

## The George Mason Fabrication

By Publius Huldah <sup>1</sup>

“...of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants.” [Federalist No. 1](#) (5<sup>th</sup> para), Alexander Hamilton.

Those who have read Article I, §8, clauses 1-16 of our federal Constitution know that it delegates only a tiny handful of powers (over the Country at large) to the federal government.

They also know that, for the last 100 years, the federal government has violated the Constitution by usurping thousands of powers not delegated.

*So what do we do about it?*

### 1. The silly answer of the convention lobby

The convention lobby says that when the federal government *violates* the Constitution, the solution is to *amend* the Constitution.

Now think about that: When a spouse *violates* the marriage vows, is the solution is to *change* the marriage vows? When people *ignore* speed limits, is the solution to *change* the speed limits? When people *violate* the Ten Commandments, is the solution to *change* the Ten Commandments?

Of course not! The solution is *obedience*: to the Constitution, the marriage vows, the speed limits, and God.

But the convention lobby moves from silliness to insidiousness: They say we can only get the amendments we need at an Article V convention.

### 2. Why do they want a convention?

From the beginning, the enemies of our Constitution wanted to get rid of it: On [Aug. 31, 1787](#), George Mason said “he would sooner chop off his right hand than put it to the Constitution as it now stands”; and if it wasn’t changed to suit his views, *he wanted another general convention.* <sup>2</sup>

Such demands for another convention were made throughout the ratification process, and continued after our Constitution was ratified by the ninth State on June 21, 1788. James Madison, Alexander Hamilton, and John Jay, among others, addressed these demands in their writings.

**A convention is the vehicle for getting a new Constitution.** Today's enemies of our Constitution are [spending vast sums of money to buy an Article V convention](#). Their hirelings are propagandizing the People and are pushing State Legislatures all over our Country to apply to Congress to call a convention.

Article V of our Constitution provides two methods of amendment:

- Congress proposes amendments and sends them to the States for ratification; *or*
- Congress calls a convention if two thirds of the States apply for it.

Our existing 27 Amendments were obtained under the first method. We've never used the convention method because until recently, Americans understood the danger.

James Madison wrote in [his Nov. 2, 1788 letter to Turberville](#) that he "trembled" at the prospect of a second convention; and if there were another convention, "the most violent partizans", and "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. <sup>3</sup>

Alexander Hamilton "dreaded" the consequences of another convention because he knew that enemies of our Constitution wanted to get rid of it: [Federalist No. 85](#). <sup>4</sup>

**The same goes for today.** If there is an Article V convention, our enemies will have the opportunity to get rid of our existing Constitution and impose a new one. <sup>5</sup>

**Different factions already have new Constitutions in hand or in preparation in anticipation of an Article V convention.** <sup>6</sup>

The globalist elite [the Bush family, *et al*] want to move our Country into the **North American Union** (NAU). Under the NAU, Canada, the United States, and Mexico merge, *and a Parliament is set up over them*. Until recently, a copy of the Task Force Report on the NAU was posted at [the website of the Council on Foreign Relations](#); now one must [purchase a copy](#). The globalists need a new Constitution for the United States which transforms us *from* a sovereign nation *to* a member state of the NAU. To get this new Constitution, they need an Article V convention. See this [brief commentary](#) .

**Now that you see what's at stake, let's return to the claims of the convention lobby.**

### **3. The Revisionist Account of the federal convention of 1787**

The convention lobby claims that, at the federal convention of 1787 where our present Constitution was drafted, *our Framers* gave us the Article V convention as the "solution" to federal usurpations. E.g., Michael Farris wrote: <sup>7</sup>

“George Mason demanded that this provision [the convention method of proposing amendments] be included in Article V because he correctly forecast the situation we face today. He predicted that Washington, D.C. **would violate its constitutional limitations** and the States would **need to make adjustments to the constitutional text in order to rein in the abuse of power by the federal government.**” [boldface mine]

*But Mason didn't say that.* Nor did any other delegates say that. They weren't silly men; and they understood that amendments have *a very different purpose.*

#### 4. Our Framers said the purpose of amendments is to remedy *defects* in the Constitution

James Madison was a delegate to the federal convention of 1787, and kept a Journal. I went through it, collected every reference to what became Article V, and wrote it up – [here it is](#). Madison's Journal shows what the Framers really said about the purpose of amendments:

- 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...” [boldface mine]

- Alexander Hamilton said on [Sep. 10, 1787](#) amendments remedy *defects* in the Constitution.

