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OBAMA WATCH CENTRAL
U.S. now only 2 states away from rewriting Constitution
 Critic: 'This is a horrible time to try such a crazy scheme'

Posted: December 12, 2008
12:25 am Eastern

By Bob Unruh
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A public policy organization has issued an urgent alert stating affirmative votes are needed from only two more states before a Constitutional Convention could be assembled in which "today's corrupt politicians and judges" could formally change the U.S. Constitution's "problematic" provisions to reflect the philosophical and social mores of our contemporary society."

"Don't for one second doubt that delegates to a Con Con wouldn't revise the First Amendment into a government-controlled privilege, replace the 2nd Amendment with a 'collective' right to self-defense, and abolish the 4th, 5th, and 10th Amendments, and the rest of the Bill of Rights," said the warning from the American Policy Institute.

"Additions could include the non-existent separation of church and state, the 'right' to abortion and euthanasia, and much, much more," the group said.

The warning comes at a time when Barack Obama, who is to be voted the next president by the Electoral College Monday, has expressed his belief the U.S. Constitution needs to be interpreted through the lens of current events.

Tom DeWeese, who runs the center and its education and grassroots work, told WND the possibilities stunned him when he discovered lawmakers in Ohio are considering a call for a Constitutional Convention. He explained that 32 other states already have taken that vote, and only one more would be needed to require Congress to name convention delegates who then would have more power than Congress itself.

(Story continues below)

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"The U.S. Constitution places no restriction on the purposes for which the states can call for a convention," the alert said. "If Ohio votes to call a Con Con, for whatever purpose, the United States will be only one state away from total destruction. And it's a safe bet that those who hate this nation, and all She stands for, are waiting to pounce upon this opportunity to re-write our Constitution."

DeWeese told WND that a handful of quickly responding citizens appeared at the Ohio Legislature yesterday for the meeting at which the convention resolution was supposed to be handled.

State officials suddenly decided to delay action, he said, giving those concerned by the possibilities of such a convention a little time to breathe.

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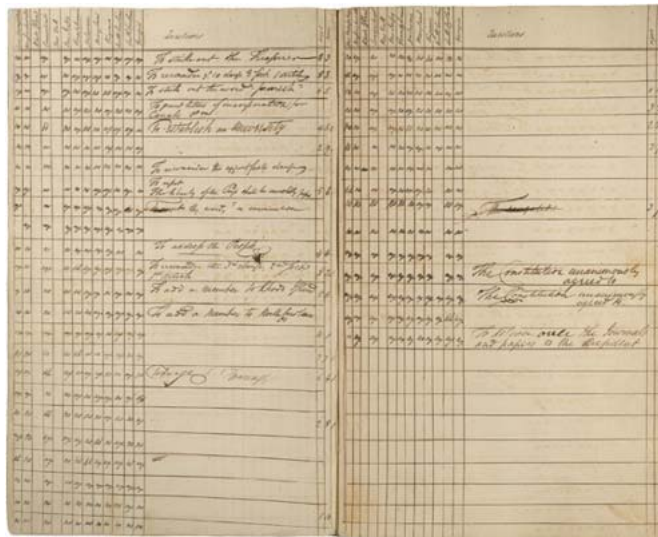


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According to a Fox News report, Obama has stated repeatedly his desire for empathetic judges who "understand" the plight of minorities.



The final vote from the 1787 Constitutional Convention

In a 2007 speech to Planned Parenthood, the nation's largest abortion provider, he said, "We need somebody who's got the heart, the empathy, to recognize what it's like to be a young teenage mom. The empathy to understand what it's like to be poor, or African-American, or gay, or disabled, or old. And that's the criteria by which I'm going to be selecting my judges."

Obama also committed himself to respecting the Constitution but said the founding document must be interpreted in the context of current affairs and events.

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Melody Barnes, a senior domestic policy adviser to the Obama campaign, said in the Fox News report, "His view is that our society isn't static and the law isn't static as well. That the Constitution is a living and breathing document and that the law and the justices who interpret it have to understand that."

Obama has criticized Justice Clarence Thomas, regarded as a conservative member of the court, as not a strong jurist or legal thinker. And Obama voted against both Chief Justice John Roberts and Justice Samuel Alito, two appointees of President Bush who vote with Thomas on many issues.

Further, WND also reported Obama believes the Constitution is flawed, because it fails to address wealth redistribution, and he says the Supreme Court should have intervened years ago to accomplish that.

Obama said in a 2001 radio interview the Constitution is flawed in that it does not mandate or allow for redistribution of wealth.

Obama told Chicago's public station WBEZ-FM that "redistributive change" is needed, pointing to what he regarded as a failure of the U.S. Supreme Court under Chief Justice Earl Warren in its rulings on civil rights issues in the 1960s.

The Warren court, he said, failed to "break free from the essential constraints" in the U.S. Constitution and launch a major redistribution of wealth. But Obama, then an Illinois state lawmaker, said the legislative branch of government, rather than the courts, probably was the ideal avenue for accomplishing that goal.

In the 2001 interview, Obama said:

If you look at the victories and failures of the civil rights movement and its litigation strategy in the court, I think where it succeeded was to invest formal rights in previously dispossessed people, so that now I would have the right to vote. I would now be able to sit at the lunch counter and order and as long as I could pay for it I'd be OK

But, the Supreme Court never ventured into the issues of redistribution of wealth, and of more basic issues such as political and economic justice in society. To that extent, as radical as I think people try to characterize the Warren Court, it wasn't that radical. It didn't break free from the essential constraints that were placed by the Founding Fathers in the Constitution, at least as it's been interpreted, and the Warren Court interpreted in the same way, that generally the Constitution is a charter of negative liberties. Says what the states can't do to you. Says what the federal government can't do to you, but doesn't say what the federal government or state government must do on your behalf.

