

# THE TORCH

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## Congress' Push for an Article V Convention Is Naïve

By **Tabitha Walther**, Eagle Forum, 8/26/22

The country's distrust of the federal government is not a new sentiment. For decades, massive spending and unchecked powers of the White House and Congress have put a strain on our economy and pocketbooks. Not only has the bureaucracy gotten more powerful, but also more politicized. While Eagle Forum shares the frustrations and tirelessly works to mend the divisive nature of our national politics, one naïve "solution" continues to be advocated in both the states and in Congress: an Article V Constitutional Convention (Con-Con), also known as a Convention of

the States (COS) or a Convention for Proposing Amendments (CPA).

Amendments to the Constitution that would push Congress to balance the federal budget, place term limits on lawmakers, and require identification to vote sound appealing. As pro-life, pro-family conservatives, we would love to see the right to life of all Americans and the sanctity of traditional marriage be enshrined in our Constitution. Advocates of a Convention of the States claim that because Republicans control thirty state legislatures, getting two-thirds of the states (34 states total) to

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agree on good policies is not only achievable but worth the risk of calling a new Constitutional Convention via this never-before-used mechanism in Article V. However, the dangers are much more real than the hopes and dreams of misguided conservatives who believe they can control the process and outnumber those who disdain our current Constitution.

Liberals are also proponents of a Constitutional Convention because, to no one's surprise, they have their own agenda. Issues we have fought against such as abortion, gender ideology, universal healthcare, federal control of elections, open borders, and Green New Deal policies are on the list of Democrat priorities if a Con-Con were to be held. The Left has sought to erase women and the pre-born for fifty years by trying to pass the Equal Rights Amendment into the Constitution which originally was messaged as a "women's rights" issue but has been expanded to a "transgender's rights" issue. These topics could very well enter the arena of a Con-Con because Article V leaves the procedures and agenda up to the ones who will be chosen to participate—not necessarily those on the Right who have been advocating the loudest for such a convention.

If this sounds like it would lead to political chaos, you're right! Eagle Forum Founder Phyllis Schlafly sounded the alarm about the consequences of a runaway convention as early as 1984. After she wrote to the then Supreme Court Chief Justice Warren Burger about this topic in 1988, he responded with: "There is no effective way to limit or muzzle the actions of a Constitutional Convention. After a Convention is convened, it will be too late to

stop the Convention if we don't like its agenda."

Recently, a Congressional Republican introduced a resolution that calls for a Con-Con. Representative Jodey Arrington (R-TX)'s H.Con.Res 101 calls for the Archivist of the United States to set a date and time of a Convention of the States within 180 days of the passage of the resolution. While the resolution mentions in a "whereas" clause the problem of the nation's out-of-control debt, it does not specifically require a Balanced Budget Amendment be part of the agenda. In fact, the language leaves open the agenda to multiple amendments. Moreover, there have been almost 200 Balanced Budget amendments introduced in the Congress since 1979. Surely if public support for such an amendment were strong enough, at least one of these amendments would have been sent to the States for ratification by now!

The truth is that this resolution is a "trigger" resolution that would immediately set in motion a dangerous and uncontrollable Constitutional Convention that will put our system of government at grave risk. The last Con-Con occurred in 1787. If a Constitutional Convention went south, could we afford to wait another 235 years to correct the Left's insertions into the Constitution?

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## Dangers of a Constitutional Convention

Considering the present state of the nation, there are many dangers to consider before taking such a risky step as convening an Article V convention:

- **Convention delegates:** How would the delegates be chosen? The Constitution is silent on this. Considering the current conditions of today, what special interest agendas would be represented? We do not have the statesmen of the past. We have the politicians who have helped create this mess, so the delegate selection process could easily be manipulated to ensure that special interests were well-represented.
- **Congress:** Ask yourself, "Is the Constitution the problem, or is it the politicians who are not obeying the Constitution?" Congress has a horrible approval rating with the American people, largely because of the influence of special interests, and yet this is the body that would "call a Convention."
- **State legislatures:** Article V allows Congress to send proposed amendments for ratification to either state legislatures or special state conventions. Therefore, Congress has the option to bypass state legislatures completely during the ratification process for proposed amendments.
- **Ratification:** According to Article V, three-fourths of the

states are needed to ratify a proposed amendment. However, a new ratification process could be created much like the Constitutional Convention of 1787 did. It changed the ratification requirement from unanimous approval by all 13 state legislatures and Congress (as required by the Articles of Confederation) to approval by special conventions of the people in nine of the thirteen states. A modern-day constitutional convention could change the ratification requirement to a majority of the states, or even to a simple majority of the people.

