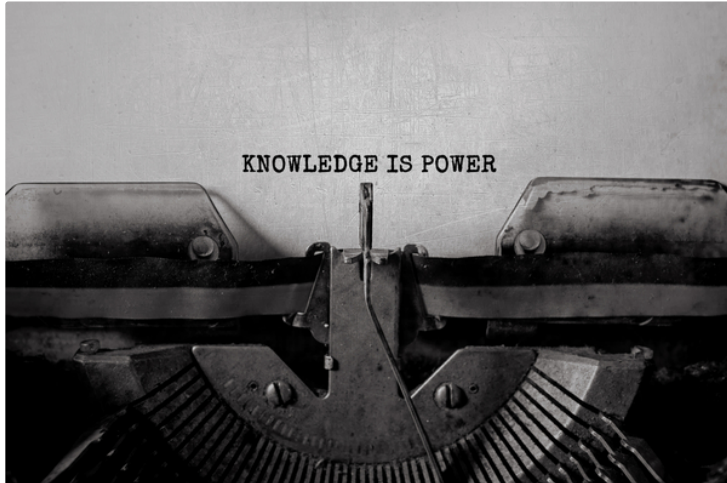


# Fear-Mongering vs. Constitutional Knowledge

Published in [Blog](#) on November 28, 2015 by Rita Peters



For this first substantive installment in my series of e-mails that will address, paragraph by paragraph, the recent NAGR fear-mongering, money-grubbing smear campaign against our Constitution, I'll discuss this part of Dudley Brown's rag:

*"Is the U.S. Constitution broken? Are the problems America now faces caused by a bunch of flaws in the original document? According to a few misguided conservative leaders, the answer is yes. They claim that virtually all our modern ills can be fixed by changing the Constitution. ...*

*"Politicians and judges won't obey the Constitution, so let's change it!?! Most liberty-loving Americans agree that the U.S. Constitution is an amazing document. Not perfect, but one that has blessed us with over 200 years of unprecedented freedom. Our nation faces many serious problems today, but flaws in our founding document are not one of them. No, the root of these problems lies with the politicians and judges who are working to undermine and destroy the Constitution.*

*"Now here's what blows my mind: Of the handful of conservatives calling for a Constitutional Convention, virtually all of them agree that politicians and judges who refuse to obey the Constitution are the problem. Their solution: change the Constitution! Not only do they seem willfully oblivious of the danger their Convention poses to the bulwark of our freedoms, but they're missing the most fundamental and obvious fact."*

Did you catch the irony of Dudley's fear-mongering argument? On the one hand, he lauds the Constitution as an amazing document that has blessed us with over 200 years of unprecedented freedom (True!). But his aim (in addition to getting you to fork over your hard-earned dollars) is to *convince you that you cannot trust the process the Founders put into Article V of the Constitution to check federal power!*

Apart from this blatant hypocrisy, Dudley makes two critical errors.

Have you seen the smear campaign from Dudley Brown's little "National Association for Gun Rights"? What's being smeared, you ask?

Just our Constitution.

In a stunning display of ignorance of constitutional law and history, Dudley Brown (a perennial thorn in the side of the NRA) is telling Virginians that an Article V convention for proposing amendments to rein in federal power is a "Constitutional Convention" that can't be limited and will result in some weird doomsday scenario.

Perhaps the only thing worse than Dudley's insults to our Constitution and its drafters' intelligence is the fact that he's using them to make a buck by preying on the fears of honest, hard-working Americans who care about the plight of their country. Shame on him.

Repeating ridiculous falsehoods doesn't make them true, Dudley.

Convention of States Action in Virginia was not about to take this lying down.

So for the next week, I exposed Dudley Brown's fear-mongering falsehoods one by one, paragraph by paragraph. It's important that you read these e-mails so that you can stand up for truth, because it's going to take YOUR activism to put the muzzle on an out-of-control Washington, D.C. Our founding fathers gave us the tools to do this through an ingenious, carefully-designed process. (Doesn't that sound more like the founding fathers you know?) We owe it to them to learn about and USE that process to reclaim our government of the people, by the people, and FOR the people.

