Unexpected Suggestions for Constitutional Changes

by Phyllis Schlafly

Release: April 29, 2014

It looks like all sorts of people are joining the game of rewriting parts of the U.S. Constitution. It started with state legislators who apparently had time on their hands, and now it's even extended to U.S. Supreme Court Justices.

Justices Antonin Scalia and Ruth Bader Ginsburg made a joint appearance at the National Press Club and added their two bits worth of advice about changing our Constitution. Justice Scalia said he would like an amendment to make it easier to pass more amendments, which probably is music to the ears of those who are trying to pass several or even a dozen new amendments. Currently it's considered to be a laborious process even to get a constitutional amendment introduced, much less passed and ratified.

However, Justice Scalia added a caveat to his suggestion, saying "I certainly would not want a constitutional convention. Whoa! Who knows what would come out of it?"

As Hamlet bemoaned, "Aye, there's the rub." Any new constitutional convention, called as allowed by Article V, would surely attract and include political activists with motives and goals diametrically different from those of Justice Scalia.

Justice Ruth Bader Ginsburg then weighed in with the tiresome complaint of the feminists. Her first choice for a constitutional change, she said, would be the addition of the Equal Rights Amendment (ERA).

The American people, the mainstream media, and state legislators spent ten years (1972 to 1982) considering the proposed Equal Rights Amendment. They then let it die after it failed to get the three-fourths (38) of the states that are needed to ratify a new amendment.

ERA was marketed as something that would give new rights (with the false promise of a pay raise) to American women (whom the feminists falsely claim are oppressed by the patriarchy), but that phony sales talk failed. Since the text of ERA doesn't use the words "women" or "gender," but instead calls for "equality of rights ... on account of sex," it is now beyond dispute that ERA's principal effect would be to make it unconstitutional to deny a marriage license "on account of sex."

Our biggest trouble about constitutional revisionism comes from 93-year-old Supreme Court Justice John Paul Stevens, who just emerged from retirement to try to make himself relevant again. He has just written a new book calling for six amendments to the U.S. Constitution.

Stevens' most dangerous suggestion is to gut the Second Amendment. Stevens wants to reverse the Supreme Court decision that upheld our right to keep a gun at home for self-protection.

The fundamental right of Americans to own guns was considered by our Founders to be basic to a free society, and abolishing this right has long been a major goal of the liberals who oppose the conservative values at the heart of our nation. Our right to own a gun is not only necessary for personal self-defense, but it's fundamental to preventing a takeover by a dictatorship, as we have watched happen in so many other countries.

If Congress acquiesces in the states' petitions to call an Article V convention, you can bet that rewriting the Second Amendment to allow gun control and to forbid private ownership of guns will be a top priority of many delegates. Would they succeed?

Justice Stevens' plan to achieve his goal is deceptively simple; he just calls for adding five itty-bitty words: "when serving in the militia." That sounds so innocuous, but it would wipe out individual Americans' right to own a gun unless actually serving in the militia, and that would be a dramatic takeaway of our current Second Amendment right to own guns for personal self-defense.

Now consider the usual confusion and pandemonium at a national political convention. Consider how quickly one pre-selected and coached delegate could make the motion to adopt those five little words, and the chairman with the gavel could say, "All those in favor say aye, motion carried, the change is adopted," and bang goes the gavel. Amid the usual convention noise, most delegates would be unaware of what was happening.

It is likely that most of those who are supporting the calling of an Article V convention have never been to a noisy, controversial national political convention. But that is the way it is. If you need proof, watch the video of how the 2012 Democratic convention chairman in Charlotte illegally gaveled through a motion concerning the elimination of God in the Democrats' Platform.

It's amazing how some foolish Republicans are working overtime to give the liberals the opportunity and the power to do so much damage to our great U.S. Constitution.

Phyllis Schlafly is a lawyer, conservative political analyst and author of 20 books. She is the co-author, with George Neumayr, of the New York Times Best-Seller titled "No Higher Power: Obama's War on Religious Freedom." She can be contacted by e-mail at phyllis@eagleforum.org. To find out more about Phyllis Schlafly and read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate Website at www.creators.com