18th Anniversary Year

# The Phyllis Schlafly Report

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# CON CON: Playing Russian Roulette with the Constitution

Russian Roulette is a deadly game of risk. You put one bullet in a revolver, leaving five empty chambers, spin it, aim it at your head, and fire. The odds are very favorable; you have five chances out of six of surviving, and only one chance out of six of being dead.

Most people think that it is irrational to play such a risky game with your own life. Society calls it murder if you play it with anyone else's life. Many of us feel it would be just as irrational to play such a risky game with the U.S. Constitution -- our most precious document and the fountainhead of our unparalleled American freedom, independence, and prosperity.

A call for a Federal Constitutional Convention (popularly called Con Con) means playing Russian Roulette with our Constitution. The chances are good, perhaps very good, that our Constitution would survive. But it isn't rational to take such a risk with something so important as our Constitution.

Thirty-two state legislatures have passed resolutions calling for a Constitutional Convention to consider a Balanced Budget Amendment to the U.S. Constitution. A Balanced Budget Amendment is a desirable goal. But a good end does not justify a bad means, and Con Con would be a very bad and dangerous means.

A decade ago, when those supporting a Balanced Budget Amendment began their effort to pass Con Con resolutions in State Legislatures, it seemed a useful educational device. It dramatized the urgency of our horrendous Federal fiscal problems. It made a "Statement" that the American people are very serious about our demand for a Balanced Budget Amendment.

But now that our nation is only two states short of the actual call for a Con Con, it's time to stop dangerous bluffing about the Constitution and talk about risks and realities. If 34 states (2/3rds of the 50 states) pass resolutions calling for Con Con, the obligation to call one is mandatory on Congress. The roller-coaster ride will have started, and there will be no way to get off.

Article V of the U.S. Constitution provides two methods of amendment: "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."

The 26 existing amendments to the Constitution were all adopted by the first of the two amendment procedures specified in Article V. The alternate method, a Constitutional Convention, has never been used. That doesn't make it wrong; but it should require us to evaluate the risks before plunging into a radically different method which could put our entire Constitution on the bargaining table to be torn apart by the media, political factions, and special-interest groups.

## What Con Con Supporters Say

In talking with people who support Con Con as a device to get a Balanced Budget Amendment, several curious factors emerge.

(1) They argue single-mindedly for a Balanced Budget Amendment and seldom address the Con Con issue at all. They seem to think that, when 34 states pass a Con Con resolution, that will *ipso facto* give us a Balanced Budget Amendment. The truth is that, even if Congress calls a Con Con, there is no assurance that Con Con would pass the Balanced Budget Amendment.

(2) They are usually uninformed about what Con Con is, how it would function, and what Article V of the U.S. Constitution requires. They do not present any Con Con argument which makes sense -- constitutionally, legislatively, or politically. They have not evaluated the pros and cons, the risks and the expectations.

(3) They usually pigeon-hole everyone who opposes Con Con as "anti-Balanced Budget Amendment," which is false. Many of us do support a Balanced Budget Amendment but do NOT support Con Con. The intemperate language and the *ad hominem* attacks against anyone who opposes Con Con are offensive to fair-minded persons.

(4) Most remarkable, many advocates of Con Con, when pressed about the dangers of Con Con, say they really don't want Con Con and that it won't happen

anyway; they just want a Balanced Budget Amendment. It is amazing -- and peculiar -- to see people supporting a political goal that they do NOT want to happen, and engaging in fundraising for a goal that they do not believe is desirable or attainable.

## A Runaway Convention

Would the Constitutional Convention have a wide-open agenda in which any constitutional amendment could be considered, or even an entire substitute Constitution offered in place of our present one? Does Con Con provide the opportunity for those who would like to make major alterations in our government?

The best way to predict the outcome of any American legal controversy is to ask, what is the precedent? We have only one precedent for a Federal Con Con, the Constitutional Convention of 1787, and it was, indeed, a runaway convention. It violated its orders to merely amend the old Articles of Confederation. Instead, it produced an entirely new document -- the Constitution.

That was fortunate; in that era, we had a historically unique group of great men to write our Constitution, including George Washington, James Madison, Alexander Hamilton, and Benjamin Franklin. No one has detected men of that stature in our country now.

The text of Article V of the U.S. Constitution uses the plural "amendments" in referring to Con Con. Article V states that, upon the application of 34 states, Congress "shall call a Convention for proposing amendments." It is rather far-fetched to claim that the Founding Fathers didn't mean what they said in plain English.

NO constitutional authority claims that a Con Con could be limited to an up-or-down vote on a particular Balanced Budget Amendment as proposed by the groups urging it. Even though the state resolutions explicitly tie their call for Con Con to a Balanced Budget Amendment, those resolutions cannot override the plain words of the U.S. Constitution.

If not limited to one Balanced Budget Amendment, could Con Con be limited to amendments (plural) on the one general subject of fiscal matters? The opinion of constitutional authorities is divided on this question. For example, former Senator Sam J. Ervin, Jr., believes that a Con Con could be limited to one subject; Gerald Gunther (author of the leading casebook on constitutional law used in law schools) says it could not. Any lawyer can give his opinion on what the Con Con procedure can be or should be; but NO lawyer, no matter how distinguished, can tell us what it surely will be, because nobody knows. No law exists to prescribe rules for a Con Con and, even if Congress passes one now, we would never know its constitutionality until it is reviewed by the Supreme Court.

## The Safeguards That Aren't

Materials published by the Balanced Budget/anti-tax groups do not offer any arguments in favor of Con Con, but they attempt to answer the arguments of those against Con Con, stating that there are eight "checks" to prevent a runaway Con Con. None of these "checks" stands up as a safeguard in which we can place any confidence. Let's consider them.

1. "Congress could avoid the Con Con by acting itself." The authors must not have read the U.S. Constitution. Congress does NOT have this option. Article V imposes the obligation on Congress to call a Con Con if 34 states request it. The Con Con advocates also base this argument on speculation that Congressmen would rather live with a Balanced Budget Amendment which *they* drafted than one drafted by a Con Con. But those are not the alternatives. Tip O'Neill's Congress does NOT want a Balanced Budget Amendment at all. From the viewpoint of the big-spending liberals, it makes more sense to plunge us into the uncertainties of Con Con, where the emergence of a Balanced Budget Amendment would be doubtful, than to send the Balanced Budget Amendment out to achieve probable speedy ratification by the states.

2. "Congress establishes the Con Con procedures." Con Con advocates assure their readers that Congress has the power to limit Con Con to one topic and establish all the procedures. It's true that Congress has the *power* to pass such a law, but nobody knows if Congress has the *right* to pass it or if it would be upheld by the Supreme Court. No one can assure us what the Con Con agenda, procedures, or method of election would be. Would the Con Con be able to propose amendments by a simple majority vote instead of by the 2/3rds majority required in Congress? Nobody knows.

3. "The delegates would have both a moral and legal obligation to stay on the topic." That assertion is false. There is no legal obligation whatsoever. The anti-tax groups have no mandate to determine the moral obligations of others. Other people have different ideas of what their moral obligations are. The suggestion that each delegate swear an oath to limit the Con Con to the topic for which it was called is probably unconstitutional and would surely be aggressively challenged.

4. "Voters themselves would demand that a Con Con be limited." On the contrary, it is far more probable that voters would demand that the Con Con agenda be opened up to other issues. How could a Human Life Amendment be barred when 20 states passed a Con Con resolution on that very issue? Many controversial issues, such as abortion funding, school prayer, forced busing, and the gold standard could be germane to the one general subject of Federal spending.

5. "Even if delegates did favor opening the Con Con to another issue, it is unlikely that they would all favor opening it to the same issue." Maybe that is true, but it sets the stage for a very practical compromise -- "You vote to open up Con Con to consider my amendment, and I'll vote to open it up to consider yours." That type of bargaining would put many amendments out on the table to be wrangled about.

6. "Congress would have the power to refuse to send a nonconforming amendment to ratification." It could, but the Con Con by that time might have

produced a cluster of amendments, or an entirely new Constitution, agreeable to Tip O'Neill's Congress, the *Washington Post*, the *New York Times*, and the TV networks. So this is no safeguard at all.

7. "Proposals which stray beyond the Con Con call would be subject to court challenge." That's the understatement of the year. Anything and everything to do with the Con Con, including its call, procedure, and agenda, would end up in court anyway. One of the real defects of the whole idea is that it injects the Supreme Court into the middle of the amendment process.

8. "Thirty-eight states must ratify." That is true, but it doesn't have to be 38 State Legislatures. If the liberal machinery in Congress by that time had pinned its sails to the Con Con idea, Congress could specify that state ratifications must take place by conventions, too, thereby bypassing the State Legislatures altogether.

## Electing Delegates to Con Con

Who would be the delegates to Con Con? How would we elect the persons who would decide which amendments to consider, to propose to Congress and then the states? Nobody knows how the delegates would be selected, who would be eligible, or from what districts they would be chosen.

Some anti-tax and/or conservative organizations seem to think they have enough grassroots support to elect an anti-tax/conservative Con Con, and so they are anticipating the power to write the constitutional amendments which they want.

These groups who dream about the glory of serving in a Constitutional Convention should ponder the fact that all anti-tax proposals were defeated in 1984 referenda. They should also ponder the fact that, since they couldn't elect a conservative Congress in a year when the top of the ticket was the most conservative Presidential candidate in 60 years, there is no realistic expectation that they could elect a conservative Con Con.

The International Women's Year Conference of 1977 and the several White House Conferences (on Families, on Education, etc.) provide frightening lessons in how the election of delegates to a one-time-only national conference can be manipulated by special-interest pressure groups. Those conferences created chaos and controversy, bitterness and divisiveness, and essentially were media events. No one could reasonably assert that their final resolutions represented majority thinking in the United States.

## The Newstates Constitution

Con Con poses another danger which is far greater than the threat of warring factions battling for consideration of their special amendments. It is the danger that the one-world, authoritarian liberals will use this opportunity to junk our present constitutional system and replace it with a different government which they can more easily control. They meet in secluded conference rooms of their tax-exempt foundations and plan for internationalism to replace patriotism, a parliamentary system to replace the Separation of Powers, appointed officials to replace government "of the people, by the people, for the people," and the elimination of our unique structure of a Republic with its interlacing checks and balances.

Changing our entire structure of government has been a longtime project of the Center for the Study of Democratic Institutions at Santa Barbara, California, which was established by the Fund for the Republic, which in turn was financed by the Ford Foundation. Over a ten-year period, the Center produced 40 successive drafts of an entirely new and different constitution. The project was headed by Rexford Guy Tugwell, one of the academic liberals from Franklin D. Roosevelt's New Deal "brain trust" of the 1930s.

In 1974, the Center released its final draft in the book *The Emerging Constitution* by the then 83-year-old Tugwell (published by Harper & Row). It was called a "Constitution for the Newstates of America." It is radically different from our present Constitution in ideology, concept of rights, structure of government, and power over individuals.

The Newstates Constitution would pitch out our 50 states and replace them with 10 (or a maximum of 20) regional "Newstates," which would not be states at all but rather subservient departments of the national government. The government would be empowered to abridge freedom of expression, communication, movement and assembly in a "declared emergency." The practice of religion would be considered a "privilege."

The Newstates' "political procedures" would be controlled by nationally-appointed Overseers. If a Newstate didn't follow national orders, the Watchkeeper would require it "to forfeit revenues" to the national government.

The President of the Newstates of America would have one term of nine years. The Senate would be made up of 100 persons with lifetime tenure, most of them appointed by the President. The House of Representatives would have 100 members elected at-large as a single ticket with the President and Vice President (for nine-year terms).

The Newstates Constitution would eliminate our American Separation of Powers and Checks and Balances and replace them with a government of six branches. In addition to the executive, legislative and judicial, there would be the Electoral, the Planning, and the Regulatory. The government would be run by appointed, not elected, officials. Elections would be managed by an Overseer of Electoral Procedures. The economy would be directed by a National Planning Board and managed by a National Regulator.

## Total Constitutional Change

The liberal has-beens of the FDR Administration didn't get anywhere with their Newstates Constitution. It was "far out" and its terminology sounded like George Orwell's Newspeak in *1984*. But the conservative movement to get state legislatures to call a Constitutional Convention has given the intellectual liberals the opportunity to try again.

On May 30, 1984, a group called the Committee

on the Constitutional System (CCS) held a Washington, D.C., news conference and released a summary of a meeting which had taken place the preceding September 9-10, 1983, at the Woodrow Wilson Center in Washington, D.C. This confirms that a powerful elite group is waiting in the wings to bring about a radical restructuring of our American Constitution.