The content of my 5-part e-mail series--complete with a real Knockout Punch at the end, is pasted below. But make sure you also check out this [open letter from Chuck Cooper](#), a Supreme Court litigator and one of the nation's fiercest defenders of the Second Amendment...responding to the Dudley Browns of the world.

## NAGR Fear-Mongering vs. Constitutional Knowledge - Round 1

**First**, he oversimplifies the root of the problem that has bloated our federal government. The problem is not that "politicians and judges won't obey the Constitution;" the real problem is that politicians and judges have *perverted* the Constitution by capitalizing on phrases like "general welfare" and "interstate commerce" to expand federal power at the expense of the states and individual liberty. They invent ways to tie their actions to some constitutional language--and then get the Supreme Court's blessing.

Clearly, the way to fix this problem--the *only* way to fix it definitively--is to add amendments that define those broadly worded federal powers in alignment with their original meaning. To fix the loopholes the feds have created with the assistance of activist courts. To clarify the outer limits of federal power.

**Second**, Dudley makes a dead-wrong assumption that the only legitimate reason to propose constitutional amendments is to correct "flaws" in the original document. **Did Dudley forget about the Bill of Rights (which, of course, includes the Second Amendment)?** It didn't correct drafting errors--it codified additional, specific protections for the people against federal encroachment! Because the people weren't willing to trust those precious rights to the proper *interpretation* of other parts of the Constitution.

The fact is, flaws or no flaws, the Constitution's drafters fully expected a time to come when the national government would accrue too much power and require an effective "check" by the people via a constitutional amendment process. Indeed, **that is the very reason the amendment-proposing convention was incorporated into Article V**. And it was approved unanimously. (I refer you to James Madison's Notes of the Federal Convention of 1787 on this point).

So what should we do, Dudley? Use the ingenious constitutional process given to us by the Founding Fathers in order to nip federal power grabs in the bud, or cower in the corner and keep doing what we've been doing (more on that to come...)?

Please stay tuned for the remaining messages in this series. **Don't let Dudley scare you away from our Constitution.** Arm yourself with knowledge, because a citizen's knowledge is formidable power against tyranny.

For liberty,  
Rita M. Dunaway

## NAGR Fear-Mongering vs. Constitutional Truth – Round 2

Today I will be addressing the following portions of Dudley Brown's smear campaign, which amount to an argument that the Article V Convention for proposing amendments is an unlimited, uncontrollable free-for-all. Here's what Dudley said:

*"There is NO guarantee a Convention can be "limited."Article V is the section of the Constitution that allows for a Convention. However it provides virtually no guidelines, nor does it limit the scope. It does not specify who will make critical decisions, or how they will be decided. On top of that, there is no precedent to use as a guide. Not one single Article V activist, not one single constitutional scholar, has seen this process before. ... The truth is this: There is nothing stopping delegates from throwing out our Constitution to usher in more "time-appropriate" government systems and authority. ... In other words, NOBODY can claim they know how to control a Constitutional Convention. Activist federal judges would govern the Convention. Because there are no existing rules governing the scope or process of a Convention, all these decisions will likely fall to the federal courts."*

Once again, Dudley's got it wrong. The problem is that he hasn't done his homework. There have been more than 30 interstate conventions throughout American history. Many of them (but not all) occurred prior to the Constitution's drafting, which explains why the drafters didn't describe all the procedures in detail. The procedures were well-known, universal in their essentials, and uncontroversial.

It's a meeting, Dudley. A meeting of delegates chosen, instructed, and sent by state legislatures to discuss proposals. Not so scary.

- 38 states must ratify any proposed amendments for them to become effective. This means that it only takes 13 states to block a bad proposal.

The Founding Fathers knew what they were doing when they created this process. And they intended for us to use it to muzzle a power-hungry national government. The time is now.

