

Typical Opposition – talking points

- It's a constitutional convention – and that is bad
 - Read Article V language – it is clear
 - If it does not mean what it says, what does it mean? When can it be used? Why is it there? Were the founders wrong?
 - Madison's notes – we know what happened
 - Sept 15, 1787 – language changed to give states amending ability with a convention; no debate
 - Later that day, debated authorizing 2nd general convention – voted down
 - Clearly, they intended the language to mean an amendatory convention since they debated and then voted down language to call a 2nd general convention
 - More than 100 federal and SCOTUS rulings on legal meaning
 - This argument originally propagated by liberals in the 60's and 70's – to defeat calls for an Article V convention to push back on the court's expansion of rights that for instance led to Roe v. Wade – conservatives now use to oppose based on fear of liberals taking over convention – as if liberals/progressives in congress are not moving this country far to the left
 - Look at who supports and who opposes
- There are no rules and it can run away
 - Not true – we have had more than 40 interstate conventions before and after constitution; none have run away; we have a rich history
 - Current interstate convention in continuous operation since 1892 – Uniform Law Commission; operates similar to how an Article V convention would work
 - Resolution defines the topics; delegates given legal commissions based on that resolution
 - Some states enacting faithful delegate legislation – we will be working on that in NC
 - Even if somehow all those checks and balances fail – only can propose amendments as they have no legal authority to do anything else; and every amendment must be ratified by 38 states
- The 1787 convention was a runaway
 - Not historically accurate
 - At time, under Articles of Confederation – Congress did not call convention as they had no authority
 - Annapolis convention in 1786 to talk about commerce (one of the 40+ interstate conventions) – they realized Articles not sufficient – issued a report to Congress to call a general convention
 - Fall 1786 VA called convention in May 1787 to create a constitution “sufficient for the circumstances”
 - 4 months later, Congress issued a recommendation but had no authority
 - Delegates did exactly as instructed.
 - Bear in mind – same founders who signed Declaration, created Articles of Confederation, attended the various interstate conventions and the constitutional convention – they valued integrity and duty – by saying the constitutional convention “ran away” then you do not believe the founders were moral operators

- The answer is 1) electing good people and/or 2) nullification and/or 3) we just need to follow the constitution
 - 1 and 2 both are necessary but not sufficient
 - We have had tools since our founding – how has it worked?
 - You cannot nullify the debt
 - We send good people to congress but they are working in a broken system (good reference is Tom Coburn's book)
 - #3: You are right-but problem is we don't - we follow the annotated constitution – we need to rein in the courts which our resolution allows us to do
- We will lose the 2A
 - Not defined by resolution (term limits on federal officials, fiscal restraints, power and scope of feds)
 - Any delegation that raises topic will be ruled out of order – happens all the time in sitting legislatures where topics are ruled “not germane” to discussion
 - Delegates who breach their legal commission based on resolution can be recalled
 - Some states have faithful delegate legislation with civil penalties
 - Even if all safeguards above fail, there are no legal challenges (we will join that effort!), everyone is asleep and the convention is operating in a parallel universe, the amendment is only a proposal as it must be ratified by 38 states
 - By that logic the risk already exists – Congress can propose that amendment today – why don't they?
 - Charles Cooper, past NRA litigator for 2A at SCOTUS on COS Board – why would he do that if fears losing 2A via COS?
- Final points:
 - Founders gave us this tool – knew this day would come – the time has come
 - Article V is a way to bypass congress to propose amendments they will not do on their own – it is not a constitutional convention
 - Historical precedence and legal jurisprudence support efficacy and safety of this tool
 - We are at the precipice. Consider just the debt. The out-of-control courts. This is the only peaceful solution.
 - If you oppose this, then what is your solution?
 - Look at who supports and who opposes
- Other spurious arguments:
 - Why amend? We don't follow constitution now! That implies you don't believe in the 27 amendments, and they are right...we follow the annotated constitution
 - Scalia opposed – opposed a constitutional convention, not amendatory convention – statements taken out of context
 - Congress will control – can use Article I “necessary and proper” clause to control convention – not true; courts have clearly ruled on this
 - Soros funds COS – not true
 - Madison “trembled at thought of Article V convention” – out of context statement; he was talking about a 2nd constitutional convention they debated and voted down at the convention