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# FRIDAY, FEBRUARY 17, 2017

# THORNER: ONE STATE AFTER ANOTHER REJECT **CONVENTION OF STATES' EFFORT**

# CONVENTION OF STATES

## By Nancy Thorner -

There are enemies, foreign and domestic, to our United States Constitution. Some want to make our Constitution more globalist-friendly, some want to dilute the Second Amendment, and some want to eliminate the Electoral College. Some simply want to become important by rewriting our Constitution.

Liberal Supreme Court Justice Ruth Bader Ginsburg announced on February 6th that she would like to change the Electoral College requirement in the Constitution. Without that, no non-incumbent Republican candidate would have won the presidency in the last quarter century. Without the Electoral College, money alone would dictate the outcome in presidential elections.

### Suspect Funding in Pushing "Convention of States"

Why have billionaires been pouring millions into pushing a project deceptively named the "Convention of States," which seeks an Article V convention that could rewrite our entire U.S. Constitution? These hidden donors may be connected with George Soros or with the Koch brothers, who are not socially conservative. Regardless of who the financial backers are, they secretly think they will rewrite our Constitution and they are spending millions to do so.

Big funders of the "Convention of States" must certainly be cognizant that Article V of our Constitution provides two methods of amending our Constitution. Congress either 1) Proposes amendments or 2) calls a convention to propose amendments if 34 States apply for it.

The first method was used for our existing 27 amendments: Congress proposed them and sent them to the States for ratification or rejection.

Under the second method, Congress calls a convention. We have never had a convention under Article V, for such conventions are extremely dangerous.

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A LOW MAN AND A LOW AND A LOW



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#### Thorner: One state after another reject Convention of States' effort - Illinois Review

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Might there be a reason why George Soros is pushing for a "Convention of States"? Could it be because George Soros, and Marxist law professors all over the country, want <u>a Marxist Constitution in place by the year 2020.</u>

## Attempt to call for Article V rejected in Cleveland by Rep. National Platform

Last July in Cleveland, the Republican national platform committee resoundingly rejected an attempt to include a call for an Article V convention into the platform. <u>Justice Antonin Scalia</u>, in his final year before he passed away, explained at a public event in May 2015 that it was a "horrible idea" to hold an Article V convention to change the Constitution. Other conservative leaders throughout history, from Phyllis Schlafly to James Madison, have emphatically rejected this bad idea.

Yet Article V proposals are presently being considered in state legislatures, even Republican ones, where bill are being advanced seeking to launch a new constitutional convention that would undoubtedly be dominated by the liberal media, by Democrats, and by Republicans who have earned the title of RINOs (Republicans in Name Only). Most likely the big money behind the Article V project is with pro-immigration advocates and those who reject Americansovereignty, which could end border security. The first thing liberals would do in an Article V Convention is attempt to repeal the Second Amendment and further insert a right to taxpayer-funded abortion into the Constitution.

## State Con Con Status in 2017

Fortunately, only eight states have enacted the Convention of States out of the 34 required to force a constitutional convention, some using different language different from others. They are: <u>Alaska HJR 22</u>, Alabama, Florida, Georgia, Indiana SJR 14, <u>Louisiana HCR 52</u>, Oklahoma, and <u>Tennessee SJR 67</u>. Each of these eight states should rescind its call. A recent example is the <u>rescission by</u> <u>Delaware</u> of all of its prior resolutions for a Con Con. Some efforts at <u>rescission</u> 2017 occurred in New Hampshire and New Mexico.

Seventeen states are being targeted in 2017 by promoters of a constitutional convention (also known as "Con Con" or "Convention of States"). They are: Arizona, Arkansas, Colorado, Kansas (<u>Constitution requires a 2/3's super--</u> <u>majority vote</u>), Michigan, Minnesota, Missouri, Montana, North Dakota, Ohio, South Carolina, South Dakota, Texas, Utah, Virginia, Wisconsin, and Wyoming.

As of Feb. 17, 2017, there have been five wins and no losses. Victories have been in Arkansas (Defeated by a 13-17 vote on Senate floor on 1/30/17); South Dakota (Despite COS having three paid lobbyists in 2016, *S.D.* voted against a COS in a 28-40 House Vote on 2/13/17); Virginia (Convention of States lobbied its Legislature on January 16 -- called "Lee and Jackson Day" in Virginia -- but the measure lost.); in Wyoming (COS Failed 18-42 on 1/30/17); and in Montana, with its victory on Feb. 17, 2017.

### What is the Truth and who has the power to do what?

Our Constitution is not the problem! An Article V convention to change our Constitution cannot be limited as part of an application for one, such as inserting a Balanced Budget Amendment. The text of the Constitution expressly states that only Congress may "call" a constitutional convention. It would not be a "convention of states", but instead it would be convened (called) under the direction of power-brokers in Washington, D.C.

It is prudent to remember that the original Constitutional Convention had three essential conditions that do not exist today: 1) secrecy from the media, 2) participants who fought in the American Revolution against tyranny, and 3) George Washington presiding. Today, instead of men of the caliber of Benjamin Franklin, we would have liberals like Barney Frank rewriting our

Americans for Prosperity-IL CWA - Illinois For The Good of Illinois Heartland Institute Illinois Civil Justice League Illinois Family Institute Illinois Is Broke Illinois Policy Institute Illinois Right to Carry Taxpayers United of America The Howard Center Thomas More Society United to Restore Freedom

### STATE ACTION GROUPS

ABC Illinois IL Chamber of Commerce Illinois Family Action Illinois Tea Party NFIB Illinois Patriots United URF Action

# CULTURE ORGS.

Fellowship of St. James Salvo Magazine Capitol Commission Illinois

# Constitution.

Also of great concern, is that big liberal states like California and New York would have greater power at an Article V convention than most conservative states would. Why? Because the Supreme Court has required the "one man, one vote" rule since 1964; therefore, in calling a convention, the House of Representatives would also require voting based on population.

What are <u>some of the myths</u> that convention proponents are telling State Legislators?

- States can bypass Congress in the amendment process.
- Congress will play only a ministerial role in setting the time and place of the convention.
- State make the rules for a convention, by custom, when there is no custom.
- State voting power will be "one state, one vote."
- A "Convention of States" is an "Amendments" convention, not a "constitutional convention", so the Constitution is not at risk.
- An Article V convention can be "limited" to a topic or set of topics.
- State Legislatures can control their delegates.
- The ratification process ensures no bad amendments will be passed.

