

## Comments on the Manassas Great Debate

On August 28th the Manassas Tea Party hosted what they entitled “The Great Debate” at the Northern Virginia Community College in Manassas. I attended this event at which Delegate Bob Marshall spoke in opposition to a Convention of States (CoS) and Dr. Michael Farris advocated his endeavor for a CoS. For those who were not able to attend, click [HERE](#) to watch it.

The interesting aspect of the debate was not the arguments for or against a CoS but the ancillary comments. Before I get to these I want to make it clear that I am against a CoS, not because I disagree that our Federal Government is a train wreck, it is, but because:

### Reason I

The advocates of a CoS argue there is a historical basis that justifies such a convention to amend the Constitution. That premise, as applied to today is not correct:

1 – Before the ratification of the U. S. Constitution the several States could meet as they pleased because under the Articles of Confederation they enjoyed sovereignty, except for the delegation of authority to the Congress under Articles VI and IX. But, as Article IX, Paragraph 6 makes clear, Congress was required to obtain the consent of Three-Quarters (at least 9 of the then 13) of the States to exercise the power it had been granted. So in actuality Power remained with the States.

2 - Under the Articles of Confederation there was no representation of the People, but only of the States. Under the Articles of Confederation the gathering of States made decisions as "United" States. There was no republic.

All of that changed the moment the U. S. Constitution was ratified. The States yielded much of their sovereignty to the Federal Government. We then had a Compound Republic. The freedom of States to convene in regards to matters of the whole of the United States became subject to the role of the other half of the Compound Republic, the Federal Government. This is precisely what Madison stated in Federalist Paper # 51. This is what is said in Article V of the U. S. Constitution. There can only be a CoS if Congress calls it to be after the requirements for an Article V Convention have been met – the States can not authorize it to be.

### Reason II

Anyone who is unconcerned when a group of politically-motivated individuals gather in a room to amend the Constitution of the United States is either naive, a low-information voter, has their own agenda, or simply does not care. It is the very nature of the political beast, be that a Congressman, an elected State Official, a bureaucrat, a Lobbyist, etc., to seek its own gain. The statement “there

is nothing to fear because ratification would require three-fourths of the several States and therefore no bad amendment would be approved” ignores amendments such as 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup>, not to mention the 14<sup>th</sup> which has brought upon us the tyranny of the Judicial Branch.

### Reason III

No amendment, much less the 5 – 10 advocated by Farris and the CoS Project Team would lessen the size and power of the Federal Government. Any Amendment would require formation of some additional Federal Office or activity. Therefore, amending the Constitution is counter-productive to restoring limited government.

### **Farris and CoS Past Statements**

The first time I heard about a CoS was at a Virginia Federation of Tea Party Patriots Meeting. Dr. Farris had been invited to speak by way of a Video Telecom to urge the attendees for get behind his program to hold a Convention of States to amend the U. S. Constitution. What he presented was the laundry list that is in Mark Levine’s Liberty Amendments.

My comment to Farris during the Q&A was that he was neglecting much of the counsel found in the Federalist Papers and Madison’s Notes on the 1787 Philadelphia Convention. I was not disturbed by Farris’s less-than-polite response, but I was by his comments that Phyllis Schlafly, who objected to a CoS, was an aged and tired old has-been who simply was no longer in touch with matters.

Shortly after that meeting, in February of this year, Farris decided to make public that he thought the John Birch Society was evil and that groups like the JBS were “enemies of the Constitution.” It is not that I deny Farris’s right to his position but rather the manner in which he goes about it. He attempts to insult and belittle those who disagree with him. In spite of what he thinks, others are not “heretics” for disagreeing with him.=

This manner of attacking apparently is inherent with in the COS Project Team. Prior to The Great Debate, The Convention of States Project Team sent out an email notice in which the following was stated: “Delegate Marshall is a good man, but his reasons for opposing our effort to invoke Article V are based on an incorrect understanding of constitutional history and unfounded fears about hypothetical “runaway” convention that never has and never will happen.” In the opinion of those who know Delegate Marshall and worked with him to oppose a CoS, the statement was incorrect, unwarranted and condescending.

