

## A Question of Accuracy

### Shall The John Birch Society Decide The Constitution?

(Part 2)

By Bill Walker

In any political campaign, it is expected (though certainly not always done) that any information in the form of a factual statement presented by a political campaign is, in fact, factual. By factual, I mean that information stated by that political campaign purporting to be fact is actually true and accurate.

Let me give a simple example. “The current president of the United States is Mr. Obama.” That is a fact. Based on such facts a political campaign then presents a political opinion about these facts. In the example concerning Mr. Obama, a political campaign may oppose or support an action of Mr. Obama as president but no credible political campaign would state another person is currently president of the United States.

Therefore, a credible political campaign does not waste its time presenting falsehoods as facts such as “The current president of the United States is Mr. Andrew Johnson.” A political campaign that is not factual runs a grave risk of its credibility being questioned if not outright destroyed. After all, if you cannot rely on what a campaign states is fact to be accurate and true, how can you believe the political opinion based on those inaccurate facts? The answer is plain: no one can.

With the John Birch Society and its opposition to an Article V Convention what you get from them is, “The current president of the United States is Mr. Andrew Johnson.”

This destruction of credibility is even more certain if a political campaign, such as the John Birch Society, having been informed of irrefutable facts persists in publishing misinformation regarding those facts. Eventually its credibility must suffer. Moreover, when a political campaign presents misstatements of fact to its own membership, thereby misleading the very people required to maintain the campaign, the destruction of credibility becomes even more certain.

In sum, you cannot lie to your own people and expect to get away with it especially if they already know you are not telling the truth in the first place.

This situation faces the John Birch Society and its long-standing opposition an Article V Convention. The John Birch Society and its other allies such as [Chuck Baldwin](#), [Tom Deweese](#) and [Phyllis Schlafly](#) all have been very vocal in their opposition to an Article V Convention. This opposition continues unabated. Their theme is continuously repeated, but it is a campaign is based on inaccurate information they purport as facts.

For example, in a John Birch Society blog posted on the John Birch Society webpage dated Tuesday, January 20, 2009, entitled, [Oppose Virginia Resolution SJR315 Asking Congress to Call a Constitutional Convention](#) asserts misstatements of fact. Based upon untrue and inaccurate statements purported to be facts, the society urges a political action. It requests members of the John Birch Society attempt to prevent the people of Virginia from exercising their right of alter or abolish. It asks its members to prevent the Virginia state legislature from submitting an Article V Convention application to Congress. Their blog states:

“Back in the 1970s and 80s thirty-two states passed resolutions calling on Congress to convene a con-con for the purpose of considering the addition of a balanced budget amendment (bba) to the U.S. Constitution. **According to Article V of the Constitution, when two-thirds (34) of the states issue requests for a con-con, Congress "shall call a convention for proposing amendments. Thus, only two more states requesting a bba con-con would be needed in order for Congress to go ahead and call a con-con."** [Emphasis added.] (The post then goes on to discuss rescissions of applications, which will be discussed in a separate column.)

Given the tumult on the Internet over the [FOAVC Burger letter video](#) it is impossible to believe that anyone in the John Birch Society is not aware of the irrefutable fact [regarding state applications for an Article V Convention](#): all 50 state have submitted over 650 applications for an Article V Convention. The applications can be read at our website, [www.foavc.org](http://www.foavc.org). By the way, according to the public record, the society is partially correct. Thirty-two states have applied for an Article V Convention with the amendment issue of balanced budget. What JBS fails to mention to its members as well as the general public is that this number does not include states that did not apply for the amendment issue, balanced budget, but have submitted applications for a convention without any amendment issue specified, otherwise known as general applications. Therefore, all amendment issues must add these states (and of course the number added varies from issue to issue) to the total. When this is done, the total is 36 states.

Regardless of the count of states on a specific amendment issue, even the JBS admits a convention call is a simple numeric count of applying states. As more than 34 states have applied for an Article V Convention (50), even the John Birch Society admits Congress must call an Article V Convention. Hidden from the membership of the John Birch Society is the key point of the entire argument of the society, how many states have actually applied for an Article V Convention, is. Other facts regarding these applications are hidden as well.