# Why a Convention of the States and a Balanced Budget Amendment is No Solution

Adding amendments to the Constitution, which is not being enforced is no solution, as no new amendments of a conservative nature would be enforced either. Should a Balanced Budget Amendment pass the convention and be ratified by the states, it will do nothing but give the big-spenders cover to raise taxes to conform to the BBA in the constitution.

The convention would neither be a 'We the People' convention, but instead a convention of state appointed legislators messing with our original constitution.

Instead, the focus should be on supporting Trump in his efforts to drain the swamp in Washington, D.C., which should dispel the notion that it's necessary to tinker with our Constitution. What could Mark Levin be thinking with his push for a Con Con?

To be rejected are the tactics of the Left that are being employed to try to pass a "Convention of States" by using secret donors and hidden agendas. We should not allow the "bait-and-switch" tactics to prevail by pretending that an Article V Convention would result in changes in our Constitution that are pleasing. It might result in a Constitution more to the liking of those who are pushing for a Con Con, but not for those Americans who would have to live under it!

Other Con Con articles by Nancy Thorner:

http://illinoisreview.typepad.com/illinoisreview/2016/10/thorner-article-vconvention-supporters-are-delusional-new-rinos.html

http://illinoisreview.typepad.com/illinoisreview/2016/10/thorner-mark-levinscase-for-an-article-v-convention-challenged-.html

http://illinoisreview.typepad.com/illinoisreview/2017/01/thorner-misguidedconservatives-ramp-up-efforts-for-constitutional-convention.html#comments

http://illinoisreview.typepad.com/illinoisreview/2017/01/thorner-join-theeffort-to-preserve-the-constitution.html#more

Friday, February 17, 2017 at 01:45 PM | Permalink



### COMMENTS



### Michael Alexander said...

In my experience, every so-called conservative who opposes the Constitution's Article V remedy, and Ms. Thorner is no exception, does so from a place of fear and ignorance... fear that the amendment process could be "hijacked" by those who would harm our Constitution, and ignorance of the built-in protections against such a possibility, and of the iron-clad 300year history of precedents that such political conventions enjoy. How can anyone look at the state of the republic, where bureaucrats in Washington DC make virtually all of the decisions in our daily lives and our state legislatures are reduced to mere agents of the federal government, then still call themselves "conservative," knowing full well that their opposition to using the remedy provided by our Founding Fathers is the very reason we find ourselves, as a nation, in such a fiscal and regulatory morass? That remedy...? An Article V Convention of the States to propose amendments to the Constitution.

Reply

Friday, February 17, 2017 at 03:19 PM



Live Free or Die said in reply to <u>Michael Alexander</u>... "300-year history of precedents" Does 1776 mean anything to you???

<u>Reply</u>

Friday, February 17, 2017 at 11:45 PM



Chase Gioberti said in reply to Live Free or Die...

Judging from the comments the OP must be living in 1776 if he thinks a convention would be conservative-friendly.

Reply Saturday, February 18, 2017 at 09:37 PM



MJ Alexander said in reply to Live Free or Die...

Your point?

Reply Monday, February 20, 2017 at 08:45 AM



Live Free or Die said in reply to MJ Alexander...

America wasn't even a country until July 4th 1776 is the point,

so just how can their be 300 years of precedents in America?

Reply Monday, February 20, 2017 at 11:11 PM



Joe said in reply to Michael Alexander...

Reply

"Fear and ignorance" is language that liberals use.

Saturday, February 18, 2017 at 08:18 PM



Michael Alexander said...

Have left comments, but don't see them...

Reply

Friday, February 17, 2017 at 03:48 PM



# Paul Adcock said...

Congress either 1) Proposes amendments or 2) calls a convention to propose amendments if 34 States apply for it.

Um, Hamilton said in the Federalist Papers that the role of Congress in "calling" the convention is merely ministerial.

<u>Reply</u>

Friday, February 17, 2017 at 07:59 PM



# Paul Adcock said...

We can set the rules to be one state, one vote. It's been that way at a lot of the conventions in the past.

Reply

Friday, February 17, 2017 at 08:01 PM



### Paul Adcock said...

I have to agree that

"The ratification process ensures no bad amendments will be passed."

IS indeed a myth (See the 16th and 17th Amendments.)

However, the ratification process WAS able to stop the Equal Rights Amendment.

Also, as the subject of which amendments can be proposed is limited by the convention, we have that defense too.

<u>Reply</u>

Friday, February 17, 2017 at 08:04 PM



Live Free or Die said in reply to Paul Adcock...

There is no guarantee in a constitutional convention...

Monday, February 20, 2017 at 11:13 PM

Reply



Martin Harry said in reply to Live Free or Die...

Death and taxes are the only guarantees in life. Opposing a convention for the limited purpose of proposing amendments to limit the federal government because it could violate the limits placed on it all the while the federal government exceeds the constitutional limits placed on it every day is irrational and defeatist.

Reply Wednesday, March 29, 2017 at 07:24 PM



Paul Adcock said...

James Madison did NOT reject the Article V convention. He voted FOR it at the Constitutional Convention. That vote to put it in was unanimous.

What Madison was afraid of was attempting to write a whole new Constitution again (as he feared the Antifederalists, etc, would hijack that one and ruin the gains they had fought for with the first one) and wanted the people to ratify the one they had just sent out for ratification.

<u>Reply</u>

Friday, February 17, 2017 at 08:06 PM



## Carol Davis said...

Michael Alexander, you are spot on with your comments! Sadly, people like Nancy Thorner are being badly misled by a very small but vocal bunch of uninformed and ignorant people, mainly the John Birch Society and Phyllis Schlafly's organizations (which have really gone astray in the past several years, both before and after her passing, and cannot be trusted for wise counsel any longer). As you say, the Founders themselves GAVE us this remedy! And yet these opponents claim to know more about how to save the Constitution than the Founders themselves-the very men who agonized over it and gave birth to it?! How ridiculous. When I research and decide what issues to support, I always go to the most reliable sources. In the case of an Article V Convention of States, it was very easy to choose whom to believe. Instead of choosing the fearmongering Birchers or Schlafly's out-of-touch groupies, I chose people like Michael Farris (Founder of HSLDA, and now President of ADF), Rob Natelson (the preeminent modern-day Constitutional scholar

on Article V), Mark Levin and others like them. These learned men ALL fully support COS and have argued and WON many cases before the Supreme Court. I choose to rely on the wisdom of these men and the wisdom of our Founders, not uninformed fearmongerers. I sincerely hope others will do likewise.

