



Written by [Joe Wolverton, II, J.D.](#) on August 9, 2010

Left and Right Unite in Call for Article V Convention

The clouds of a constitutional crisis are being seeded by the Left and the Right and are reaching the point of saturation. This atmospheric manipulation will likely result in a flood of calls for a modern-day constitutional convention that will drown the inspired work of our Founding Fathers unless immediate steps are taken to build impenetrable levees around our founding charter.



For years, critics of this or that provision of the Constitution written in 1787 have clamored for the convening of an assembly to revise the Constitution. They advocate the convocation of state delegates not just to mend the tears they see in the seams of the garment of our Constitution, but to cut a new charter from whole cloth and place that new mantle on the shoulders of the body politic.

While it is unsurprising that such efforts to supplant the work of the Philadelphia Convention would claim the time, talents, and treasure of the Progressive Class that has for decades (at least since the time of FDR) attempted to obliterate the chains of the Constitution that kept fetters on the enslaving arm of government, it is somewhat surprising that the Right is taking part. A central tactic of their strategy was the *damnatio memoriae* of our Founding Fathers and the soundness of their philosophy of government as a necessary evil. The zeal of these eradicators would make Caligula blush.

Whereas the Founders viewed government as the unfortunate result of the less-than-angelic bent of mankind, the Progressives and their statist fellow travelers believed government to be an engine for good, a tonic that if ingested regularly could cure the country of the intolerable social "ills" with which they believed it to be afflicted.

If, therefore, the spurs being dug into the hindquarters of the beast of convention were worn only on the heels of jack-booted statist, Progressives, and the like then there would be less to fear as the predictability provides a certain amount of power to the prevention of such a move. It seems now, however, that those who adorn themselves (and their writing) with the patois of patriotism are joining the chorus of convention.

Take for example the article published recently in the *American Spectator* entitled "The Constitutional Amendment Con." Couched in an analysis of the multiplication of Senators supporting hearings on the 14th Amendment's grant of citizenship and the scope thereof vis a vis the status of babies born to illegal immigrants (known somewhat inelegantly as "anchor babies"), the author casts amendments to the Constitution as mere "lip service" and typically "hopeless" as remedies to constitutional maladies.

By maligning amendments and their appropriate use, is the author surreptitiously nudging other means



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of constitutional revamping into the spotlight of popular attention? The author's clear statement that suggesting an amendment to the Constitution is tantamount to abandoning the country to judges and Congressmen that have "run amuck," begs the question of what alternative method of course changing would he propose.

Another piece published by self-styled conservatives similarly advances the theory that adherence to the constitutionally established method of amending that document is nothing less than surrender to "the left" who would "amend the Constitution in the courts" and is an act of cowardice invoked by a "fear of the great unknown."

Unlike the diaphanous article in the *American Spectator*, the piece published at [redstate.com](#) is crystal clear in its demand for an immediate "appeal to the state legislatures to amend the constitution." This declaration leaves no room for doubt as to the author's aim: a second Constitutional Convention.

This ill-advised goal is advanced by others quoted in the article, such as Arkansas legislator Dan Greenberg who won a contest held by the National Review Institute to find worthwhile suggestions for restoration of "proper Constitutional order." Mr. Greenberg's prize-winning proposal: a call for a Constitutional Convention under the auspices of Article V for the purpose of allowing states to "bypass Congress" and reassert their sovereignty which he rightly identifies as having been under relentless attack by the federal government.

The legal basis for Greenberg's plan is Article V of the United States Constitution. Article V sets forth the methods for altering the Constitution:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this 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.

Through the inclusion of Article V of the Constitution, the states retain their inherent right to alter the key terms of the agreement to which they were called to assent. Should the national government abuse the prerogatives with which it was endowed by the states themselves, then Article V preserves for those sovereigns the ability to reform any defects that facilitated federal overreaching.

The first 10 amendments to the Constitution were designed to enshrine in the document insuperable barriers around the civil rights of citizens. Whether this end was served by the Bill of Rights is a subject of two centuries of debate, but their passage by the Congress was accepted by those wary of the new Constitution as sufficient concessions and calls for a second convention were quelled and the country passed safely into the post-Revolutionary era.

Before the quill was lifted from the parchment of the Constitution, delegates were calling for a second convention. George Mason and Edmund Randolph of Virginia insisted that the defects in the Constitution could only be corrected through "a second general convention." In fact, on August 31, 1787, George Mason was so frustrated by his fellow delegates' resistance to the motion for a second constitutional convention that he dramatically declared that he "would rather chop off his right hand than put it to the Constitution as it now stands."

Again and again, the minority of delegates keen on adjourning and reconvening under different circumstances were vexed by others who reckoned that, while not perfect, the Constitution offered for



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their ratification was "the best that the present views and circumstances of the country will permit; and is such a one as promises every species of security which a reasonable people can desire."

Charles Pinckney of South Carolina answered his colleagues' contention and descanted eloquently on the unforeseeable consequences of calling forth a new convention. "Conventions are serious things," he warned, "and ought not to be repeated." "Nothing but confusion and contrariety could spring from the experiment," he continued.

Redstate.com and their southern ally are not so easily dissuaded, however. They anticipated the fear of a "runaway convention" and assure readers that "political and legal constraints could prevent that from happening." That is a frighteningly flimsy levee that would be expected to withstand the hurricane force gales of "change" that would be summoned by opportunists intent on refashioning our Republic into a government independent of the consent of the governed and dependent upon the caprice of collectivists that claim greater insight into what is good for mankind.

As we see, then, the push for a second Constitutional Convention has its genesis in the final parturient hours before our Constitution was even born. The sentiment that the Constitution as written has outlived its usefulness makes for strange bedfellows, it seems. The Left and the Right are positioned to function as opposing blades of a pair of shears turning on a fulcrum of frustration. If this unholy alliance is successful, the convention they so earnestly seek may be the whetstone upon which enemies of our limited government hone those blades to an edge just sharp enough to shred the Constitution.

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