



Written by [Joe Wolverton, II, J.D.](#) on March 7, 2023

Convention of States People Making Up History Again

The con-con people are at it again: making up history to suit their purpose, that purpose being to call a second Constitutional Convention.

Here's what was posted this week on the Convention of States Action (COSA) blog, a reposting of an article by the organization's communications coordinator for the state of Arizona, David Keckta. Speaking of a Convention of States, Keckta wrote:

It is NOT a Constitutional Convention.

It will NOT rewrite the Constitution.

It will NOT Repeal the Second Amendment.

To state the contrary to the above three statements is to LIE!

Members of the Wyoming House showed either an industrial grade ignorance or a blatant, intellectually dishonest attitude towards the bill, attacking it with acute mischaracterizations and outright lies about it. Even one of the co-sponsors of the bill blatantly ignored the text of the bill and voted against it. The level of fear mongering on the floor of the Wyoming House was appalling.

One Representative stated that they "haven't even tried" to address the issues with the Federal Government and that this bill wasn't the right course of action. Another stated that "we need to act within the confines of the Constitution."

Article V IS in the Constitution!!

How can these "legislators" not know



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what's in the Constitution?! How can they be SO ignorant?! The vote against this bill was a vote to kick the can down the road. The deliberate mischaracterization of the bill indicates the choice of these legislators to side with the tyranny of the Federal Government. These individuals chose last night to do nothing in the face of the problems we have as a country. They chose to continue the destruction of the Republic's future.

In a word, Keckta is WRONG!

First, let's address the claim that what the COS is spending millions to accomplish is not a Constitutional Convention.

It's telling that the COS people go to such lengths to deny that they are calling for a Constitutional Convention, but they have no problem calling what happened in Philadelphia in 1787 a constitutional convention and it was called for EXACTLY the same reason as the COS: to propose amendments to the existing constitution.

This is the last paragraph from the report of the Continental Congress calling for the convention of the states held in Philadelphia begun in May 1787:

Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union.

Change a few words, modernize the language a little bit, and this is precisely the same call being made by the COS organization, yet they consistently deny that they are calling for a Constitutional Convention. They cannot have it both ways.

Does Keckta not want to hold a "convention of delegates who have been appointed by the several states" for the limited ("sole and express") purpose of revising the Constitution? Does he not claim that when the states agree to the proposals that would come out of such a convention, the Constitution will be able to save the Republic from the "exigencies of government" and preserve the country?

Of course that's what he wants, and the COSA website proves it by echoing the original call for a Constitutional Convention, almost word for word.

Anyone who is intellectually honest should stop denying that a proposed "Convention of the States" is a Constitutional Convention, or, conversely, should stop referring to the Convention of 1787 as a Constitutional Convention. Because, as the history I've cited above reveals, if the Philly Convention was



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a con-con, then so is the convention COSA is promoting.

True friends of the Constitution, be warned: Next time pro-Article V people tell you the Convention of the States is not a Constitutional Convention, ask them if the Convention in Philadelphia of 1787 was a Constitutional Convention. When they admit that it was, then read them the call from the Continental Congress reproduced above and my comparison of it to their own Convention of the States literature and watch the verbal tap dance begin.

Next, let's dismiss the claim that a con-con such as the one being financed and forwarded by the COS people would not rewrite the Constitution.

For as much as the "Convention of the States" (COS) supporters like to talk about constitutional articles with Roman numerals, there's one they refuse to mention: Article XIII.

In 1787, the document known as the Articles of Confederation was the constitution of the United States. Its Article XIII mandated regarding any changes to the Articles:

Nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

When the Constitutional Convention met in Philadelphia in May 1787, that legally binding and constitutional provision was ignored. From the moment Edmund Randolph stood and proposed what was known as the "Virginia Plan," the Constitutional Convention of 1787 became a "runaway convention," one that went on to rewrite the constitution then in effect — the Articles of Confederation and Perpetual Union.

There's no debating that fact. There was a provision prohibiting any changes to the Articles without unanimity. That provision was not only disregarded, but was replaced, eventually, by Article VII of the Constitution created at the Convention.

In other words, despite having no authority to do so — and, in fact, despite having an explicit congressional prohibition from doing so — the Constitutional Convention of 1787 rewrote the Constitution!

Despite Keckta's reassurance, there is nothing that could prevent a "Convention of the States" from going down that same road.

Were we lucky (blessed) by the results of the runaway convention of 1787? Yes, undoubtedly.

Would we be so lucky again? Not likely. There are dozens of socialist organizations salivating at the thought of getting their hands on the Constitution and making it over into something we wouldn't recognize. These groups have adopted Article V as the means to that end: an Article V Convention of the States.

There is *nothing* in Article V limiting the power of a convention called under its authority. Think of the ramifications of a convention called to change the Constitution — a convention without legal limits on its power.

Of course, the COS organizers claim that the convention they support would not create a new Constitution.

That's not the point. The point is that a convention such as the one being pushed for by COS *could*



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create a new Constitution, just as the Constitutional Convention in Philadelphia did in 1787.

I'll use history to dismantle the rest of Keckta's claims later this week.



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