



Progressive Democrats of Orange County

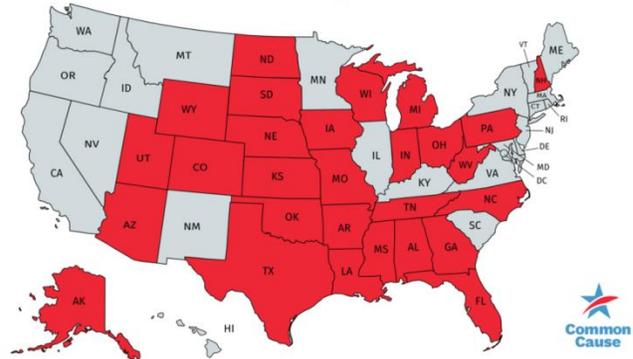
## The secret reasons conservatives want a Constitutional Convention

### The Problem

There is a well-funded, coordinated national effort by conservatives and special interests to call a constitutional convention (CC), under Article V of the U.S. Constitution. They say they want a Balanced Budget Amendment (BBA), but there are no legal or Constitutional restrictions or limits on what any CC could do, and conservatives have rejected the actual history and legal philosophy of the U.S. Constitution. They need only six more states to get a CC. They have targeted North Carolina as the next state to call for an Article V CC.

**Bottom line:** There is a powerful faction of well-funded conservatives who want to rewrite or even replace the Constitution in order to impose their radical and reactionary policies on America.

**28 States with Article V Convention Applications for a Balanced Budget Amendment**



### Who they are

Leading these efforts, [according to Common Cause](#), is the American Legislative Exchange Council (ALEC), with millions of dollars in funding from Koch Industries, AT&T, Pfizer, UPS, Comcast, Altria, and Chevron and other giant transnational global corporations. In 2011, [ALEC published an Article V Handbook](#), a 40-page manual to guide state legislators in proposing a CC. In December 2014, Ohio Gov. John Kasich, a founding member of ALEC in 1973, conducted a national speaking tour promoting a CC for a balanced budget amendment. Another group, Convention of States (CoS), is led by Tea Party Patriots co-founder Mark Meckler and former U.S. Senators Tom Coburn, R-OK, and Jim DeMint, R-SC. CoS has been endorsed by Jeb Bush, Sen. Marco Rubio, Kasich, Mike Huckabee, Texas Gov. Greg Abbott, Mark Levin, Sean Hannity, and Sarah Palin.

### What they say they want

- Balanced Budget Amendment.
- Restore the “original intent” of the Constitution.
- Term limits on congressmen and senators.
- States’ rights.

### What they actually intend

What all these groups and individuals share is a deep distrust and dislike – hatred, really – for the national government. It is very similar to the hatred that led Confederates into secession and disastrous Civil War. It comes down to the issue of what they believe is the proper role and purpose of government. They do not believe government should have power to limit or penalize greed; some openly proclaim “selfishness is a virtue.”

On November 15, 2018, Republican Senator Mike Lee of Utah spoke before a meeting of the [grossly misnamed Federalist Society](#) in Arlington, Virginia and threatened “civil war” if the Constitution is not eviscerated. Lee declared that unless opponents accepted a “move to a system granting de facto sovereignty to the states and eliminate massive federal programs like public education and interstate highways there will be a civil war.” Lee did not offer any room for compromise, declaring “every federal law that liberals support violates the Constitution.” Even the “federal ban on child labor is unconstitutional because the Constitution was ‘designed to be harsh.’”

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Conservative and Republican leaders have been careful not to discuss the issues listed below in connection with the calling of a CC; the danger is there is nothing to stop them from embedding these ideas in any rewriting of our national compact:

- Reduce government to a size small enough to “[drown it in the bathtub](#).”
- [Eliminate the General Welfare mandate](#) and [General Welfare clause](#).
- Delete or strictly [limit the commerce clause](#).
- [Eliminate entire departments](#) of government, especially [Education](#), and Health and Human Services.
- Impose a strict interpretation of [enumerated powers](#).
- [Roll back the New Deal](#) and dismantle the “nanny state” by [eliminating Social Security](#), Medicare, Medicaid, and other key ways we care for our fellow citizens.
- [Eliminate progressive taxation](#) of income and capital.
- Prevent government interference with and obstruction of “the natural workings of the market.”

**Bottom line:** Conservatives reject the idea that united and inspired the Framers: to create a stronger, more vigorous central government able to steer the economic destiny of the nation, with powers clearly superior to the states, and able to create and impose national policies even over state objections or reluctance. (See [The Power to Govern: The Constitution -- Then and Now](#), by Douglass Adair and Walton H. Hamilton, 1937, abridged and annotated, 2015.)

## The crucial importance of the General Welfare mandate

The Constitution of the United States mandates a central purpose of government is the promotion of the General Welfare. This is in the Preamble to the Constitution, and is repeated in Article 1, Section 8, known as the General Welfare Clause. This mandate is a culmination of the humanist thinking of the scientific and political Enlightenment, and distinguished the American form of republican government from all other forms before it. Before USA, all other forms of government served to enrich and empower only one person (a monarch), or small group of people (an oligarchy or aristocracy), not ALL people.

The General Welfare mandate is the Constitutional bedrock for programs such as Social Security, Medicare, and Medicaid. If this mandate is removed by a constitutional convention, programs such as these would instantly become unconstitutional, allowing conservatives and libertarians to eliminate them forever. For example, Randall G. Holcombe, who served as economic advisor to Jeb Bush during Bush’s 2016 presidential campaign, [wrote in June 1992](#) that the deliberate exclusion of the general welfare from the 1861 Confederate Constitution was an important “improvement.”

## There are no limits to the damage a Constitutional Convention could do

- “[T]here is no way to effectively limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or one issue, but there is no way to assure that the Convention would obey.” — [Warren Burger](#), Chief Justice of U.S. Supreme Court (1969-86).
- “There is no enforceable mechanism to prevent a convention from reporting out wholesale changes to our Constitution and Bill of Rights.” — [Arthur Goldberg](#), Associate Justice of US. Supreme Court (1962-65).
- “Even more frightening is that the entire Constitution will be in play during a convention. The First Amendment could disappear, so could gun rights. There is no guarantee that any of our current constitutionally protected rights would be included in a new constitution. **The only guarantee is that all of those rights would be imperiled.**” — [Mark Rush](#), Professor of Politics and Law at Washington and Lee University, Lexington, Virginia.