



Written by [Steve Byas](#) on September 23, 2019

## Harper's Magazine Forum: The Problem Is the Constitution

In its October 2019 edition, *Harper's Magazine* asked the question, "Do We Need the Constitution?" on its cover. In fact, the article, based on a forum at the New York University law school this past spring, concluded that the Constitution is the source of what it sees as most of our modern political problems.

Some of the participating scholars argued that the Constitution needs to be abolished entirely, while one participant argued that we could accomplish their goals of updating our system of government for the 21st century with an Article V Constitutional Convention.



The moderator, Rosa Brooks, set the tone for the discussion, by decrying a culture that "reveres this piece of paper as if it had been handed by God out of a burning bush, and treats the Constitution as more or less sacred.... Is it really a good thing to have a document written almost 250 years ago still be viewed as binding us in some way?" Brooks is a Georgetown law professor.

But Brooks was not alone in expressing her disdain for the U.S. Constitution. Her fellow Georgetown law school professor Louis Michael Seidman agreed, saying that the Constitution was "illegal" from the beginning, noting that it is a "neat trick" that "people feel bound to respect the document."

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David Law, the Sir Y.K. Pao chair in public law at the University of Hong Kong, compared the Constitution to a "blueprint that must never be changed," making the analogy of not being able to renovate one's bathroom, because the renovation must be "in accordance with the spirit of the blueprint."

Not to be outdone, another law professor, this one from the University of Miami, asserted that "every word of the Constitution — starting from this premise of 'we the people — is a lie.'"

Donna Edwards, a former U.S. Representative from Maryland, also held the Constitution in contempt when she said — speaking as a lawmaker under the Constitution — "Legislators can only hope a court will bypass all this other dysfunction in the other branches."

Fortunately, Edwards is no longer in Congress, and although these law school instructors no doubt greatly influence many of their students to share their hatred of our Constitution, they have practically no chance of getting Americans to share their goal of scrapping the document. But one of the forum's participants, Lawrence Lessig, a Harvard law professor, offered an alternative that he believed could accomplish their goal of fundamentally transforming our system of government.

Lessig said, "The U.S. Constitution has the provision in Article V to allow us to call a convention to



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propose amendments. If two-thirds of the state legislatures vote to convene it, the Constitution requires it. That's what we need to do."

It should be noted that Lessig gives every indication that he shares the group's ultimate goal, believing that an Article V Convention would "break this deeply unrepresentative system that we have right now." Lessig has a history of advocacy for using an Article V Convention to implement the progressive agenda. He also was involved in a plot to persuade presidential electors to not vote for President Donald Trump, despite Trump carrying their states in the presidential election, even offering free legal counsel to any elector who may have faced legal consequences after switching his or her vote from Trump to someone else. One elector, Patricia Allen of Tennessee, was irate, declaring, "This borders on bribery. Carried to this extreme, the day might come when an elector could be sold to the highest bidder."

But it is Lessig's long-time effort to change our Constitution through an Article V Convention, in order to make it more palatable to his liberal tastes, that bears the closest scrutiny. He founded Call a Convention in 2013, and on page 293 of his 2011 book *Republic Lost: How Money Corrupts Congress — and a Plan to Stop It*, he called for a constitutional convention as the only way to make the fundamentally transformative changes he desires. "Even though it has never happened," he wrote, "a constitutional convention is the one final plausible strategy for forcing fundamental reform onto our Congress."

Lessig served as an advisor to the Obama 2008 presidential campaign, and was a participant at the 2013 Bilderberg Conference, where establishment insiders from Europe and North America met to discuss various topics, including their concerns about the growing anti-globalist wave.

In *Republic Lost*, Lessig explained why a constitutional convention is necessary to enact his agenda. "It's going to be easier to organize movements within the states to demand fundamental reform than it will be to organize Congress to vote for any particular amendment to the Constitution to effect that reform. And more important, it's going to be much easier to get a conversation about fundamental reform going in the context of a call for a convention than it will be through other plausible means."

In other words, Lessig believes it will be easier to transform the United States into a leftist paradise via a constitutional convention than through any other method.

What is of particular concern, however, is that there are many self-proclaimed conservatives who, for whatever motive, are leading many other conservatives to mistakenly believe that an Article V Constitutional Convention would somehow advance the cause of limited government. In 2014, Lessig appeared with Mark Meckler, a co-founder and national coordinator of Tea Party Patriots, at the Citizen's University Annual National Conference in Seattle. Meckler has unfortunately persuaded far too many conservatives that an Article V Constitutional Convention would somehow make the government respect the limited government our Constitution presently provides for.

This Article V Constitutional Convention may attract some well-meaning conservatives, frustrated at the growing power of the federal government, who have bought into the pro-Constitutional Convention rhetoric. While these well-meaning conservatives would oppose frontal assaults upon the Constitution supported by the liberal members of the Forum put together by *Harper's Magazine*, they may very well be lured into helping to accomplish the same thing via a "runaway" national constitution convention.

Answering a question at the Seattle conference from someone who was concerned that the proposed Article V Constitutional Convention may become a "runaway convention" — and fundamentally alter our present form of government — Lessig just smiled and replied, "Let's have some more runaway



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conventions.”

The Constitution, although often misinterpreted and ignored, has so far saved us from the progressive political system desired by the law professors brought together at New York University, and we should resist any effort, overt or covert, to radically change it.



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