For Liberty,  
Rita M. Dunaway

## NAGR Fear-Mongering vs. Constitutional Truth – Round 3

Before we get started on today's exercise in overcoming fear with knowledge and truth, I want to thank you for hanging in there and taking the time to read these e-mails. Because we can't properly exercise our right and duty of self-governance if we don't take the time to distinguish fact from fiction.

Today I want to address this part of Dudley Brown's e-mail:

*"A Constitutional Convention will not solve the problem. ... The last and only time was in 1787, when the original Constitutional Convention threw out the Articles of Confederation, an action which far exceeded the authority granted. U.S. Supreme Court Chief Justice Warren Burger said it even more clearly: 'I have repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress may try to limit the Convention to one amendment or one issue, but there is no way to assure that the Convention would obey. After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda. The meeting in 1787 ignored the limit placed by the Confederation Congress "for the sole and express purpose."'"*

In other words, Dudley Brown doesn't know the difference between an Article V Convention for proposing amendments, on the one hand, and a Constitutional Convention, on the other. (We'll get to Chief Justice Burger in a moment).

Article V's requirement that two-thirds of the states "apply" for an amendment-proposing convention automatically creates a limitation on the topics that can be considered once the convention begins; each state's application specifies a convention agenda, and until 34 states agree upon the contours of that agenda, no convention occurs.

By the plain text of Article V, an Article V convention is limited to proposing amendments to become "Part of this Constitution" (the one we already have)—it is not a vehicle for scrapping or rewriting the Constitution.

And let's not forget that the Article V Convention's only power is to *propose* amendments—the same power Congress enjoys under Article V. Each and every proposal only becomes effective if 38 states ratify it.

To summarize, the restrictions, limitations and controls on the Article V process include *all* of the following, acting in conjunction:

- The convention's agenda is set by the 34 state applications (for COS, amendment proposals must "impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress");
- Once 34 states apply for a convention on the same topic and the convention is called, state legislatures select and instruct their delegates;
- At convention, any single delegate can object to off-topic proposals as "out of order," which objection must be sustained;
- At convention, a majority of the states must vote in favor of any proposal for it to advance to the ratification stage;
- Any delegate who proposes or votes in favor of an amendment beyond the scope of the agreed agenda OR beyond the scope of his/her state legislature's instructions can be recalled by the state legislature and subjected to penalties according to state law;
- Because delegates act as the agents of their state legislatures, a delegate's vote which exceeds his/her instructions or authority is void;
- The courts could be called upon, if needed, to protect the process at any point (there are [abundant precedents](#) demonstrating that, in fact, the courts DO acknowledge and protect the historical Article V procedures);

The 1787 **Constitutional Convention** was a gathering of states in their capacities as sovereign states, for the purpose of designing a better system of government for the Union. Obviously, it was not an Article V Convention—there was no Article V yet! And there was no Article V-equivalent in the Articles of Confederation.

An **Article V Convention for proposing amendments** is a gathering of states under the specific authority and procedure set forth in Article V, for the purpose of proposing amendments to "this Constitution" (the one we already have).

As my esteemed colleague, Robert Berry explained, "[A]s sovereigns, the states have never needed permission from the Constitution to call an actual Constitutional Convention. Indeed, the only reason to invoke Article V would be to self-limit the convention's authority to 'proposing amendments,' as the assembly's name indicates."

And there's something else you need to know. Every time Dudley or anyone else alleges that the 1787 Constitutional Convention was a "runaway," he defames the very Constitution that he claims to want to defend. Our Constitution is not an illegitimate document forced upon the people by rogue politicians. Those who think otherwise don't know their history.

They think that the Confederation Congress called the Constitutional Convention, and they cite the Confederation Congress' recommendation that the states meet "for the sole and express purpose of revising the Articles of Confederation." (Note that even this recommendation was for the Articles to be *revised*—not merely *amended*). But they miss the forest for the trees; Congress **didn't** call the Constitutional Convention, so it doesn't matter what Congress suggested the agenda be! The **states** called the Constitutional Convention pursuant to their residual sovereignty, and gave the relevant instructions to their appointed delegates.

