



Harvard Prof Behind Effort to Overturn Election, Call Article V Convention

Many Republicans are understandably disgusted at the audacious effort underway to usurp the results of the 2016 presidential election by persuading enough presidential electors to break their pledges to vote for Donald Trump, the Republican nominee.

It should be instructive and alarming that one of the leaders in this effort to deny Trump the presidency is also known as a leader — perhaps *the* leader — in promoting a constitutional convention under Article V of the U.S. Constitution.



His name is Lawrence Lessig, a law professor from Harvard. Lessig (shown) has offered free legal counsel to any elector who may face legal consequences by switching his or her vote from Trump to someone else. Republican elector Patricia Allen of Tennessee is particularly upset at this suggestion, declaring, “That borders on bribery. Carried to this extreme, the day might come when an elector could be sold to the highest bidder.”

Lessig demonstrates no embarrassment at his brazen attempt to subvert the constitutional method of electing the president of the United States. He has asserted, “We now believe there are more than half the number needed to change the result seriously considering making that vote.”

Given Lessig’s lack of acceptance of the legitimate victory at the polls by Trump, it is perhaps not surprising that he believes “it is time to rewrite our Constitution.”

To accomplish this “rewrite” of our founding document, Lessig founded Call a Convention in August of 2013. 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 wants. “Even though it has never happened, however,” he states, “*a constitutional convention is the one final plausible strategy for forcing fundamental reform onto our Congress.*” (Emphasis added.)

Although there are many conservatives who are desirous of a convention in order to pass this or that “conservative” reform, they should understand that once the convention is seated, they might very well not have control of the agenda. Ominously, considering Lessig’s attempt to overturn Trump’s victory through the Electoral College, Lessig has offered abolition of the Electoral College as one of the objectives that could be achieved at any such convention.

Lessig previously taught law at the University of Chicago, and served as an advisor to Barack Obama’s 2008 presidential campaign. He was even mentioned as a possible Supreme Court nominee at one point. Certainly well-connected, Lessig 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, as was later demonstrated by the Brexit in the United



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Kingdom, and, of course, the election of Trump in the United States.

After the 2010 Supreme Court decision *Citizens United v. Federal Election Commission*, which declared that corporations, specifically 501(c)(4) public advocacy groups as well as trade associations, have a constitutionally-protected right to make financial contributions in election campaigns, Lessig emerged as a major opponent of that decision. His followers and other left-wing groups have suggested an amendment to the Constitution through an Article V constitutional convention to gut *Citizens United* by banning all private money for political races and requiring elections to be publicly financed.

In his book *Republic, Lost*, Lessig explained why a constitutional convention would be necessary to effect the “fundamental reform” he desires:

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 that it will be through other plausible means.

In addition to abolition of the Electoral College, Lessig also mentioned the banning of political gerrymandering. Considering that both the Electoral College and gerrymandering are important tools in the arsenal of state legislatures to limit the power of the federal government, it is not difficult to see the end result of a constitutional convention: the end of our federal system of government, with the transfer of power from the states to the federal government.

On March 21, 2014, Lessig appeared with Mark Meckler at the Citizen University’s Annual National Conference in Seattle. Meckler, a co-founder and national coordinator of Tea Party Patriots, would like to see a Balanced Budget Amendment (BBA) passed at a national constitutional convention. Lessig is extremely open in his support of “conservatives” who want a constitutional convention (or as they prefer to call it, “convention of the states”), because his goal is to get the convention called; however, it is not to get any “conservative” amendments passed at such a convention. Unfortunately, many conservatives still do not understand that they are being used to advance a left-wing progressive agenda.

An article written by Lessig in the May 1993 issue of the *Texas Law Review* is enlightening as to his ultimate purposes. He stated:

We live in a time when almost sixty percent of the American public cannot even identify the Bill of Rights. If the document has become so out of date that its meaning is no longer plain to all — if it has become impossible to imagine a world where ordinary people carry the Constitution in their pockets — then perhaps it is time to restore its meaning by, as Justice [John Paul] Stevens has recently suggested, amending the text to preserve its meaning. Perhaps, that is, *it is time to rewrite our Constitution.*” [Emphasis added.]

At a conference on the constitutional convention, Lessig was asked about the prospect of a new “con-con” and the possibility that it would become a runaway convention — a possibility dismissed by conservatives who favor such a convention. Lessig offered the usual talking-point of the con-con advocates: that any “crazy amendments” proposed at such a convention would still require the ratification of 38 states. The questioner then said, “I agree, and the original convention they say was ... a runaway convention.”

Lessig smiled and replied, “Let’s have some more runaway conventions.”



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The problems we are facing today do not require a constitutional convention to solve them; rather, they simply need adhering to the Constitution we have had since 1789. Even if such a convention were to meet, pass some good amendments, and not become a “runaway convention,” what makes anyone believe that the president, the bureaucracy, the Congress, and the federal courts would follow those amendments any more than they do our present Constitution?

It should be remembered that though the Bill of Rights, adopted in 1791, forbade Congress from passing any law abridging the freedom of speech or of the press, only seven years later Congress passed the Sedition Act, which did exactly that!

The risks of a constitutional convention simply far outweigh any possible good that could come from such an event — especially when one considers that the same electorate that has created our present collection of federal public officials would also be choosing the delegates to a constitutional convention. (It is not clear exactly who would choose the delegates, since the Constitution does not address that question. Because Congress is empowered to make the rules for the calling of the convention, some suspect Congress itself might simply choose the delegates, with states such as California having many times more delegates than, say, Wyoming).

The solution is rather to educate the electorate in the principles found in our Constitution — limited government, individual liberty, separation of powers, checks and balances, and federalism — so they will choose members of Congress who will live up to their oaths to support our present Constitution.

Speaking on this subject to the Virginia convention that ratified the Constitution in 1788, James Madison declared,

But I go on this great republican principle, that the people will have virtue and intelligence to select men of virtue and wisdom. Is there no virtue among us? If there be not, we are in a wretched situation. No theoretical checks — no form of government can render us secure. To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical idea.

Yet, Lessig, on the other hand, is calling for presidential electors to *break their pledges* to their party and their states that they will vote for Donald Trump on December 19.

Is there no virtue among us?

Photo of Harvard Professor Lawrence Lessig: AP Images



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