

Thirteen Colonies and the Constitution

How It Came to Be and Why Change Is Written Within

By JOHN DE HERRERA

America was originally thirteen colonies. The British had us under their thumb, we organized, and with help, threw off a long train of abuses to secure freedom (the Treaty of Paris 1783 transferred sovereign power from a European monarchy to the people of the colonies, and in turn remaking them into states).

For a short time the Articles of Confederation kept us and our new freedoms intact. Then certain citizens thought revisions were needed, and Alexander Hamilton led a group that went state to state with the idea it was time to call a convention. Most everyone agreed, and delegates convened in Philadelphia.

After the first few hours they realized they were split in two: Federalists and Anti-Federalists. Federalists wanted a centralized government. Anti-Federalists were like, “We just got free from the British! A new centralized government?! It’s just a matter of time before money corrupts! And then what?! Another war for independence?!” Some representatives who had shown up turned heel right then and there, hollering at the top of their lungs evil was afoot.

After it was written, the Federalists had to sell this new constitution to the thirteen states because nothing had been ratified.

The final rebuttal to Anti-Federalists, who thought it was a mistake to place all that power into three branches, was Federalist 85. Hamilton wrote it. He said, Look, if Congress becomes so corrupt it’s no longer expressing the will of the people – if corruption ever becomes institutionalized – the states can

convene and purge it. The clause, upon satisfaction of numeric count, is peremptory, done without debate, and no Congress, Executive, Court, or private citizen can say Boo about

Now fast forward to the ‘60s, ‘70s, ‘80s and ‘90s, when talk of a convention went around. It was viewed as a huge monstrosity. Americans have been conditioned



it. The convention clause is a legal principle outside the grasp of any citizens alive at any one time. That’s the essence of American spirit, that we consent to governance, and when things run afoul we can amend. That was the final rebuttal to the Anti-Federalists, and why we ratified the Constitution and became the USA.

like Pavlov’s Dog to fear it like it some kind of Pandora’s Box. But what politicians fail to mention is the ratification process. The ratification process requires seventy-five percent of the country to agree before anything is amended. The Founders knew to get three-quarters of everyone

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to agree is difficult. In other words, regardless of whether the idea is liberal or conservative, it must be popular enough to get the approval of one entire group, plus at least half of the other – 75% sanctifies the popular will. Only – “no-brainers” – get ratified. To fear a convention, is to fear open discussion, the very thing which must happen for any hope of survival. The Founders knew then what we know now, that corrupt is dynamic, which is why the legal mechanism of the convention clause was placed in our Constitution.

If Article V was supposed to be the mechanism to save the day when things got corrupt, then why are things the way they are? There’s an answer. In order to have a convention for proposing amendments there must be applications from two-thirds of the states. There are hundreds of applications requesting a convention and one Congress after the next has yet to issue the call. All state applications are in the Congressional Record and the legislative branch is ignoring them.

Besides those who no longer care, whether you know it or not, we’re all either Conventionist or Anti-Conventionist. You’re either for a convention or you’re against it. And because this dilemma is causing the levels of misery in the world that it is – so a few benefits at the expense of the many – makes it a moral dilemma. Thoreau already said it in *Civil Disobedience*. If a government turns you into an agent of injustice, and taking a moral stand means ending up in jail, then sometimes the only place for a just person is jail (why Thoreau did not mention the convention clause of Article V in his book is one of the

great mysteries of life). But we the living today, with a little political science, will not have to go to jail. A convention is a peaceable reformation.



Young Alexander Hamilton

Today it’s just a matter of showing fellow citizens how this is true.

We’re trapped by whatever forces control banks and corporations, and if we need to get out from underneath that, the Article V Convention is the way to do it. This is not to say we should all be out on a corner with a banner and a bullhorn, but we should at least know what ought to be done. Isn’t that important? To be aware of what ought to be happening?

Imagine this – Congress issues the call to the states with a date to convene (one year hence). The states hold special elections for delegates, and before long we’d get human interest stories of who these convention delegates are, and what they wanted to propose. They’d fly to the Capitol and the gavel would fall, calling the convention to order. We’d get to watch the delegates

propose ideas – the good/bad/ugly – and in the process witness modern-day Jeffersons and Madisons emerge. They’d be on the news and late-night TV shows just like senators today.

After all the ideas are proposed, the gavel would fall again, end the convention, and everyone would go home. Then we’d start getting reports about which states had approved which ideas, and as soon as any one of them reached the thirty-eight-state threshold – Boom – ratification.

Whenever you debate an Anti-Conventionist, and they give the same invalid reasons – that the whole Constitution can be torn up, or that the current applications are somehow void or expired – ask them why it’s there? Why is the provision for a convention in our Constitution in the first place? Because some delegate might come up with a better idea than a Senator or Speaker of the House? Like taking private money out of public campaigns?

In fact though, because the requisite applications are on record, it’s a constitutional requirement a convention is called. It’s mandated. To be Anti-Conventionist today is actually to be Anti-Constitutionalist, and that’s against the law. To advocate overthrowing our constitutional government is a federal crime. The intent of the convention clause is why the Founders left the requirement of a numeric total as the single thing to mandate the Article V Convention. In other words to question any application for any reason whatsoever, beyond whether it’s on record, is illegal. To a fine point, this is the rule of law in its most profound sense to the American citizen.