

## **The Fabricated George Mason Quote** **By Publius Huldah**

The convention lobby's whole case is based on a *fabricated* George Mason quote. They claim he said the Article V convention was given to State Legislatures as the remedy when the federal government overpowers the States.

**Mason never said that.**

James Madison kept a Journal at the federal convention of 1787. I went through it, pulled out every reference to what became Article V, and wrote it up – [here it is](#).

This is what *really* happened: Under the Articles of Confederation – our first Constitution – Amendments had to be approved by the Continental Congress and all of the States.

The dispute at the convention of 1787 was whether Congress – under the second Constitution then being drafted (the one we now have) - should have any power over Amendments.

George Mason wanted the people to be able to make Amendments without the approval of Congress. He said if only *Congress* can propose Amendments, the People won't get the Amendments *they* want if Congress doesn't agree. <sup>1</sup>

So the convention method was added so *Delegates* could propose Amendments. <sup>2</sup>

**Mason *did not* say that when the federal government overpowers the States, the remedy is to amend the Constitution:** That's not in Madison's Journal; and Mason and the others had just spent four months creating a Constitution which delegates only *a handful of powers* to the federal government.

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<sup>1</sup> See entry in Madison's Journal for [Sep. 15, 1787](#) on page 629.

<sup>2</sup> That the proposal to add the convention method was agreed to doesn't mean that all thought it a terrific idea! It was a compromise [like the evil of slavery]; and the Delegates knew they couldn't keep future generations from doing what they themselves had already done twice: Invoking the Right, acknowledged in the 2<sup>nd</sup> para of our Declaration of Independence, to throw off one government and set up a new one. They invoked that Principle during 1776 to throw off the British Monarchy; and during 1787, they invoked it again to throw off the Articles of Confederation – and the government it created – and set up a new Constitution which created a new government. See [Federalist No. 40](#), 15<sup>th</sup> para (Madison).

Amendments cannot restrain the federal government when it is usurping powers not delegated – they are ignoring *the existing* limitations on their powers! *And no one at the federal convention of 1787 suggested amendments could be used for such a purpose!*

George Mason agreed that *the purpose* of Amendments is to remedy *defects in the Constitution*. Madison’s Journal shows that on [June 11, 1787](#), **George Mason said,**

**The Constitution now being formed “will certainly be defective”, as the Articles of Confederation have been found to be. "Amendments therefore will be necessary, and it will be better to provide for them, in an easy, regular and Constitutional way than to trust to chance and violence. It would be improper to require the consent of the Natl. Legislature, because they may abuse their power, and refuse their consent on that very account.”** [boldface mine]

Our problem today is not *a defective Constitution*. Our problem is ignorance and *disobedient state and federal governments*. That calls for different remedies & our Framers spelled them out.

### **The convention lobby’s myth about State control of a federal convention**

The convention lobby insists the States will appoint the Delegates; each State gets one vote; and Congress and the Delegates have *no power* over the convention – the States run the whole show.

**That’s not true.**

**Article V says States may “apply” for a convention. Period.**

**Congress “calls” it.** A “call” is the official summons for a convention to take place. And Article I, §8, last clause, delegates *to Congress* the power to make the laws necessary and proper to carry out its delegated power to “call” the convention.

The [April 2014 Report of the Congressional Research Service](#) (CRS) shows that Congress sees Article V as *delegating to Congress* exclusive authority over setting up the convention; that Congress has traditionally claimed power to determine *the selection process* for delegates; that Congress has planned to apportion delegates to match Electoral Votes (so California would get 55 delegates; Tennessee 11); and that in Congress’ preparations for Article V conventions in the past, Congress has provided that delegates would receive immunity from arrest. <sup>3</sup>

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<sup>3</sup> CRS Report on page 37, middle of the page, under the subheading “Funding”.

Please also see short excerpt from **Judge Van Sickle's Law Review article** [HERE](#).

The convention lobby insists they know *exactly* how a convention will operate. But page 27 of the CRS Report says:

**“In the final analysis, the question what sort of convention? is not likely to be resolved unless or until the 34-state threshold has been crossed and a convention assembles.”**

See? We'll have to *get* a convention before we know how it is going to operate.