

Convention of States: Amending the Constitution is Defending the Constitution

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By Ken Quinn – America has been blessed to be governed by the oldest written Constitution in the world. The reason that it has survived for over two centuries is because this set of “bylaws” is based upon the principles found within our nation’s “articles of incorporation”, the Declaration of Independence. Those principles being composed of “the Laws of Nature and of Nature’s God...that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.–That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,– That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness.” These words penned by Thomas Jefferson in 1776 define what it means to be an American and what our duty as citizens requires of us to ensure that our liberties are protected.

Giving the people the ability to alter their government to correct known defects or to prevent it from becoming tyrannical when they feel that their safety and happiness is threatened by amending it through the process found in Article V is another unique provision found within our Constitution. The framers knew that the governing document they drafted was not perfect and that it would need to be amended within a very short period of time as well as into the future. As George Washington stated in a [letter to Bushrod Washington on November 10, 1787](#):

“The warmest friends and the best supporters the constitution has, do not contend that it is free from imperfections; but they found them unavoidable, and are sensible, if evil is likely to arise therefrom, the remedy must come hereafter; for in the present moment it is not to be obtained; and, as there is a constitutional door open for it, I think the people (for it is with them to judge), can, as they will have the advantage of experience on their side, decide with as much propriety on the alterations and amendments which are necessary, as ourselves. I do not think we are more inspired, have more wisdom, or possess more virtue, than those who will come after us.”

Washington was well aware that the lack of a bill of rights was one of the main arguments against ratifying the Constitution by the Anti-Federalists. Although adding a bill of rights was discussed near the closing of the convention it was rejected by the delegates which caused several of them to [refuse to sign](#) the Constitution. During the ratification process several states demanded amendments to protect individual rights from the new federal government. In June of 1788 nine states officially ratified the Constitution, however, two key states Virginia and New York had not ratified it yet and James Madison knew that their support for the Constitution was critical to it’s success. During the Virginia ratification convention, Madison promised that a bill of rights would be added to the Constitution in order to convince the delegates to support it. The state of New York followed but submitted amendments along with their ratification as did other states. North Carolina and Rhode Island refused to ratify without having a bill of rights. To ensure that they were added to the newly ratified Constitution the states of [Virginia](#) and [New York](#) wasted no time in submitting the first

Article V applications for a convention of states for proposing amendments. They took matters into their own hands to add a bill of rights instead of trusting their representatives in Congress to do it. This pressure from the states held Congress's feet to the fire and in June of the following year, James Madison proposed a series of amendments in Congress of which twelve passed and ten of those were ratified by the states with Virginia being the last in 1791.

In his Inaugural Address on April 30, 1789 President George Washington referred to Article V and the need for amending the Constitution to fortify the rights of freemen and to safely and advantageously promote the public harmony:

"Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by

*the fifth article of the Constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself that whilst you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic **rights of freemen** and a regard for the public harmony will sufficiently influence your deliberations on the question how far the former can be impregably fortified or the latter be safely and advantageously promoted."* [President George Washington's Inaugural Address, 1789](#)

The Founding Fathers knew that our Constitution was not perfect and that it would need to be amended to correct the errors that they were aware of as well as the errors that future generations would experience over time. This foresight was clearly understood by those that created it and those that served under it from the beginning of this great experiment. Here are just a few of the many quotes that demonstrates their wisdom in understanding the need to allow the Constitution to be amended by future generations.

- *"That useful alterations will be suggested by experience , **could not but be foreseen**. It was requisite, therefore, that a mode for introducing them should be provided. The mode preferred by the convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility, which would render the Constitution too mutable; and that extreme difficulty, which might perpetuate its discovered faults. It, moreover, equally enables the general and the State governments to originate the amendment of errors, as they may be pointed out by the experience on one side, or on the other."* [James Madison Federalist 43](#)
- *Nor have I ever entertained a thought of promoting any alteration in it but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient, and by their representatives in Congress and the State legislatures, according to the Constitution itself, adopt and ordain.* [Inaugural Address of President John Adams, March 4, 1797](#)
- *"The real friends of the Constitution in its federal form, if they wish it to be immortal, should be attentive, by amendments, to make it keep pace with the advance of the age in science and **experience**. Instead of this, the European governments have resisted reformation, until the people, seeing no other resource, undertake it themselves by force, their only weapon, and work it out through blood, desolation and long-continued anarchy. "* [Jefferson letter to Robert J. Garnett, 1824.](#)

