



CONVENTION OF STATES

A Response to Publius Huldah

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Anonymous blogger Publius Huldah attacks the Founder's solution for a runaway federal government with a series of ad hominems and misdirections. A perpetual naysayer, she can propose no better solution of her own, other than the extra-constitutional doctrine of nullification.

Huldah betrays her lack of credibility in the opening line of her email when she says there is no such thing as a Convention of States. Contrary to her assumption, that phrase is not a fabrication of ours. It comes from the very first Article V application which was filed by the state of Virginia in 1789.¹ If she objects to that phrase, she had best take it up with the Founders.

The bulk of her article is a giant ad hominem directed against our organization and Professor Robert Natelson. Behind all this bluster, her argument rests on two easily refuted facts: (1) the Constitutional Convention of 1787 was a runaway convention, and (2) James Madison had concerns that Article V didn't lay out the convention process in sufficient detail. I have already debunked the first claim as a myth in my response to Mr. DeWeese, so here I will focus on the second.

¹ 1 ANNALS OF CONG. 258–59 (J. Gales, Sr. ed., 1834) (H.R. May 5, 1789), *available at* <http://article5library.org/gettext.php?doc=1418>.

It is true that at the Constitutional Convention Madison raised some questions about “the form, quorum, &c” of such a convention. But according to Madison’s own notes, the motion to add a Convention of States to Article V passed “nem. con.” “without objection.”² Apparently Madison had his doubts put to rest, or he didn’t consider them important enough to vote against the proposed change to Article V. If a Convention of States were the terrible constitutional reset button that Huldah describes, surely Madison, or at least one of the other Framers, would have voted against it.

As it turns out, the Founders strongly supported it. In fact, Madison later expressed his staunch support for Article V in *Federalist No. 43*. In praise of Article V he wrote:

The mode preferred by the convention, seems to be stamped with every mark of propriety. It guards against that extreme facility, which would render the constitution too mutable; and that extreme difficulty, which might perpetuate its discovered faults.

There can be no doubt that Madison, like the other Founders, was a champion for Article V.

Mr. DeWeese and Ms. Huldah can’t get their own story straight. DeWeese attacks the credibility of the Founders, particularly James Madison, the Father of the Constitution, by accusing them of illegally adopting the Constitution. Huldah, on the other hand, expects us to venerate this supposed tyrant and hang on his every word. How strange that they should so heavily rely on the same man they accuse of a felony.

Of course, as I have argued at length, history vindicates Madison and the other Framers. We are quite right to listen to them, and their unanimous support for a Convention of States speaks volumes.

² 5 DEBATES ON THE ADOPTION OF THE FEDERAL CONSTITUTION 551 (Jonathan Elliot ed., 1827), available at http://files.libertyfund.org/files/1909/1314.05_Bk.pdf.