The co-chairmen of this group are C. Douglas Dillon, former Secretary of the Treasury and a powerful Wall Street figure, and Lloyd N. Cutler, former counsel to President Jimmy Carter. Others participating in working panels include former Defense Secretary Robert McNamara, former Senator J. William Fulbright, Congressman Henry Reuss, and representatives from the Brookings Institution, the Rockefeller Foundation and the Woodrow Wilson Center.

Just to call the roll of the prominent names is enough to reveal what enormous power in business, finance, the media, politics, and academia is behind this plan for total constitutional change. This group is building a liberal consensus for these objectives:

1. Allow or require the President to appoint members of Congress to some or all Cabinet positions.

2. Increase the terms of U.S. House members from two to four years, with all elections held in Presidential years.

3. Force the American people to cast a single vote for a package slate consisting of the President, Vice President, and the voter's own House candidate.

4. Change a large number of U.S. House seats from election by district to election "at large" in order to increase the possibility that the political party which wins the White House will also control the Congress, and that the "at large" members would be more likely to take a "nationwide view" of the issues.

5. Devise a "more realistic, feasible" method of Presidential removal by an extraordinary majority in both Houses of Congress.

6. Permit the President to dissolve Congress (when he thinks Congress is "intractable") and call for new Congressional elections.

7. Reduce the two-thirds requirement for Senate ratification of treaties to a simple majority only.

8. Eliminate the 22nd Amendment which limits Presidents to two terms.

9. Eliminate the Electoral College and allocate each state's electoral vote directly.

10. If no candidate receives a majority vote in the Electoral College, then elect the President and Vice President at a joint session of both Houses of Congress, with each member having one vote (instead of the present system of one vote per state).

11. Eliminate the requirement that appropriation bills must originate in the U.S. House.

12. Overturn the *Buckley v. Valeo* Supreme Court decision which upheld the right of individuals to contribute to political campaigns.

13. Force the taxpayers to finance Congressional election campaigns so that political expenditures by the candidate and by PACs can be limited or prohibited.

14. Reduce the cost of Presidential and Congressional elections by holding them at irregular intervals so that the date would not be known very far in advance.

15. Give the Federal Government -- instead of the state governments -- the power to regulate and supervise cities.

## Con Con: A 1985 Issue in the States

The Con Con issue will be a lively one in state legislatures in 1985. The organizations promoting a Balanced Budget through Con Con will zero in on the remaining states which have not passed Con Con resolutions: Hawaii, Washington, California, Montana, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Kentucky, West Virginia, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, and Maine.

Will the 18 non-Con Con state legislatures realize what a momentous responsibility hangs on a decision to become the 33rd or 34th state calling for Con Con?

Will those non-Con Con states realize that the real issue is **not** a Balanced Budget, but the integrity of our United States Constitution? A Balanced Budget should and can be achieved on its own merits, but a Federal Constitutional Convention would be a constitutional crisis of divisive, destructive dimensions. It would serve the purposes of powerful groups which want to use the approaching Bicentennial observance of the United States Constitution in 1987-89 as an opportunity to bring about their view of "a new world order" to replace the American Republic.

Our United States Constitution is an inspired document which has guaranteed our political and spiritual freedom, economic opportunity, state diversity, and national growth. It is a statement of principle and practicality that has worked well for two centuries. The Bicentennial in 1987-89 should be a celebration of our Constitution's unique and unparalleled success, not crisis years when we are uncertain whether or not it will survive.

*Eagle Forum has been the grassroots guardian of the U.S. Constitution since 1972. We have protected it against the powerful and well-financed efforts of those who tried to amend it with pleasing words to achieve radical goals. We urge our friends to work energetically for a Balanced Budget Amendment, but to oppose Con Con because NO cause, however worthy, justifies risking our great United States Constitution. We urge state legislatures to reject all proposals to request a Federal Constitutional Convention and to rescind any previous call for a Con Con.*

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The
# Phyllis Schlafly Report

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# Combating Chicanery About the Constitution

*The following is an address given by Phyllis Schlafly on August 9, 1987 at the American Bar Association's Bicentennial Showcase Program sponsored by the Section on Individual Rights and Responsibilities during the ABA Annual Convention in San Francisco.*

Russian Roulette is a deadly game of risk. You put one bullet in a revolver, leaving five empty chambers, spin it, aim it at your head, and fire. The odds are very favorable; you have five chances out of six of living to laugh at the fun of it all, and only one chance out of six of killing yourself.

Despite the good odds, society labels it murder if you play such a risky game with life. Many of us feel it would be just as irrational to play such a risky game with the United States Constitution—our most precious document and the fountainhead of our unparalleled American freedom, independence, and prosperity. Our Constitution is a statement of principle and practicality that has lasted 200 years, longer than any constitution in the history of the world.

Article V of the U.S. Constitution requires us to call a new Constitutional Convention if two-thirds (or 34) of the states request it. The language of Article V is mandatory: it says that Congress "*shall* call a Convention for proposing Amendments" whenever requests are received from two-thirds of the states. Note that the word "amendments" is used in the plural. These are the only instructions we have about a Constitutional Convention. There are no other rules or guidelines.

We don't know how a Constitutional Convention would be apportioned, or how the delegates would be elected. We don't know what rules the Convention would operate under. We don't know whether amendments could be proposed by a simple majority or would require a super majority. We don't know if the agenda could be limited or would be wide open to any proposal.

We can anticipate that the Convention would be the target of legal challenges at every step of the way. We don't know if the Supreme Court would undertake to resolve these controversies, and if so *how,* or if the Supreme Court would pass the buck and label them "political questions."

The whole process would be a prescription for constitutional chaos, controversy and confrontation, along a road our nation has never traveled before, without any map or guidelines, and with no clear vision of our destination.

The Convention that produced our 200-year-old Constitution had the advantage of being able to deliberate for four months in secret, without prying reporters, without media coverage, and without even any leaks. Just about the only thing that we can predict with certainty about a new Constitutional Convention is that it would *not* be secret. Meddling media coverage would exacerbate every controversy.

How will the delegates be elected, or selected? The most frequently talked about method is to allow the same number of representatives as those who serve in Congress, with one delegate from each Congressional district plus two delegates at large from each state. That method has several major defects. Since there would be no Senate (no one has suggested that a Constitutional Convention be a bicameral body), the small-population states would become politically irrelevant. The ten big Western states, excluding California, would amount to only nine percent of the Convention.

A recent article in the *Wall Street Journal* recommended that delegates be appointed by the nation's 50 Governors. That's just one example of the undemocratic procedures currently concocted by those who want to plunge us into a Constitutional Convention.

Some assure us that Congress will pass a Constitutional Convention Implementation Act to resolve these problems. Such a bill has been floundering in Congress for the last 20 years, but has never passed because there is no Congressional consensus on essential decisions pertaining to the election and functioning of a Constitutional Convention.

**A Contemporaneous Consensus?**

Are the pending applications for a Constitutional Convention by 32 state legislatures valid? Some of these resolutions purport to limit the action of the Constitutional Convention to a particular subject or to a particular time frame. Are those restrictions valid? What is the length of time during which 34 resolutions can be passed by state legislatures in order to trigger a particular Convention?

The 1921 case of *Dillon v. Gloss* tells us that changes in the U.S. Constitution should be the result of a "contemporaneous consensus." This is why most constitutional amendments proposed in the 20th century have had a time limit of seven years.

The current series of resolutions calling for a Constitutional Convention are not within any time frame that could be called "contemporaneous." In the last seven years, *only two states* have passed a call for a Constitutional Convention for a Balanced Budget Amendment: Alaska in 1982 and Missouri in 1983.

On the other hand, in the last seven years at least five states have voted down a call for a Constitutional Convention after spirited debate: Michigan, Connecticut, Maine, Kentucky, and Montana. Several other states have defeated a Convention resolution by not letting it come to a vote. It is obvious that there is no general public support for a Constitutional Convention.

In the absence of any public demand, the advocates of a Constitutional Convention for a Balanced Budget Amendment have resorted to a remarkable piece of legislative chicanery in order to compel the calling of a Constitutional Convention anyway. The proposed Constitutional Convention Implementation Bill in the current Congress prescribes a time limit of seven years during which state resolutions calling for a particular Constitutional Convention can be validly passed, BUT would give the *current* series of Constitutional Convention resolutions the special privilege of 16 years.

This would "grandfather in" all the old, stale calls for a Constitutional Convention for a Balanced Budget Amendment going back to the first ones in 1975, and would prop them up on an artificial life-support system until 1991, while an attempt is made to round up two additional states.

This is the same type of playing games with the Constitution that we suffered with the time extension of three years and three months voted by Congress for the Equal Rights Amendment. It is a subterfuge to avoid complying with the need for a "contemporaneous consensus." It is an attempt to lock in state resolutions which were passed ten years earlier, while exerting enormous political and financial pressure on two or three targeted states in order to achieve the necessary number of resolutions.

The same people who are trying to initiate a Constitutional Convention by tricking us about the rules for calling one, are now trying to assure us that a Constitutional Convention would be harmless because it would be limited to consideration of a Balanced Budget Amendment. Their assurances do not inspire confidence.

### A Limited or Runaway Convention?

Can a Constitutional Convention be limited? Or would it be wide open and able to consider any change in the Constitution? You get a different answer to this question depending on which lawyer you ask. Some say yes, some say no, but no one can guarantee that the Convention will be limited to a single issue.

Retired Chief Justice Warren Burger said this year in Detroit, "There is no way to put a muzzle on a Constitutional Convention." The Stanford Law School Professor whose casebook is used in the majority of U.S. law schools, Gerald Gunther, said that, even if Congress tried to limit the Convention to one subject, the delegates could decide for themselves that the Convention "is entitled to set its own agenda."

The advocates of a Constitutional Convention try to deny that a runaway Convention would happen — but they can *not* deny the *risk* of a runaway Convention. I don't believe our great constitution should be exposed to that risk.

The political problems involved in trying to limit a Constitutional Convention to a single issue are even greater than the legal problems. The advocates of a Constitutional Convention try to tell us that delegates would run on a single-issue platform, would have a moral obligation to stay on that topic, and that voters would demand that the Constitutional Convention be limited to the subject for which it was called.

Those who pursue that line of argument must have no experience with grassroots politics and how people are elected to office. In the real world, special-interest groups would organize to elect their friends. Pro-life groups would vote for candidates on the basis of their single-issue, abortion; no one could deny them that right. The National Education Association would work for candidates who support the NEA's big spending agenda.

Then, when the Constitutional Convention is convened, the factions would bargain with each other: "You support our amendments and our rules, and we'll support yours." Practically anything can be made a fiscal issue; and many of the Balanced Budget Amendment advocates admit that they really prefer the Line Item Veto Amendment anyway. Of course, a Human Life Amendment would become an immediate bone of contention! Don't forget that 19 states have passed resolutions calling for a Constitutional Convention to consider a pro-life amendment.

Groups on both the right and the left are proposing major constitutional changes. Some want to prohibit abortions or federal deficits. Some want to change our structure of government by eliminating our Separation of Powers and turning us into a European parliamentary style of government. It is incredible that these groups would pass up the marvelous, once-in-a-lifetime opportunity to use the Constitutional Convention to achieve their long-sought goals. Groups that are advocating structural change in our Constitution have ridiculed the literature of the Balanced Budget Amendment groups for asserting that a Constitutional Convention can be limited to only one subject.

Some of these groups are openly saying that "the best way to honor the framers of the Constitution during this Bicentennial era is to follow their example." And what is that example? The Constitutional Convention of 1787 was called for the exclusive purpose of amending the Articles of Confederation. Once the Founding Fathers assembled in Philadelphia, they threw out the Articles of Confederation and wrote an entirely new Constitution, and even changed the ratification procedure so they could get it adopted more easily. The 1787 Convention is the only precedent we have for a national Constitutional Convention.

If a Constitutional Convention can change our structure of government as defined in Articles I, II, and III, it can also change the Article V requirement that three-fourths of the states are needed to ratify any changes. The Convention of 1787 reduced the number of states required to ratify a change from 100% of the states to 75%, and a Convention in the 1980s could "follow their example" and reduce it further, to 66%, or 60%, or even 51%.

Any proposal for constitutional change should be ad-

dressed on its own merits, NOT made hostage to contention and compromise at a Convention whose delegates bear no accountability to the people because they never have to run for re-election. Convention delegates are even exempt from the Article VI provision which requires Senators, Congressmen, State Legislators, and all executive and judicial officers of the United States and all 50 states to take an oath to support and defend our present Constitution.

**The Bait-and-Switch Act**

If a Constitutional Convention is such a bad and risky idea, how were 32 state legislatures conned into requesting one? The answer is that they were the victims of a classic case of bait and switch. They were baited into support of the Balanced Budget Amendment, and then slick salesmen substituted the merchandise and sold them the Constitutional Convention.