- *“I willingly acquiesce in the institutions of my country, perfect or imperfect; and think it a duty to leave their modifications to those who are to live under them, and are to participate of the good or evil they may produce. The present generation has the same right of self-government which the past one has exercised for itself.”* [Jefferson letter to John Hampden Pleasants 1824](#)

This understanding that amendments will be needed because of “experience” was understood by many of the states in 1861 as they sent their delegates to Washington in February of 1861 for the [Peace Conference Convention](#) to propose an amendment to the Constitution to avert the civil war. While the states were meeting in convention Congress was working on amendments to accomplish the same purpose. The [Crittenden proposed amendment](#) failed in Congress but the [Corwin Amendment](#) passed and was sent to the states for ratification. Unfortunately all of these efforts were not successful in preventing the Civil War and ultimately the 13th Amendment was ratified in 1865 making slavery illegal throughout the entire country.

In his Inaugural Address on March 4, 1861 President Abraham Lincoln explained that the people have the constitutional right to change their government if they become weary of it by amending the Constitution. He states that his preference is for the people to propose amendments through their state legislatures as opposed to Congress. Two days before this address Congress passed the Corwin Amendment in order to try to prevent war with the south from breaking out. This recently passed amendment is mentioned by Lincoln in his address ([Lincoln and the Corwin Amendment](#)):

“This country, with its institutions, belongs to the people who inhabit it.

Whenever they shall grow weary of the existing Government, they can exercise their ‘constitutional’ right of amending it or their ‘revolutionary’ right to dismember or overthrow it. I can not be ignorant of the fact that many worthy and patriotic citizens are desirous of having the National Constitution amended. While I make no recommendation of amendments, I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor rather than oppose a fair opportunity being afforded the people to act upon it. I will venture to add that to me the convention mode seems preferable, in that it allows amendments to originate with the people themselves, instead of only permitting them to take or reject propositions originated by others, not especially chosen for the purpose, and which might not be precisely such as they would wish to either accept or refuse. I understand a proposed amendment to the Constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments so far as to say that, holding such a provision to now be implied constitutional law, I have no objection to its being made express and irrevocable.” [Abraham Lincoln’s Inaugural Address 1861](#)

We will never know what good or evil the Corwin Amendment would have produced for America. What we do know is that the leaders of that day understood their constitutional right to alter their government in order to affect their safety and happiness. Although their attempt failed, at least they were aware of their authority and made the effort to exercise it.

As we now know the men who gave us the Constitution expected it to be amended by future generations to correct the errors of their day. It has been 222 years since the ratification of the bill of rights which are

basically the only amendments added to our Constitution with the express purpose of limiting and restraining the federal government. Have we experienced enough of our federal government over those 222 years to perhaps acknowledge that there may be a few adjustments needed to limit and restrain it again? Have we learned anything from the past that could help us make a few corrections to protect the safety and happiness of our citizens for the future? I believe the answer to those questions is a resounding Yes! In future articles we will be examining some ideas for potential amendments that could make a profound impact on our nation to help it return to those great founding principles.

I close with the words of George Washington as he described in a letter to his nephew the fight for liberty he was engaged in against those that opposed the new Constitution. As you read his words about the tactics being used by his opposition, compare that to the opponents of an Article V convention for proposing amendments today. As you can see human nature has not changed in 225 years and there is nothing new under the sun. The same old scare tactics used then to defeat the Constitution are being used today to defeat the efforts of thousands of patriots throughout our nation calling for a convention to propose amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

George Washington, in a [letter to Bushrod Washington on November 10, 1787](#), wrote of such opponents:

The opponents I expected (for it ever has been, that the adversaries to a measure are more active than its friends,) would endeavor to stamp it with unfavorable impressions, in order to bias the judgment, that is ultimately to decide on it. This is evidently the case with the writers in opposition,

whose objections are better calculated to alarm the fears, than to convince the judgment, of their readers. They build their objections upon principles, that do not exist, which the Constitution does not support them in, and the existence of which has been, by an appeal to the constitution itself, flatly denied; and then, as if they were unanswerable, draw all the dreadful consequences that are necessary to alarm the apprehensions of the ignorant or unthinking. It is not the interest of the major part of those characters to be convinced; nor will their local views yield to arguments, which do not accord with their present or future prospects.

May we not be distracted by the alarmists of our day, but may we remain steadfast for the cause of liberty. Our freedom depends on We The People exercising our constitutional authority and it is time for us to get to work before it is too late. May we with God's help be the generation that restores the balance of power back to the states to secure the blessing of liberty for ourselves and our posterity.