<u>Reply</u>

Friday, February 17, 2017 at 10:38 PM



Joe said in reply to Carol Davis...

"Fear-mongering" is language that liberals use.

Reply Saturday, February 18, 2017 at 08:20 PM



Chase Gioberti said in reply to Carol Davis...

I think you are still living in 1776 as well. The Founders themselves wrote that America was founded for a moral people, founded by Europeans for Europeans. America is now a breeding ground for the Third World and in no way represents a moral people.

Also Mark Levin needs to have his head examined like Glenn Beck. I would not use the word "learned" in the same sentence as Mark Levin.

Reply Saturday, February 18, 2017 at 09:44 PM



MJ Alexander said in reply to Chase Gioberti...

LOL... you just did!

How nice it must be to be so much smarter than everyone... even the Framers.

Reply Monday, February 20, 2017 at 08:54 AM



Chase Gioberti said in reply to Carol Davis...

If you are going to refer to Mark Levin as "learned" and in the same breath write that Phyllis Schlafly's organizations do not give wise counsel I think we can certainly question your conservatism.

Reply Saturday, February 18, 2017 at 09:47 PM



MJ Alexander said in reply to Chase Gioberti...

When it comes to Article V and the grassroots movement that has been trying to balance the federal budget

for the last couple generations, Phyllis Schlafly's Eagle Forum, in conjunction with the John Birch Society, have been fighting it tooth and nail, and together are single-handedly responsible for today's staggering national debt. And if you doubt me, ask any proud member of either organization. If you call that "wise counsel," I'm afraid we disagree on the definition of "wisdom."

Reply Monday, February 20, 2017 at 08:59 AM



Chase Gioberti said in reply to MJ Alexander...

The Eagle Forum and John Birch Society - about as libertarian as groups can get - are singlehandedly responsible for today's staggering debt.

Not Johnson's Great Society welfare state. Not the neo-cons military build-up during times of peace. Not Obama's drunken sailor spending that drove annual budget deficits into the trillions. It's the Eagle Forum and John Birch Society.

You, sir, are completely and totally off your rocker. Thanks for making us all aware.

Reply Monday, February 20, 2017 at 09:48 AM



Nancy Thorner said...

I wonder if Michael Alexander is even conservative. He doesn't talk like one.

He refers to:

ignorance of the built-in protections against such a possibility

But he does not say what those supposed protections are. There aren't any meaningful ones.

The Founding Fathers did not hope that Article V would be used as the Con Con people propose.

<u>Reply</u>

Friday, February 17, 2017 at 11:50 PM



TESumner said in reply to Nancy Thorner...

The built in protection is the exact same mechanism for ratifying Amendments

proposed by Congress: 3/4 of the states must approve any proposed amendment or else it fails. Seems pretty straightforward to me.

Horner seems not to understand or is ignorant of the meaning of Article V

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution,

> when ratified by the Legislatures of three fourths of the several States,

or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress..."

Reply Saturday, February 18, 2017 at 05:20 PM



MJ Alexander said in reply to Nancy Thorner...

All you have to do is ask, Nancy Thorner... and since you haven't done any research beyond your Bircher pamphlets, let me do it for you. Here are the FACTS:

As designed by our Founders and as laid out in Article V of our Constitution, the convention will be called by a minimum of 34 state legislatures, and the subject of the call will be "to REDUCE the size, scope and jurisdiction of the federal government." When Congress responds to those applications, all of which will be identical, the mandate of the delegates to the convention will be set in stone. They are there for one reason - to REDUCE the size, scope and jurisdiction of the federal government - and nothing can change that.

If any delegate tries to introduce any idea that falls outside those strict parameters, the proposal would be ruled out of order in committee, or void ab initio, and it would never even make it to a floor vote, let alone to a slate of proposed amendments reported out to Congress.

And even if, under some inconceivable set of circumstances, Congress did actually receive a proposed amendment that did not comport with the mandate under which they called the Convention, Congress would simply round-file it. Congress has the final say as to whether or not the work product of the Convention falls within the stated mandate before they refer anything out to the states for ratification.

And finally, even if everyone in Congress were completely asleep at the switch and a harmful amendment proposal actually DID fall in the laps of state legislators, you'd have to believe that both legislative chambers of states like Mississippi, Alabama, Louisiana, Utah, Arkansas, Tennessee, Montana, Idaho, Oklahoma, South Carolina, Wyoming, North Dakota and Texas, just to name 13, are going to blindly ratify it.

The reason I stopped listing the states at 13 is because that's all that's required to kill any amendment... and they don't even have to vote. They can simply get up, go home for the day, and the measure dies.

So, your fears are groundless. If you can see some way that a harmful amendment can avoid those three layers of built-in protection against exactly such a possibility, then please point it out to me, and be specific. Just being "afraid" is not enough. The only thing there is to fear is doing nothing... doing nothing because we didn't have the courage to even try.

Reply Monday, February 20, 2017 at 09:03 AM



Nancy Thorner said...

For clarification:

It was the ratification process that WAS able to stop the Equal Rights Amendment.

And "Miracles do not cluster", as Daniel Webster observed. He was adamantly against a Con Con.

As to "We can set the rules to be one state, one vote"

No, because the Supreme Court established in 1964 that one-man, one-vote (voting in proportion to population) is required.

<u>Reply</u>

Saturday, February 18, 2017 at 11:49 AM



MJ Alexander said in reply to Nancy Thorner...

That may be true as far as state elections go, but it's totally irrelevant to the subject at hand... but you already knew that. Every political convention of states held since Independence has been "one state, one vote," and before that they were "one colony, one vote." EVERY ONE OF THEM. The SOP of Bircher obfuscation won't fly here, so let's all try to stay on topic.

Reply A

Monday, February 20, 2017 at 09:07 AM



Cathy said...