Most or sometimes all of the debate and political pressure involved support for a Balanced Budget Amendment exclusively, while a Constitutional Convention was given the silent treatment. In some states, large newspaper advertisements and telephone banks soliciting a "yes" vote referred *only* to the Balanced Budget Amendment and never mentioned the call for a Constitutional Convention.

About half the states on record as calling for a Constitutional Convention didn't even hold any hearings. But, as any lawyer will tell you, you are obligated by the fine print in a contract even if you fail to read it.

It is curious that a Constitutional Convention is proposed as the route to a Balanced Budget Amendment. It's like your telling me that, when you leave San Francisco, you are headed for Los Angeles, but somehow your plane ticket reads through New York. This would convince me that you are in no hurry to get to Los Angeles, but that you expect to enjoy fun and games along the way.

The last time the proposed Balanced Budget Amendment came up in the U.S. Senate, it failed by only one vote. The last time it came up in the House, it failed by only 46 votes. A switch of a handful of votes would pass the Balanced Budget Amendment and send it out to the states where it would probably enjoy speedy ratification.

So why doesn't this happen? Because the political and financial energies to accomplish this goal have been diverted into a strategy of getting state legislators (instead of Congressmen) to vote rah, rah, rah for a federal balanced budget — a vote that appears to put them on the side of the angels at no cost. The Balanced Budget Amendment activists raise money from those who support that cause, but spend it to run around the country and win easy votes in state legislatures.

There is no evidence that a Constitutional Convention would vote out a Balanced Budget Amendment anyway. A more likely scenario is that it would be bogged down in dispute and division. The results could very well be the opposite of what the Balanced Budget Amendment advocates hope.

Former Secretary of Defense Melvin Laird pointed this out when he wrote in the *Washington Post,* "The mere act of convening a Constitutional Convention would send tremors through all those economies that depend on the dollar; would undermine our neighbors' confidence in our constitutional integrity; and would weaken not only our economic stability but the stability of the free world."

**Contradictions and Realities**

There is a curious ambivalence among those leading the effort to get state legislatures to pass these Constitutional Convention resolutions. Some claim that they want a Convention to be convened, while others claim that they are merely trying to *force* Congress to vote out a Balanced Budget Amendment in the traditional amendment procedure. They claim that, as soon as 34 states pass Con Con resolutions, Congress will voluntarily vote out a Balanced Budget Amendment instead. It's hard to take this seriously when the language of Article V is mandatory — Congress "shall" call a Convention if 34 states request it.

Some of the advocates assert that Congress will be *forced* to vote out a Balanced Budget Amendment if 33 states pass Constitutional Convention resolutions. They cite the way Congress voted out the 17th Amendment in 1913, ordering the direct election of Senators, after all except one of the required number of states had passed Constitutional Convention resolutions. It's hard to take this argument seriously when they deliberately ignore the more recent example that, in the 1960s, 33 states passed resolutions for a Constitutional Convention to overturn the Supreme Court's "one man one vote" decision, but Congress simply thumbed its nose at the states, and nothing happened.

More important, it is difficult to understand those who, out of one side of their mouths, urge state legislators to vote FOR a Constitutional Convention while, out of the other side of their mouths, they assure us that a Convention will never happen, virtually conceding that this route is a recipe for confusion.

Such double talk about the Constitution is unworthy of the subject. Chief Justice John Marshall reminded us that we must "never forget that it is a *Constitution* we are expounding." Likewise, we should never forget that it is a Constitution we are talking about amending. It deserves more respect than to be treated, to use a current metaphor, like "a potted plant."

More and more, the advocates of a Constitutional Convention for a Balanced Budget Amendment are coming out of the closet and admitting that they really want a Constitutional Convention to take place. Many of these people are my friends, and I respect their sincerity. However, I don't trust them to rewrite the Constitution any more than my political opponents.

James Madison, the father of our Constitution, said it best when he wrote: "Having witnessed the difficulties and dangers experienced by the first Convention, which assembled under every propitious circumstance, I should tremble for the result of a second." Madison said that in an era when a second convention could have been chaired again by George Washington.

The miracle of our great U.S. Constitution is that it has lasted 200 years, accommodating our great geographic and economic expansion, while preserving individual liberties. I don't see any James Madisons, George Washingtons, Ben Franklins, or Alexander Hamiltons around today who could do as good a job as was done in 1787, and I'm not willing to risk making our Constitution the political plaything of those who *think* they are today's Madisons, Washingtons, Franklins, or Hamiltons.

### 32 States Passed Con Con/BBA Resolutions

| Year | States | Year | States |
|---|---|---|---|
| 1975 | Alabama (9/10)<br>Louisiana (7/23)<br>Mississippi (2/25) | 1979 | Florida (2/22)<br>Idaho (2/28)<br>Indiana (5/1)<br>Iowa (6/18)<br>Louisiana (7/18)<br>Maryland (6/5)<br>Nebraska (3/7)<br>New Hampshire (5/1)<br>New Mexico (2/26)<br>North Carolina (2/6)<br>North Dakota (5/3)<br>Oregon (3/15)<br>Pennsylvania (3/12)<br>South Dakota (2/27)<br>Texas (1/15)<br>Utah (3/7) |
| 1976 | Delaware (2/25)<br>Georgia (2/6)<br>South Carolina (2/23)<br>Virginia (3/25) | | |
| 1977 | Maryland (1/28)<br>Tennessee (6/10) | | |
| 1978 | Colorado (4/5)<br>Kansas (5/17)<br>Louisiana (7/14)<br>Oklahoma (5/3)<br>South Carolina (5/22)<br>Tennessee (4/25)<br>Wyoming (5/17) | 1980 | Nevada (2/28) |
| 1979 | Alabama (3/13)<br>Arizona (4/10)<br>Arkansas (3/5) | 1982 | Alaska (2/3) |
| | | 1983 | Missouri (7/11) |

**Only 2 of the 32 States Passed Con Con/BBA Resolutions within the Last 7 Years.**

From 1975 to 1987, a total of 32 states passed Con Con/BBA resolutions. The list appears to be more than 32 because Alabama, Maryland, South Carolina and Tennessee passed the resolution twice and Louisiana three times.

### 18 States Never Passed Con Con/BBA Resolutions

| | |
|---|---|
| California | Montana |
| Connecticut | New Jersey |
| Hawaii | New York |
| Illinois | Ohio |
| Kentucky | Rhode Island |
| Maine | Vermont |
| Massachusetts | Washington |
| Michigan | West Virginia |
| Minnesota | Wisconsin |

### How can we believe that a Constitutional Convention will be limited to a Balanced Budget Amendment when the whole procedure of calling one is based on tricking us about the rules?

The Constitutional Convention Implementation Bill, originally written by Senator Sam J. Ervin in the 1960s (which has floundered in Congress since then but has never passed), called for a **time limit of 7 years both** for the ratification of constitutional amendments in the usual way **and** for state resolutions calling for a Constitutional Convention. This is because the Constitution may be changed **only** if there is a "contemporaneous consensus" in support of the change.

**But** the 1987-88 version of the Implementation Bill in the U.S. Senate provides that the current series of state resolutions requesting a Constitutional Convention would have the special privilege of a **time limit of 16 years** (described as 14 years plus 2 years). This one-time exception to the general rule would "grandfather in" all the old state calls for a Constitutional Convention. Here is the text from this Implementation Bill now pending in the Senate:

> "Effective Period of Application
>
> Sec. 5. (a) An application submitted to the Congress by a State, unless sooner withdrawn by the State legislature, shall remain effective for the lesser of the period specified in such application by the State legislature or for a period of seven calendar years after the date it is received by the Congress, *Provided however,* That those applications which have not been before the Congress for more than fourteen years on the effective date of this Act shall be effective for a period of not less than two years."

This is the same type of chicanery about procedure —playing games with the Constitution — that we endured with the Time Extension of 3 years and 3 months voted by Congress for the Equal Rights Amendment. That Extension enabled the ERA advocates to exert enormous political and financial pressure on four states in 1982 while "counting" the 23 states that passed ERA in 1972 (10 years earlier), and pretending that 5 rescissions did not exist.

### Gore Vidal's Prediction

Gore Vidal, a leftwing writer of considerable acclaim, let the cat out of the bag in a recent speech at Oregon State University which was published in the *San Francisco Chronicle.* He explained the liberals' plan to take over a Constitutional Convention.

"It is a nice irony," Vidal said, "that the far right — disguised as conservatives — can take credit for so fundamental and radical an upheaval. In order to balance the budget by law, to put prayer to God and Mammon in the schools, to forbid abortion, pornography and drugs, they have set in motion the great engine that will overthrow the very Constitution that they insist be so strictly constructed."

Admitting that he favors a new Constitutional Convention, Vidal added, "I can view with a certain serenity the restructuring of our political institutions. After all, such a convention could — and probably would — supersede Congress."

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# The Phyllis Schlafly Report

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# New Myths and Old Political Realities

## About Foreign Giveaways

Few things illustrate the desperate political position of the Democrats as clearly as their about-face on foreign aid. The Democrats have been fervent advocates of every foreign giveaway idea that has come down the pike since 1945, and now suddenly, when confronted by President Bush's package to aid the former Soviet Union, they are saying "Americans first."

The price tag is $24 billion, including $3 billion to stabilize the Russian ruble, and $12 billion in an additional U.S. donation to the International Monetary Fund (IMF), where overpaid bureaucracies of foreigners dole out our money to foreigners who never pay back their debts. The bill is broad and vague, authorizing a variety of additional grants, credits and technical assistance programs such as eliminating legal impediments to government loans to private firms. Translated, that means giving incentives to U.S. corporations to do business overseas by having the taxpayers cover their losses, something firms don't enjoy if they lose money doing business in the United States.

IMF managing director Michel Camdessus says that the former Soviet Union needs $44 billion in foreign aid this year, that is, $24 billion to Russia and $20 billion to the 14 other former Soviet states. That's just the start; over the next four years, he says, the former Soviet Union will need more than $100 billion in outside aid from the IMF, the World Bank, the governments of industrial nations, and private investors. He estimates that the IMF would provide $25 to $30 billion in loans over the next four years, and that the World Bank would lend another $12 to $15 billion.

To expedite this mind-boggling transfer of U.S. money, the IMF and the World Bank formally offered membership to Russia, Ukraine, and most of the other former Soviet states on April 27. The IMF's mission is supposed to be to "stabilize" economies, and so it gives loans to developing countries to help them carry out large-scale economic reforms aimed at growth without inflation.

Its sister organization, the World Bank, has the same membership and doles out the money to the same recipients, but with a slightly different focus. It concentrates on long-term programs. Under the regime of Robert S. McNamara in the 1970s, the World Bank was best known for its worldwide campaign for population control.

The U.S. taxpayers are being ripped off under so many different labels that it's hard to keep track of them. The World Bank is made up of the International Bank for Reconstruction and Development, the International Development Association (which makes low-interest loans to the poorest countries), the International Finance Corporation (which lends to private companies in developing nations), and the Multilateral Investment Guarantee Agency (which assists foreign investment in poor countries).

Membership contributions from the 170 members of the IMF are decided by a formula based on their economic output. So, surprise, surprise, the United States provided nearly a fifth of the money for the two organizations even before the proposed $12 billion infusion.

The IMF works something like a cooperative bank. Russia will have to pay $3.94 billion into the Fund as a membership contribution, but then it can immediately borrow three times that amount. Pretty good deal, isn't it! They put up $3.94 billion, and presto, they will be able to draw out nearly $12 billion — and maybe much, much more, since some favored countries are allowed to exceed the formula!

This cooperative system sounds very much like the now defunct House Bank, where some favored (mostly senior Democratic) Congressmen could write overdrafts for several times the amount of their deposits, while the cash for the float was provided by other (mostly fairly new Republican) Congressmen who were induced to deposit their paychecks in the Bank.

Those who are determined to send U.S. cash to help the Russians have an obligation to get something for the taxpayers' money they propose to spend. One solution would be to buy the Russian nuclear weapons for which Boris Yeltsin presumably has no use, or pay to have them destroyed under international supervision.

## About Who's Behind Foreign Giveaways

With the whole world rejecting socialist central planning and rushing toward a free market, Corporate America (a.k.a. Big Government Republicans) is pushing the Bush Administration toward adopting the discredited socialist system. They don't call it that, of course; they call it "an industrial policy," but that's just a code word for the rich and powerful in government and big business centrally planning our economy.

The excuse advanced for imposing a centrally planned industrial policy is the alleged need for taxpayer underwriting of private industry investments in the former Soviet Union. As the argument goes, the current situation calls for massive private investment, and that won't take place without government subsidies and guarantees.

Dexter Baker, chairman of the National Association of Manufacturers, is calling for "special government protection" through "investment insurance and export guarantees" because "the risks in Russia are greater than in any other part of the world." The U.S. taxpayers are being called upon to build factories, oil fields and the like in Russia, as well as to pay the bills for U.S. companies to export their products to the former Soviet Union.

