

Answering the call...

I am opposed to any Article V convention based on three reasons:

1. The Constitution is not the problem. The real problem is our out-of-compliance-with-the-Constitution federal government.

* Several previous Amendments to the Constitution are definitely the progenitor of the federal overreach that reached all-time highs during the BHO debacle:

“First, the "problem" began at least as far back as the Civil War. The "problem" escalated in the World War I era. The "problem" is federal encroachment of power never delegated from the states. I am working within the Constitution by working through the amending process of Article 5. In fact, I believe the Founders included the Convention of States option (which is NOT a “Con-Con”) for just a time as this: when the citizens CANNOT seek redress through the Congress because Congress, as well as the Supreme Court, has been coopted by those who are part of the "problem". When you consider that the Executive Branch is being led by an unapologetic socialist, you have a trifecta of tyranny (I just coined that phrase, now). Article 5 is the Constitution's break the glass in times of emergency solution.”- excerpt from FB Note, [End Run Around the Trifecta of Tyranny: Discussion on Patrick Henry Caucus pages, May 8, 2010. http://bit.ly/2DOfuAB.](http://bit.ly/2DOfuAB)

* 14th Amendment- Especially the use of the due process clause to take the absolute restrictions on the federal government and applied them to the States in a procession of USSC opinions that created the legal fiction “incorporation”. Prime example is applying the 1st Amendment to the States: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” **Congress...not the States. Shall...mandatory. No...none, zip, nada.**

*** (1913) 16th Amendment- Created the federal income tax which was repugnant to the States forming the USA:**

Case Law Prior to the Sixteenth Amendment

Article I, Section 9 of the U.S. Constitution states: "No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken." In 1894, Congress passed the Wilson-Gorman Tariff, which created an income tax of 2% on income of over \$4,000. Charles Pollock contested that the tax was unconstitutional under Article 1, Section 9. As such, the Supreme Court granted certiorari to hear this issue in *Pollock v. Farmers' Loan and Trust Company*, 157 US 429 (1895).

In *Pollock*, the Court held that the Wilson-Gorman Tariff was unconstitutional under Article I, Section 9 of the Constitution, as the act created a direct taxation on property owners, not a tax apportioned among the states.

The use of federal funds to manipulate the States in a multitude of ways has been the major contributor to the successful federal overreach, especially in terms of social engineering. California, whose government is bankrupt, would have never survived this long without the transfusion pipeline of federal money to prop it up.

*** (1913) 17th Amendment- Removed the selection of US Senators from the State legislatures and turned the process over to the voters. This change has had the most profound effect in upsetting the balance of power between the States and the federal government because of the susceptibility of the people to the manipulation by the federal government through financial incentives to reelect incumbents due in large part to the intentional dumbing down of the American electorate causing almost universal Constitutional illiteracy from lawyers to the most recent graduates of our high schools, colleges and universities.**

In addition, open borders, sanctuary cities, strategic placement of illegal aliens, lax enforcement of voter id laws and other planned strategies of voter fraud, has placed the integrity of our elections at risk.

The demise of State legislatures elected US Senators, subject to recall if they became unresponsive to the interests and mandates of the State legislature that elected them, has destroyed one of the most effective and potent checks and balances put in place by the Founders. Especially when one considers the "Advise and Consent" powers of the Senate over appointments by the

President, serving as the Court which tries impeached federal officeholders, including Presidents, and their extended terms of 6 years each with 1/3 of the Senators up for reelection every 2 years (as compared to members of the House who ALL face reelection EVERY 2 years).

The naked assertion that the US Constitution is not the problem, and then shifting the spotlight to say “our out-of-compliance-with-the-Constitution federal government” IS the problem...as if the 2 weren’t connected... is diagnostic of a severe case of Constitutional Illiteracy (CI) influencing the judgement of the writer.

2. All Article V conventions have the inherent power to be runaway conventions, because of the inherent right of the sovereign people to "to alter or abolish" our government as enshrined in the Preamble of the Declaration of Independence.

