



Written by [Joe Wolverton, II, J.D.](#) on February 2, 2017

## Wyoming and Arkansas Reject Call for “Convention of States” Con-Con

Joining many of their colleagues across the country, state legislators in two traditional “red states” rejected proposals to call for an Article V constitutional convention, packaged as a “convention of states.”

On January 30, lawmakers in Wyoming and Arkansas voted down bills in their respective states that would have pushed our country closer to a so-called “convention of the states,” a confab that would expose all the Constitution’s protections of fundamental liberties to the political maneuvers and monied manipulations of some of that document’s most determined foes.

In Wyoming, members of the state House of Representatives voted 42-18 to reject the con-con resolution.

Likewise in Arkansas, Senate Joint Resolution 2 failed to make it through a third reading, resulting in the measure being “expunged.”

As worthy of admiration as these representatives’ successful avoidance of a call for a new constitutional convention is, the fight is not over and, judging from the wisdom written down by our Founding Fathers, it is likely to continue.

Federal Farmer, presumed to be the *nom de guerre* of New York Anti-Federalist leader Melancton Smith, penned a letter warning his countrymen of the historical predilection of men with money and power to foment calls for conventions to alter constitutions. He wrote,

While power is in the hands of the people, or democratic part of the community, more especially as at present, it is easy, according to the general course of human affairs, for the few influential men in the community, to obtain conventions, alterations in government, and to persuade the common people they may change for the better, and to get from them a part of the power.

The various proposals being pushed by the broad con-con coalition are supported by extremely powerful men who, as Federal Farmer foresaw, would convince well-meaning friends of liberty that they can change the Constitution for the better.

The stick at the end of that craveable carrot is the transfer of power, but not, as promised, from the federal government to the states, but from the well-intentioned people of the United States to the billionaires and other monied interests footing the bills for the expenses incurred by the jet-setting Convention of the States (COS) crowd.

James Madison appreciated the danger to liberty posed by a second convention called by states to “fix” the problems they saw in the Constitution. In a letter he wrote to George Turberville in 1788, during the uncertain days of the ratification process, Madison explained his opposition to the proposals for a





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second convention:

If a General Convention were to take place for the avowed and sole purpose of revising the Constitution, it would naturally consider itself as having a greater latitude than the Congress appointed to administer and support as well as to amend the system; it would consequently give greater agitation to the public mind; an election into it would be courted by the most violent partizans on both sides; it w[oul]d probably consist of the most heterogeneous characters; would be the very focus of that flame which has already too much heated men of all parties; would no doubt contain individuals of insidious views, who under the mask of seeking alterations popular in some parts but inadmissible in other parts of the Union might have a dangerous opportunity of sapping the very foundations of the fabric. Under all these circumstances it seems scarcely to be presumeable [sic] that the deliberations of the body could be conducted in harmony, or terminate in the general good. Having witnessed the difficulties and dangers experienced by the first Convention which assembled under every propitious circumstance, I should tremble for the result of a Second, meeting in the present temper of America, and under all the disadvantages I have mentioned.

In light of all we know about the [true identity and ideology of the billionaires behind the various schemes](#) to seduce states into calling for a constitutional convention (supporters refuse to admit this is what the meeting would be, but to paraphrase the bard, a rose by any other name would still smell as statist), Madison's warnings take on a particularly eery and urgent contemporary application.

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Finally, the state legislators in Wyoming and Arkansas who rightly rejected their colleagues' respective calls for a new convention understood the critical part in our federal system that the Founders expected them to play.

In *The Federalist*, No. 46, James Madison wrote:

Should an unwarrantable measure of the federal government be unpopular in particular States, which would seldom fail to be the case, or even a warrantable measure be so, which may sometimes be the case, the means of opposition to it are powerful and at hand. The disquietude of the people; their repugnance and, perhaps, refusal to co-operate with the officers of the Union; the frowns of the executive magistracy of the State; the embarrassments created by legislative devices, which would often be added on such occasions, would oppose, in any State, difficulties not to be despised.

Is there not in nullification — a constitutional weapon that most in the Article V camp want to confiscate from the states — the very act of refusing to cooperate with the officers of the Union? Is this not, then, a way to make the work of the Founders “workable?”

Again, from Madison, this time from the Virginia Resolution of 1799:

In case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.

That is the message to the otherwise well-intentioned friends of liberty that are currently supporting the call for a Convention of States or other similarly marketed scheme: States — particularly state



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governments — have the power and the obligation to force the now ferocious federal beast back inside its constitutional cage!

Besides, is it not a bit curious that the con-con coalition places so much faith in the states when it comes to protecting the Constitution from any progressive or socialist proposals that might come out of their Convention of States, but they deny them the power and prerogative to check the federal government's abuses through the very constitutional, very limited, and very effective program of nullification?

Why, also, would anyone claiming to have the restoration of state power as a goal insist that the states surrender a weapon as potent as nullification, even if he believes that there are better weapons in the arsenal? Do I refuse to fire my rifle just because it's not a bazooka?

Citizens of Wyoming and Arkansas should congratulate their elected representatives for standing firm in the defense of federalism and against the powerful pull of plutocracy posing as populism.





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