Repeatedly, a fringe group of self-proclaimed experts make this defamatory argument about our Constitution, and they love to cite Chief Justice Warren Burger as their authority. There are two problems with using this tired Burger quote to support this position. First, it's completely circular. Burger is discussing what might happen at a "constitutional convention," for which no one is calling. Second, even if Burger is simply using the wrong terminology because he, like Dudley, didn't understand the difference between the two types of conventions, do you really want to take your constitutional cues from the Chief Justice whose Court gave us the decision broadly recognized as one of the worst-reasoned disasters in the history of constitutional law--*Roe v. Wade*?

I'm guessing you don't. I'm guessing that you're ready to do what it takes to use the constitutional process outlined in Article V to preclude activist Courts, activist Presidents, and activist Congresses from federalizing more and more of the policies and decisions that should be made at the state, local, and individual levels. If I'm right, please contact your state legislators today and ask them to support Delegate Lingamfelter's Convention of States application.

For liberty,

Rita Dunaway

### NAGR Fear-Mongering vs. Constitutional Truth – Round 4

As I have explained in previous e-mails in this series, it's common for Article V naysayers to oppose the constitutional Article V process because they don't understand it. There's nothing sinister in that—they just need to be educated. But today I will address a far more disturbing aspect of Dudley Brown's recent smear campaign, in which he attempts to mislead you into thinking that hard-core liberals are actually supporting the Convention of States Project's Article V application.

This is what Dudley says:

Of course, the most effective deceptions are those that simply twist the truth. What's true here is that these groups are supporting an effort to trigger an Article V convention—but for a totally different purpose. They are supporting Article V applications for a convention to propose an amendment that would overturn the Supreme Court's decision in *Citizen's United*, dealing with campaign finance.

So the fact is, what Dudley is point to is actually evidence that disproves his argument. If these "leftists" really believed that an Article V convention could not be limited to its stated agenda, or that George Soros could control the outcome, then they *would* join forces with the Convention of States Project! With liberals controlling only a handful of states, they face a nearly impossible task to get their application passed. But these "progressives" understand what Dudley sadly does not—that the stated agenda in the applications *do* matter, and that the process is a safe, structured and methodical one.

And what about Delegate Sickles, who professed his desire to get to the convention and start whacking away? Apparently even he isn't really convinced that he could do so under the Convention of States Project application, because the last time he voted on it, he voted **no**.

Dudley Brown, real American patriots don't turn tail and run at the mention of a "prominent leftist." And they aren't so easily manipulated by fear-mongering propaganda. Real American patriots stand their ground.

For Liberty,

Rita M. Dunaway

### NAGR Fear-Mongering vs. Constitutional Knowledge - The Knockout Punch

In this final installment of my series of e-mails responding to Dudley Brown and his smear campaign against our Constitution, I'm ready to deliver the knockout punch.

*"Prominent leftists are loudly supporting a Convention. Even more alarming is the support for an Article V Convention from the radical left, including Code Pink, WOLF-PAC, MoveOn, the Sierra Club, the Move to Amend Coalition, and the Occupy Movement. On top of that, left-wing billionaire George Soros is pouring millions of dollars into the Article V Convention effort. Even Hillary Clinton has come out in favor. Do we really want to stand side by side with such ENEMIES of liberty? Convention supporters are pushing to REPEAL the Second Amendment. Leftists like Soros and anti-gun billionaire Michael Bloomberg know this is their best chance to rewrite -- or even throw out -- the Second Amendment. They are drooling all over the opportunity to strip law-abiding citizens of their Second Amendment rights. ... Listen to the radical agenda of Democrat Virginia State Delegate Mark Sickles: "If we have [an Article V Convention], I want to be a delegate... There's lot of problems with this Constitution. I'll just get up to this Convention and start whacking away." Clearly, there are individuals who will be delegates to an Article V Convention who are already out to take our firearms."*

I'll get to Delegate Sickles in a moment (and you won't want to miss it!). But first, do you see how Dudley is trying to frighten you? See how he implies that "leftists" are prominent supporters of the Convention of States Project's application for an Article V Convention to impose limitations on federal power? He implies that they support our effort because they believe (as he outlined in other parts of the e-mail) that any Article V Convention will be an unlimited, uncontrollable free-for-all.

