



Written by [Thomas R. Eddlem](#) on September 26, 2011

## Harvard Confab Fails to Convince Tea Party to Seek Constitutional Convention

The left-wing Lessig, founder of [FixCongressFirst.org](#), sought to galvanize a left/right/libertarian alliance in favor of convening a constitutional convention (Con-Con) for the purpose of repealing the Supreme Court's Citizens United decision and the influence of money in elections, but he made few — if any — converts on the right.

"I think we have some things in common. I think we discovered we don't hate each other," Tea Party Patriots Founder Mark Meckler told the audience during the concluding session of the ConConCon.



Meckler told *The New American* magazine there were "areas of commonality," and along with his Tea Party compatriots expressed mutual opposition to corporate influence buying toward preferential government contracts and Wall Street bailouts.

Meckler and leftist Coffee Party co-founder Annabelle Park even agreed they could meet in the future to discuss issues. "But we shouldn't try to gloss over our differences," the California attorney said in the conference's closing minutes, stressing that neither the Tea Party Patriots organization nor he personally had a position on a constitutional convention. Nevertheless, Meckler indicated he wouldn't be backing Lessig's solution. "We have different ideas of how to fix our problems.... I have a fundamental disagreement with what I saw."

Specifically, Meckler noted that the biggest money problem in politics was government money, not corporate money, which Lessig had called the "root" of the problem in the political system. "I think he [Lessig] did find some of the roots, because he found the surface roots," Meckler stressed, "The tap root of this problem is the size and scope of government today."

Meckler's comments echoed that of the Tea Party Patriots' Constitutional Coordinator, who also stressed he was speaking for himself and not for the organization as a whole. "I don't think now is the time to do it," Bill Norton, the Constitutional Coordinator for the Tea Party Patriots, told conferees, stressing that a Con-Con would not remedy the nation's ills without first producing a core of informed patriots who would properly guide the Con-Con. "We are not educated enough.... We have got to educate ourselves."

The ConConCon featured speakers from many sides of the political spectrum, both opponents and supporters of a modern-day Article V convention, as well as a fair share of people who were indifferent or undecided. Former Green Party presidential candidate David Cobb ranted that "the United States of America is racist, it's sexist, it's oppressive." Rob Richie of FairVote.org told the conference he would consider using a Con-Con to promote his pet cause of promoting proportional representation in Congress (though his [website also promotes voting rights for convicted felons](#)). Shane Larson of the



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labor union Communications Workers of America said he was open to considering a Con-Con as he complained that "our issues aren't even on the agenda," such as socialized medicine, though his union is part of the national AFL-CIO (which has strongly opposed a Con-Con for more than a generation).

Leftist University of Texas Law School Professor Sandy Levinson openly favored "a no-holes-barred, everything is conceivably on the table, convention," reigniting fears of many on both the right and left that a Con-Con could become a runaway convention that would be used to change our form of government and undermine the Bill of Rights.

Con-Con skeptic and noted liberal Harvard Law School Professor Lawrence Tribe told the conference that a Con-Con could not be limited to a single issue if convention delegates decided to pursue other agenda items. "The stakes in this institution are much greater because you are putting the whole Constitution up for grabs," Tribe told the ConConCon audience in the opening forum. He added that in 1787, "there was at least agreement on the direction we should move ... we don't even agree what direction we should move." Tribe stressed that in 1787, America had a treasure of enlightened leaders such as James Madison, George Washington, Alexander Hamilton, and Thomas Jefferson. "I don't know how you feel about the current cast of characters," he quipped. Tribe also noted that a runaway convention could even change the rules of ratification, as the 1787 convention did, and make them ratifiable by national vote or some other method. (The Articles of Confederation required unanimous ratification by all 13 state legislatures, but delegates at the 1787 convention recognized this might not be accomplished, so they changed the ratification rules to three-fourths of the state legislatures or state ratifying conventions.)