Why aren't U.S. corporations falling all over themselves to seize investment opportunities in the enormous new market of the former Soviet Union and Eastern Europe? Corporate America just doesn't want to risk its own money. No American or European corporation has yet spent more than $80 million on a single project, and most investments are under $10 million.

Willard A. Workman, vice president of the U.S. Chamber of Commerce's international division, says, "We are used to taking risks, but risks that we can see and quantify. In the Commonwealth countries you cannot learn enough or find out enough in the available time. You have to make assumptions and you have to be responsible to shareholders. So you look to Government for help."

The rationale is that, in the post-bad-Third-World-loans-and-S&L- disaster world, Corporate America feels it has to be "responsible" to its shareholders, but since the federal politicians don't feel they have to be responsible to the taxpayers, let's soak the taxpayers for guarantees of risky investments that no reasonable businessman or banker would make.

The Overseas Private Investment Corporation (OPIC), a federal agency that guarantees foreign investments, right now has $8 billion available for corporate handouts (they call it private-sector investment in foreign countries). However, that's not enough; U.S. companies have applied to OPIC for $12 billion for investments in the former Soviet Union alone, as well as relief from the current ceiling of $50 million on a single investment.

Other piggy-banks that Corporate America can raid include the Export-Import Bank, which subsidizes American exports, and the Commodity Credit Corporation, which finances food exports. Ex-Im has already issued $172 million in financing for exports to the former Soviet Union and has $11 billion available in export financing worldwide in the current fiscal year. Ex-Im pays the U.S. exporter directly and then tries to collect the loan sometime in the future from the foreign buyer.

Representatives of the U.S. Chamber of Commerce met with President Bush at a White House meeting in late April. The Administration's favorable response to this "unusually explicit corporate request" for taxpayer handouts, according to the *New York Times*, constitutes what many economists call "de facto industrial policy." This type of planning and financing collaboration was anathema during the Reagan Administration, with its free-market orientation; but it's apparently part of the Bush Administration's New World Order.

The group promoting this business-government partnership to build up the former Soviet Union looks upon it as a first step toward imposing full-scale industrial policy on the U.S. economy. As Stephen S. Roach, senior economist at Morgan Stanley & Company, says, "Do we want to go piecemeal from one case to the next, or do we want to step back and look at the broader objectives of industrial policy?"

Clearly, these men are elitists who believe in their hearts that American workers are too dumb to know how to spend their own hard-earned money. Therefore, the smart guys in Corporate America, in collaboration with the politicians who play along, want to make the big decisions as to whether our money is to be spent on building industrial plants in the former Soviet Union, or cleaning up the environment throughout the world, or repairing infrastructure in the United States.

The real investment being made by Corporate America is in locking up the politicians who will allow them to make big money by bleeding the U.S. taxpayers.

## About a Balanced Budget Amendment

The Balanced Budget Amendment is now rushing to passage despite the many constitutional, legal, and economic dilemmas it poses and the many unanswered questions about its intended and unintended effects. It is earnestly supported by Ronald Reagan and George Bush, but it also has some advocates who are not singing from the same score sheet, such as Senator Paul Simon.

In the heyday of lobbying for the Balanced Budget Amendment during the Reagan Administration, when it narrowly failed to pass, a federal balanced budget was a realistic goal because our expanding economy was producing tax revenues so fast that the budget would have come into balance if Congress had simply frozen spending at then-current levels.

The fiscal picture is very different today. When I asked some members of Congress the question, What will this Amendment do to our current $400 billion deficit, I received looks of quiet desperation. Nobody seems to know. Here are some options:

* Congress could raise taxes to comply with the new Amendment.
* Congress could cut spending on Medicare, Medicaid, welfare, unemployment compensation, and food stamps. Even the National Endowment for the Arts might feel the axe.
* Congress could simply vote to bypass the Amendment's requirement for budgetary balance, as its text allows, by a 60 percent vote of all members of Congress.
* Congress could use budget gimmickry and even fraud to disguise anticipated deficits, such as putting some items "off budget," including rosy predictions of tax receipts, and transferring the cost of some items to future years.
* Congress could have a stalemate about the budget and throw decision making into the hands of the federal courts to define the words "budget" and "balance." Would the federal courts undertake to write a balanced budget, specifically reviewing each item? Or would the federal courts, as Laurence H. Tribe suggests, just rule that the

Amendment is "hortatory and advisory" and pass the buck back to Congress?

Any of these options would probably generate even more cynicism than we have at present about the failure of Congress to perform its duties.

Meanwhile, what happens to the $400 billion deficit?

## About the Environment

Flying down to Rio in June probably sounds like a "fun" summer interlude to George Bush, eager to get away from it all during this uncertain presidential campaign. But President Bush is not Fred Astaire, and the United Nations Conference on Environment and Development (UNCED) held on June 1-12 in Rio de Janeiro will not let him dance to a happy ending.

Billed as the "Earth Summit," the UNCED conference has attracted the largest gathering of world leaders ever staged. The purpose of the Summit, they say, is to produce a global response to the so-called "greenhouse warming" theory by negotiating and signing international environmental treaties that will affect the entire world into the 21st century.

The real result, of course, is to set up yet another permanent international bureaucracy financed by bleeding the American taxpayers and transferring the fruits of our labor to ungrateful, unproductive, Third World dictators and the political-military cliques that keep them in power. This is just another expensive sideshow of the New World Order.

Science does not support radical proposals to address global warming. Science does not even agree on whether warming is good or bad, and many believe that, by lengthening the growing seasons, it would enhance agricultural yields and increase the world food supply.

The Earth Summiteers say that one of their goals is to promote global energy conservation. But experience of the last half century proves that private property and a capitalist economy produce more energy sources and a better environment than central planning. The United States is already a world leader in conservation and energy efficiency, whereas the countries managed by socialist bureaucracies and central planners are ecological disaster areas.

The real purpose of the Earth Summiteers is to limit growth by restricting energy sources, and then to distribute American wealth to the rest of the world. The Earth Summiteers envision themselves as a new international elite, spending the money American workers earn and apportioning the scarcity around the world.

UNCED proposals, if adopted, would require the U.S. taxpayers to transfer payments to the governments of developing nations. At the same time, UNCED proposals would severely restrict our own economic growth. UNCED promoters want a "carbon tax" that would cost $95 billion annually. This would also disadvantage us in comparison with our competitors such as France, which relies on fossil fuels for only nine percent of its electricity, using nuclear power for 78 percent.

Turner Broadcasting System (TBS) is at the forefront of the media onslaught to ensnare American policymakers into the Rio extravaganza. TBS's "Save the Earth" campaign includes a video called "One Child — One Voice" for adults and a weekly cartoon called "Captain Planet and the Planeteers" for children.

"One Child — One Voice" carries the message that the earth will end soon if people don't stop polluting, and that America and other developed nations are guilty of committing environmental sins that threaten the rest of the world.

Captain Planet is an environmental "Superman," and the Planeteers are five children recruited by Gaia, the spirit of the Earth, when she awakes from a 100-year-old nap to discover the devastating effects 20th century people have had on the environment. These "white hats" go on adventures to eliminate the bad guys: Hoggish Greedly, a pig-like human who lives to devour the earth's resources; Looten Plunder, a capitalist who clear-cuts rainforests and extinguishes whole species; Sly Sludge, the ultimate con man who dumps garbage and toxic waste into oceans, parks and backyards; and Duke Nukem, a deformed villain who spreads radioactivity with the glee of a mad scientist.

In addition to the television programs, TBS's Save the Earth campaign has "action packs" that include environmental pledges, direct-action postcards addressed to President Bush, and an interactive computer network via the "Network Earth" Forum on CompuServe. These action packs are distributed through a multi-level collaboration between TBS and local cable operators, environmental civic groups, by mail, and even door-to-door.

The Earth Summit in Rio is just one more episode in the fantasy world of television. Americans don't want President Bush to play the role of Captain Planet. They want him to reduce taxes, regulations and bureaucracies in order to keep us a free people with an ever-growing economy.

## About John F. Kennedy

Both leftwingers and rightwingers are upset about Oliver Stone's movie *JFK* because, being a well-crafted visual, it tends to make people believe a false explanation of the assassination of John F. Kennedy in 1963. The trouble with Stone's critics is that, while they are right about Stone being wrong, many unanswered questions remain, and the American people are still the victims of a coverup by the Warren Commission.

A murder is always a fascination, and we may never know the whole truth about Kennedy's death. However, we are beginning to learn the whole truth about his life, which, until recently, has been the subject of just as many mysteries, illusions, and coverups.

The new book *A Question of Character: A Life of John F. Kennedy* by the noted historian Thomas C. Reeves exposes once and for all the massive difference between JFK's impressive public image and his reckless, vain, selfish, and lecherous private life. Reeves describes how the American people were the victims of a massive deception in which the media were willing accomplices.

This fascinating book was not written by an anti-Kennedy conservative. If it had been, chances are it never would have been published, and if it had been published it would have been denounced as a partisan diatribe. Reeves' leftwing attitudes, biases and semantics are evident throughout the book. So how did he come to do this hatchet job on the Prince of Camelot who led liberalism in its most fashionable years? Apparently, it was the hypocrisy of the man that so

disillusioned Reeves. After he read everything written about JFK, Reeves realized that he and the American people had believed a world-class lie.

Reeves traces Kennedy from boyhood through the Thousand Days of his presidency by copiously documenting every event from several sources, friendly and unfriendly. This methodology exposes the consistent way that the Kennedy family and their supporters concealed, misrepresented, glossed over, exaggerated, or generally prevaricated about the truth in order to build the King Arthur image.

Jack was propelled to national prominence as a war hero, an intellectual writer, and then a political leader by the lavish expenditures of his father, Ambassador Joseph Kennedy. Joe arranged the production of *PT-109* (a highly flattering movie about Jack's alleged heroics in the South Pacific), orchestrated news coverage and favorable magazine articles, and financed and directed all of Jack's political campaigns.

Jack's first book, *Why England Slept* was written with the help of *New York Times* reporter Arthur Krock and was made into a best-seller by Joe Kennedy buying 40,000 copies and storing them in the basement of his Hyannis Port home. Kennedy's most famous book, *Profiles in Courage*, was written with the help of Ted Sorensen, who thereafter was the ghost-writer of all Jack's rich historical references, flowing sentences, wit, and literary eloquence.

Reeves describes Kennedy's drive for the Presidency in fascinating detail. He exposes Kennedy's cynical manipulation of issues (such as "poverty" and the phony "missile gap"), the unrestrained spending by Jack's father, the vote frauds, the secret election help of the Mafia, the "ceaseless adultery," and the dishonesty about his intellectual achievements, bad health, and war record.

From primary sources, Reeves bas distilled authentic history of the various crises of the Kennedy Administration: the Bay of Pigs, the meeting with Nikita Khrushchev in Vienna, the Berlin Wall, the Cuban Missile Crisis, and the war in Vietnam culminating with the U.S.- arranged assassination of Diem. Reeves describes Kennedy's panic, lies, and eagerness to blame others, and how the media made him emerge from each blunder with the aura of a winner.

The "Camelot School" of adulatory books and articles propagated the Kennedy myth, and the Kennedy family bullied non-approved authors and publishers into deleting damaging material. It was a carrot-and-stick relationship: friendly reporters and writers were courted with private interviews and inside information, and unfriendly ones were punished.

The pro-Kennedy books painted Jack as a family man, devoted to his wife and children. The reality was that Kennedy's sexual lifestyle was like that of Magic Johnson ("I did my best to accommodate as many women as I could"), and marriage never interfered with a long succession of trysts with available women, including employees, wives of acquaintances, and actresses. For at least a year, he simultaneously shared a mistress, Judith Campbell Exner, with Mafia boss Sam Giancana (whose murder is still unsolved). Sam played a major role in Jack's secret attempts to assassinate Fidel Castro (called Operation Mongoose).

The book's thesis is that Jack Kennedy's defective character was molded by his ambitious, selfish, adulterous, pragmatic father. But the value of this hard-to-put-down book is the way the national media could be bought to cooperate in a fabric of lies in order to elect a man President of the United States and maintain the myth that he was a national hero.

## About Willie Horton

Now that the late Lee Atwater is no longer around to defend himself, the liberal media have engaged in unremitting revisionist history to sell American voters the notion that he was an architect of nasty and negative campaigning, and that, in the face of death, he recanted, admitted he had wronged such enemies as Michael Dukakis, and asked forgiveness for his political sins. Atwater was George Bush's campaign manager during his 1988 campaign.

But it's all a lie. Lee Atwater didn't invent nasty campaigning, he didn't retract his tactics, and he shouldn't have.

