

Our U.S. Constitution: A Brilliant Document

- ◆ Longest surviving constitution of any nation --over 200 years.
- ◆ George Washington called it “a miracle.”
- ◆ “The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man.” --William Gladstone, Former Prime Minister, United Kingdom

**A Con Con is the wrong tool
to fix government.**

Opinions of Those in the Know

- ① “Having witnessed the difficulties and dangers experienced by the first Convention ... I should tremble for the result of a second... . The most violent partisans ... individuals of insidious views” would strive to be delegates and would have “a dangerous opportunity of sapping the very foundations of the fabric” of our Country. --James Madison, November 2, 1788
- ② “There is no enforceable mechanism to prevent a convention from reporting out wholesale changes to our Constitution and Bill of Rights.” --Former U.S. Supreme Court Justice Arthur Goldberg, 1986
- ③ “A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn ...” --Former U.S. Supreme Court Chief Justice Warren Burger, 1988

So---What's the Remedy?

- ◆ Educate citizens, candidates and lawmakers about the Constitution.
- ◆ Hold public officials accountable; demand compliance with Constitution.
- ◆ Stay within the Constitutional enumerated powers.
- ◆ Uphold oath to defend Constitution.
- ◆ Steadily phase out unconstitutional spending and power.
- ◆ Nullification: Process by which state/local officials refuse to uphold unconstitutional federal laws.

TAKE ACTION: Contact your state legislators and urge them to **OPPOSE** all Article V Constitutional Convention (Con Con) applications.

Endnotes

- 1 https://www.washingtonpost.com/politics/conservative-lawmakers-weigh-bid-to-call-for-constitutional-convention/2015/04/04/b25d4f1e-db02-11e4-ba28-f2a685dc7f89_story.html?hpid=hp_hp-top-table-main-lawmakers%3Aweigh-bid-to-call-for-constitutional-convention%3Ahomepage%2Fstory&hpid=hp_hp-top-table-main-lawmakers%3Aweigh-bid-to-call-for-constitutional-convention%3Ahomepage%2Fstory
 - 2 <https://www.nraila.org/articles/20140221/dissenter-in-heller-mcdonald-argues-for-decisions-to-be-over-ruled-by-constitutional-amendment>
 - 3 <https://www.nytimes.com/2018/03/27/opinion/john-paul-stevens-repeal-second-amendment.html>
 - 4 <https://www.washingtontimes.com/news/2014/jun/3/senate-democrats-look-to-rewrite-first-amendment-i/>
 - 5 <https://concernedwomen.org/era-dead-amendment-revived-for-the-13th-time/>
 - 6 <http://www.sweetliberty.org/issues/concon/newstates.htm>
- <http://thewashingtonstandard.com/the-convention-of-states-scam-the-war-over-the-constitution-and-how-the-states-sold-the-reserved-powers-to-the-feds/>

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The U.S. Constitution is Not the Problem!

A Resource of
Concerned Women for America

Some say our government is so out-of-control that we need to “do something.” They regard the Article V Constitutional Convention (Con Con or “convention of states”) as the cure-all to control *govpment* spending and usurpation of power. But is that the right tool to rein in our government? We at Concerned Women for America of South Dakota say NO, and we refuse to take the dangerous risk of opening our U.S. Constitution to mischief.

Article V of the U.S. Constitution provides two methods for making amendments. You may be familiar with the first method, which we view as an arduous but prudent process that has been used 27 times (including the Bill of Rights).

The First Method for Amending the Constitution - *The Secure Way*

- ◆ Congress *proposes* an amendment.
- ◆ House and Senate require $\frac{2}{3}$ majority for proposal of an amendment.
- ◆ Ratification (approval) by $\frac{3}{4}$ state legislatures *or* state conventions.

The Second Method for Amending the Constitution - *The Insecure Way*

- ◆ State legislatures *apply* for Con Con.
- ◆ When $\frac{2}{3}$ of states *have applied*, Congress *calls* a convention (Con Con).
- ◆ We have never had a convention under Article V of our U.S. Constitution.
- ◆ At the Constitutional Convention in 1787, which created our current U.S. Constitution, delegates were instructed to *only revise* the Articles of Confederation, our first Constitution. However, delegates violated their instructions.

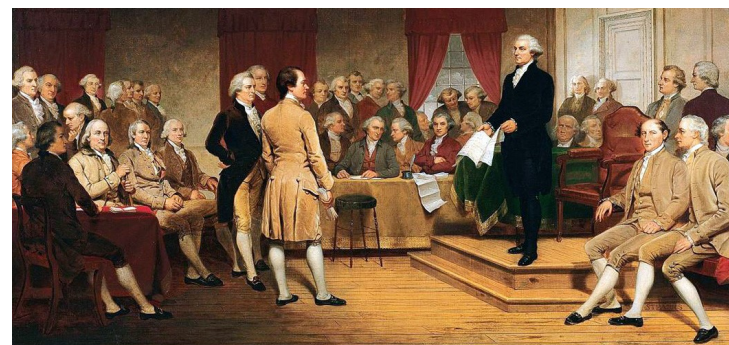
Do we believe today's Con Con delegates would NOT violate the instructions/rules?

Don't be deceived!

Constitutional Convention, Article V Convention, Convention of States, Amendments Convention or a Con Con: Different names, but same concept. All done under Article V of U. S. Constitution.

A Modern Day Con Con - *High Risk for our Constitution*

- Dangerous, risky time to proceed with a Con Con. Fierce national division, outspoken interest groups, protesters, media frenzy.**
- Would delegate apportionment be “one state, one vote,” or according to Electoral College model, giving South Dakota 3 delegates and California 55?
- Once a Con Con is summoned, delegates are sovereign representatives of the people, not of the state legislatures. Delegates can set their own rules or propose a new constitution with a new ratification mode as was done in 1787.
- Ratification by 38 states is not fail-safe against a bad amendment. Congress could call for ratification by *selected* delegates at a state convention rather than in state legislatures (e.g., 21st Amendment), or as occurred at the 1787 Convention.
- Who would select delegates? Would they represent your views?



Do we REALLY want to go down THIS ROAD? SHOCKING amendments being considered for approval through a Con Con:

- ◆ **Abolish Electoral College**,¹ rendering lesser-populated states like South Dakota powerless.
- ◆ **Second Amendment revision**² (restricting gun ownership to militia only) **and repeal**.³
- ◆ Alterations to the **First Amendment**,⁴ recommended by a U.S. senator.
- ◆ **Equal Rights Amendment**,⁵ solidifying taxpayer funded “abortion rights” into the Constitution. ERA was within three votes of ratification in 1970s.
- ◆ Several **NEW Constitutions** have even been proposed or are in progress.⁶

So why the drive for a Con Con? *Balanced Budget Amendment, fiscal restraint, limit power/jurisdiction of federal government?* Though worthy goals, the Constitution already provides for restraint and accountability.

“A Constitutional Convention is a horrible idea.” - Late Justice Antonin Scalia stated in 2015