Other primary source writings of the time show:

- useful amendments would address the “organization of the government, not ... the mass of its powers” ([Federalist No. 85](#), 13<sup>th</sup> para).
- “amendment of errors” and “useful alterations” would be suggested by experience ([Federalist No. 43](#) at 8.)
- If “... 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 ...” ([Washington's Farewell Address](#), page 19) <sup>8</sup>

### ***That's what they really said.***

Amendments can't "rein in" the federal government when it "violates its constitutional limitations" because when it does so, **it is ignoring *the existing limitations on its powers***. We cannot fix federal usurpations of non-delegated powers by amending the Constitution to say the federal government cannot do what the Constitution never gave it the power to do in the first place!

And look at recent history: The 1<sup>st</sup> Amendment didn't stop them from banning Christian speech in the public square. The 2<sup>nd</sup> Amendment didn't stop them from regulating the sale of firearms. The 4<sup>th</sup> Amendment didn't stop them from spying on us without a warrant. The 5<sup>th</sup> Amendment didn't stop them from regulatory takings. The 10<sup>th</sup> Amendment didn't stop them from usurping thousands of other powers not delegated.

Now let's look at the words of George Mason which the convention lobby has twisted and taken out of context in an attempt to justify their absurd and ruinous claim.

### **5. The Dispute over the proper role of Congress in the amendment process**

Under the [Articles of Confederation \(ART. 13\)](#), amendments had to be approved by the Continental Congress and all of the then 13 States.

The dispute at the federal convention of 1787 was whether Congress - under the second Constitution then being drafted - should have any power over the amendment process.

**Madison** wanted Congress to propose all amendments, either on their own initiative *or* at the request of two thirds of the States. On [Sep. 10, 1787](#), he proposed this wording for Article V:

“The Legislature of the United States, whenever two-thirds of both houses shall deem necessary, or on the application of two-thirds of the Legislatures of the several States, shall propose amendments to this Constitution ...”

But **Mason** said the States should be able to propose amendments without having to depend on Congress. On [Sep. 15, 1787](#), Mason said, respecting Madison's proposed wording:

“As the proposing of amendments is in both the modes to depend, in the first immediately, and in the second ultimately, on Congress, no amendments of the proper kind, would ever be obtained by the people, if the government should become oppressive, as he verily believed would be the case.”

**Now remember! Mason agreed with the other delegates that the *purpose* of amendments is to remedy defects in the Constitution. Mason's concern was that Congress might not agree to amendments which would be needed to correct defects.**

Footnote 8 shows that the 11<sup>th</sup> Amendment was adopted to correct *what the States saw as a defect in the powers delegated to the federal courts*. The 11<sup>th</sup> Amendment removed that delegated power from the federal courts. But what if Congress hadn't agreed to propose that amendment? *That* type of scenario is what Mason's words addressed.

Here are examples of other **defects** Congress might not agree to fix by amendment:

- The Tariff Act of 1828 was constitutional - it was authorized by Art. I, §8, clause 1. But it was *oppressive* because it benefited infant industries in the North at the expense of the Southern States. An amendment could provide that tariffs may be imposed only to raise revenue to carry out the delegated powers of the federal government; and may not be imposed to benefit domestic industries, or to benefit one part of the Country at the expense of another part. *But Congress might not agree.*
- Slavery was permitted under our original Constitution. The federal fugitive slave laws (Art. IV, §2, clause 3) were *oppressive*. Slavery is a **defect** to be repaired by amendment. *But Congress might not agree.*

**Do you see?** Mason's words, read together, show that his concern was that Congress might not agree to amendments the States wanted to correct *defects* in the federal Constitution.

**Neither Mason nor anyone else was so silly as to say that when the federal government “violates its constitutional limitations”, the solution is to amend the Constitution.**

### **6. Why was the convention method added to Article V?**

That the convention method was added doesn't mean that all thought it a terrific idea. It was a compromise; 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 Right 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 had created – and set up a new Constitution which created a new government.

In [Federalist No. 40](#) (15<sup>th</sup> para), Madison specifically invoked this Right as justification for what they did at the federal convention of 1787: *They ignored* the [Resolution of February 21, 1787 of the](#)

[Continental Congress](#) which called the convention “**for the sole and express purpose of revising the Articles of Confederation**”; *they ignored [the instructions from their States](#)*; <sup>9</sup> and they drafted a new Constitution with a new mode of ratification (only 9 States needed to ratify our Constitution of 1787).

There is nothing which can stop the delegates to an Article V convention from doing the same thing.

**And remember:** *New Constitutions are already prepared or in the works.*

### **7. What’s our real problem? Let’s man-up and address *that***

Our problem today is not a defective Constitution. Our problem is ignorance, loss of virtue, and disobedience. Our Framers expected us to be virtuous and informed; and the States to *resist* federal usurpations. <sup>10</sup>

Are we no longer worthy of the Constitution our Framers gave us? If not, the globalists have plans for us, **[and they need an Article V convention to impose them.](#)**

Don’t fall into the trap they have set for us. Open your eyes.