All you have to do is read the one very short paragraph called Article V in our US Constitution to realize that Nancy Thorner is correct and the convention advocates are wrong. Article V says Congress, not the states, calls the Convention. Article V says Congress, not the states, decides how amendments will be ratified. Congress could choose conventions, which can be rigged, instead of state legislatures to ratify amendments. What would make Congress obey a new Constitution when they disregard the one we have, which our Founders sacrificed so much for? "We the People" do not want elites to change our Constitution! Write to your elected state reps and urge them to vote NO to any state application asking Congress to call a Convention under Article V before we lose our beloved Constitution!

Reply

Saturday, February 18, 2017 at 01:56 PM



MJ Alexander said in reply to Cathy...

Well, if I ever need to know everything there is to know about "rigging" a political convention, I'll know who to look to, Cathy... but you cast your aspersions with too wide a brush. Not every legislator across this land is as dishonest or as incompetent as the ones you and Nancy Thorner seem to be accustomed to. The people of this republic represent much more then Illinois.

And your straw man arguments are just that... fake. No one said Congress doesn't obey the Constitution... we said we don't like they way they INTERPRET it, so we're going to fix that for them. Make it a bit more clear and concise. Close a few of the loopholes that Congress, the president, and an activist Supreme Court have driven a convoy of trucks through for the last 50 years or so.

And as for "elites" changing "your" constitution, if you don't think the threering circus in DC who is right now, every day in every way, making all the decisions for us in our daily lives, isn't a bunch of "elites," then you've gone over to the dark side and have become part of the problem.

Maybe you need that kind of a top-down Nanny State, but the rest of us prefer the vision of the Founders... individual sovereign states where the decisions were made here at home by locally-elected representatives of We the People, not a horde of nameless, faceless, UNelected bureaucrats in Washington, DC.

Reply Monday, February 20, 2017 at 09:27 AM



Read the one short paragraph that is Article V in the US Constitution to know Nancy Thorner is correct and Convention advocates are wrong! CONGRESS, not the states, calls the convention and CONGRESS, not the states, chooses how amendments will be ratified. CONGRESS could choose conventions, which can be rigged, to ratify amendments. Call your state legislators and urge them to reject all state legislation petitioning Congress to hold a convention before we lose our beloved constitution! "We the People" do not want elites to change our Constitution! Why would Congress obey a changed constitution when they disregard the one we have?

Reply

Saturday, February 18, 2017 at 02:02 PM



### TESumner said...

Any Amendments proposed by a Convention of States must still be approved by 38 States, just like Amendments proposed by Congress.

Congress has proposed 27 amendments over the centuries and made at least 1 mistake

that had to be solved by another amendment: 18 and 21.

Do you trust Congress to pass any proposed Amendment to limit their own powers or to limit their terms in office?

Only a Convention of States can hope to propose limitations on Federal power. And we're protected by the Constitutional requirement that 38 states approve of any proposed amendments, meaning only 13 states can prevent any dangerous amendments simply by doing nothing - not approving them.

The author Thorner has not thoroughly investigated Article V, which says:

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution,

when ratified by the Legislatures of three fourths of the several States

, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress..."

Even a so-called hijacked convention still faces all the states for ratification, just like Congress' proposals.

People need to stop wringing their hands and biting their nails and step up to solve the problem of overreaching invasive Federal power.

Reply

Saturday, February 18, 2017 at 05:10 PM



Nancy Thorner said...

It's silly to think that the runaway freight train which would come out of a constitutional convention could be stopped. It can't be stopped because the media pressure would be far too great at that point. Some state legislatures passed the Seventeenth Amendment unanimously because the media pressure was so intense then. It's 100 times greater now.

As to Phyllis Schlafly, she always strongly opposed an Article V Convention, starting at least as early as the 1980s, when she even testified before state legislatures against it. Any attempt to rewrite that history is a non-starter.

<u>Reply</u>

Sunday, February 19, 2017 at 06:18 PM



# Joe said...

The 1970 Illinois Constitution made the state a whole lot worse off than the 1870 Illinois constitution. The pension crisis originates from that. A lot of other stuff, too. All of the 'commissions' and other nonsense that was never recognized a century before.

<u>Reply</u>

Sunday, February 19, 2017 at 06:26 PM



MJ Alexander said in reply to Joe...

OK, Joe... so because Illinois can't seem to figure out how pull together an assembly of honest OR competent legislators, the rest of the republic can just go down the tubes along with you? No thanks. You and Nancy Thorner just relax... we'll go ahead and fix it for you.

Reply Mo

Monday, February 20, 2017 at 09:11 AM



Joe said in reply to MJ Alexander...

I think that Nancy is rightfully concerned that Con Con will end up just like the way that the Articles of Confederation ended up. The Articles weren't even supposed to be replaced. History is replete with examples of runaways. There is already a solution in the Constitution, the 10th Amendment. Give it teeth. Get behind Trump, get behind his nominees and maybe then it can be restored. The Bill of Rights was the condition that the states required before they even considered ratification. How is the 10th Amendment so neglected?

Reply Monday, February 20, 2017 at 11:03 AM



The Observer said in reply to MJ Alexander...

YEAH, M.J., and "FIX" will be the key word involving this convention, like in the 1970 Illinois Con-Con, and all of these political circuses.

As is said, nothing is "broken" in Illinois government, because everything here is "FIXED."

Reply Monday, February 20, 2017 at 11:20 AM



Wally Thompson said...

Over the 200+ years of the Republic, there have been literally hundreds of calls by the States for a Convention of States to PROPOSE Amendments as defined in the US Constitution. None have reached the 2/3 requirement which would force Congress to set up the Convention. It is just far more difficult than it was or as the Founders envisioned in 1791. I submit, there is a huge failure here on the part of the State Legislatures, failing to follow their duty to support the Constitution. If even one State had requested a Convention, the others should have concurred and backed them to simply hear what they had in mind as a needed correction. Call it a form of minority protection if you will, it certainly does little harm to listen to whatever the proposal might be. If approved by the Convention, said proposed amendment or amendments would then be sent out for a vote just as the US Congress does now. Note the comparison where a single Federal Congress person could "run around the halls of Congress" with his proposed amendment. For the States to agree to send out a proposed amendment is hardly a big problem as some people try to make it today. Are the opponents

claiming it was wrong for the States to do all those hundreds of requests for an Amendments Proposal Convention?