Negative hard-ball campaigning was invented, in modern times, by a young Texas aide to Lyndon Johnson named Bill Moyers. This is the same Bill Moyers who in recent years has afflicted us with so many insufferably sanctimonious specials on tax-supported PBS-TV. Johnson and Moyers set out to smear Barry Goldwater in 1964 by accusing him of being a trigger-happy warmonger. The tool to accomplish this was the false, cruel, and unfair television spot showing a little girl picking daisy petals during the countdown and then disappearing into a mushroom cloud. Nothing in the 1988 campaign approached the viciousness of that 1964 ad.

Atwater didn't invent Willie Horton. The *Reader's Digest* discovered him and put his true story in 12 million homes in its July 1988 issue. One of the most compelling articles the magazine has ever published, it was aptly entitled "Getting Away With Murder." Every reference to Willie Horton after that was just retelling the *Digest* story to more people.

The TV campaign spot showing Willie Horton, which has been aired so frequently by the liberals in order to criticize it, was not produced under the direction of Atwater or Bush at all. It was made by an independent committee over which Atwater and Bush had no control. Atwater did produce a TV spot about Dukakis's furlough issue, but it never pictured Willie Horton. It didn't even show a black man. It showed unidentified, racially indeterminate prisoners going through a revolving prison door.

Contrary to what we are told repeatedly in the media, Michael Dukakis's prisoner furlough plan was **not** like dozens of furlough procedures in other states. Dukakis's furlough plan was unique: Massachusetts was the only one of the 50 states in which a furlough could be given to a murderer who (like Willie Horton) had been sentenced to life imprisonment without possibility of parole.

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# What's Wrong with "The Conference of the States"?

Similar resolutions calling for a "Conference of the States" (COS) have been passed this year in at least fourteen State Legislatures from Arizona to Virginia, defeated in more than twelve State Legislatures, and are pending in most other State Legislatures.

This simultaneous action in nearly fifty State Legislatures did not happen by accident. The idea was proposed by the Council of State Governments, and the national campaign to get the resolutions adopted is spearheaded by Governors Mike Leavitt of Utah and Ben Nelson of Nebraska. The action is also endorsed by the National Governors' Association, the National Conference of State Legislatures, and the American Legislative Exchange Council.

Despite such prestigious sponsorship, COS has had almost no national media coverage. COS resolutions won speedy approval in the first states that considered them (often without any hearings and by voice vote), but the momentum slowed dramatically after states began to investigate and debate the issue.

COS presents itself as "An Action Plan To Restore Balance in the Federal System." The purported object of the Conference is to "compete for power in the federal system." Its initial acceptance by State Legislatures was due to the fact that it appeared to be a proposal to raise public consciousness about the importance of states' rights within our federal system and to stop federal encroachment on states' powers. This motive found eager support among state legislators who have become increasingly resentful against "unfunded mandates," *i.e.*, federal laws that impose mandates on the states but provide no money to pay for them, thereby requiring states to raise taxes in order to meet newly-imposed federal obligations.

The Council of State Governments (a non-official, private, 501(c)(3) organization) published a six-step plan by which COS was expected to move through the State Legislatures and become a reality in 1995.

*Step 1:* Each State Legislature will pass a "Resolution of Participation" providing for that state's participation in the Conference of the States. Each State Legislature will appoint a bipartisan delegation consisting of four or more legislators plus the governor.

*Step 2:* After a "significant majority of states" has passed the Resolution of Participation, the Council of State Governments will "convene" the "incorporators" of a new legal entity called "The Conference of the States Inc." The incorporators will establish the rules for the Conference on the basis of each state delegation having one vote.

*Step 3:* The Conference of the States will be held in "a city with historic significance." Philadelphia is the favorite site (drawing the obvious parallel with the Constitutional Convention of 1787 at which the United States Constitution was written). Supporters originally expected the Conference of the States to be convened in Independence Hall in Philadelphia in October 1995, but Conference plans have become less definite as State Legislatures started to reject the COS resolutions. The purpose of this Conference is for delegates to "consider, refine and vote on ways of correcting the imbalance in the federal system."

*Step 4:* The Conference would produce "a new instrument of American democracy called a **States' Petition**, which would be "the action plan emerging from the Conference of the States." COS asserts that the States' Petition "constitutes the highest form of formal communication between the states and the Congress."

*Step 5:* The States' Petition would be carried back by delegates to their respective State Legislatures for approval.

*Step 6:* The delegates from each state would gather in Washington to present the States' Petition to Congress and formally request Congress to respond.

## *COS's Agenda for Structural Change*

If and when the Conference of States convenes, what will be the agenda of what its sponsors call "a powerful plan"? What will be the particulars in this new document called the States' Petition that is supposed to demand Congressional action? The answer to this question is the principal reason why COS resolutions have been defeated in so many State Legislatures.

The December 20, 1994 COS Concept Paper states that the agenda of the Conference will be "basic, structural change" and "fundamental reform." COS literature repeatedly uses such rhetoric as "broad, fundamental, structural, long-term reforms," "fundamental, structural, long-term rebalancing," and "changed framework."

COS literature makes it clear that what its sponsors seek is not *policy* changes (*e.g.*, a prohibition against unfunded mandates), but "basic," "fundamental," "structural" changes in our form of government. COS sponsors want to achieve structural changes through "process amendments," an expression which COS defines as allowing the states to make changes in the U.S. Constitution. The December 20, 1994 COS Concept Paper lists only three "process amendments."

The first and most important is a plan to change our method of amending the U.S. Constitution. COS proponents assert that our amending process in Article V has proven unworkable. *On the contrary,* Article V works splendidly. The U.S. Constitution has been amended 27 times in the traditional way, *i.e.*, passage by two-thirds of each House of Congress followed by ratification by three-fourths of the states. Proposed constitutional amendments failed when they did not enjoy a national consensus (*e.g.*, the so-called Equal Rights Amendment).

The alternate method of changing the U.S. Constitution authorized in Article V, *i.e.*, the calling of a new Constitutional Convention (colloquially referred to as a Con Con), has never been used because the American people don't want one, and they have demanded that their state legislators vote **no** on resolutions to call a Con Con. During the last twelve years, the advocates of calling an Article V Con Con have suffered defeats in state after state, from New Jersey to Montana.

COS wants to make it easier to amend the U.S. Constitution by changing Article V so that three-fourths of State Legislatures could propose an amendment to the Constitution that would become valid unless, within two years, the U.S. Congress rejected the amendment by a two-thirds vote in both Houses. If Article V were so amended, a new constitutional amendment could then move quietly through the states toward ratification before the American people were even aware it was happening — just as the COS legislation is now rapidly moving through State Legislatures without any national publicity.

The second "process amendment" (this one proposed by former Governor Bruce Babbitt) would gives two-thirds of the states the power to "sunset" any federal law except those dealing with defense and foreign affairs.

The third "process amendment" (proposed by the Council of State Governments) is to add a sentence to the Tenth Amendment giving the courts the responsibility to adjudicate the boundaries between national and state authority.

It is not believable that the COS sponsors would go to so much effort and expense to put on a Conference merely to discuss those three items. In any event, the COS demand for "structural" changes through "process amendments" is so open-ended that the Conference could and would consider many other changes not revealed in current COS literature. For example, the COS Concept Paper cites futurist Alvin Toffler's *Creating a New Civilization: The Politics of the Third Wave* as a guide for "restoring sense, order and management efficiency to government."

COS literature does not mention the Committee on the Constitutional System (CCS), but CCS for years has been publishing papers and holding conferences to promote structural changes in our government. CCS wants to eliminate the Separation of Powers design of the U.S. Constitution and replace it with something like a parliamentary system. CCS's board of directors includes some of the most prominent names in U.S. policymaking, including Lloyd Cutler and Robert S. McNamara. COS and CCS aims are highly compatible: CCS has called for a Convocation of States "to make recommendations to achieve a more cooperative, equitable, efficient, accountable, and responsive federal system."

It should be noted that COS literature reveals no plans to consider any constitutional amendment against unfunded or funded mandates imposed by Congress on the states. Yet, *that* is the argument used to persuade State Legislatures to adopt COS resolutions. Could COS be a bait-and-switch scheme?

## *Questions About the Six-Step Plan*

Is this COS plan just a group of politicians getting together for a conference to discuss innovative ideas for improving the functioning of government? **Or**, is COS really a plan to bring about major changes in our form of government that will have legal effect? Let's take a close look at the curious and contradictory description of how the Conference of the States will function. It's all laid out in materials published by the Council of State Governments, the self-appointed convener of the Conference.

**a)** The Council's literature states that COS will produce a result that "has no force of law or binding authority." If this is true, why have the Council of State Governments and Governor Leavitt done so many things that appear designed to give COS the force of law and binding authority? If the sole purpose were to have a conference to discuss states' rights and unfunded mandates, there would be no need for *Step 1*'s requirement that every State Legislature pass an official "Resolution of Participation" or pass legislation authorizing "delegates" to attend on behalf of the state. National meetings and conferences attended by Governors and state legislators take place every year without any legislative action.

COS sponsors have built a formidable paper trail that can be used later to assert that COS does have legal effect. This paper trail includes official legislative action to authorize each state's participation in the COS, and official legislative action naming "delegates" to represent each state in the COS. These state delegations appear to be legally em-

powered to take whatever action the majority decides at the COS Conference so that their decisions will, indeed, have the "force of law."

**b)** *Step 3* makes clear that the agenda of the Conference will be wide open. The delegates will vote on "solutions to restore balance," language that virtually assures that the COS will discuss and vote on issues never contemplated by the State Legislatures that sent the delegates. Furthermore, no rules of procedure are decided in advance except that each state will have one vote.

**c)** COS supporters seem to believe that their anticipated product, the "States' Petition," is of landmark, constitutional importance. *Step 6* proudly proclaims: "Ignoring a constitutional majority of states would signal an arrogance on the part of Congress — an arrogance the States and the American people would find intolerable." If it will be "intolerable" for Congress to refuse to obey the decisions of the Conference of the States, what action will the states then take? This doesn't sound like the language of something that is not expected to have legal or binding effect.

**d)** *Step 5* calls for the States' Petition to be approved by the respective State Legislatures. What is the significance of the statement in *Step 5* that "States' Petition items which involve constitutional amendments require approval of a constitutional majority of state legislatures"? If the items in the States' Petition are merely helpful suggestions that have "no force of law or binding authority," how can COS "require" that they be passed by a "constitutional majority"?

And what is a "constitutional" majority? For the purpose of approving amendments to the U.S. Constitution, a constitutional majority of states is three-fourths. Are COS sponsors saying that "States' Petition items" are actually constitutional amendments that would be valid if "approved" by a "constitutional majority" of State Legislatures (even though they never went through Congress)? COS has made it clear that its principal goal is to change the procedure by which the U.S. Constitution is amended. Is *Step 5* a devious way to circumvent the Article V amendment process (under which proposed amendments go from Congress to the states) — and instead use an extra-constitutional procedure to take amendments directly from the Conference of the States to State Legislatures?

## *Can COS Become a Con Con?*

**e)** What is the significance of the demand in *Step 2* that the Resolutions of Participation must be passed by a "significant majority" of the states? What is a "significant" majority? If COS were merely a meeting to discuss states' rights ideas, it wouldn't matter whether a majority of states was present or not, and it certainly wouldn't matter whether a "significant" majority was present. There must be a significant reason why COS sponsors want a "significant" majority present at the Conference.

COS materials do not define "significant" but, because COS is so eager to change the amending process, it is reasonable to infer that this use of "significant" means two-thirds. Article V states that two-thirds is the majority of states required to call a new Constitutional Convention (Con Con). As State Legislatures began to defeat COS resolutions, COS sponsors began to say that they would incorporate COS as soon as COS is passed by 26 states, and that states may attend the Conference even if they don't pass the COS resolution.

Recent statements by Governor Leavitt stoutly deny that COS is a plan to call a Constitutional Convention, but his earlier statements clearly raise this possibility. The May 17, 1994 version of Governor Leavitt's COS position states: "If Congress refused to consider or pass the [constitutional] amendments [demanded by the States' Petition], the states would have the option themselves of calling a Constitutional Convention to consider the amendments. Supporters of this [COS] proposal hope and believe that such dire action as calling a Constitutional Convention would not be necessary. But the threat must exist to motivate Congress to act."

When anyone issues a threat, we must consider the possibility that he means what he says. We must recognize the possibility that COS can plunge us into a new Constitutional Convention. A Con Con could come about in two ways.

**(1)** The Conference of the States could declare itself a Constitutional Convention. With officially elected delegates, officially empowered by legislation passed by their own State Legislatures, the Conference could take on a life of its own and transmute the "Conference" into a "Convention." After all, COS sponsors have already manifested remarkable arrogance in saying that it would be "intolerable" for Congress to fail to obey the demands of the States' Petition.