The states, in submitting more 650 applications, have requested more amendment issues than just a balanced budget amendment. The John Birch Society has publicly aligned itself with many of the amendment issues to be discussed at a convention such as:

-[State Control of Education](#); 1959 application by [the state of Georgia](#); Exclusive Power for States to Regulate and Operate State Schools;

-[Limited Federal Government](#); 1961 application by [the state Arkansas](#); State Legislative Review of Supreme Court Decisions;

-[Preservation of National Sovereignty](#); 1965 application by the [state of Mississippi](#); Prohibition of Communists in Government;

-[Right to life](#); 1978 application by the [state of Nebraska](#); Right to Life Amendment;

-[Reduction of federal taxes](#); 1960 application by the [state of Louisiana](#); Repeal of Federal Income Tax.

These are but a few examples of the applications issues submitted by the states. Their intent is obvious: to limit, regulate and control the actions of the national government. It is indisputable the overriding political goal of the John Birch Society is to limit the power of the federal government. In short, the overall aim of the states toward limited government and the political positions of the John Birch Society are not as far apart as the society would have everyone believe.

It is fair to label the John Birch Society a conservative right wing organization that “[has been marginalized among mainstream conservatives](#)”. That said, the fact is many issues the states have applied for are supported by many other mainstream conservative, as well as liberal, political groups who have embraced the convention alternative of amendment proposal in order to achieve their political goals, unlike the John Birch Society. To be blunt, the groups, whether liberal or conservative, that oppose an Article V Convention is exactly one: the John Birch Society and its associated extremist allies.

Why the society supports, on the one hand, many of the political issues a convention would address, yet on the other hand, opposes the method whereby these issues are achieved is a mystery only the society can answer. Talk about the right hand not knowing what the left hand is doing.

This fact of multiple amendment issues and Congress’ refusal to obey the Constitution in a timely fashion as required by Article V explains why a convention cannot be limited to single issue. As Congress has entirely avoided its constitutional duty, it is fault of Congress that a convention will address multiple issues, not that of a convention. To attack a convention because Congress has not done its constitutional duty or attack a state for applying for a convention call when the number of applying states has already determined the outcome of whether or not Congress must call a convention simply shows the John Birch Society to be politically irrelevant. The society persists in attempting to prevent a constitutional choice by the states that they have already decided. The John Birch Society refuses to even inform its members of these facts—on which they then ask their members to fight a battle they cannot possibly win. Most of their members were not even born or the society even in existence when the states made the decision.

To hold otherwise, that Congress can ignore the applications, leaves the Constitution prone to more mischief than even the society in its wildest, most unsubstantiated claims about a convention could ever imagine. It requires little effort to realize what dangers will

happen if the government is free to veto clauses of the Constitution at its political whim. It is one thing for people to accuse a government official of having violated the Constitution in a political attack; it is quite another for veto of the Constitution to be a matter of official government policy.

The John Birch Society and others use the fact a convention may propose multiple amendments as something we should fear. One can only imagine the effect on this nation if Congress, which possesses the same power as an Article V Convention, had been forced to propose to the states, one amendment at a time, the original twelve amendment proposals commonly referred as the Bill of Rights. Given the politics of the time, and the fact one of the twelve proposals was not ratified until 1992, the Bill of Rights might not have come into existence for decades, if at all.

If the John Birch Society is going to attack a convention for the constitutional fact the Constitution grants it powers equal to that of Congress, and because Congress has refused to a duty which even the John Birch Society states it is obligated to do, then it should attack the Congress for its unconstitutional actions and not the convention. To do otherwise does the Constitution, America and most of all, its own membership a grave disservice in that it misleads that membership. This misstatement urges the membership to attack our constitutional form of government. It aims that effort not at the body responsible for subverting that constitutional form of government (Congress) but an Article V Convention, which bears no responsibility in the matter whatsoever. If you are going to attack a guilty party, at least have the political integrity to attack the correct guilty party.

