

What our Framers really said about the purpose of amendments to our Constitution

One of the silliest of the many unsupported claims made by those lobbying for an Article V Convention is that our Framers said that when the federal government *violates* the Constitution, the remedy is to *amend* the Constitution. ¹

Their claim makes as much sense as saying that since people *violate* the Ten Commandments, God should *amend* the Ten Commandments. Furthermore, Amendments can't "rein in" the federal government when it "violate[s] its constitutional limitations" because when it does so, **it is ignoring the existing limitations on its powers.**

And since none of our Framers said such a silly thing, the convention lobby can't produce a quote where it was said.

Even so, some have believed it and repeated it to others. *Americans!* We must demand that people **prove** their claims before we believe what they tell us.

So I will show you **original source documents**, and you can see for yourself what our Framers really said about the purpose of amendments to our Constitution.

Madison's Journal of the Federal Convention of 1787

James Madison was a delegate to the federal convention of 1787 where our present Constitution was drafted. His Journal shows what our Framers said about the purpose of amendments to our Constitution:

- Elbridge Gerry said on [June 5, 1787](#): the "novelty & difficulty of the experiment requires periodical revision."
- **George Mason said on [June 11, 1787](#): 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...The opportunity for such an abuse, may be the fault of the Constitution [i.e., a defect] calling for amendmt."** [boldface mine] ²
- Alexander Hamilton said on [Sep. 10, 1787](#): amendments remedy *defects* in the Constitution. ³

¹ See: [George Mason never said it!](#)

² Mason's concern was that the new Congress wouldn't agree to amendments needed to correct *defects* in the new Constitution. Do use the link in fnote 1.

³ Here's an illustration of what States soon saw as a defect in our Constitution: Art. III, §2, cl. 1 delegated to federal courts the power to hear cases "between a State and Citizens of another State". But when a citizen of South Carolina sued the State of Georgia, the States were outraged! See [Chisholm v. Georgia, 2 U.S. 419](#) (1793). So the 11th Amendment was ratified to take away from federal courts the power to hear such cases.

The Federalist Papers

In [Federalist No. 43](#) at 8, Madison said the purpose of amendments to the Constitution is to repair “discovered faults” and “amendment of errors”; and “amendment of errors” and “useful alterations” would be suggested by experience.

In [Federalist No. 85](#) (13th para), Hamilton said useful amendments would address the “organization of the government, not...the mass of its powers”. ⁴

Throughout [Federalist No. 49](#), Madison warned *against* a convention for proposing amendments, and showed that a convention is neither proper nor effective to restrain government when it encroaches.

[Madison’s letter of August 28, 1830 to Edward Everett](#) (p. 383-403)

Madison says:

“Should the provisions of the Constitution as here reviewed be found not to secure the Govt. & rights of the States agst. usurpations & abuses on the part of the U.S...” (p. 398)

So he is talking about **provisions – defects – in the Constitution which permit the federal government to abuse the States**. He goes on to say:

“...the final resort within the purview of the Constn. lies in an amendment of the Constn...” ⁵

So he’s saying that **when a defect in the Constitution** exposes the States to abuses by the federal government, the remedy is to amend the Constitution.

To fully grasp Madison’s point, we must look at his letter in its historical context of the Tariff Act of 1828: The southern states bought manufactured goods from England. England bought southern cotton. But infant industries in the Northeast couldn’t compete with the English imports. So during 1828, Congress passed a Tariff Act which imposed such high tariffs on English imports that the southern states could no longer buy them. England stopped buying southern cotton. This devastated the southern economy. So South Carolina wanted to nullify the Tariff Act (the “Tariff of Abominations”); and developed a theory that a State had a “constitutional right” to nullify *any* federal law, and the nullification would be presumed valid, unless three-fourths of the States said it wasn’t valid.