<u>Reply</u>

Monday, February 20, 2017 at 10:48 AM



### Wally Thompson said...

Over the 200+ years of the Republic, there have been literally hundreds of calls by the States for a Convention of States to PROPOSE Amendments as defined in the US Constitution. None have reached the 2/3 requirement which would force Congress to set up the Convention. It is just far more difficult than it was or as the Founders envisioned in 1791. I submit, there is a huge failure here on the part of the State Legislatures, failing to follow their duty to support the Constitution. If even one State had requested a Convention, the others should have concurred and backed them to simply hear what they had in mind as a needed correction. Call it a form of minority protection if you will, it certainly does little harm to listen to whatever the proposal might be. If approved by the Convention, said proposed amendment or amendments would then be sent out for a vote just as the US Congress does now. Note the comparison where a single Federal Congress person could "run around the halls of Congress" with his proposed amendment. For the States to agree to send out a proposed amendment is hardly a dangerous problem as some people try to make it today. Are the opponents claiming it was wrong for the States to do all those hundreds of requests for an Amendments **Proposal Convention?** 

Reply

Monday, February 20, 2017 at 10:50 AM



# This article is nothing but fearmongering and Fake News. Our Constitution is being corrupted every day by the Deep State. We need to bring the money and power closer to our homes.

Convention of States has already been passed by 30 or more state houses in just a little over 3 years. Completely passed by 8 of the most conservative states (limited government): Alabama, Alaska, Florida, Georgia, Indiana, Louisiana, Oklahoma, and Tennessee.

Convention of States is nothing more than a MEETING of state legislature appointees to debate a particular subject matter. Over 400 of these resolutions have been passed in our history including the first 2 in 1789 and 1790 that led directly to the Bill of Rights. The convention has no power. It can only draft, debate, and propose amendments. Any PROPOSALS are sent back to the states just like a Congressional Proposals. 38 states (both houses) would be required for ratification of each every PROPOSAL. There is absolutely NOTHING dangerous or controversial that would be passed by 38 states (both houses). This means 13 single state houses (out of 99) can block any PROPOSAL by simply not bringing up for debate.

There is no other way to fix Federal Overreach. A Presidential Administration can only temporarily and partially affect the Deep State. Very Popular and existing tools being used in all levels government such as balance budget requirements, term limits, legislative overrides, and rule clarifications need to be applied to DC.

Obstructing this movement means you stand for more of the same: Exploding debt, 90+% incumbency, unelected/unaccountable/life-time appointed judiciary, unelected bureaucrat lawmaking regulations affecting every aspect of our lives, and continued wealth transferal to the DC complex now the seven most wealthiest counties in America. On average 65% of all state budgets are dictated by DC.

<u>Reply</u>



### Andy Schlafly said...

A comment above says, "we'll go ahead and fix it for you." Well, that's exactly what the People do NOT want or deserve. We do not want a few wannabes trying to "fix" the Constitution.

The Constitution is not the problem, and never has been. The Constitution does not need to be "fixed" by anyone, and certainly not by a process that would allow the population-rich states of California and New York to dominate along with their allies in the media. That is what an Article V Convention, or the misleadingly named "Convention of States," would do. No thanks.

Reply

Monday, February 20, 2017 at 02:14 PM

Monday, February 20, 2017 at 12:57 PM



### John F. Di Leo said...

Agreed, Andy.

The only way I'll ever support a convention is if I'm ever convinced that the delegates will be of the caliber of the 55 we had at Philadelphia during the summer of 1787.

And, sadly, I can't imagine that being possible today.

<u>Reply</u>

<u>Monday, February 20, 2017 at 04:41 PM</u>

Carol Davis said...

NEWS FLASH: To those commenters here, who

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http://illinoisreview.typepad.com/...017/02/thorner-one-state-after-another-reject-convention-of-states-effort.html#comment-6a00d834515c5469e201b7c8eca349970b[4/12/2017 6:26:46 AM]
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worship Donald Trump as the new savior of the United States, and ignorantly believe he's going to "fix" everything, so we don't need a Convention of States to force a balanced budget, term limits, reign in the out-of-control Judicial branch, etc.: Thus says the LORD, "Cursed is the man who trusts in mankind And makes flesh his strength, And whose heart turns away from the LORD.

- Jeremiah 17:5, New American Standard Version

<u>Reply</u>

Monday, February 20, 2017 at 10:56 PM



Chase Gioberti said in reply to Carol Davis...

Hey Carol - you must be writing to nobody. There isn't anybody on this site who worships Donald Trump as a savior.

You on the other hand do seem to hold the constitution as your holy book.

You also seem to live in a false reality in thinking that, as JFD pointed out, the quality of the delegates would be of the same caliber as that in 1787. A wild assumption that only one who is borderline insane could come up with.

What a laughable post. Thanks for sharing.

Reply Tuesday, February 21, 2017 at 09:29 AM



Andy Schlafly said...

Very well put, John F. Di Leo.

Someone or a few people have spent \$10+ million promoting the Convention of States (Con Con), yet won't admit who they are or what their real agenda is. It may be the Koch brothers who are financing it.

Would any of us unlock our doors at night to allow strangers in? No, of course not. We're not going to open the Constitution to being rewritten by secret billionaires having hidden agendas either.

<u>Reply</u>

Tuesday, February 21, 2017 at 09:23 PM



John Antkowiak said...

I apologize in advance for the lengthy comment. Sadly, there is much to counter.

Ms. Thorner, most of your statements in the article are either erroneous or presumptuous; others in your comments are simply untrue. I do not presume to know why you are so poorly informed, nor do I presume your sadly exaggerated fear of using the Constitution stems from anything but the fear of losing the country we all hold dear. But as a public historian specializing in the Founding era, I cannot stand by while this history... *your* history, *my* history, *OUR* history... is so badly misrepresented.

