

Misquoting James Madison's Article V Convention Position Yet Another Lie By Phyllis Schlafly

By Bill Walker

When you expose Article V Convention opponents' lies, the best course is simply let the facts speak for themselves. When an opponent is foolish enough to misquote or take comments out of context of a famous historical figure and then proceed to build an entire house of cards argument on that misdeed the recourse is even more clear: let the historic figure speak for himself to correct the record and expose the lie.

In her latest column entitled, "[Good Advice Against a Con Con](#)," longtime anti-constitutionalist Phyllis Schlafly laments "politicians are proposing a wide assortment of many amendments to produce big changes" in the Constitution rather than asking for a balanced budget amendment which she opposed in 1989. Article V clearly allows for a convention to propose "amendments." Her complaint is utterly meaningless. The situation has altered. This is not 1989 even if Mrs. Schlafly still thinks it is.

In 1989, excessive spending by Congress resulted in a few billion in national debt. The states attempted to add a balanced budget amendment to the Constitution via an Article V Convention proposal. Mrs. Schlafly opposed this amendment telling the same lies about a convention she still tells today. The effort failed. Because of her efforts, today the national debt is in the trillions of dollars. There is serious debate among economists as to whether the United States can remain economically viable. Mrs. Schlafly still opposes a balanced budget amendment.

In 1989, the states recognized other federal government excesses but the public yet, did not. By 1989, the states, long since recognizing the dangers of these excesses, had submitted 680 applications for a convention call, far in excess of the 34 applications required for Congress to call a convention. Today these excesses are so rampant the matter is self-evident to everyone as is the public outrage. Dictatorship can only describe these excesses. Only amendments can repair the damage caused by these excesses. Anyone not frozen in 1989 should realize that massive abuses require massive repairs.

In 1989 as now, Congress can propose multiple amendments. Then, as now, Schlafly never warns about the "dangers" of Congress proposing multiple amendments (such as it did with the Bill of Rights). Obviously, as Congress is the problem, they are not about to propose amendments to repair its own abuses. Given the nation's problems today, repair require more than a one size fits all amendment; multiple amendments are the only solution. The only way to get these amendments proposed is by an Article V Convention. Therefore, to resolve the problem requires a convention call. Otherwise, the problems will only get worse. This should be obvious even to someone as recalcitrant as Phyllis Schlafly. Beyond which, given the track record of Congress in not obeying the Constitution ([which Schlafly herself has criticized](#)) for Mrs. Schlafly *not* to lump Congress in with a convention in her groundless tirades about the "dangers" of a

convention proposing multiple amendments is intellectually dishonest. Either multiple amendments however proposed are a danger, or they are not.

The public record proves enough states have submitted applications to cause Congress to call a convention. Mrs. Schlafly opposes an Article V Convention meaning she supports Congress should have the authority to veto the Constitution. Yet, it is this very fact of constitutional violation that even Mrs. Schlafly objects. She is a hypocrite. In her latest effort to have America believe, like she, that Congress should have the authority to veto the Constitution, Mrs. Schlafly quotes [part of a letter](#) written by James Madison November 2, 1788 to George Lee Turberville. Madison was responding to concerns expressed in a [December 11, 1787](#) letter from Turberville.

Historic record shows that when Madison wrote his letter to Turberville, eleven states had already ratified the Constitution thus replacing the Articles of Confederation as law of the land. However, the government did not begin until March 3, 1789 nearly four months in the future. Technically the United States government was in a state of flux between two forms of government. Some state legislatures had expressed concerns and called for a second convention to re-do the just completed and ratified Constitution. Madison's letter, read in full context, makes it clear Madison did not support a second convention preferring instead the use of amendments to repair or correct defects in the Constitution.

In her column, Mrs. Schlafly quotes Madison's letter out of context and then uses the out of context language to then justify her accusations which she terms as "prophetic warnings against a general convention to amend our Constitution (now colloquially called a Con Con)." The fact is then as now, a "convention for proposing amendments" referred to in Article V, is colloquially known as an Article V Convention, not a Con Con. That misnomer was created by Mrs. Schlafly and her ilk as a means to distort the Constitution and the intent of the Founders, which includes Madison, the historic figure she now attempts to use for her own obvious political ends.

Lying by omission is as equally dishonest as any other form of lying. Mrs. Schlafly fails to mention or show by her quotes that what Madison and Turberville were discussing in their letters was the recent application by the state of New York for "another general convention." Specifically, Madison said, "You wish to know my sentiments on the project of another general Convention as suggest by New York." This sentence alone proves Madison was not addressing an Article V Convention but in fact was expressing his opposition to the idea of another convention to revamp the just ratified Constitution (created by the 1787 Convention) by exposing it to uncertainties of a second convention instead of using the amendment system within the newly ratified Constitution. If there is any doubt Madison supported a convention, this quote from the Madison/Turberville letter Mrs. Schlafly conveniently fails to quote proves her deliberate effort to quote Madison out of context.