Indeed, COS sponsors repeatedly compare their plan to the writing of the United States Constitution in 1787. COS sponsors assert that the problems our nation faces today are "similar" to those the Founding Fathers faced then.

**(2)** The Conference of the States could pass a resolution making "application" to Congress to call a new Constitutional Convention. If the "significant majority" (two-thirds) of states was present, and those states were represented by officially elected delegates officially empowered to represent their states, it certainly could be argued that a COS resolution meets the Article V requirement that, if two-thirds of the states request it, Congress "shall call a Convention for proposing Amendments." Article V uses the mandatory "shall" and the plural of "Amendments."

What a clever way to bypass the cumbersome requirement that 34 State Legislatures pass Con Con resolutions! Several pressure groups have been working for years to persuade 34 States to pass such resolutions, and they have failed. Their effort peaked in 1983 when the 32nd state (Missouri) passed a Con Con resolution. Since then, Con Con resolutions have been consistently defeated because the American people don't like politicians tampering with our Constitution.

COS offers what could be an irresistible opportunity to

do an end-run around those defeats and use the 1995 Conference of the States to pass a Con Con resolution and assert that 34 states have triggered the Con Con call.

COS's own materials show that its sponsors are pondering the option of a Constitutional Convention. Any smart politician must know that the "structural" changes in our form of government demanded by COS and CCS would never pass in the traditional amendment method — they could come about only through a major redrafting of the U.S. Constitution, which could take place only at a new Constitutional Convention.

While denying that COS would itself be a Constitutional Convention, Ray Schepach, executive director of the National Governors' Association, admitted to the *Wall Street Journal* that "it could lead to a Constitutional Convention if the results of the Conference are ignored." The *Wall Street Journal* concluded that the COS Conference would be "a display of raw, constitutional power." When the Council of State Governments endorsed COS in 1994, journalist David Broder, who prides himself on having inside information, called COS a "first cousin to a Constitutional Convention."

The COS resolution introduced into the Texas Legislature demonstrates that some COS advocates are aggressively planning COS as a stepping stone to a Con Con. The Texas COS Resolution includes this language: "Resolved, That the Conference agenda extend also to common language to be used in state petitions to the United States Congress for a constitutional amendment convention under Article V of the United States Constitution, incorporating within that language the text of any amendments drafted by the Conference of the States for consideration by the constitutional amendment convention."

The Philadelphia City Council passed a resolution on March 16, 1995 stating that the City of Brotherly Love would be happy to host a Conference of the States, but, at the same time, calling on the Pennsylvania State Legislature to defeat the COS Resolution because "legislative authorization and appointment of official State delegates is not required for successful conferences and meetings and only serves to cause serious questions and concerns as to possible motivation and ultimate purposes of such appointments, including concerns of converting the Conference of the States into a Constitutional Convention."

The effort to mutate the Conference of the States into a Constitutional Convention was greatly enhanced by Senator Hank Brown's introduction of U.S. Senate resolution, S. Res. 82, on which hearings have already been held. This resolution states: "Resolved, That Congress hereby petitions the several States of the United States of America to convene a Conference of the States for the express and exclusive purpose of drafting an Amendment to the Constitution of the United States requiring a balanced budget and prohibiting the imposition of unfunded mandates on the States, and that such States then consider whether it is necessary for the States to convene a Constitutional Convention pursuant to Article V of the Constitution of the United States in order to adopt such Amendment."

This language is curious because no COS material even mentions having a Balanced Budget Amendment on the agenda! S. Res. 82 clearly ties COS to the Con Con that has been urged by the advocates of a Balanced Budget Amendment (BBA) for the last 20 years. The special-interest groups supporting a BBA have believed for some time that the only way they can get a BBA is through an Article V Con Con. Now they have latched on to the COS movement as a way of plunging us into a Constitutional Convention, and S. Res. 82 shows the relationship.

S. Res 82 also shows that the BBA advocates have given up on their argument that a Con Con would be strictly limited to just one issue (the BBA), and they are happy to ride on the shoulders of COS, which is working toward an unlimited Conference to consider many "process amendments."

The federal courts cannot be counted on to call a halt to what might appear to be unconstitutional procedures of the Conference of the States. Past Supreme Court decisions have held that the constitutional amendment process is a "political question" which the courts will not decide.

**Is there an alternative plan** for those who believe that federal power has encroached too much on the states? Yes! Our present Constitution gives us all the rights we need for states to reclaim their sovereignty. There is no need for a new Constitution, or even for amendments. We should reactivate the Tenth Amendment, exactly as James Madison wrote it. Tenth Amendment resolutions have been passed by more than a dozen State Legislatures, and implementing legislation has been introduced in several states.

Furthermore, if the Governors and state legislators are really sincere in their opposition to federal mandates, they can easily start by refusing to accept federal funds from Goals 2000, as Montana has already done. Rejecting federal supervision over public school curriculum would be the best way to start to assert state sovereignty, and it wouldn't require any conferences or constitutional chicanery.

The United States Constitution and the ingenious design of government it created have served us well for more than two centuries. We don't need a new Constitution or "structural" changes in our government. All those who care about preserving our great United States Constitution should tell their State Legislators to vote **no** on all COS and Con Con resolutions.

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The
# Phyllis Schlafly Report

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## Conference of the States Is Losing in the States

The so-called Conference of the States (COS), which was originally planned to sail through state legislatures without controversy and even without hearings, and culminate in a media event in Philadelphia in October, is failing to get its resolutions passed. Just as many states are defeating the COS resolution as are passing it.

COS sponsors are baffled at the unexpected resistance from grassroots Americans. If COS advocates would just read their own materials, the reasons for the resistance would be obvious.

COS spokesmen harp on "unfunded mandates" as the reason why we need a Conference of the States, but doing anything about unfunded mandates is not on the planned agenda for the Conference when it convenes. That makes COS smell like a bait-and-switch ploy.

What is on the agenda, according to COS materials, are three so-called "process amendments": (1) to enable three-fourths of the states to amend the U.S. Constitution without any input from Congress unless Congress by a two-thirds vote in both Houses vetoes the amendment within two years; (2) to permit two-thirds of the states to "sunset" any federal laws except national defense and foreign policy (what about civil rights and income tax laws?); and (3) to add a sentence to the Tenth Amendment empowering the courts to adjudicate the boundaries between federal and state authority (which, of course, they already have, but presumably this sentence would encourage the courts to be more activist).

These changes are downright radical. They attack the premise that America is to be one federal nation instead of a confederation of sovereign states.

We the People decided most of those questions with the ratification of the United States Constitution in 1789, and we decided the rest of those issues with the War Between the States. Why are these questions being brought up again in 1995?

COS advocates are less than truthful when they talk about "restoring the balance" between the federal government and the states. COS advocates are really

*See COS Is Losing, page 2*

## *Let's Punish Criminals, Not Spy on Americans*

Are the Republicans in Congress going to roll over and let the Clinton Administration use the Oklahoma City tragedy as an excuse to establish a federal police state with unprecedented power to spy on and harass law-abiding citizens?

First, Clinton directed his verbal attacks against talk radio hosts. Now he is demanding bipartisan support for a long list of proposals, supposedly to combat terrorism, but which would invade the privacy of law-abiding citizens while doing nothing to prevent such outrages as happened in Oklahoma City.

Clinton says we will still have our First Amendment rights. Maybe we will be able to speak, but Janet Reno's agents will be able to listen in on our private conversations, and that certainly will have a chilling effect on free speech.

Under present law, federal agents may obtain a wiretap for only a relatively short list of serious crimes such as drug trafficking. Clinton is now demanding permission for federal agents to obtain a wiretap to investigate any suspected federal felony.

If you thought that federal felonies are primarily national crimes such as the assassination of a President, the hijacking of an airplane, or transporting a kidnapped person across state lines, you are living in the past. Experts estimate that there are some 1,300 federal felonies, including private property offenses under the Clean Air and Clean Water Acts which most people don't even realize are crimes.

Clinton and Janet Reno want to be able to wiretap in order to "investigate" any of those 1,300 federal crimes, and the person wiretapped does not even have to be the one suspected of committing a felony. Clinton also wants to forbid suppression of surveillance evidence in court unless investigators acted in "bad faith," whatever that means.

The Clinton Administration has been planning this massive spy operation for some time. This became clear last year during the passage of the Digital Telephony

*See Don't Spy, page 2*

*COS Is Losing, continued . . .*

pushing a plan for an entirely new type of government. That's why all their resolutions and position papers contain such rhetoric as "fundamental, structural, long term reforms" and "basic structural change."

While some opposition to the COS resolutions has focused on this radical agenda, other opposition has arisen because COS sponsors talk out of both sides of their mouths about whether COS could be or would evolve into a new Constitutional Convention. Chief sponsor Governor Michael Leavitt of Utah now denies that this could happen, but his May 17, 1994 position statement threatened that, if Congress does not obey the COS's demands (labeled the States' Petition), the states will call a Constitutional Convention.

On April 18, Brigham Young University political science professor Bud Scruggs, who is a good friend of Governor Leavitt and says he has consulted with COS officials, made a frank admission to Salt Lake City's *Deseret News*. He said, "When somebody says this meeting could mutate into a Constitutional Convention, no matter what length you go to ensure it won't happen, you have a hard time saying it wouldn't. There's simply no track record to say it wouldn't."

While denying that COS would itself be a Constitutional Convention, Ray Schepach, executive director of the National Governors' Association (one of COS's sponsoring organizations), admitted to the *Wall Street Journal* that "it could lead to a Constitutional Convention if the results of the Conference are ignored." Journalist David Broder has called COS a "first cousin to a Constitutional Convention."

The COS resolution introduced into the Texas Legislature demonstrates that some COS advocates are aggressively planning COS as a stepping stone to a Constitutional Convention. The Texas COS Resolution included this language resolving that the COS agenda extend also to common language calling for a "constitutional amendment convention under Article V of the United States Constitution." Fortunately, Texas rejected the entire COS resolution.

The effort to mutate the Conference of the States into a Constitutional Convention was greatly enhanced by Senator Hank Brown's introduction of U.S. Senate resolution, S. Res. 82, on which hearings have already been held. His resolution petitions the states to convene a Conference of the States and then "consider whether it is necessary for the States to convene a Constitutional Convention pursuant to Article V of the Constitution of the United States."

If the Governors and state legislators are really sincere in their opposition to federal mandates, they can easily start by refusing to accept federal funds from Goals 2000, as Montana has already done. Rejecting federal supervision over public school curriculum would be the best way to start to assert the kind of state sovereignty our present Constitution intended. We don't need any Constitutional Convention or COS chicanery.

*Don't Spy, continued . . .*

Act. With telephone lines rapidly converting to digital signals, the old wiretap method of alligator clips doesn't work except on the portion of your phone call between your house and the local switch. The Clinton Administration got Congress to include a provision in the Digital Telephony Act forcing telephone companies to install special equipment that will enable the feds to identify and listen to digital phone calls. But the phone companies balked at the high cost of installing the necessary equipment.

Now, Clinton is using the Oklahoma bombing as an excuse to induce Congress to appropriate $500,000,000 to pay for the installation of digital wiretap equipment. This would, in effect, repeal the Fourth Amendment's prohibition against "unreasonable searches and seizures," and enable Janet Reno to wiretap the phone conversations of ordinary Americans under the excuse that she is investigating some federal crime somewhere (such as a neighbor violating a "wetlands" regulation).

It's not surprising that Clinton wants the power to listen in on your telephone conversations. After all, the Clinton health care bill (developed by Hillary's task force in secret, in defiance of the law and of a court order to make its deliberations public) included a plan to set up a computer database to which your doctor would have been required to report all medical treatment and on which the feds could track everyone's medical history.

Clinton is pushing other privacy-invading proposals that are even worse. He wants to give Janet Reno's agents the power to force banks, credit card companies, telephone companies, hotels, motels, airlines and bus companies to turn over their records about individuals. This power could be exercised in secret, without a search warrant or court order.

Clinton wants to set up a new federal interagency domestic-counter-terrorism center and hire 1,000 new federal agents. That would simply expand Janet Reno's power, whose department was responsible for the killing of Mrs. Randy Weaver in Idaho and the tragedy of Waco. Clinton wants to give Janet Reno new powers to investigate groups without any evidence of a criminal act or plot. He even wants to bring back the practices of the Reconstruction era when U.S. armed forces enforced civilian law in post-Civil War South.

Clinton's contempt for the Constitution was further illustrated by his intemperate reaction to the Supreme Court's *Lopez* decision, which limited Congress's power to govern local schools. Clinton said he is asking Janet Reno to find a way to "reverse the practical impact of the Court's decision."