"Under the second method, Congress calls a convention. We have never had a convention under Article V, for such conventions are extremely dangerous." This is not at all true. The reason we have never had a Convention of the States (hardly a "deceptive name," as this was a term commonly used in the Founders' day - see the very first application to Congress under the rules of Article V, dated 20 November 1788 for only one example, where Virginia asked Congress to call for exactly that) is not because it is "extremely dangerous" - it isn't - but because of two reasons. One, two thirds of the States have never applied to Congress to propose amendments on the same subject. Which, while not expressly required by Article V, is not an unreasonable condition to meet. After all... what would happen if a convention is called wherein 34 States each want to discuss a different topic without giving a flying leap about any of the others? The second, more telling reason, is that any time the two-thirds threshold nears, Congress has stepped in to head it off. So as not to give up power it has accrued unto itself. Note, for example, the 17th Amendment. Which not only eviscerated the federalist system the Founders bequeathed to us, but also (coincidentally?) dramatically cemented the power of Congress.

"James Madison... emphatically rejected this bad idea." That is the worst sort of nonsense. The John Birch Society has knowingly spread this false rumor in a number of ways for decades. But I won't take the time to debunk this misinformation without a specific quote to start with. You made the statement; you should back it up.

"The text of the Constitution expressly states that only Congress may 'call' a constitutional convention." Actually, the Constitution expressly does NOT give Congress the power to call the convention. The Article uses what is called "peremptory" language, for exactly this reason. Two thirds of the States apply; Congress SHALL call the convention. No "iff"s, "and"s, or "but"s. Congress has NO choice in the matter.

"It would not be a 'convention of states', but instead it would be convened (called) under the direction of power-brokers in Washington, D.C." This, too, is false. The Founders knew what they were talking about when they used the term "convention." As Michael Alexander correctly pointed out, America has a 300year history of conventions between the States (or Colonies before that - because, Live Free or Die, America is several hundred years older than the United States). All of the Founders had participated in many of them. In fact, we now know of 38 documented cases. The most recent, incidentally, was not 1787 as many assume, but 1922. The language of Article V is peremptory precisely because George Mason "verily believed" that "the Government [would] become oppressive" (as recorded by Madison's Records of the Federal Convention on September 15, 1787). Speaking on the same subject on June 11, 1787, he said: "The [Constitution] will certainly be defective, as the Confederation has been found on trial to be. Amendments therefore will be necessary, and it will be better to provide for them, in an easy, regular and Constitutional way than to trust to chance and violence. It would be improper to require the consent of the Nat'l Legislature [i.e., the powerbrokers in Washington, D.C. - John A.], because they may abuse their power, and refuse consent on that very account."

Purported "Myth": "States can bypass Congress in the amendment process." This is not a myth. Congress has no choice whether to call the convention; the language is peremptory. Congress decides when and where the initial gathering will occur, and that is all. Once met, the States even retain the right to move it. As they have done in other cases previously. After the convention concludes, Congress may decide one method or the other of ratification - but that is true whether the amendments come from a convention or from Congress.

Purported "Myth": "Congress will play only a ministerial role in setting the time and place of the convention." You are invited to back up such a statement, Ms Thorner. In the meantime, I prefer Hamilton's view as stated in Federalist 85: "The words of this article are peremptory. The Congress 'shall call a convention.' Nothing in this particular is left to the discretion of that body... We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority."

Purported "Myth": "State [*sic*] make the rules for a convention, by custom, when there is no custom." As stated above, we have had 38 documented instances of conventions between the States. Custom is well established. Do you desire examples?

Purported "Myth": "State voting power will be 'one state, one vote.' " Well.... not exactly. But not a myth in any case. The most recently documented convention between the States noted the only time this custom has been altered. In that instance, each State had 8 votes because of the circumstances particular to that meeting. Nonetheless it is true that in every documented case, all States have had *equal* votes.

"The Founding Fathers did not hope that Article V would be used as the Con Con people propose." Ms. Thorner, if you can substantiate a claim to know the "hopes" of any of the Founding Fathers regarding the use of Article V, you are invited to quote them. In the meantime, you can try to argue that George Mason was wrong. Or that the delegates who unanimously voted for adding the convention method to the amendment article, without dissent, were wrong. If you can do that successfully, I will personally see to it that your State commissions YOU to attend the Convention of States. Because in you we will have found the intellectual equal of the original Framers.

"And 'Miracles do not cluster,' as Daniel Webster observed. He was adamantly against a Con Con." Actually, when Webster uttered these words in 1806, nothing could have been farther from his mind than a convention to propose amendments to the Constitution. He was giving an address to the people of Concord, NH, after one of the early incidents leading to the War of 1812. The miracle in question was the government, not the Constitution. This is what he said: "We live under the only government that ever existed, which was formed by the deliberate consultations of the people. Miracles do not cluster. That which has happened but once in six thousand years, cannot be expected to happen often. Such a government, once destroyed, would have a void to be filled, perhaps for centuries, with evolution and tumult, riot and despotism." His point to the New Englanders, who wanted to overlook European crimes against the United States because the region's wealth came from trade with England and France, was that if they did so, they surely invited the two powers to consume it. Would you like to know what he said about preserving the Constitution? In the very next sentence? Please say "yes"...

"As to 'We can set the rules to be one state, one vote'... No, because the Supreme Court established in 1964 that one-man, one-vote (voting in proportion to population) is required." No, because the Supreme Court was talking about districting for votes for State and federal office, not about votes in conventions between the States. Or conventions within the States, like the 1970 Illinois Convention. Or conventions of any sort. Or in the Electoral College. Or anything else. And because the Constitution does not authorize the population at large to apply to Congress to call a convention; it allows the States to do that. And because the Constitution does not allow anyone to call a convention of the People to propose amendments; it allows the States to convene.

It would be much easier to call out your statements that are actually true. But I choose to address only those falsehoods bearing on American history. The other half of your article we can leave for others to discredit.

Reply

Sunday, February 26, 2017 at 03:59 AM



### Paul Carrozzo said...

Any 'proposals" that come out (whether sent out by 34 states, or passed by the US House & Senate) still have to be "ratified" by 38 states. Each state has 2 legislative bodies: a state house and a state senate. That means that atleast 76 legislative bodies would have to approve of any Constitutional Amendments.

The notion that 76 state legislative bodies are going to agree to something as rediculous as abolishing the Electoral College, erasing the 2nd Amendment, or erase America's borders is absurd. The chances of abolishing the Electoral College are about the same as your chances of getting struck by a bolt of lightning, 5 times, on the same day.