But do they believe that? And are they supporting our project?

No, and no. And how do I know this, you ask? Because when this manipulative deception first began circulation, COS Co-Founder Michael Farris assigned *me* the task of finding out! That's right. I personally contacted many of the groups that Dudley named, and simply asked them if they supported our Article V application. They don't.

But first, I need to address one last component of Dudley's e-mail. This portion:

*"Accountability WORKS. ... The answer is to force them to obey the rule of law. This is something the National Association for Gun Rights does exceptionally well, thanks to members and supporters like you. The Convention supporters who claim they can control the process are snake-oil salesmen. The answer: forcing politicians to follow the rule of law. Holding our public servants accountable is the key to restoring our nation. That's why my staff and I work day in and day out to do just that. ... Take action now! All these facts are why it is imperative that we stop the Article V Constitutional Convention. The National Association for Gun Rights stands with our Founding Fathers in supporting the Constitution. That's why I'm asking for your URGENT help in stopping the misguided push for a Convention! Click here to sign your Pledge demanding that your Representatives oppose a Convention. And if you can, please chip in \$10 or \$20 to help defend the Second Amendment."*

Let's ignore the part where Dudley Brown calls respected constitutional attorneys and scholars like Michael Farris, Mark Levin, Chuck Cooper, Randy Barnett, Ken Cuccinelli, David Barton, Mark Meckler, Nelson Lund, Rob Natelson, and countless others "snake-oil salesmen." (Really, Dudley?)

Let's address the substance of what Dudley Brown is saying here; the heart of his argument. **Dudley is telling you to send in a check to the NAGR, and to ask your state legislators NOT to use their constitutional power to end federal overreach!**

He says that "the key to restoring our nation" is some nebulous combination of "holding our public servants accountable" and "forcing politicians to follow the rule of law."

Putting aside for a moment the fact that Dudley has failed to expound on how we can "force politicians to follow the rule of law" when that rule of law has been definitively re-interpreted by the courts to allow the politicians to do what they like, consider this: the definition of insanity is doing the same thing over and over again and expecting a different result.

Michael Farris, one of the most brilliant constitutional lawyers I have ever met, the pioneer of the modern homeschooling movement, will tell you that he has been actively working with efforts to “hold our public servants accountable” for over 30 years. Phyllis Schlafly has been working at this even longer. But neither their efforts, nor those of anyone else, have slowed our nation’s steady transformation into something other than a constitutional republic.

And that is why it is time to exercise our final, constitutional check on federal power. It’s time for state legislatures to use the Article V Convention process the Founding Fathers gave us to propose a specific brand of constitutional amendments—those that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and impose term limits on its officials and on members of Congress.

Only in this way can we make the definitive course correction that is now required, by reversing, in black and white language, the Supreme Court decisions that have perverted the Constitution’s original meaning and given all three branches of the federal government way too much power.

And here’s the knockout punch for Dudley Brown, the NAGR, and every other group of fear-mongering Article V naysayers:

American patriots are not afraid. We aren’t afraid to use a constitutional process that our Founding Fathers designed for our protection. We aren’t afraid of far-fetched imaginings of rogue delegates—at least not when compared to the certainty of demise if we continue on our current course. We aren’t afraid that 38 states will ratify some bizarre amendment proposal. We aren’t afraid of Hillary Clinton, and we are most certainly **not** afraid of George Soros and his money.

We are full of courage, and full of hope. We are dedicated to preserving our self-governance, and we will not forsake any peaceful, constitutional means of reclaiming it—including the Article V Convention of States.

We are American patriots, Dudley Brown, and we are not afraid.

Fellow patriot, please ask your state legislators to support Delegate Lingamfelter’s HJR 3 during the 2016 session of the General Assembly. You can find the contact information [here](#).