And that hasn't shifted and one of the, I think, tragedies of the civil rights movement was because the civil rights movement became so court-focused I think there was a tendency to lose track of the political and community organizing and activities on the

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DeWeese said the Constitutional Convention effort was begun in the 1980s by those who wanted to rein in government with an amendment requiring a balanced budget for the federal agencies.

"Certainly all loyal Americans want government constrained by a balanced budget," the alert said. "But calling a Con Con risks a revolutionary change in our form of government. The ultimate outcome will likely be a new constitution, one that would possibly eliminate the Article 1 restriction to the coinage of real money or even eliminate gun or property rights."

He noted that when the last Constitutional Convention met in 1787, the original goal was to amend the Articles of Confederation. Instead, delegates simply threw them out and wrote a new Constitution.

"We were blessed in 1787; the Con Con delegates were the leaders of a freedom movement that had just cleansed this land of tyranny," the warning said. "Today's corrupt politicians and judges would like nothing better than the ability to legally ignore the Constitution - to modify its "problematic" provisions to reflect the philosophical and social mores of our contemporary society."

DeWeese then listed some of the states whose legislatures already have issued a call: Alaska, Arizona, Arkansas, Delaware, Colorado, [Georgia](#), Idaho, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, New Hampshire, [New Mexico](#), North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, [South Carolina](#), South Dakota, Tennessee, Texas, Utah and Wyoming.

"You may have heard that some of those 32 states have voted to rescind their calls. This is true," the warning continued. "However, under Article V of the Constitution, Congress must call a Constitutional Convention whenever two-thirds (or 34) of the states apply. The Constitution makes no provision for rescission."

The warning also suggested that the belief that a Constitution Convention could be directed in its purpose is misplaced.

"In truth no restrictive language from any state can legally limit the scope or outcome of a Convention! Once a Convention is called, Congress determines how the delegates to the Convention are chosen. Once chosen, those Convention delegates possess more power than the U.S. Congress itself," the warning said.

"We have not had a Constitutional Convention since 1787. That Convention was called to make small changes in the Articles of Confederation. As a point of fact, several states first passed resolutions requiring their delegates discuss amendments to the Articles ONLY, forbidding even discussion of foundational changes. However, following the delegates' first agreement that their meetings be in secret, their second act was to agree to debate those state restrictions and to declare the Articles of Confederation NULL AND VOID! They also changed the ratification process, reducing the required states' approval from 100 percent to 75 percent. There is no reason to believe a contemporary Con Con wouldn't further 'modify' Article V restrictions to suit its purpose," the center warning said.

The website [Principled Policy](#) opined it is true that any new document would have to be submitted to a ratification process.

"However fighting a new Constitution would be a long, hard, ugly and expensive battle which is guaranteed to leave the nation split along ideological lines. It is not difficult to envision civil unrest, riots or even civil war as a result of any re-writing of the current Constitution," the site said.

American Policy cited a statement from former U.S. Supreme Court Justice Warren Burger that said, "There is no effective way to limit or muzzle the actions of a Constitutional Convention. The convention could make its own rules and set its own agenda."

"This is a horrible time to try such a crazy scheme," the policy center said. "The majority of U.S. voters just elected a dedicated leftist as president. ... Our uniquely and purely American concept

of individual rights, endowed by our Creator, would be quickly set aside as an anachronistic relic of a bygone era; replaced by new 'collective' rights, awarded and enforced by government for the 'common good.'

"And state No. 34 is likely sitting silently in the wings, ready to act with lightning speed, sealing the fate of our once great nation before we can prevent it," the center said.

A Constitutional Convention would be, DeWeese told WND, "our worst nightmare in an age when you've got people who believe the Constitution is an antiquated document, we need to have everything from controls on guns ... all of these U.N. treaties ... and controls on how we raise our children."

"When you take the document that is in their way, put it on the table and say how would you like to change it," he said.

[American Policy Center suggested several courses of action for people who are concerned, including the suggestion that Ohio lawmakers be contacted.](#)

WND also has reported an associate at a Chicago law firm whose partner served on a finance committee for Obama has advocated simply abandoning the U.S. Constitution's requirement that a president be a "natural-born" citizen.

The paper was written in 2006 by Sarah Herlihy, just two years after Obama had won a landslide election in Illinois to the U.S. Senate. Herlihy is listed as an associate at the Chicago firm of [Kirkland & Ellis](#). A partner in the same firm, Bruce I. Ettelson, cites his membership on the finance committees for both Obama and Sen. Richard Durbin on the corporate website.

The [article by Herlihy is available online under law review articles from Kent University.](#)

The issue of Obama's own eligibility is the subject of nearly two dozen court cases in recent weeks, including at least two that have gone to the U.S. Supreme Court.

Herlihy's published paper reveals that the requirement likely was considered in a negative light by organizations linked to Obama in the months before he announced in 2007 his candidacy for the presidency.

"The natural born citizen requirement in Article II of the United States Constitution has been called the 'stupidest provision' in the Constitution, 'undecidedly un-American,' 'blatantly discriminatory,' and the 'Constitution's worst provision,'" Herlihy begins in her introduction to the paper titled, "Amending the Natural Born Citizen Requirement: Globalization as the Impetus and the Obstacle."

If you would like to sound off on this issue, participate in today's [WND Poll](#).

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