

CONSTITUTIONAL TRAITORS

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I was thinking here, how interesting it might have been, when you all entered this room, if we had asked each of you to vote before hearing anything here, whether you were for or against using the Article V-convention option. I would've found that very interesting. Because if you were a representative group of American citizens, I can tell you that after working on this issue for a number of years and following it extremely closely, particularly on the internet, eighty or ninety percent of you would've voted against the Article V convention because that is, in fact, the reality out there in the real country that we live in. And so, I'm very much preoccupied these days with trying to figure out how do we get the first Article V convention, and how do we win the war by beating the opposition?

Now, the opposition is out there; it's very clear. But here's the first fact that I want to first emphasize about America. Americans overwhelmingly say they love and respect the Constitution and, usually, specific amendments. Now the people on the left love different amendments than the people on the right, but they all say that they love even some amendments. I have conceived of three frameworks for trying to understand why most Americans oppose using the Article V-convention option in the Constitution. Two of them have been used, and I'm going to introduce a third framework that has not yet been used, and I think we ought to use it.

First, I will briefly explain the two that have not worked successfully. The first framework I call the *craziness framework* because many Americans have been taught to fear using the convention option, even though it has never been used. I emphasize that word *taught* because fearing the Article V convention is not in our genetic makeup. There is no reason to think that fearing the convention comes naturally. It is an unnatural sort of point of view. It is an irrational point of view. Being afraid of the convention is like being afraid to eat the fruit of the constitutional tree first planted by the Founders even though no one has ever tasted or been harmed by the fruit. It's irrational. It's crazy. Now, if those people who fear the convention think they are acting rationally, it is delusional thinking. It is all based on some imaginary possibility of what might happen if we have the convention. Such people, I want to emphasize, have been purposefully and successfully brainwashed because a number of organizations, for a very long period of time, have implanted this fear in the public consciousness. And so the result is, we have a large fraction of Americans who have, I would call, an emotional block to convening the first Article V convention. It's emotional. It's based on fear. It's very hard to beat this kind of thing—very, very difficult. And I don't think we've succeeded in being able to remove this fear, which is now so embedded in the public consciousness.

The second framework, I call the *analytic framework*. And most Americans who oppose the convention think that they are using rational, substantive arguments. In fact, we—the proponents and advocates for a convention—use facts based on, as Bill has done in a great way, the language in Article V or other historical facts, to objectively contradict wrong-headed thinking. But correcting the record has not worked sufficiently, largely because opponents invent their own facts, ignore correct facts, and consume disinformation—this information that is purposefully put out there into the public realm by various organizations on the left and the right. We have bipartisan opposition to using the Article V-convention option. Why do people block correct information? Well, for many years I studied psychology, and there is something called cognitive dissonance—when you hear something that is not consistent with your original thinking, you block it out because it is too painful to say, *Well, I was wrong*, or *I believed the wrong information all these years*. So this is just a known psychological problem. So people in this framework have an intellectual block that is psychologically reinforced, and it prevents the acceptance of correct information.

I want to emphasize that we should not invite, respect, or participate in arguments by opponents that fit these two frameworks. Either they're crazy, irrational, or they are blocking out correct information because they have been brainwashed. Why participate, or think you should participate, in rational discussions with such people? We should, in particular, recognize and condemn morally, I emphasize morally, offensive fear mongering—fear mongering used intentionally by convention opponents. This is a tactic that they have used for years, and they know what they are doing. They want to make Americans afraid of using the Article V-convention options. So changing these two frameworks is a paradigm change. I used to be a professor, by the way, University of Wisconsin–Madison, and I used to teach a lot about paradigm changes, and paradigm changes are really very, very difficult—take a long time. We've only been working, people like Bill and myself, a decade at most. This is not long for a paradigm change. They can take a very long period of time.

But what is interesting to me, historically, is that right now in the United States we have an unusually high-level of dissatisfaction with government, politicians, and both major political parties. I think it's historic, in my lifetime. I'm seventy-one, and I tell you, I've been involved in policy and politics for all of my adult life. I find this situation right now extremely interesting, and I think it justifies us continuing our work as advocates for an Article V convention. But it also, in my mind, raises the need for a new framework to beat the opposition because I consider myself a student of “movements.” I've been associated with all kinds of movements in my life. Most of them fail. And they don't fail because people don't have the greatest of intentions, and the right ideas, and the right goals. They fail because the

people who run movements always, always underestimate the opposition, and they don't have a plan of attack to figure out how to beat the opposition.

So here's my third framework: how to beat the opposition to an Article V convention. I call it the *patriotic framework*. It gets to the root of the problem from a rule-of-law perspective. Rather than condemn convention opponents as irrational or ignorant, which they are in my view, we condemn them, instead, as unpatriotic, constitutional hypocrites. I'll say it again, unpatriotic, constitutional hypocrites. Because remember, everyone says they love the Constitution, and then you bring up Article V, *No, no, no, we don't love that part of it*. That's hypocritical. With the patriotic framework, we take advantage of very strong public support for specific constitutional amendments, and you may hear more about it. It's really very fascinating because, at various times, in the history of the country, there has been incredible public support for specific amendments, by the way, which Congress never proposed. And I went back and did a little research—quick research. In 1996, seventy-four percent of Americans favored an amendment to limit the number of terms for Members of Congress—seventy-four percent—that's amazing. In 2005, seventy-six percent favored an amendment to allow prayer in public schools. In 1983, it was eighty-one percent. It's always about the same number, numbers that, by the way, rival support for politicians running in campaigns, typically, or a winning fraction for an election. There's more and more data along these lines for popular, public support for specific amendments that Congress never proposes, including the balanced-budget amendment, which we'll probably hear more about. We almost got it once. A lot of people don't know we were just one vote short in the Senate to get a proposed, balanced-budget amendment out of Congress. So again, I want to state the basis for my patriotic framework to defeat the enemies.

