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## Time to Make Congress Obey U.S. Constitution

**Joel S. Hirschhorn**

No matter how awful you think our government and political system have become, odds are you do not know about this travesty of justice, an incredible failure by the two major parties to honor our fabled Constitution. This failure has removed the sovereignty of we the people, and made Congress much more powerful than it should be.

Let me acknowledge that even though I have been pegged as "Democracy's Mr. Fix It", until recently I too was ignorant about this blatant disregard for a key part of our Constitution. We desperately need to inform Americans about this repugnant situation.

Our Founders were acutely aware of the need to create a mechanism for we the people to, when necessary, circumvent the political power of the federal government and the refusal or inability of Congress to do what is necessary. They built in a critically important form of direct democracy that, however, our elected MISrepresentatives have refused to implement. Here it is: Article V of our Constitution specifies two distinct routes to amending our Constitution: "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..."

Conventions to consider constitutional amendments should be seen as peaceful revolutions – a remedy specified in our Constitution for addressing a national government and political system that no longer serves public interests. Congress has been so corrupted for so long that it has blatantly ignored the constitutional provision for

conventions. It wants exclusive power over amending our Constitution in violation of the Constitution itself.

The key point is that our Founders gave states this route to address excess federal power. All of the twenty-seven amendments thus far incorporated into the Constitution were proposed by Congress. Granted, Article V has sparse language. But clearly Congress “shall” call a convention to order when the only stated requirement is met, namely that two-thirds of state legislatures request a convention. There are NO other stated requirements. So, have state legislatures requested a convention and has Congress fulfilled its constitutional, legal responsibility and called for one?

Yes, a sufficient number of state legislatures have requested a convention. With 50 states presently in the Union, there must be applications made by lawmakers in at least 34 states in order to trigger the constitutionally specified convention option. In fact, there have been 567 applications from fifty states for a convention, but Congress has never called for one. All the state applications are there in the Congressional Record and Congress has ignored them. Legally known as laches, things that are ignored on purpose. Congress has never even established a procedure for tracking state requests for a convention. Congress’ power-grabbing behavior is by itself sufficient reason why Americans should want a convention – one possible amendment would be to amplify the language on conventions to make Congress more responsible.

As noted in Wikipedia: “The framers of the Constitution wanted a means of sometimes bypassing a potentially unwilling Congress in the amendment-proposing process. They thought that there could be circumstances in which Congress, for self-serving reasons, would ignore valid pleas to amend the Constitution and so the framers established an alternate means of proposing change in the Constitution.” Just as an example, consider that a convention might decide to alter or abandon the Electoral College system for choosing a president, specify the requirement for balanced budgets, allow presidential line item vetoes on spending, make Election Day a national holiday, or provide for national citizen ballot initiatives.

This point is especially important. As noted in Wikipedia, Congress has never responded to many requests from states by calling a convention, supposedly because those applications requested amendments on different subjects. However, Article V does not explicitly require that state requests must specify what amendment(s) they are interested in pursuing. Congressional inaction has contributed to the impression that states must petition for the same amendment(s). However, federal courts have never ruled on this "precedent," nor should they. We do not need any judicial decision, because Article V does not require that states specify anything other than their desire for a convention. Logically, to require states to signal in advance what they were interested in doing would create the potential for congressional refusal to call a convention. Thus, the Founders knew what they were doing when they did not require such notification.

As if the illegal inactions by Congress is not enough to make your patriotic blood boil, the Supreme Court rejected hearing a case that claimed it was illegal for Congress to avoid calling a convention. In August 2006 Bill Walker filed a petition of close to 1,000 pages. He correctly emphasized that "On its face, that fact alone compels Congress to call a convention, which it has not, and compels the judicial system, under its oath to support the Constitution, to enforce that document's provision and declare such inaction by Congress, unconstitutional."

On October 30, 2006 the Supreme Court denied certiorari to this question in *Walker v. Members of Congress* (06-244). By refusing to hear the case it allowed the direct text of the United States Constitution to be vetoed with impunity by Congress. What is so disturbing is that the Supreme Court did not think it worthy or that it had a Constitutional duty to address the power of Congress by itself to veto an explicit clause and provision in our Constitution. Thus two branches of the federal government violated their sacred, sworn oath to obey the Constitution. Simply put, the refusal of Congress to issue the call for a convention even when a sufficient number of applying states exists is unconstitutional, and the refusal of the Supreme Court to rule that Congress has acted unconstitutionally was itself unconstitutional.

Imagine this: Congress upholds its oath and issues a call for a Constitutional convention. The states would hold special elections for delegates; the delegates would convene and make their own rules for reaching decisions. Once all the delegates had proposed their ideas and agreed on what amendments should be ratified by the states, the convention would end. The proposed amendments would then be sent out to the states by Congress; the ratification process would begin. Once any single amendment garnered the approval of 38 states – a high hurdle – it would be amended to the Constitution. A host of electoral reforms could be enacted to rejuvenate our American democracy.

If you truly believe in our constitutional republic and representative democracy with safeguards, then you must demand that every presidential candidate take a clear, unequivocal position on this Article V constitutional convention requirement. It is time for the Executive Branch to stand up for constitutional integrity. Every single one of us should demand from whoever becomes our new president in 2008 a commitment to pressure Congress for a convention. He or she should do that soon after taking office – after swearing to defend and uphold our Constitution. Should we accept anything less?

How could candidates for the presidency say that a clear constitutional clause is not valid? Nor must they be allowed to do what Congress has done – simply ignore the whole Article V convention issue. Take a stand! Inaction means our Constitution will suffer three strikes and have even less credibility with the many U.S. citizens and people worldwide who already see American democracy riddled with hypocrisy.

There is no rational basis for fearing a “runaway” convention that somehow would destroy our constitution or our democracy. After all, a convention can only make proposals that three-quarters of the states must ratify to become actual amendments. What we clearly have to fear is a continuation of two-party control of our political system and that is wrecking constitutional protections and sacrificing the wellbeing of working- and middle-class Americans in order to satisfy the greed of rich and powerful elites. Those people against an Article V convention are status-quo preservationists.

And where the hell is our mainstream news media? Is not obeying our Constitution worthy of their attention?