- **Runaway convention:** An Article V convention has the inherent power to become a "runaway" convention. This is possible considering that the sovereign people have the right to "alter or abolish" their form of government whenever it fails to secure their rights. This is clearly stated in the Declaration of Independence. Consider the Constitutional Convention of 1787. It did not stop at revising the Articles of Confederation. It completely rewrote them, including creating a new procedure for ratifying the new Constitution.

SOURCE: "Con-Con: The Full Story," [jbs.org](https://jbs.org)

# Biden's DOJ Harasses Eagle Forum of Alabama

From an article by **Joshua Arnold**, *The Washington Stand*, 9/10/22

While the Biden administration is working overtime to dispel fears that it is weaponizing government power to target political enemies, the Department of Justice (DOJ) is weaponizing government power to target political enemies. And, just like a bully, it's picking on those smaller than itself.

On August 9, the DOJ demanded Eagle Forum of Alabama (EFA) hand over 11 different types of documents dating back to 2017, relating to the Alabama Vulnerable Child Compassion and Protection Act (VCAP), which protects minors from harmful and permanent gender transition procedures. This includes draft or model legislation, materials used to prepare legislation, EFA's "legislative or policy goals," any documents provided to state officials, any communications with state officials, any communications with other lobbyists, records and minutes of meetings, polling data, presentations and speeches given by EFA, mailings to its members, and social media postings.

The DOJ had intervened in the lawsuit that partially blocked enforcement of VCAP in May, in a case now known as *Eknes-Tucker v. Marshall* after unusual filing procedures got Southern Poverty Law Center-backed lawyers investigated for judge shopping. Based on their role in this lawsuit, the DOJ strangely subpoenaed EFA for extensive records, even though EFA is not a party to the case. Their circuitous rationale does not make the connection more apparent.

There could not be a larger mismatch in legal firepower. Nobody pushes paper better than a gargantuan government bureaucracy. Meanwhile, "EFA has only one full-time paid employee, along with one part-time paid administrative assistant. Nearly all of the work done by EFA is done by volunteers." Literally two people (the organization's entire staff) have access to all of the five years' worth of files the DOJ demanded they surrender, and finding all the requested documents could consume all their labor for days, if not weeks. Comparatively speaking, the DOJ is the 800-pound gorilla, and it's throwing boulders at an ant.

VCAP "is the product of the Alabama Legislature and was signed by Governor Kay Ivey," EFA executive director Becky Gerritson said in an attached declaration. EFA built a grassroots pressure campaign about the "medical harms inflicted upon vulnerable children" of "medical interventions being given to minors," but only in legal ways. Their campaign was a model of how a group of concerned citizens can successfully intervene in the political process.

Gerritson added: "There is no question in my mind that the subpoena issued by the federal government in this case is a form of government harassment and retaliation for simple

communications with the public and our elected officials to carry out our lawful purpose. If this subpoena is enforced, legitimate, law-abiding organizations like ours will be subject to scrutiny for engaging in constitutionally protected activities. Enforcement of the federal government subpoena would set a precedent that would stifle other citizens who want to exercise their constitutional right to make their views known to their elected officials on public policy matters."

The undue attention Eagle Forum of Alabama has drawn from the national Department of Justice is a testament to the extraordinary success their small, mostly volunteer team has enjoyed.

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*Their campaign was a model of how a group of concerned citizens can successfully intervene in the political process.*

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The VCAP lawsuit has little to do with the DOJ's persecution of EFA, besides serving as a pretext. The two ways the subpoena would damage EFA are unconnected to VCAP. The first is simply the crippling effort to their advocacy. Instead of pursuing pro-family policies in Montgomery, the DOJ would sideline this effective organization on a lengthy scavenger hunt. The second is the potential for the information they surrender to the DOJ to find its way into the hands of their state-level political opponents. We all know it's possible. Not that the information would show wrongdoing, but revealing their internal research polling and objectives would give their opponents a strategic advantage in frustrating their plans. It would come as no surprise if that was the real reason why the DOJ initiated this charade.