⁴ The Constitution drafted at the federal convention of 1787 delegates only a tiny handful of powers to the fed. gov’t. [See this chart.](#)

⁵ Madison continues, “... according to a process applicable by the States.” Madison always said that when States want amendments, they should ask their congressional delegation to propose them. E.g., Madison’s letter of Nov. 2, 1788 to Turberville (p. 299 at 2.). [\[link\]](#)

Madison opposed South Carolina's theory *because the Tariff Act was constitutional* – it was authorized by Art. I, §8, cl. 1, US Constitution. States can't nullify a constitutional law! ⁶

But while the Tariff Act was *constitutional*, it was *abusive*: Article I, §8, cl. 1 was being used to benefit infant industries in the Northeast at the expense of the southern states. ⁷

So what's the remedy "within the purview of the Constitution" for the Tariff Act of 1828? Madison doesn't spell it out – but obviously Art. I, §8, cl. 1 could be amended to say that Congress may impose tariffs only to raise revenue to carry out the enumerated powers; and may not impose tariffs in order to benefit domestic industries, or to benefit one section of the Country at the expense of other sections. ⁸

Washington's Farewell Address

In his Address, Washington warns that we must require people in the federal government to confine themselves within their constitutional powers; and we must not permit one department [branch] of the federal government to encroach on the powers of the other departments (p. 15-19). He then says,

"If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed." (p.19)

So Washington is talking about what the people may come to see as *defects* in the Constitution:

- If we want one branch of the federal government to have a power which the Constitution delegates to another branch, we should amend the Constitution to *redistribute* that power.⁹
- If we want the federal government to have a power the Constitution doesn't grant, we should amend the Constitution to delegate the additional power. No matter how desirable it is for the federal government to have the additional power, we must not permit it to exercise the power by usurpation. ¹⁰

⁶ See Madison's Notes on Nullification, 1835, [HERE](#) (p. 573-607).

⁷ The Tariff Act of 1828 violated our Founding Principle (2nd para of Declaration of Independence) that the purpose of gov't is to secure the rights God gave us. *God never gave us the right to be free of competition in business.*

⁸ **And in the very next paragraph of his letter to Everett, Madison says that when there is a pattern of usurpations and abuses, we must step outside of the Constitution and resort to the original right of self-defense: resistance, i.e., nullification or revolution (p. 398).**

⁹ E.g., Art. I, §8, cl. 11 delegates to Congress the power to declare war. But if we want the President to have that power, we should amend the Constitution to delegate that power to the President. *We must not permit the President to exercise that power by usurpation!*

And this is what Alexander Hamilton had previously said in [Federalist No. 78](#): The representatives of the people [Congress] may not violate the Constitution even if a majority of their constituents want them to:

“...Until the people have, by some solemn and authoritative act, annulled or changed the established form, it is binding upon themselves collectively, as well as individually; and no presumption, or even knowledge, of their sentiments, can warrant their representatives in a departure from it, prior to such an act...” (5th para from the end)

Our Constitution isn't defective, it's ignored!

Our Constitution is a miracle. Our problem is everyone ignores it. The States, local governments, the institutions, and The People sold their retained powers to the federal government. They did it for the money! The solution is to dust the Constitution off, read it, learn it, and enforce it. Downsize the federal government to its enumerated powers. And stop taking the money! With federal funds come federal strings and massive debt.

Demand Proof of what people say before you believe them.

If Americans would follow the example of the Bereans (Acts 17:11) *and demand proof of the claims the convention lobby makes*, they would spot the false claims and preserve our blessed Constitution. Judges & Juries require trial lawyers to prove their claims. Demand the same from lobbyists for a convention!

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¹⁰ If we wanted the fed. gov't to exercise power over labor unions, wages & hours, safety standards, food & drugs, manufacturing standards, agriculture, energy, housing, transportation, education, medical care, the environment, etc., etc., etc., **we should have amended the Constitution to delegate those powers to the fed. gov't.** *But we ignored Washington's advice, and permitted the fed. gov't to exercise those powers by usurpation.*