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Democracy Dreaming

By Joel S. Hirschhorn

What is this thing called democracy? So easy to talk about, so difficult to make real. Pure democracy is not what our Founders gave us. Who would want a simple majority to control the minority? Instead, America was given a representative democracy within a constitutional republic where laws that protect all people trump majority rule. Standing between majority-won elections and government power are elected representatives: writing, overseeing and implementing laws. But when you can no longer trust the elected representatives what happens to American democracy? It becomes an oxymoron.

We have arrived at a delusional democracy. Delusional because Americans overwhelmingly cannot admit the painful truth that their limited democracy no longer works for the good of most citizens. Instead, through corruption and dishonesty, our representative democracy has morphed into a plutocracy that serves the wealthy, power elites and corporate masters that control the political system and through that the economic system.

The Framers of the Constitution had deep concerns about the long-term viability of the government structure they created. Some think that the checks and balances among the three branches of the federal government preserve its integrity. Really? The money that controls the legislative branch also controls the executive branch, and both of those control the judicial branch. Even worse, it has become clearer to increasing numbers of Americans that many parts of the Constitution – the supreme law of the land – have been directly or more deviously disobeyed or distorted. Constitutional rule is a myth.

We have a Congress that gives its constitutional power to declare war to the President and refuses to impeach him for his many violations of laws. We have a President that openly signs laws but says he will not honor them. We have a Supreme Court that decides who becomes President rather than the voters and often amends the Constitution unconstitutionally. We have elections that are not to be trusted. We have a government using free trade globalization hogwash to sell out the middle class. We have rising economic inequality that is creating a two-class society: the wealthy Upper Class and the Lower Class for everyone else.

Overlaid on this delusional system is the myth that having just two major political parties somehow is right and necessary for our representative democracy. In reality, partisan differences are just another layer of corruption, dishonesty and deceit. Artificial political competition distracts. Big money from the wealthy and corporate and other special interests controls both parties, producing mutually assured corruption. They are two faces of the same coin, two heads of the same monster, two puppets controlled by the same masters. Of course the two-party system provides stability. It has stabilized a criminally corrupt government.

Delusional political competition supports a delusional democracy based on a set of delusional

checks and balances. The whole system that once worked has become a sham.

Did the Framers anticipate that their system could become such a travesty? They did.

So, in addition to the better known parts of the Constitution, they imbedded what might be called a legal loophole – a kind of escape clause, just in case things went terribly wrong. They have.

The public is largely ignorant of Article V's option for a convention, when asked for by two-thirds of states, to propose amendments to the Constitution. Worse, nearly all people with political power have opposed using it. Even worse, despite Article V explicitly saying that Congress "shall" call such a convention when a sufficient number of states have asked for one – and that is the ONLY specified constitutional requirement – for over 200 years Congress has willfully disobeyed the constitution and NOT granted a convention. In fact, Congress never had the integrity and constitutional respect to even set up a system of any kind to collect state requests for an Article V convention. Still, we know from the hard work of many that there have been well over 500 such state requests.

People with power in the present corrupt political system fear an Article V convention. Operating independently of Congress and the White House, it might reduce their power and ignite widespread public interest in deep reforms. One trick of the power elites has been to fool people that an Article V convention would inevitably become "runaway" and threaten all that Americans hold dear – especially their freedom. Nonsense. A convention can only propose amendments that, just like proposals made by Congress, must be ratified by three-quarters of the states. Most absurd are the anti-convention right-wingers who profess total allegiance to the Constitution, except for Article V. John T. Noonan, Jr., observed in 1985: "RESPECT, indeed reverence, for the Constitution is a proper attitude for conservatives to cultivate. Is it respectful to the Constitution to maintain that of the two methods of amendment specified by Article V one is too dangerous to be put to use?"

Exactly why did the Framers give us the option of an Article V convention? Listen to the wise words of one of the nation's foremost legal scholars. Professor Paul Bator wrote this in 1980:

"I think the Article V convention represents a profound political protection for us, as a people, against the tyranny of central government. And whatever we say about Article V, I think it is very, very wrong, just because we may disagree with the content of any particular constitutional amendment that is now being proposed, to interpret Article V in such a way as to clip its wings as a protection for the liberties of the people. That is why I think it is profoundly important, particularly for constitutional scholars, to be hospitable toward the concern that Article V represents, which is that there be a way out for the states and the people if a willful and intransigent central authority governs us in a way we find unacceptable."

We definitely need a way out. Two of our best presidents explicitly supported using the Article V convention option – Abraham Lincoln and Dwight Eisenhower.

Have any recent presidential candidates expressed support for an Article V convention, even mavericks like Dennis Kucinich, Ron Paul, Mike Gravel, and Pat Buchanan? They have not.

Have any third parties demanded an Article V convention? They have not. Have any mainstream media exposed Congress' failure to obey the Constitution's Article V? They have not. Has the Supreme Court or any elected official that swore to obey the Constitution faulted Congress for disobeying the Constitution? They have not.

If you are not a rich and powerful American, ask yourself: Has your government become so untrustworthy, dysfunctional and unacceptable that you should demand what our Constitution gives you a right to – an Article V convention?

Thomas Jefferson said "a little rebellion, now and then, is a good thing, and as necessary in the political world as storms are in the physical." Have many Americans concluded that rebellion has become necessary? They have not.

But some of us want to pursue political rebellion, not by using violence and not hoping against reality that necessary reforms will come from within the two-party controlled political system. No, we want to use what the Constitution grants us. We have created Friends of the Article V Convention to inform the public about this constitutional option and also to prod the states to demand a convention and the Congress to finally obey the Constitution and give us one. Check the group out at www.foavc.org to learn much more, and seriously consider becoming a member.

What do they say about insanity? Repeating what has not worked in the past? As in the past, no Democrats, no Republicans and no elections will give us what we truly need. Whatever risks an Article V convention pose, they are worth taking. Every rebellion is waged because the benefits sought outweigh the risks taken. Jefferson and the other Founders knew that. Not fixing the government they gave us dishonors them and all the Americans that have died and sacrificed for their country. And it makes our lives miserable and penalizes future generations. Has time run out for restoring American democracy? It has not.