

Open Letter to John Edwards

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To: Presidential Candidate John Edwards

Subject: Winning the presidency by defending OUR Constitution

I am intrigued by your clear populist and progressive orientation, particularly your focus on addressing economic inequality that is harming working- and middle-class Americans. There is another issue that is ideal for you to champion. I beg you to open your heart and mind to something that likely has escaped your attention. In a nutshell: Congress has steadfastly ignored a clear provision in Article V of our Constitution that empowers the states to have Congress call for a convention of state delegates to consider proposals for constitutional amendments.

Article V is crystal clear. The only requirement is that two-thirds of state legislatures submit applications to Congress for a convention. This is the alternative route for the first step of the amendment process. Up until now, only Congress has formed proposals for amendments. Let me assure you that vastly more than two-thirds of state legislatures have at various times sought a convention. In fact, there have been 567 such applications from 50 states.

Judge Thomas Brennan, former Chief Justice of the Michigan Supreme Court and Dean Emeritus and President of Thomas Cooley Law School in Lansing, Michigan, has spoken out boldly in favor of Congress calling an Article V convention: "The right to demand an amendatory convention under Article V of the federal Constitution is the last prerogative of the several sovereign states of the American union. If dual sovereignty means anything in the United States any more, if there is any irreducible minimum beyond which the lawful authority and inherent power of the states cannot be diminished, it must lie in the clear mandate of Article V. By the plain words of Article V, the people of three-fourths of the states can amend the Constitution of the nation. Speaking either through their state legislatures or through state ratification conventions, the people of the fifty states, counted state by state, are the ultimate sovereign authority by which the federal Constitution is amended. But the right and the reserved power of the people of the states to pass upon constitutional amendments is hollow indeed without the prerogative of demanding an amendatory convention to discuss, refine, draft and propose amendments. ... There is no danger of a runaway convention. That phrase, 'runaway convention', and all the accompanying horror stories about repealing the Bill of Rights are utterly without substance. They are myths, harmful to democracy, invented by those who are afraid to let the people exercise their historic and God-given right to self government."

There is a widespread misperception that only applications seeking the same amendment can be counted. This is dead wrong. No such thing is said or implied in Article V. A little thought and it becomes clear that our Founders knew that requiring states to specify what they wanted to amend could cause Congress to oppose the change and ignore the states' request. And doing so would stifle debate on possible amendments among state delegates – the same kind of debate that Congress now enjoys.

Of course, Congress has done just that – totally ignored the constitutional requirement to call a convention. So many people find this incredulous that they fall prey to incorrect

justifications for this congressional inaction. Clearly, Congress has wanted to keep all the power when it comes to defining possible amendments to our Constitution. This only proves the wisdom of our Founders, who created the alternative convention path because of their concern that the federal government could grow too powerful and ignore the true interests of we the people. Just what has happened.

An Article V convention is a constitutionally mandated form of direct democracy that now is more sorely needed than ever. The presidency of George W. Bush has revealed how the constitution can be twisted. The corruption of Congress by corporate and other special interests has created the "two Americas" you have so boldly talked about.

Many may wonder how Congress could have gotten away so long with violating a clear constitutional provision. One reason is that federal courts have not acted. A petition to the Supreme Court failed. In other words, the judicial branch decided that it would not force Congress to comply with OUR Constitution. What's left?

The Executive Branch must come to the rescue. Now is the time for you sir to boldly say that if elected President of the United States of America and having sworn to defend and uphold the Constitution that you would use the full force of the presidency to demand Congress call a convention. There is little to fear from an Article V convention, while there is much that it might do to put America on a better track with a stronger democracy.

Now is the time for all good Americans to come to the aid of their constitutional republic. Let you, presidential candidate John Edwards, take the initiative by becoming the first presidential candidate to take a stand on this issue. Please defend OUR Constitution. Do we really have a country where the rule of law is sacred?

If as you say "tomorrow begins today," then please begin the national movement for an Article V convention to make a better tomorrow for we the people. Your courageous stand could compel the new Congress to hold hearings on this issue. Let those who believe in totally ignoring Article V and the states' and the public's right to a convention testify publicly and try to defend their position. I await your reply. The country awaits your leadership.