Good Advice Against a Con Con

by Phyllis Schlafly April 9, 2010

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Suggestions that the United States call a new constitutional convention, as allowed in the Constitution's Article V, have popped up in some state legislatures and even on a page in the Wall Street Journal. No longer do these voices claim a convention can be limited to consideration of a single amendment (e.g., a Balanced Budget Amendment); grandstanding politicians are proposing a wide assortment of many amendments to produce big changes.

Speaking to us from across the years, the Father of the U.S. Constitution, James Madison, wrote this warning on November 2, 1788, against calling another general constitutional 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 partisans on both sides; it would 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 presumable 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."

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Madison's prophetic warnings against a general convention to amend our Constitution (now colloquially called a Con Con) are even more compelling today. Let's examine them.

A new convention would "naturally consider itself as having a greater latitude than the Congress" to amend the Constitution. Indeed, that's exactly what the Con Con advocates want: a convention to do what Congress won't do.

A Con Con would "give greater agitation to the public mind." Indeed, a Con Con would attract dozens of groups agitating for various changes, creating a bigger media event even than a presidential election and dominated by Mainstream Media and theatrical demonstrators.

The election of Con Con delegates "would be courted by the most violent partisans on both sides." Although Nancy Pelosi would probably be in charge of the numbers and apportionment of Con Con delegates, their election would surely attract "violent partisans on both sides" of many issues.

The Con Con would "probably consist of the most heterogeneous characters . . . heated men of all parties." Think a repeat performance of the way the Obama crowd turned out voters in 2008 through his "Organizing for America." Think ACORN, illegal voters and vote frauds.

The Con Con "would no doubt contain individuals of insidious views, who under the mask of seeking alterations popular in some parts . . . might have a dangerous opportunity of sapping the very foundations" of our Constitution. A Con Con would, indeed, be a big attraction for individuals of "insidious" and "dangerous" views that could eat away at the foundations of liberty and a sovereign independent republic.

These would include pressure groups seeking an elimination of the Second Amendment, global governance through treaty law, deletion of the provision that requires a two-thirds majority of Senators to ratify treaties (the favorite change urged by the Council on Foreign Relations), the addition of new constitutional

rights (such as same-sex marriage and health care), elimination of the Electoral College, and other "insidious" and "dangerous" changes.

We could not presume that "the deliberations of the body could be conducted in harmony." "Harmony"? You must be dreaming! Indeed, it would be a wild and raucous political event of world-class magnitude.

Have you ever attended a hotly contested Republican or Democratic National Nominating Convention? Think the Democrats in Chicago in 1968 or Republicans in San Francisco in 1964 or Chicago in 1952. Now imagine the Obama demonstrators and the John McCain demonstrators trying to agree on language to adopt.

Madison trembled for the result of another convention in the "temper of America" in his time. We should, indeed, tremble for the result "in the present temper of America." Think Obama's proclaimed goal of "fundamentally transforming the United States of America."

Madison reminded us that the first Constitutional Convention "assembled under every propitious circumstance." Those propitious circumstances included having George Washington as convention chairman. Somehow, we don't see any George Washington or James Madison today, and we don't want to put our fate in the hands of men who think they can improve on the work of George Washington and James Madison.