Those who traffic in conspiracy theories about allowing the States to amend the Constitution fail to supply any other solutions to the massive growth of government.

Other say that if we elect more conservatives and independents to Congress that will fix things.

Well, up until January, 2017 we had a GOP Congress & a Democrat President, and nothing has changed; our debt passed \$19 trillion. Prior to the GOP sweeps of 2010 & 2014, the Democrats controlled both houses of Congress & the White House and nothing changed; entitlement spending grew at an exponential pace.

Prior to that, during President Bush's last few years, the GOP held the White House & the Dems controlled Congress and nothing changed; new entitlements and deficit spending grew. Before that, the GOP controlled both houses of Congress & the White House and our national debt still grew.

<u>Reply</u>

Sunday, February 26, 2017 at 05:44 PM



### Andy Schlafly said...

Re: John Antkowiak's very long comment, it's 2017 now, not 1788. The Supreme Court and the media now require "one person, one vote." Claiming otherwise would be like pretending that voting rights could be limited today based on property ownership, because it was so limited in 1788. Not true today, obviously. In addition, if Congress calls the constitutional convention, Congress will set the rules as part of the call.

Accordingly, the name "Convention of States" is deceptive. Why not call it what it is, a "constitutional convention"? I'll tell you why: because the People overwhelmingly oppose allowing strangers to rewrite the Constitution.

Article V expressly authorizes the proposal of Amendments, plural. The Convention of States legislation is simply lying when it pretends to limit the scope. Virtually no authority says an Article V Convention can be limited in scope. Many, from Chief Justice Warren Burger to Solicitor General (under Reagan) Rex Lee, have confirmed the obvious: the scope cannot be limited.

Re: Paul Carrozzo's comments, runaway freight trains are almost impossible to stop. Whatever would come out of a Con Con would be virtually unstoppable. The State legislatures rolled completely over to pass the 17th Amendment, sometimes even unanimously, even though it was against the State legislatures' interests. The momentum is simply overpowering.

Stop bad ideas before they gain so much momentum. Defend the Constitution against all its enemies, foreign and domestic. Don't open the door to enemies of the Constitution rewriting it.

Andy Schlafly

Reply

Monday, February 27, 2017 at 09:15 PM



Carl Lambrecht said...

Focus on draining the swamp. In God We Trust Carl Lambrecht Reply <u>Tuesday, February 28, 2017 at 09:38 AM</u>



<u>John Antkowiak</u> said...

Hi, Mr. Schafly. Thank you for *almost* taking the time to read my lengthy and detailed critique of the historical information Ms. Thorner repeated, all of which parrots the unsupportable John Birch Society and Eagle Forum claims.

"The Supreme Court and the media now require 'one person, one vote.' " The media requires "one person, one vote?" I'm sorry... when did We, the People, endow the media with that authority? If you read my response, I don't disagree in the least that in 2017, the Supreme Court ruling of "one person, one vote" absolutely applies to State and federal elections. Are Electoral College votes apportioned that way through the Constitution? I can't find where I said anything about voting rights based on property ownership, or made any similar point. Could you quote me, please, so we're talking about the same thing?

"If Congress calls the constitutional convention, Congress will set the rules as part of the call." How do you figure? What precedent does it have to do that? And how does an imaginary precedent supersede 300 years of common law history? Or 38 documented cases of interstate convention precedent? Or hundreds of cases of intrastate convention precedent? "Why not call it what it is, a 'constitutional convention'?" Because, as I would have thought obviously for a lawyer, the term doesn't apply. Are you going to hang your professional hat on a definition of "constitutional convention" you'd care to share? When that inadequate term was coined a century or so after the fact, it referred only to one single convention. And not very precisely at that. You know it as well as I do, if you're being intellectually honest. And you know as well as I do what Georgetown Law School teaches about how "authoritative" law dictionaries are.

"Because the People overwhelmingly oppose allowing strangers to rewrite the Constitution." Interesting. Who DO they trust to rewrite the Constitution? Congress? That's what it did with the 17th...

"Article V expressly authorizes the proposal of Amendments, plural." Yes - and that's exactly what the Convention of States says it's going to do. What's the alleged lie? Did someone say there will be no more than one amendment proposed at a convention called for the purpose of "imposing fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office for federal officials and for members of Congress?"

"Virtually no authority says an Article V Convention can be limited in scope. Many, from Chief Justice Warren Burger to Solicitor General (under Reagan) Rex Lee, have confirmed the obvious: the scope cannot be limited." I will grant you that Constitutional "authorities" find no language in the Constitution to limit the convention. But so what? They're only looking in the Constitution, and that's not where the answer is.

You've heard the story about a man offering to help another look for a lost ring under the streetlight? "Where were you when you dropped it?" "In my car over there," said the second, pointing down the street. "Why are you looking for it here?" "This is where the light is."

Good job, barrister.

Incidentally... are you aware that Constitutional authorities also find no provision in the Constitution for determining the structure of State legislatures for example, whether they must have one house or two? Or three?? Did you also know that Constitutional authorities find no Constitutional provision for determining how the States decide where their capitals are? Did you know that there's no provision in the Constitution for how Governors are elected? My God... why doesn't anarchy reign from sea to shining sea!?

"The State legislatures rolled completely over to pass

the 17th Amendment, sometimes even unanimously, even though it was against the State legislatures' interests." No - the State legislatures applied to Congress to call a convention so they could do it themselves. Before the threshold was reached, Congress declined to let the States exercise their Constitutional right and did it itself. Which on that particular issue, didn't matter to the States one way or another who proposed the amendment. You say these things counting on the ignorance of your audience. When you, yourself, know better. Shame on you, sir.

<u>Reply</u>

Tuesday, February 28, 2017 at 05:41 PM



# Andy Schlafly said...

John Antkowiak's verbosity reminds me of a style typical of liberals. Why doesn't he simply state how he would like to change the Constitution?

The Convention of States is a classic "bait and switch," whereby its wealthy backers hide their agenda. Reining in the federal government can mean limiting border security, national defense, deportations, etc. Repealing or diluting the Second Amendment could theoretically be justified by a desire to reduce federal spending on law enforcement.