"It is not unworthy of consideration that the prospect of a second Convention would be viewed by all Europe as a dark and threatening Cloud hanging over the Constitution just established, and, perhaps over the Union itself; and would therefore suspend at least the

advantages this great event has promised us on that side. It is a well-known fact that this event has filled that quarter of the Globe with equal wonder and veneration, that its influence is already secretly but powerfully working in favor of liberty in France, and it is fairly to be inferred that the final event there may be materially affected by the prospect of things here. We are not sufficiently sensible to the importance of the example which this Country may give to the world, nor sufficiently attentive to the advantages we may reap from the late reform, if we avoid bringing it into danger. The last loan in Holland and that alone, save the U.S. from Bankruptcy in Europe; and that loan was obtained from a belief that the Constitution then depending would be certainly speedily, quietly, and finally established, & by that means put America into a permanent capacity to discharge with honor & punctuality all her engagements.”

Clearly, Madison was addressing the dangers of a convention *at that time* rather than opposing future conventions held under Article V. To quote the Turberville letter again, “I am not of the number if there be any such, who think the Constitution lately adopted a faultless work. On the contrary there are amendments which I wished it to have received before it issued from the place in which it was formed. These amendments I still think ought to be made, according to the apparent sense of America and some of them at least, I presume will be made. There are others concerning which doubts are entertained by many, and which have both advocates and opponents on each side of the main question. These I think ought to receive the light of actual experiment, before it would be prudent to admit them into the Constitution.”

Madison then goes on in his letter to advocate why he felt congressional amendment proposals were, given the circumstances of that time, a better choice than waiting for a convention to be called to propose them.

If Mrs. Schlafly is correct that Madison “warned” not to an Article V Convention based on out of context quotes of 1788 letter how does she explain Congressman Madison’s quotes a [pages 259-261 Debates in Congress May 5, 1789](#) in the House of Representatives a little more than six months after the Turberville letter was written?

The state of Virginia had just submitted an application for an Article V Convention. The members of the House of Representatives were discussing whether to refer the application to a “Committee of the whole” as “this deserved the serious and solemn consideration of Congress.”

Mr. Madison stated, “he doubted the propriety of committing it, because it would seem to imply that the House had a right to deliberate upon the subject. This he believed was not the case until two-thirds of the State Legislatures concurred in such application, and then it is out of the power of Congress to decline complying, the words of the Constitution being express and positive relative to the agency Congress may have in case of applications of this nature. “The Congress, wherever [sic] 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 convention

for proposing amendments.” From hence it must appear that Congress have no deliberative power on this occasion.”

If Madison were, as Mrs. Schlafly contends, “warning” us not to hold an Article V Convention in the Turberville letter, it hardly seems logical he would counter that supposed position six months later. Why, when the issue was officially and formally discussed, would Madison state “Congress [shall] have no deliberative power on this occasion.” Why would he state it was “out of the power of Congress to decline complying, the words of the Constitution being express and positive relative to the agency Congress may have in the case of applications of this nature.”? Why would he advocate that to even submit the application to a committee was incorrect, as it would “imply that the House had a right to deliberate upon the subject...” which he believed was not the case.

Obviously, if Madison believed as Mrs. Schlafly contends, he would urged at the minimum congressional oversight if not outright veto of any application submitted by the states. He would not have stated Congress doesn't have the right to refuse to call a convention if the states apply, not even so much as the power of debate *unless Madison never believed as Mrs. Schlafly tries to allege by taking a quote out of context.*

When someone like Mrs. Schlafly misquotes or takes comments out of context, the statements of a historical figure, then she better be sure other statements made by that person do not exist to prove her she has lied. Obviously Mrs. Schlafly did not do her homework. However, there is one more question in regards to all of this.

Why does Mrs. Schlafly have to take quotes out of context made by the founders in order to support her position? If she is correct in her position, shouldn't she simply be able to take the full statement made by a historic figure, a court or other official source and use that to prove her assertion that a convention is dangerous for this nation and therefore the government should be able to veto the Constitution in order that it not occur? Obviously, Madison's words prove Mrs. Schlafly is wrong. His words prove our Founding Fathers did not believe the government has the right to veto the Constitution. His words prove he as well as other Founders supported the government calling a convention when the states applied as they have now.

The reason Mrs. Schlafly has to take historic and official record out of context and misquote it is there is no official or historic record that supports her argument. So she is forced to lie either through outright lies or lies of omission. However described, a lie is a lie and we cannot base constitutional decisions on lies. When considering Mrs. Schlafly's latest lie in her long string of lies, one must compare it to an irrefutable fact: if the Founding Fathers, such as James Madison, felt a convention was a bad idea, why did they put it the Constitution in the first place? The only possible answer is blatantly obvious: they didn't.