Tell your Congressman to cool it. We need thorough Congressional investigations of Oklahoma City, of suspect Timothy McVeigh's experience in the Gulf War, and of the Weaver and Waco deaths. We need to prosecute criminals. But we don't want to give Janet Reno or the Clinton Administration one iota of additional power.

# 'Experts' Show Their Hand About UN Treaty

It was appropriate that Hillary Rodham Clinton was the one who announced that the Clinton Administration signed the United Nations Convention (Treaty) on the Rights of the Child and is sending it to the Senate for ratification. After all, this UN Treaty has been a major goal of the Children's Defense Fund (CDF) ever since that lobbying group failed in its effort to pass the 1990 ABC Child Care bill (which was designed to create a new federal entitlement: federal babysitting of preschool children).

Hillary Rodham Clinton was chair of CDF's board of directors from 1986 to 1991, CDF's CEO Marian Wright Edelman is Hillary's close friend, and her husband Peter Edelman is scheduled to be appointed by President Clinton to the second highest court in our land. The UN Treaty, the Children's Defense Fund, and Hillary Rodham Clinton all share the world view that government, not parents, should have the primary sayso over the upbringing of children.

These notions are not very popular in the United States, but 176 foreign nations have signed this UN Treaty. It creates a long list of children's rights that presumably would be enforced against parents by the government or by an international bureaucracy.

Article 43 of the treaty sets up a Committee on the Rights of the Child consisting of ten "experts" chosen by the signatory governments. Its purpose is to examine the "progress" made by the governments "in achieving the realization of the obligations undertaken" in the treaty.

Last month, the Committee released its report on the United Kingdom and Northern Ireland. It demonstrates the sort of international bureaucratic busybodyism that will be in store for us if the U.S. Senate ever makes the mistake of ratifying the treaty.

In its report, the UN Committee expressed its concern about "the adequacy of measures taken to ensure the implementation of economic, social and cultural rights to the maximum extent of available resources." The Committee concluded that "insufficient expenditure is allocated to the social sector both within the United Kingdom and within the context of international development aid."

Such arrogance! This UN committee presumes to admonish the United Kingdom to spend more taxpayers' money "to the maximum extent of available resources." This UN Committee, if it ever gets the chance, will be able to censure the United States about our failure to spend enough money on liberal social programs, thereby giving liberal activist federal judges the excuse to order us to comply.

The UN Committee didn't create this spending obligation out of whole cloth. It's right there in the text of the treaty. If we are fools enough to ratify it, we will be obligated "to the maximum extent of [our] available resources" to provide all children with "health care services" (Article 24), social security (Article 26), and an "adequate" standard of living, nutrition, clothing and housing (Article 27). Are you ready for higher taxes?

The UN Committee says it is "concerned" that "the possibility for parents in England and Wales to withdraw their children from parts of the sex education programmes in schools" means that "the right of the child to express his or her opinion is not solicited" and that "thereby the opinion of the child may not be given due weight and taken into account as required under article 12."

Article 12 purports to give children "the right to express [their] views freely in all matters." So, now we know that the UN Committee believes that a child's rights should include the right to overrule his parents' decision to withdraw him from sex education classes. It is not likely that Americans want to delegate to the UN the right to overrule parents on sex education.

The UN Committee calls for "establishing further mechanisms to facilitate the participation of children in decisions affecting them, including within the family and the local community." "Decisions affecting them"? About what they eat and wear? When they study and sleep? What school and church they attend? What rules of behavior govern their lives? Under the UN treaty, parents get lost! The kids are in the driver's seat!

The UN Committee "recommends that physical punishment of children in families be prohibited in light of the provisions laid down in the Convention." Will a UN gestapo soon start peeking through windows to see if parents are spanking their disobedient children?

The UN Committee urges "that procedures be introduced to ensure that children are provided with the opportunity to express their views on matters of concern to them in the running of the schools." Are we ready for children to run the schools?

Finally, this UN Committee of experts, legally operating under the treaty already signed by 176 foreign countries, calls for "introducing education about the Convention on the Rights of the Child into school curricula." School textbooks will soon be teaching children how to assert their rights against their parents.

Tell your Senators to vote NO on this anti-family UN treaty.

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**Phyllis Schlafly** is the author of 16 books, including five books on national defense and foreign policy: *The Gravediggers* (1964), *Strike From Space* (1965), and *The Betrayers* (1968) covering the McNamara years; and *Kissinger on the Couch* (1975) and *Ambush at Vladivostok* (1976) covering the Kissinger years. Her most recent book, *First Reader*, is a system for teaching children to read. She was a member of the Commission on the Bicentennial of the United States Constitution (1985-1991), by appointment of President Reagan. She is a lawyer, a syndicated columnist, a radio commentator, and the president of Eagle Forum.

# McNamara Should Be Crying for Us, Not for Himself

Robert Strange McNamara belongs on the daytime soap operas. Better yet, his histrionics belong on Donahue or Geraldo or Sally Jessy Raphael. We are not impressed that he would "cry easily" about Vietnam, that he "sweated blood at night about it," or that he suffered from "anguish" and "stress."

What about the tears, blood and anguish he caused to others? They are the ones who deserve our sympathy. Even in this era of public confessions and self-deprecating autobiographies, McNamara's book *In Retrospect* comes across as shallow and self-serving.

In his prime years, McNamara said it was all right with him to call Vietnam "McNamara's War." We accept his invitation. He bears the number-one responsibility for the Vietnam tragedy and, as the *New York Times* said so well, "McNamara must not escape the lasting moral condemnation of his countrymen."

McNamara says he wrote his book because he is "sick at heart" about the cynicism with which Americans view their political leaders. His book proves that our cynicism was and is justified.

McNamara tries to excuse himself and earn our sympathy by asserting that, even though he was "wrong, terribly wrong" about Vietnam, it was just an "honest mistake." But the old refrain "everybody makes mistakes" won't wash for McNamara.

He set a new record of public immorality when he asserts that, although he knew that the Vietnam War was a mistake all those bloody years, knew he was sending thousands of men to a useless death, he did it anyway. This confession indicts not only himself but the man where the huck stops, President Lyndon B. Johnson. This revelation will promote even more cynicism.

McNamara tries to excuse himself on the ground that he lacked accurate information about Vietnam. "We had no senior group working exclusively on Vietnam, so the crisis there became just one of many items on each person's plate." That argument makes him guiltier still because it was culpable ignorance; he had plenty of resources to get all the information he needed. Indeed, he was the one responsible for preventing accurate information from coming to light.

McNamara complains that our government "lacked experts" on Southeast Asia because the State Department's China experts "had been purged during the McCarthy hysteria of the 1950s." How farfetched can you get! McNamara cannot evade responsibility for the Vietnam disaster by blaming poor old Joe McCarthy, who died many years earlier.

The chief tactic that McNamara and Johnson used to prevent law-abiding Americans from attacking government policies was the fiction that the President and Secretary of Defense were privy to superior knowledge not available to the general public, and therefore we should trust them to prosecute the war as they saw fit. Now McNamara admits it was all a lie; they didn't have any inside information to justify their actions.

McNamara's explanations of "why" the wrong Vietnam decisions were made include the fact that LBJ was eager to safeguard political spending on the Great Society, "the weakness of his decision-making approach," and idiosyncrasies in his style.

In the 1964 presidential campaign, the Democrats' principal theme was that Barry Goldwater was a trigger-happy warmonger. It is now obvious that Lyndon Johnson and Robert McNamara were the trigger-happy warmongers who used the pitiful Gulf of Tonkin incident as an excuse to take America into a no-win war.

After President Johnson kicked McNamara upstairs to the World Bank, McNamara wrote a book in 1968 called *The Essence of Security*. It was designed to camouflage his mistakes during his seven years as Secretary of Defense.

The book was full of worn-out liberal cliches such as "collective security," "accommodation with the Soviet Union," the end of "monolithic" Communism, "building bridges," "peaceful competition" with the Communists, and the hope for "agreements" with the Soviets. He expounded on his Whiz Kid theory that "The real threat to democracy comes not from overmanagement but from undermanagement."

He's got that 100 percent wrong. McNamara exercised more power and produced more disastrous results from his management decisions than any American in our history. He spent more than $400,000,000,000, yet managed to lose a war and reduce the strategic military power of the United States by 50 percent.

McNamara said he was "upset" when demonstrators shouted "murderer" at him. His book gives the American people the chance to shout condemnations at him for being the mastermind of decisions that destroyed so many young people, not only those who lost their lives on the battlefields of Southeast Asia, but also those whose lives were shattered here at home. These words of Joseph Addison can be appropriately applied to Robert McNamara:

> "Is there not some chosen curse,
> Some hidden thunder in the stores of heaven,
> Red with uncommon wrath, to blast the man
> Who owes his greatness to his country's ruin?"

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# Is a Con Con Hidden in Term Limits?

One of the most popular, successful, and genuine grassroots movements of the last decade has been the movement for Term Limits. All polls show that more than 70 percent of Americans support Term Limits for Members of Congress.

This majority is based on the voters' exasperation with how the current system is rigged for incumbents. PACs contribute 10 times more to incumbents than to challengers and, even in the stunning election of 1994, the reelection rate for incumbents was over 90 percent. The advocates of Term Limits believe that our country would be better served by a Congress of citizens who serve for a few years only, rather than by career politicians.

As a result of the popular demand for Term Limits, 23 states passed laws to limit the number of terms their own Members of Congress may serve. (And 21 states limited terms for their own state legislators).

The Term Limits movement was stopped in its tracks on May 22, 1995 by the outrageous act of judicial dictatorship called *U.S. Term Limits v. Thornton.* In that 5-to-4 decision (despite a brilliant 89-page dissent by Justice Clarence Thomas), the Supreme Court struck down the laws of those 23 states that imposed limits on the terms of their own Members of Congress.

Meanwhile, the effort to pass a constitutional amendment to impose Term Limits failed to get the needed two-thirds majority in either House of Congress. Term Limits advocates, who played a big role in the election of the new Republican Congress in November 1994, felt betrayed.

When the organization called "U.S. Term Limits" gathered in late 1995 to plan its new strategy, they unfortunately took a wrong turn.

They adopted a plan to plunge America into a Constitutional Convention. Article V of the U.S. Constitution requires that "on the Application of the Legislatures of two thirds of the several States, [Congress] shall call a Convention for proposing Amendments." This method has never been used; all 27 Amendments now in the Constitution were adopted in the traditional way (passage by a two-thirds majority in each House of Congress followed by ratification by three-fourths of the states).

U.S. Term Limits predicts that it can get the necessary two-thirds (34) of the states by direct lobbying of the legislatures in some states and by using the Initiative/Referendum method in other states. U.S. Term Limits has budgeted $10 million to carry out this plan.

The plan to put initiatives on the ballot to instruct state legislators to vote for a Constitutional Convention (Con Con) for Term Limits is well under way. U.S. Term Limits has targeted 18 states: Alaska, Arizona, Arkansas, California, Colorado, Idaho, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Washington, and Wyoming.

Have you ever asked people to sign a petition? The circulator says, "Will you sign our petition for (fill in the blank)?" If the respondent supports the goal, he usually signs promptly and seldom, if ever, reads the petition.

But the devil is in the details. The petitions circulated by U.S. Term Limits have a 14-line title followed by three solid pages of single-spaced, small-type text on legal-length paper. If you read the text, you won't sign the petition.

Those who do will be surprised to find that they have signed a petition to amend their state constitution to require state legislators to pass a resolution requesting Congress "to call a convention for proposing amendments to the Constitution." Furthermore, they will have signed a requirement that anyone who does not so vote will have printed adjacent to his name on the ballot in future elections: "Disregarded voters' instruction on term limits."

But the "voters' instruction" to state legislators is **not** for "term limits"! The voters' instruction is to vote for a Constitutional Convention, and that is a horse of another color! Most voters who sign the Term Limits petition will have no idea that they are requiring their state legislature to make application to Congress to convene a Constitutional Convention. U.S. Term Limits call this the "instruct and inform method." It certainly instructs state legislators and candidates, but it is downright dishonest in the way that petition signers are "informed".

## *Don't Risk a Constitutional Convention*

Most of us have watched a Republican National Convention or a Democratic National Convention on television. We've seen the bedlam of people milling up and down the aisles. We've watched how the emotions of the crowd can be stirred, and we've felt the tension when thousands of people make group decisions in a huge auditorium.

Now imagine holding the Republican and Democratic National Conventions together — at the same time and in the same hall. Imagine the confrontations of partisan politicians and pressure groups, the clash of liberals and conservatives, and the tirades of the activists — all demanding that **their** view of constitutional issues prevail. Imagine the gridlock as the Jesse Helms caucus tries to work out constitutional change with the Jesse Jackson caucus! No wonder Rush Limbaugh said that a Con Con would be the worst thing that could happen to America and that it might signal time to "move to Australia."