*** This statement is textbook legal fiction, and can be explained in a number of ways, including CI, hidden agenda, or just fuzzy thinking. The responsibility of We the People to overthrow a tyrannical government that has broken free of its governmental restraints accompanies the right to do so as described in the Declaration of Independence. Both the right and the responsibility come from our Creator God Who is the source of our liberty. Oath-Keeping, US Constitution Supporting Statesmen don’t have to convene an Article V Convention of States to wield this God given power.**

Thus, we have no business convening Article V conventions especially when neither our elected federal officials nor our voters have the understanding and determination to enforce the Constitution we already have.

*** Followed by a textbook *non-sequitur* that amounts to the recommendation that We the People and the States just shake our heads in dismay and fail to break the glass in times of emergency and deploy the final solution the Founders provided for exactly the situation we find ourselves in. When all 3 branches of the federal government have exercised powers reserved to the States and the People thereof, have all ignored their responsibility to**

faithfully use their respective checks and balances over the other 2 branches of the federal government, and ignore the clear provisions of the Rule Book that maintains our constitutional republic form of government in favor of the volatile and illegal alternative form of government functioning as an oligarchy but called a democracy, the last line of defense is We the People and their State governments *via* the Amendment Proposing Convention of States under Article V.

The irony of the last comment of the author's 2nd reason is almost palpable. We the People of the Convention of States movement DO HAVE BOTH THE UNDERSTANDING AND THE DETERMINATION TO ENFORCE THE CONSTITUTION WE ALREADY HAVE:

** Article V: 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,...*

WE ARE FOLLOWING the 2nd of the only 2 ways Amendments to the US Constitution can LEGALLY BE PROPOSED to the States. IN EITHER CASE (Congress or COS), the proposed Amendments shall be valid to all intents and purposes as Part of the US Constitution WHEN RATIFIED! We already have a “runaway” Congress. I have more confidence in a COS to propose the Amendment(s) needed to correct the ills of our Republic. Regardless of WHO PROPOSES the Amendment(s), PROPOSED AMENDMENTS ALL HAVE TO BE RATIFIED THE SAME WAY!

3. An Article V convention would enable powerful special Interests to revise the Constitution in their favor (left or right). For over a century establishment special interests, or a Deep State if you will, have been influencing our elected officials to exercise powers not granted to them by the Constitution, while at the same time influencing voters to accept these usurpations of powers. An Article V convention would provide the opportunity for the special interests to

rewrite the Constitution to legitimize a particular agenda that is inconsistent with the Constitution.

*** SEE ABOVE.**

This is worth repeating. Especially since the 3 Reasons above fail to recite any actual language from the US Constitution. Article V clearly states that PROPOSED AMENDMENTS only become law “*when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof*,...” The quotes and italics mean that I just quoted verbatim from Article V of the US Constitution. It takes 38 States to agree for a Proposed Amendment to become law as part of the Constitution.

Here is the list of the people that scare the author to such a degree that he advocates doing NOTHING:

“...establishment special interests, or a Deep State if you will, have been influencing our elected officials to exercise powers not granted to them by the Constitution, while at the same time influencing voters to accept these usurpations of powers.”

He is scared of convening a COS that will have delegates from ALL 50 States because the Deep State aka establishment special interests will exert influence over them. Then, should the COS propose Amendments, at least 38 State legislatures or State controlled conventions out of 50 States have to agree in order to successfully RATIFY the Proposed Amendments. He is scared that the hundreds, if not thousands, of State selected delegates from all over America will be influenced by the Deep State to such an extent that they will be helpless to resist. Let alone the thousands, if not tens of thousands, of State legislators needed to ratify.

He would rather do nothing and wait on the 535 members of Congress (435 House and 100 Senate), who all gather in Washington, DC, to fix things timely. No concern of Deep State control and influence in Washington.

Not me... I smell the smoke and see the flames, and I have broken the glass, pulled out the hose to its maximum length, and turned on the water as high as it goes, and am running to the fire to deploy the Founders’ break glass in time

of emergency remedy to an out of control federal government: the Article V Convention of States. What about you??