Similarly to attack a state legislature in its legal constitutional pursuit to apply for an Article V Convention by stating falsehoods as fact is misdirected at best. The Constitution is clear: states have a right to apply for an Article V Convention. The purpose of those applications is to compel Congress to call an Article V Convention, something Congress has steadfastly refused to do. Unconfirmed reports indicate the state of Ohio, despite the recent efforts by groups aligned with the John Birch Society, is again going to consider submitted an application for an Article V Convention with the issue of a balanced budget. According to the John Birch Society if both Virginia and Ohio submit applications, Congress must then call a convention.

However, the facts state differently. Regardless of the action of either state, Congress is already obligated to issue a convention call. If attention narrows to just balanced budget applications, the facts show when all applications are counted, the number is 36, two more than required for a convention call on this amendment issue alone. However, a narrow focus is constitutionally misplaced. Even the most fanatical member of the John Birch Society can do basic arithmetic. Surely, they must realize 650 plus applications from all 50 states is far more than the 34 applications from 34 states necessary to compel Congress to call an Article V convention.

What happens if Congress, as is its habit, refuses to call? Will the John Birch Society then cheer the news that Congress has the right to veto the Constitution? Will it urge its members to march in support of this newfound authority of Congress? Time will tell.

However, a recent quote from Mr. Tom Deweese may provide some insight as to how anti-constitutionalists will address this issue.

In a [January 23, 2009 column](#) Mr. Deweese stated, “Walker contends that 650 states have already passed resolutions calling for various Con Cons over the years. I haven't disputed that. It may be true. Perhaps Congress has ignored them in violation of Article V, as Walker contends. That fact has nothing to do with my actions today. Since Congress has not called such a Con Con, the opportunity is still open for me to oppose these latest calls. Lawyers can deal with how Congress reacts to the Con Con calls. I will continue to oppose new resolutions as they appear.”

I have a couple of points on Mr. Deweese's quote. First, there are 50 states in the union, not 650 as Mr. Deweese states. Given this level of factual accuracy it is any wonder Mr. Deweese then makes other mistakes? Second, it is true the 650 plus applications exist. It is public record. Anyone wishing to check our work need only go to their nearest public library and verify it against the Congressional Record. Third, there is no question Congress has ignored these applications. The states themselves [have brought this matter to the attention of Congress](#) on several occasions. Fourth, and most telling Mr. Deweese states, “Lawyers can deal with how Congress reacts to the Con Con calls.” Mr. Deweese obviously places great faith in lawyers and the decision of a single judge. Of course, he ignores rulings by the Supreme Court, but we will develop that point in another column.

Mr. Deweese and others contend unnamed sinister forces out to destroy the Constitution can subvert a convention, which will be one of the most closely watched political events in American history. If so, how can he be so sure those same sinister forces will not subvert an attorney or a single judge. Perhaps the judge in question will order an amendment passed favored by these so-called sinister forces. If, according to Mr. Deweese, a convention can do this and thus overthrow the Constitution in violation of Article V, who is to say a judge cannot do the same thing? In Mr. Deweese's worldview of the Constitution, it seems anything is possible. I will address the issue of the courts and Article V in a future column and present a startling, and factual, account of their role in all of this.

For the John Birch Society to maintain the fiction that only 32 states have applied for an Article V Convention when easily referenced public record proves otherwise *especially when reasonable inference shows the group knows such public record exists* demonstrates how fanatical the John Birch Society is. The organization obviously does not grasp reality. The question boils down to this: do we want such fanatics as these who can't even accept the reality that a sufficient number of applications have already been submitted by the states to compel the action the JBS admits must occur if the states so act, to be the ones deciding our Constitution for us?

It is time the John Birch Society came out of its 30-year-old daze about an Article V Convention. It is time the John Birch Society dealt with the facts about a convention as they truly are. It is time they stop trying to convince everyone about "facts" that simply are not true and can be easily disproved by examination of public record. It is time the John Birch Society stopped using a convention as an excuse to preventing a balanced

budget amendment. If the society wishes to politically oppose that amendment proposal, fine. However, to attempt to destroy the Constitution by attacking its form of government, which includes an Article V Convention, as a smoke screen for opposing a specific amendment proposal, by spreading lies about that form of government is inexcusable.

I invite all reading this column especially members of the John Birch Society to come to [www.foavc.org](http://www.foavc.org) and learn the facts. Then decide.