*NOTE: TEF will NOT be intimidated by the Biden DOJ or any left-wing organization. In the 88th Legislative Session convening in January, we will stand behind and work to pass a similar bill to ban dangerous and harmful gender transition procedures on minor children by unethical medical professionals. We pray you will encourage your legislators to stand with us against this evil. "... and having done all ... stand firm." ~ Ephesians 6:13*



## VOTE On November 8th!

America is at a critical crossroads—our very freedom is at stake. On November 8th, Election Day, make every effort to vote for candidates who represent your biblical values and encourage family and friends to do the same. We need ALL patriots on deck to vote, in person if possible, so there can be no question of the results. Early voting is Oct. 24–Nov. 4. VOTE!

## One in Four Dems Say Men Can Get Pregnant

Are Democrats collectively becoming more insane? Given the results of a recent survey, the answer appears to be in the affirmative. In the survey conducted by WPA Intelligence in late August, Democrats were asked if they agreed with the statement, “Some men can get pregnant.” Astoundingly, almost a quarter (22 percent) of Democrats agreed with the statement. And when honing in on the Democrats’ largest demographic constituency—white, college-educated women—that percentage jumps to 36 percent. Meanwhile, the vast majority of Americans still hold to the basic reality that only women can get pregnant. It’s telling that the more educated these Democrats are, the more willing they are to embrace the illogical absurdity of the transgender agenda. Even more absurd is that Democrat women, who happen to be the biggest proponents of modern feminism, are those most willing to embrace an ideology that ironically does more to undercut their claims of an oppressive patriarchy than anything their invented conservative bogeymen could contrive. It’s yet another example of how the “Party of Science” is more beholden to a political agenda than to scientific reality. SOURCE: *The Patriot Post*, 9/9/22

## Arlington National Cemetery Goes Woke

A commission set up to evaluate the political correctness of the names of military bases and other sites around the nation says a memorial in Arlington National Cemetery has to go because it recognizes the Confederacy. The Confederate Memorial at Arlington, according to the *Washington Examiner*, features a bronze woman and the coats of arms of the 13 states, as well as depictions of slavery. It is “problematic from top to bottom,” the commission concluded of the statue put up in 1914. The instruction is just part of a report from the commission which wants new names for military bases, including Fort Hood in Texas. The report explained, “The recommendations are part of a larger report by the commission that seeks to propose new names for Army bases and assets that commemorate the Confederacy. It is expected to cost taxpayers about \$62.4 million to do the changes the commission is requiring. Military officials have explained that the various names preserve history, but do not signal support for the Confederacy. SOURCE: *WND*, 9/14/22

## UTA Mandates CRT for Freshmen

As school districts and universities across the state continue implementing divisive critical race theory (CRT) policies, the University of Texas at Arlington (UTA) is requiring freshmen to complete assignments on privilege and oppression. UTA recently created an Office of Diversity, Equity, and Inclusion (DEI) to raise the “collective consciousness, awareness, and understanding of the UTA community in areas relating to social justice, diversity, equity, and inclusion.” The university also promised to include more CRT materials in undergraduate courses. “Nationwide, students are being indoctrinated to go against basic biology, believe that America is racist, and believe other ludicrous ideas,” said grassroots activist Carlos Turcios. “We need students with skills. Having critical race theory training for students provides no skills that will help with the workforce. Rather, it just radicalizes them with nihilism and despair.” SOURCE: *The Texas Minute*, 9/21/22

## Quote of the Month

*“... we are not the people to open up this sacred document ... that was a God-inspired document, divinely written. I withdraw my support. This Constitution is wholly inadequate for anyone other than a religious and moral people. We are not those people.”*

~ Talk show host Glenn Beck withdrawing his support of an Article V COS, 9/15/22

## Great American Quote

*“The Constitution is not out of date. It’s just as good today as when it was written.”*

~ Phyllis Schlafly, 2004

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