

Getting a new Constitution *under the pretext of getting Amendments*

Michael Farris, co-founder of “Convention of States”, [claims](#) that our Framers added the convention method of getting amendments to Art. V so that when the fed gov’t violates the limits in the Constitution, the States could rein them in by amending the Constitution.

The claim is *absurd* as well as *false*.

The claim is *absurd* because our Constitution *already limits* the fed gov’t to [a handful of powers](#). We *ignore the existing limitations*.

The claim is *false* because neither George Mason nor any other Framers said it. “COS” people have twisted Mason’s words and misrepresented the context.

The Truth is that our Framers agreed that [the purpose of amendments is to correct defects in the Constitution](#). They discussed the *procedures* for making amendments: (1) who should approve them & (2) how should they be proposed.

1. Under our *first* Constitution (the [Articles of Confederation](#)), amendments had to be approved by Congress and all of the States [Art. 13]. Should the new Constitution they were drafting require Congress’ approval of amendments? Madison’s Journal of the Federal Convention shows that on [June 11, 1787](#), George Mason said:

The plan 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 ... It would be improper to require the consent of the Natl. Legislature, because they may abuse their power, and refuse their consent... The opportunity for such an abuse, may be the fault of the Constitution [i.e., a defect] calling for amendmt.” [emphasis added]

Mason’s concern was that Congress might refuse consent to amendments needed to fix “faults” [*defects*] in the Constitution. So he didn’t want the new Constitution to require Congress’s approval of amendments.

2. Several months later, the Framers discussed **who** should have power to propose amendments:

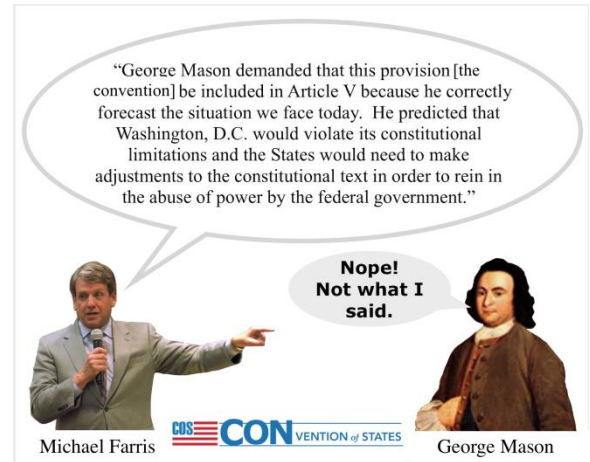
James Madison moved (on [Sept. 10, 1787](#)), that Congress alone have power to propose amendments; either on their own initiative, or at the request of 2/3 of the State Legislatures.

But George Mason objected (on [Sept. 15, 1787](#)) that if only Congress may propose amendments, no amendments of the proper kind would ever be obtained by the people, if the Government should become oppressive...” The footnote to that comment shows that Mason’s concern was that Congress might not consent to amendments which were needed to fix **provisions in the Constitution** which were later seen as “oppressive”:

“In the margin of his copy of the draft of September 12, Mason had written:

‘Article 5th – By this article Congress only have the power of proposing amendments at any future time to **this constitution** and should **it prove ever so oppressive**, the whole people of America can’t make, or even propose alterations to **it**; a doctrine utterly subversive of the fundamental principles of the rights and liberties of the people.’ ” [emphasis added]

Mason’s point was that if a provision of the Constitution should prove to be oppressive, the people should have the right to propose amendments if Congress refuses to propose them. ¹



[The move](#) to require a convention on application of 2/3 of the States passed, because they knew that [our Declaration of Independence](#) recognizes that a People have the “self-evident right” to throw off their gov’t & set up a new one; and thus have the right to meet & draft a new Constitution whether the convention method were in Article V or not. ²

So when Mason spoke of “Congress abusing their power” & “becoming oppressive”, he was referring to Congress’ refusing to consent to amendments needed to fix *defects* in the Constitution. He was **not** referring to Congress’ becoming tyrannical & ignoring the existing constitution limits on its powers.

What’s the real agenda behind the push for an Article V Convention?

Even before the ink was dry on the new Constitution; anti-federalists were agitating for *another convention* to get rid of it.

George Mason hated the Constitution then being drafted. On [Aug. 31, 1787](#), he declared

“that he would sooner chop off his right hand than put it to the Constitution as it now stands” and if it weren’t changed, he wanted “to bring the whole subject before another general Convention.”

James Madison expressly *warned* that people who secretly wish to get rid of our Constitution would push for a convention *under the pretext of getting amendments*. ³

So this is why, during April 1788, John Jay (who became our 1st Chief Justice), Alexander Hamilton & James Madison [began warning against another convention](#).

An Article V Convention has *always been* about getting a new Constitution. And that’s what it’s about today. ⁴

Endnotes:

¹ E.g., What if the People wanted to amend the Constitution to abolish slavery? If Congress refused to consent to an amendment to correct such *oppressive provisions of the Constitution*; Mason wanted *the People* to be able to propose the needed amendment.

² In Federalist No. 40, James Madison [invoked this provision of the Declaration of Independence](#) as justification for the delegates to the federal convention of 1787 ignoring their instructions to propose amendments to the Articles of Confederation and instead writing a new Constitution with an easier mode of ratification.

³ **George Mason’s [& Patrick Henry’s] desire for an Article V convention so they could get rid of the Constitution of 1787 was no secret.** See, among Madison’s letters:

Ap. 22, 1788 to Jefferson [\[link\]](#) at pp. 121-122]: “Mr. H—y is supposed to aim at disunion. Col. M—n is growing every day more bitter ... I think the Constitution and the Union will be both endangered ... And if a second Convention should be formed ... [i]t will be easy also for those who have latent views of disunion, to carry them on under the mask of contending for alterations...”

Nov. 2, 1788 to Randolph [\[link\]](#) at p. 295], recites how, on **Oct. 27, Patrick Henry introduced in the Virginia Assembly an application to the first congress “to call a second convention for proposing amendments to it...”** and that Mr. H—y’s “...enmity was levelled, as he did not *scruple* to insinuate agst the *whole system*; and the destruction of the whole system I take to be still the secret wish of his heart, and the real object of his pursuit...”

Dec. 8, 1788 to Jefferson [\[link\]](#) at p. 312]: “... there are others who urge a second Convention with the insidious hope, of throwing all things into Confusion, and of subverting the fabric just established, if not the Union itself...”

⁴ Robert P. George, a Member of the "COS" Legal Advisory Board, *has already co-authored a new Constitution which transfers massive powers to a new fed gov’t and imposes gun controls & red flag confiscations* [\[link\]](#). For a summary, see [this](#). This is only one of several proposed Constitutions already prepared or in the works (contact me for the links).