constitution, as opposed to amending or fixing the Constitution?

After all, considering the penchant of all three branches of the federal government — congressional, executive, and judicial — for routinely disregarding existing constitutional restraints on their power, why should we expect that they would suddenly faithfully obey an amended Constitution?

In fact, why would we even assume that an amended Constitution would be an improvement? The Constitution has been amended 27 times in the past, but not all of those amendments improved the Constitution despite claims made by proponents at the time. For instance, in 1913 two damaging amendments were added to the Constitution: the 16th Amendment authorizing the federal government to impose an income tax and the aforementioned 17th Amendment. Those amendments — and all others to date — were proposed by Congress and ratified by the states.

Would a constitutional convention propose beneficial or harmful changes to the Constitution? And if the latter proves to be the case, would the states — caught up in the political passions of the moment — still ratify these changes as they did the 16th and 17th Amendments? There is no way of knowing for sure.

What is known — and what Representative Vasilinda understands very well — is that calling a constitutional convention would be very risky. It would, in fact, be gambling with the Constitution. This is true not only because of the nature of conventions — which may go off in unpredictable directions when called — but also because not everyone who supports a constitutional convention supports the same goals.

Make no mistake: There would be plenty of wolves howling outside the doors of a constitutional convention, and, more importantly, there would be packs of them inside the convention, as well.

It’s not just self-professed conservatives who are paying millions to see an Article V convention come to pass. They have numerous [socialist and progressive collaborators](#), who are pushing for an Article V convention as a means of finally changing all the things they believe are wrong about our form of government.

At any Article V convention, there would be other delegates present who are committed to less-than-conservative causes who will bend and shape any proposal into something that likely will bear as little resemblance to the conservative draft amendments (such as that calling for a balanced budget) as our current Constitution does to James Madison’s Virginia Plan.

The pro-Article V coalition is banging the convention drum so loudly that it is sometimes difficult to hear the arguments against it. That is understandable as there is much that is attractive about the various Article V proposals. The problem, as has been laid out in this and the other articles in *The New American* and material produced by The John Birch Society, is that once you scratch off the enticing conservative coating, you find a very bitter progressive, corporate-funded, and self-serving pill — one that if swallowed, would be fatal to our Republic.

Remember, no matter how “conservative” or “constitutional” a group or individual claims to be, if their



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proposed amendments change the basic structure of the Constitution or alter even in the slightest the delicate balance of power provided by the Constitution, then you should realize that although their lips draw near to the Founders, their hearts are far from them.

Finally, let us not hastily call for the launch of the nuclear strike of a constitutional convention against the out-of-control federal threat without first using the safest and strongest weapon in that arsenal: nullification.

Nullifying unconstitutional federal laws is very achievable, if constitutionalists were to inform themselves of this approach and then pursue it. Because the understanding is better in some states than it is in the nation as a whole, it is very possible for states to win victories via nullification to stop unconstitutional federal laws that could not now realistically be repealed on the national level.

Although only a relatively small number of states have so far nullified unconstitutional federal laws in the areas of gun control, ObamaCare, NSA surveillance, indefinite detention of civilians, etc., a string of state nullification victories would not only create a bandwagon effect encouraging other states to join the nullification movement, but also contribute to the overall national awakening — shortening the time it otherwise would take to create a constitutionalist U.S. Congress.

A string of nullification victories would also cause Washington to tread more carefully than otherwise in how it might respond to the nullification efforts.

Readers in Florida and in all 50 states are encouraged to contact their state legislators and encourage them to study the materials printed in *The New American* and by The John Birch Society (jbs.org) and to join the fight against a new constitutional convention.

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