#### **Endnotes:**

<sup>1</sup> My friend Don Fotheringham and I discussed this issue; this paper reflects his valuable insights. His paper, “*Article V is Deliberately Vague*”, is [HERE](#); and his excellent book, “*The President Makers: How Billionaires Control U.S. and Foreign Policy*”, is [HERE](#).

<sup>2</sup> **Mason** didn’t chop off his right hand. He, along with Edmund Randolph and Elbridge Gerry, refused to sign the Constitution: see Madison’s Journal of the Federal Convention for [Sep. 17, 1787](#). **Randolph** wanted the States to be able to propose amendments to the proposed Constitution, and then all would be submitted to and finally decided on by another general convention: [Aug. 31](#), [Sep. 10](#), and [Sep. 15](#), 1787. **Gerry’s** objections to the proposed Constitution were such that “the best that could be done...was to provide for a second general Convention”: [Sep. 15](#), 1787.

**Note well:** The federal convention of 1787 was called “[for the sole and express purpose of revising the Articles of Confederation](#)”, and all referred to it as a “general convention” [search [HERE](#) for “general convention”, and you will see]. And in [Madison’s Nov. 2, 1788 letter to Turberville](#), he writes,

“...3. **If a General Convention were to take place for the avowed and sole purpose of revising the Constitution** it would naturally consider itself as having a greater latitude than the Congress appointed ...” [boldface mine]

An Article V convention *is* a “general convention”.

<sup>3</sup> **Madison opposed the convention method:** [Federalist No. 49](#) (Feb. 1788); his [letter to Turberville of Nov. 2, 1788](#); his [letter to George Eve of Jan. 2, 1789](#); and [on June 8, 1789](#), he circumvented the application previously submitted by Virginia [on May 5, 1789](#) for an Article V convention, by introducing into Congress a proposed “bill of rights”. That is the procedure we have followed ever since: When States want amendments, they instruct their congressional delegation to propose them.

<sup>4</sup> In [Federalist No. 85](#) (Aug. 1788), **Hamilton** addressed the arguments of antifederalists who wanted another convention so they could get rid of our newly ratified Constitution. The “excellent little pamphlet” he refers to (9<sup>th</sup> para) was written during April 1788 by **John Jay** (first Chief Justice of the United States) and shows:

“the utter improbability of assembling a new convention, under circumstances in any degree so favorable to a happy issue, as those in which the late convention met, deliberated, and concluded.”

**[Jay warned in his Pamphlet](#) that a new convention would run “extravagant risques” [risks].**

<sup>5</sup> Even though Article V speaks of “a Convention for proposing Amendments”, the delegates will have the “self-evident” power, recognized in the 2<sup>nd</sup> para of our Declaration of Independence, to throw off our existing Form of Government and set up a new Constitution which creates a new government. And since the new Constitution drafted at an Article V convention will also have its own new mode of ratification, it is sure to be approved.

<sup>6</sup> The proposed [Constitution for the Newstates of America](#) is **ratified by a national referendum** [Art 12, § 1]. Here’s the proposed [Constitution for “The New Socialist Republic in North America”](#).

The [Constitution 2020 movement](#) is backed by **George Soros, Eric Holder, Cass Sunstein**, and Marxist law professors. They want a progressive Constitution in place by the year 2020.

<sup>7</sup> Farris’ paper, “Answering the John Birch Society Questions about Article V”, is [HERE](#) on the COS website; the copy I preserved is [HERE](#).

<sup>8</sup> Our Constitution originally delegated to federal courts the power to hear cases “between a State and Citizens of another State” (Art. III, §2, cl. 1). 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 11<sup>th</sup> Amendment was ratified to take away from the federal courts the power to hear such cases.**

<sup>9</sup> ART. 13 of the Articles of Confederation required amendments **to be agreed to by Congress and all of the States**. [HERE](#) are the instructions the States gave delegates to the federal convention of 1787:

- “alterations to the Federal Constitution which, **when agreed to by Congress and the several States, would become effective**”: Virginia, Pennsylvania, Delaware, Georgia, S. Carolina, Maryland, & New Hampshire.
- “**for the purpose of revising the Federal Constitution**”: Virginia, Pennsylvania, North Carolina, Delaware, and Georgia;
- “**for the sole and express purpose of revising the Articles of Confederation**”: New York, Massachusetts, and Connecticut.
- “provisions to make the Constitution of the federal Government adequate”: New Jersey

<sup>10</sup> [Nullification Made Easy](#) and [What Should States Do When the Federal Government Usurps Power?](#)