## Ancillary Comments

I felt concern for two aspects of Dr. Farris's statements during the debate: (1) His replies to-Delegate Marshall's statements were directed not towards the premise of what Delegate Marshall argued but rather personally towards Delegate Marshall. (2) Far too many times Dr. Farris used the words "me" and "I", particularly in his rebuttals. It was as though he had some doubt about his position and therefore felt it was necessary to sell himself, not his arguments. I am always concerned when someone purports their assertions to be gospel because they proclaim themselves the authority based on their accomplishments. Something is not correct not because you say it is. And you can not prove something to be correct by declaring you are the authority.

Dr. Farris stated that Delegate Marshall was using secondary sources for statements in regards to a Convention of States. He said that it is not correct to use "Original Intent" to understand the Constitution. He said the correct approach was to use "the meaning of the words at the time of the Writing of the Constitution." I agree with the need to understand meaning. To speak of the "intent" of someone else is to run the risk of misinterpretation because of your own intent. Using the "meaning of the words" is simply a tool for reaching an objective evaluation of intent. However, there is also an inherent danger and misguidance embodied in "meaning" alone. For more, click [HERE](#).

As for using "secondary sources" I would argue that any source other than the men who drafted the Constitution is a secondary source. Dr. Farris becomes a secondary source when he declares the "meaning" of something in the Constitution. When Dr. Farris referred to statements made by Rob Natelson as ultimate truth concerning the Constitution, he was using Natelson as a secondary source irrespective of any authority he claims Natelson owns. Natelson, a political activist and radio talk show host, has no more authority as a secondary source than those Delegate Marshall quoted. Dr. Farris's declaration that Natelson is the final authority does not make him so.

## The Meaning of Words

And since Dr. Farris has placed so much emphasis on the meaning of words consider Article V of the Constitution, the bolding is mine:

----- Article 5 -----

**The Congress**, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, **shall call a Convention for proposing Amendments**, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the

one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

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There are two means for proposing amendments, directly by Congress or when Two-thirds of the Legislatures of the several States apply. But, **The Congress shall call a convention for proposing amendments.** The States do NOT call for a convention, and neither does the President or the Courts. The People do not call for a Convention. ONLY the Congress calls for a Convention. Clearly that is the meaning of the words, then and now.

The Congress can call for a Convention of States or any alternative form that may or may not involve the Congress itself. That is the meaning of the words, then and now. Yes, the States can argue what they want is a Convention of States but no where in the words is there any indication that the Congress must adhere to what the States want as the form of the Convention. And it is not only the meaning that tells us these facts. It is the very structure of the sentence that tells us this is the case.

### **What Did Delegate Marshall Argue For?**

Delegate Marshall said the solution was “Eternal Vigilance” on the part of We the People. [You can read a summary of his views in the Fairfax Free Citizen, click [HERE](#), but keep in mind that the title of the section of his views should be “Bob Marshall, Article V Convention Opponent.”]

For those who want instant gratification and believe Amendments will allow them to get on with life, “Eternal Vigilance” is too demanding. Yet that is the responsibility of every citizen in regards to Local, State, or Federal governments. Even if new Amendments are added, “Eternal Vigilance” will still be required. Madison stated in Federalist Paper #51 “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”

So Delegate Marshall was saying no more or less than what Madison said. Need I remind anyone that no government left on its own will forever behave as intended? Need I remind anyone that too often the People are not Eternally

Vigilant until it is too late and then comes something that is even more destructive, Revolt? To take the position that that things can be patched up with Amendments, few or many, is like mending the fence around the chicken house after the fox is inside. The fox is the Government and it is up to the Farmer, We the People, to keep guard if the chickens are to survive.