Justice Scalia called an Article V Convention, as sought by the Convention of States, a "horrible idea." Many other prominent conservative leaders -- and 9 out of 9 state legislatures -- have rejected the pie-in-the-sky idea of an Article V Convention also. Here are ten specific reasons to to oppose the Con Con: http://www.pseagles.com/Top ten reasons to oppose a Con Con

Reply

<u>Friday, March 03, 2017 at 08:19 PM</u>



John Antkowiak said in reply to Andy Schlafly...

Hi, Andy. My verboseness has nothing to do with my constitutional originalism. You're welcome to identify a single liberal who shares that viewpoint with me. I merely prefer to be specific (another trait not typical of liberals), not to persuade with bumper sticker logic (a trait that *is* typical). If you find *anything* I said that reminds you of liberals, I'd love to see a quote of it. Talk about "bait and switch!" Shame on you again, sir.

"Its wealthy backers hide their agenda..." I am a backer with every fiber of my existence. I write. I visit my State representatives. I talk to people at church and at gatherings of politically-minded people like presidential campaign rallies and at veterans' gatherings. I call some of the nation's 2 million+ supporters who live in my State to keep them apprised. And I am one of the long-term underemployed without two nickels to rub together. My agenda is not hidden.

"Why doesn't he simply state how he would like to change the Constitution?" Because, obviously - you didn't ask. Now you have. Now I will answer you. More even than a student of Founding era history, I am a military historian. Before I'd ever heard of the Convention of States or any other Article V movement, my studies of the gathering clouds of war told me that this nation was headed in a VERY bad direction. The government has become corrupt and unaccountable. No matter who we send to Washington, they invariably succumb to the political machine 70% of the nation does not trust. It is naive to think the solution lies in electing better people, and our own experience ought to prove that beyond all shadow of doubt. The power of the unelected and unaccountable judiciary ought to be reason enough to adjust the rules the central government has made for itself. It has changed the structure of government WITHOUT amendments, by simply labeling the Constitution a "living, breathing document." This is nonsense, and it is exactly what Madison warned us about in his letter to Jefferson on October 17, 1789. when contemplating the advantage of an enumerated Bill of Rights:

"Perhaps too there may be a certain degree of danger, that a succession of artful and ambitious rulers may by gradual & well timed advances, finally erect an independent Government on the subversion of liberty. Should this danger exist at all, it is prudent to guard against it."

It is naive to think that "nullification" is any solution at all. A convention (lower case) of States is an option under the Constitution. Nullification is not. And there is no practical way, no historical precedent, to put it into practice (unlike, as already explained in detail, the 300 years of precedent for conventions between the States). After all, Andy - if States have a legal right to "nullify" an unconstitutional law, do they also have the right to "nullify" constitutional ones they don't like? Because that's what's happening now in sanctuary cities. We have the same constitutional crisis in the judiciary, where TWICE now in the last few months, federal judges have

interposed themselves to stop a sitting president from executive decisions EXPRESSLY GRANTED TO HIM in the Constitution and in statute. Do tell: how do you propose to "nullify" a \$20 trillion debt?

So, yes - I, personally, wrote a Bill of Wrongs and urged my readers to pressure their State legislatures to apply to Congress for an Article V convention to discuss it. Some of my items were already the subject of Article V movements unbeknownst to me at the time. The BBA. Term limits. Singlesubject bills. Others would limit the scope and jurisdiction of the central government, like repealing the 17th Amendment that single-handedly eviscerated the Founders' federalism you claim to love. I would have it unconstitutional to place U.S. military personnel under the direct command of foreign governments, as was done in 1995 when I was in Basic Training, the lone objector in which case was court-martialed and dishonorably discharged for nothing more than wanting to defend his country. We enlisted to defend the Constitution, not to prop up foreign associations of governments who don't give a flying leap about the Constitution. Witness the Dutch troops under UN command who LITERALLY STOOD THERE AND WATCHED 7000+ screaming men, women, and children be handed over in the Srebrenica massacre. I would not have us put in such a position. BUT IT WAS DONE ONCE, and could be done again if We, the People, do not take control of our government back. And before you make any snyde remarks about how a soldier sworn to defend the Constitution against all enemies, foreign and domestic, could support any movement to propose its amendment, I give you the words of Daniel Webster in that very next sentence I alluded to earlier:

"When we speak of preserving the Constitution, we mean not the paper on which it is written, but the spirit which dwells in it. Government may love all its real character, its genius, its temper, without losing its appearance. Republicanism, unless you guard it, will creep out of its case of parchment like a snake out of its skin. You may have a Despotism under the name of a Republic. You may look on a government, and see it possesses all the external modes of freedom, and yet find nothing of the essence, the vitality of freedom in it; just as you may contemplate the embalmed body, where art hath preserved proportion and form, amidst nerves without motion, and veins void of blood."

But, having seen the wisdom of the COS approach, I now think that trying to suggest wording of specific proposals before the convention is called is a guaranteed fail. Because of people like you, Andy. What can you and I do to prevent the hijacking of the convention? We can show up en masse at our State legislatures to make sure they select commissioners who won't - for the first time ever in the history of conventions exceed the authority given to them by the legislatures who write their commissions. And we can do whatever it takes to make sure they've seen our ideas for how to balance a budget responsibly, impose term limits responsibly, and limit the scope and jurisdiction of the central government responsibly. And if you and I don't like a particular proposal, we show up en masse to make sure one of our State houses is one of the 13 needed to defeat it.

"Repealing or diluting the Second Amendment could theoretically be justified by a desire to reduce federal spending on law enforcement." That makes no sense whatsoever. You presuppose that law enforcement is necessary to give the 2nd Amendment life. That could just be the dumbest thing I've ever heard any lawyer say.

If you honestly believe that any PROPOSAL to increase the power of the central government could come out of a meeting called for the purpose of LIMITING THE SCOPE AND JURISDICTION of the federal government, you owe it to yourself to get to know the people who would see this done. You assume them all to be snakes because of... what, exactly? Paranoia? The answers you seek are staring you in the face, but you refuse to recognize them. Honest men make poor liars. Which of us is lying? I have already pointed out the fallacies you endorse. You have nothing but "what ifs."

<u>Reply</u>

<u>Friday, March 17, 2017 at 12:20 AM</u>

(You can use HTML tags like <b> <i> and to style your text. URLs automatically linked.)

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