Virtually everyone professes respect and admiration for the U.S. Constitution and knows, every citizen knows, that it includes a process for amending it. But if someone opposes using the Article V-convention option, then he or she is an unpatriotic, constitutional hypocrite. When they openly—when they openly oppose a convention, they are a constitutional traitor. And I like the word traitor—a constitutional traitor replacing the Founders' thinking with their thinking, putting themselves above the law—above the law—because it's very clear what the law says.

Moreover, I want to emphasize, it's impermissible to pick and choose what parts of the Constitution are supported and obeyed. And elected public officials who swear obedience to the Constitution, that Bill talked about, cannot pick and choose which parts to obey. It's just not permissible. Such behavior makes a mockery of the supreme law of the land, the rule of law, and our constitutional republic. Silence by public officials on this issue is cowardly opposition to using the convention option. And I totally agree with Bill that Congress has flagrantly disobeyed the Constitution for a very long

period of time. And by the way, we have brought up this fact in recent years, which seems like an infinite amount of times. I have a big presence on the Internet. I publish on over 100 websites. I follow it very closely. No matter how often we bring up all these facts, again, eighty to ninety percent of the people writing in comments, calling me up, writing me emails, oppose, no matter what we say, they still have this emotional block or this intellectual block to using the convention.

Big point: the continuation of the status quo will not eliminate the political, governmental status quo, will not eliminate the corruption and dysfunction in our government that people today are so angry about. We have, what I call in my book and I've called in a lot of publications, a two-party plutocracy. I'm neither a Republican, nor a Democrat. I'm against the two major parties. I'm against that system that basically denies real political choice to Americans. My point is, many reforms can only be achieved through constitutional amendments that Congress will never propose. This is inarguable today to most Americans. Understand this: voting in elections to get reforms is passé. It's useless. And I think that's what's most fascinating about the current events in our country—is that most Americans, on their own, even if they're not heavily involved in policy and politics, basically have come to the same conclusion: you can't trust the government—you can't trust Congress—to get the reforms into the system that the system needs to get a whole lot better. Amending the Constitution in our modern world should compete with ordinary elections. I think the Founders had a wonderful view of the future. I think they foresaw the day when the public would lose confidence in the federal government. That day has arrived. It's here. Americans know it.

So Article V conventions see it as an alternative to the two-party system, to elections, as an alternative to voting. It's a new way to satisfy the public thirst for government, and political, and policy reforms. Interestingly, I did some more research in thinking about giving this talk, and it's fascinating to me that amending the Constitution, a lot of people don't understand it, can be done relatively quickly. I think people think, *Boy, if you try to amend the Constitution, god, it's going to take all these years, maybe decades.* It's not true. You look at the facts, and I'm not going to bore you with a lot of facts, but there were a number of amendments which didn't take long at all. The Twenty-Sixth Amendment, giving the right to vote to eighteen-year olds, took only three months and eight days to be ratified in 1971. My point is, public pressure works. If you get public support for amendments that become visible through an Article V convention, I think the public pressure will work to get those amendments into that ratification system and get them ratified. It'll work the other way too.

If the amendments don't make sense, then I think there'll be enormous public pressure, even if they come out of an Article V convention. They will not get ratified. And that's the beauty of the system. By the way, we (Bill,

and I, and others) keep telling all these opponents to a convention, *Remember ratification—that's the safety net; that's the safety net*. They don't care. Again, the point about the intellectual block that these people have been so brainwashed, so they bought the propaganda, that they just don't accept this reality. Americans must be taught that just by being in the Constitution, the convention option demands—demands—public support. Citizens are obliged to support the convention option. There's no choice. There should be no choice. We should not think that there's a choice involved here. People cannot be allowed to have it both ways: to be two-faced and hypocritical. Embrace the convention option or be openly and aggressively condemned for unpatriotic hypocrisy and behavior that undermines the sanctity of the Constitution and the rule of law, both crucial for maintaining the integrity of our republic.

Trust is the critical issue. So many Americans have lost trust in their government and politicians, and rightfully so I might add, but far less so in the Constitution. The Constitution, on the surface of things, is still something that the American public says they trust. They trust it so much, they've been taught to be afraid to make it better, even though the Founders created this whole process for amending it, to make it better. Trusting the Constitution means trusting the Founders' wisdom in providing the Article V-convention option.

Let me end by this: we cannot know with certainty, no one can know with certainty, whether holding a convention would revitalize the nation. I think it would. But we don't know with certainty that that would be the outcome. But refusing to use the convention option, as a Constitutional path to reform, disrespects and undermines our constitutional republic. That we know. The sorry state of the nation today, and I think it's in a very sorry state, demands that we do more than just talk about this convention option. This year, I think, is an interesting year for lots of reasons, and I think, this year every candidate for the House and Senate should be compelled to publicly support using the convention option and lack of support should be grounds for defeating them. I would love to see the convention option enter the politics of the mid-term election. There is no room for compromise with convention opponents. This is what I really want to emphasize. I think we've been too soft and easy. Where a lot of us have been academics, or still are academics, we write papers and articles and somehow we think it's legitimate to have these discussions with these opponents to using the Article V-convention option. Now, let's stop talking with them, or to them, and let's start condemning them, openly and publicly, for, again, being unpatriotic and for being constitutional traitors. Thank you.