The ConConCon did have some right-leaning advocates of a Con-Con, such as North Dakota State Senator Curtis Olafson of [RestoringFreedom.org](#) and Nick Dranias of the Goldwater Institute. Both promoted the idea of a "National Debt Relief Amendment" and loudly complained about the influence of The John Birch Society in blunting calls for a Con-Con. The John Birch Society has been a leader of organizing conservative opposition to a Con-Con for more than 20 years, and has been part of a longstanding left-right coalition that has gotten [16 states to rescind](#) (withdraw) their Con-Con calls since the late 1980s.

The "National Debt Relief Amendment" is a proposed constitutional amendment that [reads in its entirety](#):

An increase in the federal debt requires approval from a majority of the legislatures of the separate States.

Dranias told *The New American* magazine that he believed restoring limited government under the constitutional "status quo" was all but hopeless. The Goldwater Institute official argued that despite the obvious hunger of left-wing groups to attach their radical agenda onto a Con-Con, the Article V process offers sufficient protections from a runaway convention. Dranias notes that the states had 10 conventions of one kind or another before 1787, and none of them exceeded their mandate. Moreover, he argues that the requirement that three-fourths of the state legislatures in Article V would be a check, discounting Prof. Tribe's fear that the convention delegates could reset the ratification rules. "You have to think of it in terms of relative risk," he said, noting of a con-con, "Relative to your influence on your congressman, it's not perfect, but it's a little better."

But local John Birch Society leaders remain unconvinced that citizens would have any reason to believe their influence would be greater on Con-Con delegates chosen by politicians rather than congressmen



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chosen by the people directly. Moreover, they charged that state dependence upon federal aid dollars would make the "National Debt Relief Amendment" a hollow protection even if adopted. "I don't think we should play Russian roulette with the Constitution with five bullets in the chamber for a toothless gimmick," John Birch Society Northeast Regional Field Director Hal Shurtleff told *The New American* magazine. "The Goldwater Institute seems to think that this one amendment is going to solve our woes. It is a gimmick that they think will galvanize conservatives and give them the impression that they're accomplishing something."

Indeed, the conservative Pelican Institute [points out](#) that federal aid amounts to more than half of the state budgets of Louisiana and Oklahoma, and averages more than a third of state budgets nationwide. Robert Higgs, a senior fellow with the Independent Institute, [told the Pelican Institute](#) that "Fearing the loss of such a large part of their funding, state authorities become nothing more than puppets of the federal authorities."

Other conservative officials remained skeptical of Con-Con proposals as a panacea for the nation's ailments. "It seems to me that with government already exceeding parchment barriers," Arizona State Senate Republican Majority Leader Andy Biggs told the conference, "you would be putting faith in something that hasn't already worked, that is, parchment barriers." Biggs noted that his arguments in the Arizona state senate convinced four or five other state senators to switch to oppose a ConCon.

While the ConConCon failed to cement a left-right coalition to promote a Con-Con, it served to highlight the opposing and powerful left-right coalition that has worked together on an *ad hoc* basis for more than 20 years to oppose a constitutional convention. This longstanding anti-Con-Con alliance has included organizations and individuals on the left such as the AFL-CIO, the late U.S. Supreme Court Justice Arthur J. Goldberg, Professor Tribe, and Citizens to Protect the Constitution. Even the Rhode Island branch of the ACLU [testified](#) against a constitutional convention in 2010.

On the right, the anti-Con-Con alliance [includes](#) the John Birch Society, the American Policy Center, Eagle Forum, Daughters of the American Revolution, American Legion, Veterans of Foreign Wars, National Rifle Association, and virtually every other Second Amendment organization, among others.

The powerful anti-Con-Con coalition of left and right organizations defeated the establishment of both the Republican and Democratic parties in pursuit of a clearly-set common cause, the sincere desire to preserve the U.S. Constitution.

Ironically, had Professor Lessig invited more establishment Republican officials to his conference, he would have received more constitutional convention support. The move toward a Con-Con has been led for decades by the establishment, Republican-leaning organizations American Legislative Exchange Commission (ALEC) and Lew Uhler's National Tax Limitation Committee. Of course, it's the ALEC crowd against whom Lessig's anger and agenda is directed.

*Photo at top shows Harvard Yard.*



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