That's what it would be like if the United States calls a new Constitutional Convention (Con Con) for the first time in 209 years. It would be a self-inflicted wound that could do permanent damage to our nation, to our process of self-government, and possibly even to our liberty.

A Con Con would throw confusion, uncertainty, and court cases around our governmental process by opening up our entire Constitution to be picked apart by special-interest groups that want various changes. It would make America look foolish in the eyes of the world, unsettle our financial markets, and force all of us to re-fight the same battles that the Founding Fathers so brilliantly won in the Constitutional Convention of 1787. George Washington and James Madison both called our Constitution a "miracle". We can't count on a miracle happening again.

The most influential players in a new Constitutional Convention would be Big Media (such as Dan Rather and Sam Donaldson) giving on-the-spot interviews and predictions of what they are trying to *make* happen. The media elite have made themselves players in the political process, not just observers, and a Constitutional Convention would be the biggest media event of our time. It would be an irresistible opportunity for Big Media to guide (if not actually dictate) the result.

Under the presidency of George Washington, the original Constitutional Convention of 1787 deliberated in complete secrecy and there were no leaks to the press. That is obviously impossible today. The ratio at the 1988 and 1992 national party conventions was eight reporters per delegate.

Demonstrators would hold court outside the convention hall, with the TV cameras giving us daily, live, on-the-spot coverage of pressure groups and radicals demanding constitutional changes. We would have round-the-clock coverage by CNN and C-Span. Demonstrations would be staged by the pro-abortionists and the pro-lifers, the gay activists and their opponents, the radical feminists (Bella Abzug would take time off from her United Nations projects), the environmentalists, the gun control activists, the animal rights extremists, the D.C. Statehood agitators, those who want to relax immigration and those who would restrict it, the homeless, and the unions — all demanding that their perceived "rights" be recognized in the Constitution. A Constitutional Convention would be confrontational, divisive, and ruled by 20-second television sound-bites.

Nobody can predict what the rules or the agenda of a new Constitutional Convention would be. There is nothing in the Constitution or in any law to guide us. The Con Con advocates try to reassure us with talk of a Procedures bill introduced many years ago by the late Senator Sam Ervin — but Congress has consistently refused to pass any Procedures bill. The shenanigans involved in changing the text of the Procedures bill each time it has been reintroduced prove how political the procedures process is bound to be.

The Con Con advocates try to tell us that there are "safeguards" that will prevent bad things from happening at a Constitutional Convention. In fact, there are no safeguards at all, and the alleged "safeguards" are just political campaign promises. None of them is backed up by any statute or court decision. The Constitution tells us nothing except that, if 34 states pass a resolution requesting a Constitutional Convention, Congress "shall" call a Con Con for the purpose of considering "amendments" (in the plural).

Con Con advocates try to assure us that a Con Con would be a dignified assembly of thoughtful people who will responsibly consider and vote out just one important amendment. They are dreaming (or dissembling). The most prestigious constitutional authorities in the country, both conservative and liberal, say it is impossible for Congress or anyone else to limit the agenda.

The highest authority who has ever spoken out on this subject is the late Chief Justice Warren Burger, who said: "There is no effective way to limit or muzzle the actions of a Constitutional Convention. . . . After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda." Other distinguished professors of constitutional law, both Republicans and Democrats, who say it is impossible to restrict the agenda of a Constitutional Convention to consideration of one issue, include Charles Alan Wright of the University of Texas, Gerald Gunther of Stanford, Charles Black of Yale, and Walter Dellinger of Duke. They all say that, even if Congress orders a Constitutional Convention to consider only one issue, the Convention delegates can ignore that instruction and set their own agenda.

Nearly all those who advocate a Constitutional Convention are supporting at least two amendments on very different issues, and some have a large agenda calling for major changes in our Constitution. Politically powerful pressure groups from both the left and the right continue to promote a Constitutional Convention as the route to achieve significant constitutional changes.

In addition to Term Limits, these goals include a

Balanced Budget Amendment, prayer in public schools, and a prohibition against unfunded mandates. Eliminating our Separation of Powers (which they call "gridlock") has been advocated for years by the Committee on the Constitutional System (which boasts such prominent directors as Democratic presidential adviser Lloyd Cutler and former World Bank President Robert S. McNamara). Ross Perot says he wants three amendments. John Sununu is on record as wanting four amendments.

It simply is not credible that these politically active groups would pass up the chance to pressure a Constitutional Convention to vote out their special amendment. It's not credible, for example, that the powerful forces working to take away our right to own guns would pass up such a golden opportunity to get rid of the Second Amendment.

Since 29 states are on record as calling for a Constitutional Convention to pass a Balanced Budget Amendment, and some 18 states are on record as calling for a Con Con to pass a Human Life Amendment, it is impossible to believe that these issues could be kept off the table of a Con Con called to pass Term Limits.

## *Con Con More Dangerous than Congress*

The advocates of a Constitutional Convention assert that a Convention couldn't do any more mischief than our mischievous Congress. This is false for many reasons.

**(1)** Delegates to a Constitutional Convention do not have to swear to uphold and defend the U.S. Constitution, and would therefore be free (like the 1787 Convention Delegates) to throw out our existing Constitution and start from scratch with a completely new document. Congress, on the other hand, is bound by Article VI of our present Constitution, which requires every Member to take an oath to support our present Constitution.

**(2)** Congress must muster a two-thirds majority in both the House and the Senate in order to propose any constitutional change. No one knows whether or not a Con Con would have a two-thirds (or simple majority) rule, and we can't know until the Convention is actually convened and adopts its own rules of procedure.

**(3)** Any action by Congress must pass two Houses. Since a Constitutional Convention would **not** have two Houses, the big-population states would control the Convention and the small-population states would be irrelevant.

**(4)** Delegates to a Constitutional Convention will never run for re-election, so they would be as free from accountability to the voters as the life-tenured federal judges.

**(5)** We know for sure that any constitutional change voted out by Congress will not become part of the U.S. Constitution unless it is ratified by 38 of the 50 states. No one knows for sure whether or not this requirement would be true for actions taken by a Constitutional Convention. If a Con Con can change other portions of the Constitution, what is to prevent it from reducing the Article V requirement that ratification requires three-fourths of the states (just as the 1787 Convention reduced the ratification requirement from 100% to 75%)?

## *History of Con Con Resolutions*

University of Minnesota professor Michael S. Paulsen reported in the *Wall Street Journal* (5-3-95) that, since 1787, states have submitted 399 applications for a Constitutional Convention covering many different issues. He concluded that 45 states have valid applications now pending and Congress is already obligated to call a Constitutional Convention to consider many different amendments.

Other lawyers stoutly assert that we should only count state applications that refer to a single issue. The fact is that nothing in our Constitution, federal statutes or court decisions gives any answers to such fundamental questions about a Constitutional Convention.

In the 1970s, a couple of conservative groups started campaigning for a Balanced Budget Amendment to the U.S. Constitution. When this failed to win the support of enough Americans, its sponsors went around to state legislatures and introduced resolutions calling for a Constitutional Convention to consider a Balanced Budget Amendment. Some states passed those resolutions without any hearings or debate, some without realizing that a Con Con was in the fine print. Usually, the arguments and advertising in behalf of these resolutions featured the need for a Balanced Budget Amendment and concealed the fact that the fine print called for a Constitutional Convention.

In 1983, Missouri became the 32nd state to pass a resolution calling for a Balanced Budget Amendment Con Con, and Eagle Forum took up the battle to defeat this destructive plan. Not one other state passed a Con Con resolution after that, although there were heated battles about Con Con in many states, especially Michigan, Kentucky, Montana, and New Jersey. Three state legislatures rescinded their earlier Con Con resolutions: Alabama, Florida and Louisiana. Nearly all the 29 states that are on record as having passed a Con Con resolution for a Balanced Budget Amendment did so back during the Carter Administration. No resolution requesting a Constitutional Convention for a Balanced Budget Amendment has passed any State Legislature since 1983 — thirteen years ago! There is **no** public support across America for a Constitutional Convention.

In 1995, resolutions calling for a "Conference of the States" (COS) suddenly appeared in nearly 50 state legislatures. COS presented itself as a plan to restore balance in the federal system, but it soon was perceived as a backdoor attempt to take us into a Constitutional Convention. COS's agenda called for "fundamental" and "structural" changes in our form of government and for changing Article V to make it easier to amend the Constitution.

The Conference of the States plan had the support of so many prestigious public officials and organizations that

COS resolutions passed quickly in 14 state legislatures. After Eagle Forum exposed the COS agenda, based on its own publications, 29 states defeated the COS resolution or adjourned without passing it, and COS resolutions died on the vine in the remaining states.

Now, the drive for a Constitutional Convention has been taken up by U.S. Term Limits, and the methods are just as dishonest as those used in the previous campaigns. They conceal the fact that the fine print of the initiative petitions and the state legislative resolutions call for a Constitutional Convention, while wrapping the project in the immensely popular rhetoric for Term Limits. It's a classic bait-and-switch act.

U.S. Term Limits says it is modeling its campaign on the history of the 17th Amendment, which mandated the direct election of Senators. After nearly two-thirds of the states had passed resolutions calling for a Constitutional Convention on this issue, Congress gave in to public demand and passed the 17th Amendment in 1913.

It's hard to take seriously U.S. Term Limits' argument that a similar strategy will force Congress to vote out a constitutional amendment requiring Term Limits in the face of the fact that this strategy completely failed when it was tried more recently in the 1960s. Then, 33 states passed resolutions requesting a Constitutional Convention to overturn the Supreme Court's "one man one vote" decision, but Congress simply thumbed its nose at the states, and nothing happened.

## *If It Ain't Broke, Don't Fix It*

The miracle of our great United States Constitution is that it has lasted for two centuries, accommodating our great geographic and economic expansion, while preserving individual liberties. How could we possibly allow our great Constitution to be jeopardized by calling a national Convention at a time when so many special-interest groups want to rewrite it in different ways!

Our nation has many problems in the 1990s, but we don't need the problems that would be caused by special-interest groups making a plaything of our Constitution. State Legislatures can start a constitutional conflagration by precipitating a Constitutional Convention, but State Legislatures cannot put out the fire once ignited, cannot control its spread, and cannot control the winds that will fan this fire in ways we cannot now foresee.

We should reject all proposals for a Constitutional Convention, no matter how worthy the issue. Our great United States Constitution (including the Tenth Amendment) gives us all the tools we need to survive in freedom and make the legislative and policy changes the American people want.

James Madison, the father of our Constitution, said it best when he wrote: "Having witnessed the difficulties and dangers experienced by the first Convention, which assembled under every propitious circumstance, I should tremble for the result of a second." Madison spoke in an era when a second convention could have been chaired again by George Washington.

We don't see any James Madisons, George Washingtons, Ben Franklins or Alexander Hamiltons around today who could do as good a job as our Founding Fathers did in 1787, but there are a lot of people who *think* they can improve on our Founding Fathers. Whether they come from the left or the right, we should not risk making our Constitution the political plaything of those who *think* they are today's Madisons, Washingtons, Franklins or Hamiltons.

Many national organizations from all across the political spectrum oppose calling a Constitution Convention. These include the American Legion, Veterans of Foreign Wars, Eagle Forum, Daughters of the American Revolution, Sons of the American Revolution, Gun Owners of America, National Rifle Association, The Conservative Caucus, John Birch Society, General Conference of Seventh Day Adventists, AFL-CIO, National Education Association, American Association of University Women, American Civil Liberties Union, People for the American Way, and American Association of Retired Persons. Our great Constitution is for all Americans, regardless of political opinion.

"***Resolved***, By The American Legion in National Convention assembled in San Antonio, Texas, August 25, 26, 27, 1987, That it states its opposition to efforts to convene a Constitutional Convention for any purpose and specifically opposes the rewriting of the United States Constitution."

"***Resolved***, by the 85th National Convention of the Veterans of Foreign Wars of the United States, that we oppose any attempt to call a Constitutional Convention, as this would give our enemies from within and without the opportunity to destroy our Nation." Resolution No. 449, Adopted by the 85th National Convention of the Veterans of Foreign Wars of the United States held in Chicago, Illinois, August 17-24, 1984.

"***Resolved***, That members of the National Society Daughters of the American Revolution oppose efforts to rewrite the Constitution by Constitutional Convention." Adopted by the DAR Continental Congress, April 1986, Washington, D.C.

"***Resolved***, By the eligible voting members at the 1992 Annual Meeting of the National Rifle Association of America held in Salt Lake City on the 25th of April, 1992, that we oppose any attempt to call for a Constitutional Convention for any purpose whatsoever because it cannot be limited to a single issue and that our right to keep and bear arms can be seriously eroded."

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